

# EL CERRITO CITY COUNCIL

## MINUTES

### SPECIAL JOINT CITY COUNCIL / REDEVELOPMENT AGENCY SUCCESSOR AGENCY – CLOSED SESSION and SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, October 7, 2014 – 6:15 p.m.  
Hillside Conference Room

### REGULAR CITY COUNCIL MEETING

Tuesday, October 7, 2014 – 7:00 p.m.  
City Council Chambers

#### Meeting Location

El Cerrito City Hall  
10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini  
Councilmember Jan Bridges

Councilmember Mark Friedman  
Councilmember Greg Lyman

#### ROLL CALL

Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson all present.

6:15 p.m.

#### CONVENE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SUCCESSOR AGENCY MEETING – CLOSED SESSION

Mayor Abelson convened the Special Joint City Council/Redevelopment Agency Successor Agency meeting – closed session at 6:15 p.m.

#### ANNOUNCEMENT OF CLOSED SESSIONS

1) **Conference with Legal Counsel – Existing Litigation** (*Pursuant to Government Code Section 54956.9(a)*) El Cerrito Redevelopment Agency Successor Agency v. Cohen, Sacramento County Superior Court, Case No. 34-2013-80001671

#### CITY COUNCIL ITEM

2) **Conference with Labor Negotiators** (*Pursuant to Government Code Section 64957.6*)

**Agency Designated Representatives:** Scott Hanin, City Manager, Karen Pinkos, Assistant City Manager – Acting Human Resources Manager, Glenn Berkheimer, Labor Negotiator

**Employee Organizations:** Service Employees International Union Local 1021  
El Cerrito Public Safety Management

**ORAL COMMUNICATIONS** – *No speakers.*

**RECESSED INTO CLOSED SESSION** at 6:16 p.m.

**ADJOURNED SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY  
SUCCESSOR AGENCY and SPECIAL CITY COUNCIL MEETING – CLOSED**

SESSION at 6:55 p.m.

## ROLL CALL

Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson all present.

7:00 p.m.

## CONVENE REGULAR CITY COUNCIL MEETING

Mayor Abelson convened the regular City Council meeting at 7:08 p.m.

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** *was led by El Cerrito Junior Girl Scout Troop 32108.*

## 2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Lyman announced that BART is hosting an event on October 9 at the Del Norte BART station to solicit public input regarding its modernization and renovation plans for the station. Additionally, there is a Music for Madera Open Space fundraiser on October 12 at the Community Center which will include a silent auction for gift baskets, including one basket donated by the City Council. The El Cerrito Free Folk Festival is on October 25 at El Cerrito High School.

Mayor Abelson reported that a joint closed session meeting of the City Council and Redevelopment Successor Agency and a separate Municipal Services Corporation closed session had occurred prior to the regular City Council meeting. Direction was provided to staff at each meeting.

## 3. ORAL COMMUNICATIONS FROM THE PUBLIC

El Cerrito Junior Girl Scout Troop 32108. Scouts Mary, Lauren, Emily, Josephine, Maya, Aliya and Reece each provided comments in support of adoption of the smoking pollution protection ordinance. The Scouts stated that smoking is bad for one's health and the environment, it can kill you, it impacts the health and quality of lives of those who do not smoke and also affects kids ability to enjoy parks and public spaces.

Tom Panas, El Cerrito, stated that a variety of seeds are available for free at the Seed Libraries located at the Library and Recycling Center. Growing your own vegetables is very drought smart and puts you on the opposite side of the carbon footprint.

Alexandra Nelson, American Lung Association Advocacy Coordinator, spoke in support of the smoking pollution prevention ordinance. Ms. Nelson said she did a preliminary run-down on the Association's State of Tobacco Control Report Card and El Cerrito will be getting an A in smoke-free housing and an A for outdoor air. Passing tobacco retailers license regulations will result in an "A" over all.

## 4. PRESENTATION

**A. El Cerrito Parks and Recreation Commission Workplan – Presentation by Manish Doshi, Chair.**

Receive a presentation regarding the Parks and Recreation Commission's accomplishments, goals and workplan.

**Action:** Withdrawn and rescheduled to a future date.

## 5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5I

Moved, seconded (Lyman/Friedman) and carried unanimously to approve Consent Calendar Item Nos. 5(C) through 5(I) including a corrected Item No. 5(E) as indicated below.

Moved, seconded (Benassini/Bridges: Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None; Absent - None) and

carried to approve Consent Calendar Item No. 5(A) and a corrected No. 5(B) in one motion as indicated below.

**A. Ordinance Rezoning 1715 Elm Street to a Planned Development Zoning District – Application 6133**

*First Reading August 19, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Absent – None.*

Waive second reading and adopt Ordinance No. 2014–03 approving the rezoning of 1715 Elm Street to a Planned Development Zoning District and amending the Zoning Map.

