

# EL CERRITO CITY COUNCIL

## MINUTES

### REGULAR CITY COUNCIL MEETING

Tuesday, February 3, 2015 – 7:00 p.m.

City Council Chambers

#### Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman  
Councilmember Jan Bridges

Councilmember Janet Abelson  
Councilmember Gabriel Quinto

#### ROLL CALL

Present: Councilmembers Abelson, Lyman, Quinto and Mayor Friedman

Absent: Councilmember Bridges

7:00 p.m.

#### CONVENE REGULAR CITY COUNCIL MEETING

Mayor Friedman convened the regular City Council meeting at 7:00 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Janet Abelson.

#### 2. COUNCIL / STAFF COMMUNICATIONS

Mayor Friedman reported that he attended the January 31 grand opening of Dolly's Boutique, a new business located between Cutting Boulevard and Potrero Avenue on San Pablo Avenue. Earlier today, Mayor Friedman moderated a panel at the East Bay Broadband Consortium regarding expanding broadband access to citizens.

#### 3. ORAL COMMUNICATIONS FROM THE PUBLIC

Alex DiGiorgio, Community Development Manager, Marin Clean Energy (MCE), stated that MCE is thrilled to welcome El Cerrito to its new energy options and reported that the community outreach process has begun. Community presentations will be organized wherever MCE is invited. Over the next five months all commercial and residential electric account holders in the City will receive approximately one notice per month informing them of new energy options. Interested individuals can call 1-888-632-3674 or email [info@mcecleanenergy.org](mailto:info@mcecleanenergy.org) for more information. The first community meeting will be held on February 17, 2015 at St. Johns at 11:30 a.m.

Al Miller, El Cerrito, Citizens Street Oversight Committee, reported that the Committee has had some heated discussions regarding the proper funding of city street projects under Measure A. There was a difference of opinion amongst the Committee whether some of the projects should have been funded by Measure A. Mr. Miller thanked the City Council for agenda Item No. 5C on the Consent Calendar this evening, particularly the clear

identification of Measure A funding in the staff report. The City Council's approval of Measure A funds should be clear to everyone and makes the Committee's oversight of Measure A funds easier.

Howdy Goudey, El Cerrito, stated that there will be a Design Review Board hearing on February 4, 2015 for a proposed Chevrolet dealership in the San Pablo Avenue Area Specific Plan Area. Mr. Goudey said he wanted to express his questions about the project and ask others to come up with a solution for the facility that would have a more consistent adherence to the Specific Plan Area goals. The project, located on the former OSH site, provides a great opportunity for a high sales tax revenue business however a four acre site is underutilized when it is used as a parking lot for cars. 1715 Elm Street is a 0.4 acre site with a 45 foot building. The proposal on the former OSH site is a smaller building on a four acre site. There are exciting opportunities. Mr. Goudey queried whether the City could explore having an auto dealership with housing on the same site or have an indoor playing field built into the site?

Tom Panas, El Cerrito, informed the City Council about the threat to seed libraries across the Country. El Cerrito has two seed libraries in El Cerrito. Recently, several states have required seed libraries to purchase commercial seed distribution licenses. Seed libraries need to be appropriately recognized under the law to protect their ability to continue to share seeds freely in communities across the country. If it becomes necessary, the El Cerrito Community Garden Network may request that the Council adopt a resolution in support of seed libraries at a future date.

Mr. Panas also stated that he recently learned that non-profit organizations in El Cerrito owe business taxes each year. Mr. Panas asked the Council to consider a resolution that waives past business taxes and penalties on all non-profit organizations that register and pay their current year taxes by June 30, 2015 and also perhaps change the fee schedule to something similar to what the City of Richmond uses for non-profits.

#### **4. PRESENTATION**

**A. Crime Year in Review** – *Presentation by Sylvia Moir, Chief of Police and Samantha Wendling, Administrative Analyst.*

**Action:** Received presentation.

**B. Planning Commission Workplan Presentation** – *Presentation by Andrea Lucas, Planning Commission Chair.*

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

**Action:** Received presentation.

**C. Financial Advisory Board Workplan Presentation** – *Presentation by Peter Vranich, Financial Advisory Board Chair.*

Receive a presentation regarding the Financial Advisory Board's accomplishments, goals and workplan.

