

CITY OF EL CERRITO

MINUTES

SPECIAL CLOSED SESSION CITY COUNCIL MEETING

Monday, December 17, 2007 – 6:30 p.m.

Community Center Conference Room

CITY COUNCIL REGULAR MEETING

Monday, December 17, 2007 – 7:30 p.m.

City Council Chambers

Meeting Location

Council Chambers, Community Center

7007 Moeser Lane, El Cerrito

ROLL CALL

Councilmembers Abelson, Bridges, Moore, Potter and Mayor Jones.

All members present.

6:30 p.m.

CONVENE SPECIAL CLOSED SESSION CITY COUNCIL MEETING

Mayor Jones convened the special City Council closed session at 6:33 p.m.

ANNOUNCEMENT OF CLOSED SESSION

- 1) **PUBLIC EMPLOYEE APPOINTMENT – City Attorney**
Pursuant to Government Code Section 54957(b)
- 2) **CONFERENCE WITH LEGAL COUNSEL – Existing Litigation**
(Subdivision (a) of Section 54956.9)
City of El Cerrito v. Albany Unified School District
Contra Costa Superior Court, Case No. N07-1266

ORAL COMMUNICATIONS – No speakers.

ADJOURNED SPECIAL CITY COUNCIL CLOSED SESSION at 7:38 p.m.

ROLL CALL

Councilmembers Abelson, Bridges, Moore, Potter and Mayor Jones.

All members present.

7:30 p.m.

CONVENE CITY COUNCIL MEETING

Mayor Jones convened the City Council meeting at 7:43 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Bridges.
2. **POSSIBLE REPORT OUT OF CLOSED SESSION** – No report.
3. **COUNCIL / STAFF COMMUNICATIONS**

Mayor Jones thanked Pinole TV for the service over the past year and wished all a pleasant holiday season.

Councilmember Abelson reported on her visit to El Cerrito Royale to participate in the celebration of the birthdays of Anthonie Phipps who turned 109 and Linda Peradotto who turned 103 years old respectively. Councilmember Abelson also reported on her attendance at a legislative briefing convened by the League of California Cities.

4. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Peter Loubal, El Cerrito, commented on the City Hall AV system and asked whether community meetings and events would be webcast and archived in the future and asked for information on teleconferencing and emergency operations capability.

Al Miller, El Cerrito, commented on the Sundar Shadi display and thanked Jane Bartke, the Soroptimists and firefighters and other volunteers for their assistance. Mr. Miller also commented on the East Bay corridor project for green business and technology, cable television and agreed that webcasting would be a good addition.

5. **PRESENTATIONS**

- A. **4th Annual National Night Out Award** -- Crime Prevention Committee.

Presenters: Mollie Hazen and Randy Kalish, Crime Prevention Committee.

Action: The City Council received the 4th Annual National Night Award presented by the El Cerrito Crime Prevention Committee.

- B. **Sales Tax Receipts, Trends and Comparisons** – presentation by Mary Flynn, MBIA, MuniServices.

Speaker: Peter Loubal, El Cerrito, commented on the decline in Home Depot revenue and asked whether a comparison with Berkeley and Albany would be possible.

Action: Presentation heard.

6. **ADOPTION OF THE CONSENT CALENDAR – Items 6A through 6F**

Moved, seconded, carried (Bridges/Potter) to adopt Items 6A through 6F on the Consent Calendar. Vote: Unanimous.

- A. **Minutes for Approval**

Approve the City Council Special Closed Session Meeting, Special Meeting and Concurrent City Council/Redevelopment Agency Meeting Minutes of December 3, 2007.

Action: Approved minutes.

B. City Hall Audiovisual System

Adopt a resolution authorizing the City Manager to execute a contract with Avidex Systems, Inc., in the amount of \$321,200 for furnishing, installing, and integrating the audio-visual system for the new City Hall building.

Action: Adopted Resolution No. 2007-99.

C. Purchase of Recycling Collection Trucks

Adopt a Resolution accepting the Western Truck Parts bid to provide Crane Carrier / Labrie curbside recycling trucks and authorize the City Manager to enter into a contract to purchase two trucks via a lease-purchase agreement with First Municipal Leasing Corporation, purchase cost not to exceed \$584,200.80 and interest not to exceed \$127,173.57.

Action: Adopted Resolution No. 2007-100.