**Action:** Adopted Ordinance No. 2014–03. *Becomes effective when the Development Agreement for the Project takes effect and is recorded on the property.*

**B. Ordinance Approving a Development Agreement for 1715 Elm Street**

*First Reading August 19, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Absent – None.*

Waive second reading and adopt Ordinance No. 2014–04 approving a development agreement between the City of El Cerrito and the Edward and Loretta Biggs revocable trust for 1715 Elm Street – Application 6133.

**Action:** Adopted Ordinance No. 2014–04 as revised to correct an inadvertent clerical error in Recital C to change “10 years” to “5 years” to achieve consistency with the term stated in the staff report and the term cited in the attached Development Agreement which is Exhibit A to the ordinance. *Effective November 6, 2014.*

**C. Smoking Pollution Protection Ordinance**

*First Reading August 19, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson; Noes – None; Absent – None.*

Waive second reading and adopt Ordinance No. 2014–05 amending Title 8 of the El Cerrito Municipal Code to add Chapter 8.06 establishing the El Cerrito Smoking Pollution Protection Ordinance and regulating smoking within the City of El Cerrito.

**Action:** Adopted Ordinance No. 2014–05. *Effective January 1, 2015.*

**D. Ordinance Rezoning Properties Located in the San Pablo Avenue Specific Plan Area**

*First Reading September 22, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Friedman.*

Waive second reading and adopt Ordinance No. 2014–06 amending the Zoning Map and rezoning properties located in the San Pablo Avenue Specific Plan Area.

**Action:** Adopted Ordinance No. 2014–06. *Effective November 6, 2014.*

**E. Ordinance Incorporating the San Pablo Avenue Specific Plan Area into the Municipal Code**

*First Reading September 22, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Friedman.*

Waive second reading and adopt Ordinance No. 2014–07 amending Title 19 of the El Cerrito Municipal Code by adding Chapter 19.15 to incorporate the San Pablo Avenue Specific Plan Area and establish the San Pablo Avenue Special Plan District.

**Action:** Adopted Ordinance No. 2014–07 as revised to correct a typographical error in Recital B to change the reference “(Resolution PC 14-2)” to “(Resolution PC 14-12).” *Effective November 6, 2014.*

#### **F. Freedom from Workplace Bullies Week Proclamation**

Approve a proclamation declaring the week of October 19 – 25, 2014 as “Freedom from Workplace Bullies Week” in the City of El Cerrito and commending the California Healthy Workplace Advocates and the Workplace Bullying Institute, for raising awareness of the impacts of, and solutions for, workplace bullying in the United States; and encouraging all residents to recognize this special observance.

**Action:** Approved proclamation.

#### **G. Parking Modifications on Fairmount Avenue between San Pablo Avenue and Carlson Boulevard**

Adopt a resolution authorizing the Public Works Director / City Engineer to establish a “No Parking” restriction from 3:00 PM to 10:00 PM on Wednesdays for both sides of Fairmount Avenue between San Pablo Avenue and Carlson Boulevard. *Exempt from CEQA*

**Action:** Adopted Resolution No. 2014–55.

#### **H. Amend Agreement with Emily Alter Analysts**

Adopt a resolution authorizing the City Manager to execute an amendment to the professional services agreement between the City of El Cerrito and Emily Alter Analysts (Consultant) to provide project management and support services for special projects and programs in an amount not to exceed \$62,500 bringing the total contract to an amount not to exceed \$87,500 for Fiscal Year 2014-15.

**Action:** Adopted Resolution No. 2014–56.

#### **I. Agreement with 4Leaf Inc.**

Adopt a resolution authorizing the City Manager to execute an amendment to the professional services agreement between the City of El Cerrito and 4Leaf Inc. (Consultant) to provide support services to the Building Division in an amount not to exceed \$25,000 bringing the total contract to an amount not to exceed \$50,000 for Fiscal Year 2014–15.

**Action:** Adopted Resolution No. 2014–57.

#### **6. PUBLIC HEARINGS – None**

#### **7. POLICY MATTERS**

##### **A. Memoranda of Understanding between the City of El Cerrito and the Public Safety Management Association**

Staff requests that the City Council take the following actions:

1. Adopt a resolution approving Memoranda of Understanding between the City of El Cerrito and the Public Safety Management Association for the following bargaining units: A) Battalion Chiefs; B) Police Command Staff (Captain and Lieutenants); C) Fire Chief; and D) Police Chief.

2. Adopt a resolution modifying reporting and payment of employer paid member contributions for the Public Safety Management Association.

**Presenter:** Karen Pinkos, Assistant City Manager.

**Action:** Moved, seconded (Friedman/Lyman) and carried unanimously to adopt Resolution No. 2014–58.

Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2014–59.