**Action:** Received presentation.

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

Moved, seconded (Lyman/Abelson; Ayes – Councilmembers Abelson, Lyman, Quinto and Mayor Friedman; Noes – None; Absent – Councilmember Bridges) and carried to approve the Consent Calendar in one motion as indicated below.

**A. Minutes for Approval**

Approve the January 20, 2015 regular City Council meeting minutes.

**Action:** Approved minutes.

**B. Amend Agreement with MIG, Inc. for the Urban Greening Plan**

Adopt a resolution authorizing the City Manager to amend the professional services agreement between the City of El Cerrito and Moore Iacofano Goltsman, Inc. (MIG) in an amount not to exceed \$31,000, bringing the total contract to \$200,400, and to extend the term of the Agreement through August 31, 2015 to complete the grant-funded Urban Greening Plan.

**Action:** Adopted Resolution No. 2015-05.

**C. 2014 Pavement Rehabilitation Project, City Project No. C3074, Federal Project No. RSTP 5239(024)**

Adopt a resolution approving the following actions: 1) Approve plans for the 2014 Pavement Rehabilitation Project, City Project No. C3074; 2) Reject one submitted bid from Interstate Grading and Paving, Inc. as non-responsive; 3) Accept the six remaining submitted bids; 4) Authorize the City Manager to execute a contract in the amount of \$664,200 with Gallagher & Burk, Inc. and to approve change orders in an amount not to exceed \$53,136 for the construction of the 2014 Pavement Rehabilitation Project; and 5) Amend the Fiscal Year 2014-15 Adopted Budget to appropriate an additional amount of \$69,000 in the Measure A Street Improvement Fund (Fund 211) for the 2014 Pavement Rehabilitation Project, City Project No. C3074. *Exempt from CEQA.*

**Action:** Adopted Resolution No. 2015-06.

**D. 2015 City Council Meeting Schedule**

Approve a recommendation to amend the 2015 City Council regular meeting schedule by adding a special meeting on Saturday, February 14, 2015 beginning at 8:30 a.m. for the purposes of conducting commission interviews, add a special meeting on Saturday, March 28, 2015 beginning at 9:00 a.m. for a City Council Strategic Planning Work Session and also approve a reduced City Council summer meeting schedule consisting of the third Tuesday in July, August and September. City Council meeting dates in July, August and September 2015 would be July 21, August 18 and September 15, 2015 with an additional request to keep the first Tuesday in July, August and September reserved for additional meetings as needed.

**Action:** Approved recommendation.

**E. Committee on Aging Appointment**

Approve a Committee on Aging recommendation to appoint Jennifer Haller to the Committee on Aging, effective February 17, 2015.

**Action:** Approved recommendation.

**6. PUBLIC HEARING****Planning Application PL14-0107(Choi) for an Exception to the Subdivision Ordinance to Permit the Creation of a Parcel without Street Frontage**

Conduct a public hearing and upon conclusion adopt a resolution approving Planning Application PL 14-0107 for an exception to the Subdivision Ordinance (El Cerrito Municipal Code Section 18.32.050) for a minor subdivision in which frontage on a public street is not provided. *Exempt from CEQA.*

Presenter: Noel Ibalio, Senior Planner.

Mayor Friedman opened the public hearing. One speaker.

Speakers: Howdy Goudey, El Cerrito, stated that he does not have a strong opinion on the lot split. Mr. Goudey stated that he is concerned that the environmental impacts associated with the project were not sufficiently noted and stated that environmental impacts need to be clearly stated.

Moved, seconded (Abelson/Lyman; Ayes – Councilmembers Abelson, Lyman, Quinto and Mayor Friedman; Noes – None; Absent – Councilmember Bridges) and carried to close the public hearing.