D. Issuance of Proclamation – Dr. Mary Lee Blackburn

Approve issuance of a proclamation acknowledging the contributions of El Cerrito resident Dr. Mary Lee Blackburn and joining in the celebration of her 70th birthday.

Action: Approved issuance of proclamation.

E. Appointment to Contra Costa Mosquito and Vector Control District

Reappoint Trustee Richard Mank to a four year term on the Contra Costa Mosquito and Vector and Control District.

Action: Reappointed Richard Mank to a four year term commencing on January 3, 2008 and ending January 2, 2012.

F. Destruction of Police Department Records

Adopt a resolution authorizing the Chief of Police to destroy records in accordance with the Police Department records retention schedules.

Action: Adopted Resolution No. 2007-101.

7. PUBLIC HEARING

A. Integrated Waste Management Fee Increase

Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Integrated Waste Management (IWM) Fee, effective January 1, 2008, consistent with previous City Council direction.

Communications Related to Recycling Rates

1. Barbara Campbell
2. Sally Lam
3. Patrick Fabian

4. Billy Bickham
5. Renate Valencia
6. Marco Tornero

Presenter: Heather Abrams, Integrated Waste Services Manager.

Action: Mayor Jones opened the public hearing. No speakers. Cheryl Morse, City Clerk confirmed that seven communications had been received and that there was not a majority protest.

Moved, seconded, carried, (Bridges/Abelson) to close the public hearing.

Moved, seconded, carried (Moore/Abelson) to adopt Resolution No. 2007-102. Vote: Unanimous.

B. Maximum Allowable East Bay Sanitary Service Solid Waste Collection and Container Rental Rate Adjustment for the Year 2008

Staff is requesting that the City Council Conduct a public hearing and upon conclusion adopt a Resolution regulating maximum allowable garbage and green waste collection and container rental rates for year 2008, per the index-based methodology previously agreed upon by East Bay Sanitary Company (EBS) and the City Council.

Presenter: Heather Abrams, Integrated Waste Services Manager.

Action: Mayor Jones opened the public hearing. No speakers.

Moved, seconded, carried, (Abelson/Potter) to close the public hearing. Vote: Unanimous.

Moved, seconded, carried (Abelson /Bridges) to adopt Resolution No. 2007-103. Vote: Unanimous.

C. Adoption, with Local Modifications, of the 2007 California Building & Fire Codes and Related Uniform Construction Codes with Local Modifications

1. Conduct a public hearing and upon conclusion, approve by title, waive any further reading, and adopt second reading of an Ordinance adopting the 2007 California Building, Fire, Plumbing, Mechanical, Electrical, Building Conservation, and related Uniform Construction Codes, and the State Housing Law Regulations as codes applicable to all construction within the City of El Cerrito, with local modifications as highlighted in the Ordinance.

2. Approve by Title, waive any further reading and adopt an Urgency Ordinance adopting the 2007 California Building, Fire, Plumbing, Mechanical, Electrical, Building Conservation, and related Uniform Construction Codes, and the State Housing Law Regulations as codes.

Presenter: Alexander Abbe, Acting City Attorney.

Action: The Mayor opened the public hearing. No speakers.

Moved, seconded, carried, (Abelson/Potter) to close the public hearing. Moved, seconded, carried (Moore/Potter) to adopt by title and waive any further reading of Ordinance No. 2007-10. Vote: Unanimous.

Moved, seconded, carried (Bridges/Potter) to adopt by title and waive any further reading of Urgency Ordinance No. 2007-14. Vote: Unanimous.

8. POLICY MATTERS

A. City Council Liaison Reorganization and Assignments

Discuss City Council appointments to local boards, commission and committees and regional bodies and approve appointments for 2008.

Action: Held over to the meeting of January 7, 2008 at the request of Mayor Jones.

B. Zoning Ordinance Study Session

Consider responses to comments and questions from the October 15, 2007 Study Session, and direct staff to return to Council for first reading of the revised Zoning Ordinance.

Presenter: Jennifer Carman, Planning Manager.

Speaker: Tom Panas, El Cerrito, suggested several changes to the proposed El Cerrito Municipal Code Section 19.21.020 with respect to historic structures.