**B. Memorandum of Understanding for Service Employees International Union (SEIU), Local 1021 and Amend Paying and Reporting the Value of Employer Paid Member Contributions for SEIU, Local 1021 Employees**

1. Adopt a resolution adopting the Memorandum of Understanding between the City of El Cerrito and the Service Employees International Union (SEIU), Local 1021 effective through June 30, 2017.

2. Adopt a resolution amending the paying and reporting of the value of employer paid member contributions for SEIU, Local 1021.

Presenter: Karen Pinkos, Assistant City Manager.

Action: Moved, seconded (Friedman/Benassini) and carried unanimously to adopt Resolution No. 2014-60.

Moved, seconded (Bridges/Lyman) and carried unanimously to adopt Resolution No. 2014-61.

**8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS**

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports.

Councilmember Lyman reported on his attendance at a regional Association of Bay Area Governments (ABAG) Executive Committee meeting. The group received a presentation about a planned development area in Petaluma. Information regarding a 2003 Specific Plan that included a form based code for the downtown area was also included. Petaluma has a nice downtown now that is 100% market driven without any subsidy by the city.

Another presentation informed the group about Proposition One, the \$7.5 billion state water bond. ABAG voted to endorse Proposition One and feels that it is very important for the Bay Area. The last presentation was about the South Napa earthquake. The Cities of Napa, Vallejo and American Canyon each spoke about their experiences responding to the recent earthquake. It is important to make sure contracts are in place for post-earthquake services like structural inspection and waste disposal to avoid any delays in recovery. The presenters discussed placing shut off valves on non-essential water lines, like air conditioning chillers, to avoid water damage on roofs. The Cities noted their appreciation for citizen preparation and response and recognized the importance of Community Emergency Response Training (CERT) programs. It was recommended that cities take advantage of training programs, particularly in FEMA recordkeeping. The thresholds and amount of documentation required for FEMA reimbursement is quite high. Attendance at the week long California Specialized Training Institute (CSTI) course was also recommended. The City of Napa informed ABAG that half of its Emergency Operations staff had just returned from the training and it really paid off in responsiveness, use of social media to communicate with the public and the ability to maintain a sense of calm. Councilmember Lyman asked about the status of the City's unreinforced masonry code.

The Design Review Board (DRB) met in September and is working on its annual workplan. The DRB wants to be more proactive and give developers and property owners ideas that will accelerate progressive improvements along San Pablo Avenue. The DRB was very excited about the Specific Plan.

Councilmember Bridges reported on her attendance at the last Environmental Quality Committee (EQC) meeting. The EQC received a presentation from a speaker from Marine Applied Research & Exploration (MARE) on California's marine protected area network and the importance of the world's oceans. The impacts of overfishing was also discussed. Fish fecundity is based on size. While 15% of the earth's lands are protected, only 1% of the ocean is protected.

Councilmember Benassini reported that the Parks Commission has spent time working on ideas for its upcoming workplan presentation. The Economic Development Committee received a presentation on statistics, census data and market reports focused on El Cerrito and also compared local statistics to those of Contra Costa and parts of Alameda County.

Mayor Abelson reported on her attendance at an East Bay Division of the League of California Cities Executive Committee planning meeting. The Committee is looking at programs that would attract other councilmembers to Division meetings such as featuring best practices employed in one city that could be shared and utilized by other cities in Contra Costa and Alameda Counties. Mayor Abelson used the Off the Grid Food Truck event in El Cerrito as an example.

**9. ADJOURNED REGULAR CITY COUNCIL MEETING at 7:47p.m.**

**SUPPLEMENTAL REPORTS AND COMMUNICATIONS**

**Item No. 5(B) Ordinance Approving a Development Agreement for 1715 Elm**

1. Correction of an inadvertent clerical error in Recital C of Ordinance 2014-04 to change 10 years to 5 years to achieve consistency with the City Council's intent and the term cited in the attached Development Agreement which is Exhibit A to the ordinance – *Submitted by Margaret Kavanaugh-Lynch, Development Services Manager.*

**Item No. 5(E) Ordinance Incorporating the San Pablo Avenue Specific Plan Area into the Municipal Code**


2. Correction of typographical error in Recital B of Ordinance 2014-07 to Change the reference “(Resolution PC 14-2)” to “(Resolution PC 14-12)” - *Submitted by Margaret Kavanaugh-Lynch, Development Services Manager.*

**Other:**

3. Information on the El Cerrito Seed Libraries – *Submitted by Tom Panas, El Cerrito.*

This is to certify that the foregoing is a true and correct copy of the minutes of the Special Joint City Council/Redevelopment Agency Successor Agency meeting and Special City Council meeting – Closed Session of October 7, 2014 as approved by the El Cerrito City Council.

  
Cheryl Morse, City Clerk

  
Janet Abelson, Mayor