**Action:** Moved, seconded (Abelson/Lyman; Ayes – Councilmembers Abelson, Lyman, Quinto and Mayor Friedman; Noes – None; Absent – Councilmember Bridges) and carried to adopt Resolution No. 2015–07 as amended to include an additional condition of approval to require that a permeable material be used for the driveway that is acceptable to the Fire Department as sufficient to support fire trucks and is also approved by the City Engineer/Public Works Director to ensure that it doesn't result in improper storm drain run-off.

## 7. POLICY MATTERS

### **Agreement with Godbe Research to Perform Voter Research on a Future Revenue Measure for a Library Facility**

Adopt a resolution authorizing the City Manager to enter into an agreement with Godbe Research to undertake a voter survey to ascertain voter opinions related to a future revenue measure to fund a new library facility.

Presenter: Karen Pinkos, Assistant City Manager.

Mayor Pro Tem Lyman stated for the record that he is currently the treasurer for a campaign committee that has been formed in support of a funding measure for a new El Cerrito Library and has been advised by the City Attorney that he does not have a conflict of interest as long as he is acting in the best interests of the public. Mayor Pro Tem Lyman stated that his decision on the survey will be based on what he believes to be in the public's best interests. He will reserve judgment on the final measure that will be placed on the ballot until the final text of the measure comes before the Council for a final decision.

Speakers: Al Miller, El Cerrito, stated that Godbe Research, through its surveys, has allowed the residents of El Cerrito to clearly identify projects that they would like and support in the City. The success of all the previous measures reflects on the professional skills of Godbe Research. Mr. Miller urged the City Council to approve the resolution authorizing the survey related to funding of a new library.

Tom Panas, El Cerrito, thanked staff, particularly the City Manager and Assistant City Manager, for the carefully planned steps they have taken over the past years to help the city reach its goal of building a new library. Mr. Godbe has been a trusted partner for a number of years and his careful and thorough work has led to a number of important projects and major successes. Mr. Panas urged the City Council to adopt the resolution.

**Action:** Moved, seconded (Abelson/Quinto; Ayes – Councilmembers Abelson, Lyman, Quinto and Mayor Friedman; Noes – None; Absent – Councilmember Bridges) and carried to adopt Resolution No. 2015–08.

## 8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Councilmember Abelson reported that she was officially elected as President of the East Bay

Division of the League of California Cities. The last meeting was highly attended and represented by each state legislator from the city's assembly and senate district. There was a good discussion of legislative priorities in the upcoming legislative session.

9. **ADJOURNED REGULAR CITY COUNCIL MEETING** at 8:15 p.m.

**SUPPLEMENTAL REPORTS AND COMMUNICATIONS**

**Item No. 4(A) Crime Year in Review**

1. Revised powerpoint presentation – *Submitted by Samantha Wendling, Administrative Analyst.*

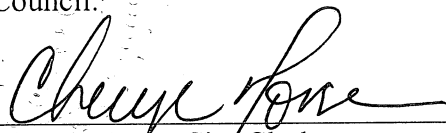
**Item No. 7(A) Agreement with Godbe Research to Perform Voter Research on a Future Revenue Measure for a Library Facility**

2. Comments in support of a new library and the work done by the City Manager and Assistant City Manager for the planning and steps taken to date – *Submitted by Tom Panas, El Cerrito.*
3. Comments in support of the Godbe library survey – *Submitted by Marlene Keller, El Cerrito.*

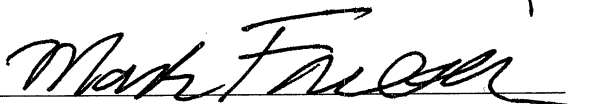
**Other:**

4. Letter that will be sent to El Cerrito residents notifying them of options for purchasing electrical energy – *Submitted by Alex DiGiorgio, Marin Clean Energy (MCE).*
5. Comments regarding the concentrated control of the world's seeds by four companies and comments regarding business license taxes for non-profit organizations including a request to waive past business taxes and penalties on all non-profit organizations that register and pay their current year taxes by June 30, 2015 – *Submitted by Tom Panas, El Cerrito.*

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of February 3, 2015 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Mark Friedman, Mayor