Bruce Anderson, El Cerrito, expressed concerns with the proposed ECMC Section 19.38.040 and the scope of design review, particularly with respect to implementation of streetscape projects, and with building site planning and massing and concerns. Mr. Anderson also expressed concerns with the proposed ECMC Section 19.38.060.

Mathew Gaber, Design Review Board Member, El Cerrito, expressed concerns with ECMC Section 19.38.040 and stated that building articulation is a vague term. Mr. Gaber also commented on historic review and stated that there are strong architectural precedents in El Cerrito.

Action: The City Council received public comment and considered the revised draft of the Zoning Ordinance, particularly with respect to 1) ECMC Chapter 19.38 – Design Review; 2) ECMC Chapter 19.23 – Incentives; 3) Reconsideration of heights in the Transit Oriented Mixed Use (TOM) zone around the midtown node; 4) Reconsideration of heights of fences and clarification of overhead landscape features; 5) ECMC Section 19.21.020 relating to historic preservation and possible future preparation of an inventory of potentially historic resources in the City; and 6) Incorporating car share into the Ordinance and directed staff to come back to the City Council with further revisions at a future date for a proposed first reading of the zoning ordinance.

Moved, seconded, carried (Moore/Abelson) to suspend Council rules and extend the meeting to 10:45 p.m. Vote: Unanimous.

C. State-Franchised Video Service Providers

Approve by title, waive further reading and adopt first reading of an ordinance amending Chapter 14.12 of the El Cerrito Municipal Code - Cable, Video and Telecommunication Service Providers Regulatory Ordinance, with regard to State Franchised Video Providers, in compliance with state law.

Speaker: Al Miller, El Cerrito, encouraged Council to extend leverage to encourage Comcast to install high speed internet access.

Presenter: Karen Pinkos, Assistant City Manager.

Action: Moved, seconded, carried (Abelson /Moore) to approve by title, waive any further reading and adopt first reading of Ordinance No. 2007-15. Second reading scheduled for January 7, 2008. Vote: Unanimous

9. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Jones reported on the JPA Sports Field and the delay of the opening due to legal issues involving the turf provider and the City of Berkeley. The opening is scheduled for May or June 2008. Mayor Jones also commented on the Mayors Conference. El Cerrito was the only city with all members in attendance.
- B. Mayor Pro Tem Potter reported on the City Council's attendance at the Mayors Conference and interaction with City of Richmond elected officials and staff including the staff person for Arts and Culture. Mayor Pro Tem Potter also thanked Mr. Panas on his presentation to the Arts & Culture Commission at its meeting of December 12, 2007 regarding historic resources in El Cerrito and stated that some commissioners are beginning to document and photograph some of the historic structures. The Commission also discussed the use of the gallery space in the new City Hall. Mayor Pro Tem Potter announced the next Arts and Culture Commission meeting on January 16, 2008 and encouraged all to attend.
- C. Councilmember Abelson Assignments – No report.
- D. Councilmember Bridges reported that the Human Relations Commission will conduct its annual Martin Luther King Jr. parade on January 21, 2008. The Commission may also provide a presentation that may involve the Cerrito Theater's showing of the *Silk Cocoon*, involving the Japanese internment, tentatively scheduled for the third week in May. The Financial Advisory Board reviewed the Recycling Truck lease agreement and the Finance Department's role in the Disaster Plan. The Crime Prevention Committee elected Randy Calish as its new chair.
- E. Councilmember Moore Assignments – No report.

SUPPLEMENTAL COMMUNICATIONS

Item No. 7A Integrated Waste Management Fee Increase

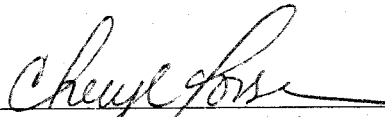
1. Kathleen Lander

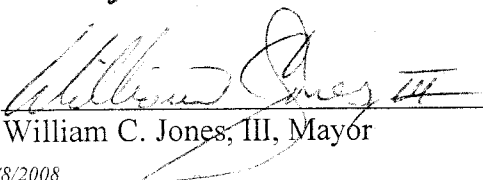
Item No. 8B Zoning Ordinance Study Session

2. Planning Staff – Minimum Density Maps
3. Tom Panas

ADJOURNED at 10:41 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council Special Closed Session Meeting and City Council Regular Meeting of December 17, 2007 as approved by the El Cerrito City Council.


 Cheryl Morse, City Clerk


 William C. Jones, III, Mayor