

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION
Tuesday, November 15, 2016 – 6:30 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, November 15, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

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

6:30 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Mayor Lyman convened the Special City Council – Closed Session meeting at 6:30 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, expressed his support for the City Attorney.

ANNOUNCEMENT OF CLOSED SESSION

PUBLIC EMPLOYEE PERFORMANCE EVALUATION (*Pursuant to Government Code Section 5497*)

Title: City Attorney

RECESSED INTO CLOSED SESSION at 6:32 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION – No report.

ADJOURNED SPECIAL CITY COUNCIL CLOSED SESSION at 7:02 p.m.

ROLL CALL

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:05 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Mayor Pro Tem Abelson.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Quinto reported that he attended the 63rd Anniversary of the El Cerrito Branch of St. Peter's Christian Methodist Episcopal Church and presented proclamations from Mayor Lyman and Supervisor John Gioia commemorating the occasion.

Mayor Lyman stated that the City Council had just met in closed session regarding the City Attorney's performance evaluation. There is nothing to report. At the November Contra Costa Mayors Conference, the Mayors received an informative presentation from the Greenbelt Alliance. The Alliance is very supportive of Transit Oriented Development projects. Mayor Lyman also stated that the election is an adversarial process and now that the election is over everyone needs to begin the hard work of re-building relationships, trust and cooperation. Goals the El Cerrito Community shares in common are public safety, prosperity, economic vibrancy and happiness. Mayor Lyman said that he hopes all agree that civil discourse and incorporating values and compromises from all sides of an issue is the best way to arrive at these goals. One of the themes he heard repeatedly is that many people do not feel heard. Mayor Lyman encouraged staff to work on a series of public meetings this coming year to provide El Cerrito residents an opportunity to be heard and revisit city goals in 2017. Mayor Lyman said it is his hope that the City Council and the community will listen to each other and work toward a better El Cerrito.

Karen Pinkos, Assistant City Manager, stated that the Arts & Culture Commission has invited artists to submit proposals by November 28 to display their work in the City Hall Gallery. Currently, the El Cerrito High School Photography Club's work is on display.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, encouraged all to attend the Contra Costa play "You Can't Take it With You," praised the Crime Prevention Committee presentation that occurred at the November 1 City Council meeting and said he enjoyed the work on view in the City Hall Gallery.

Michelle Fadelli, El Cerrito, thanked the City Council and city staff for their work on Measure B/New Library. Ms. Fadelli stated that El Cerrito wants a new library, 62% percent of the voters supported it. The City could have done better outreach in conveying more information about cost estimates, how the project would be paid for, and options for a location. Ms. Fadelli also suggested that the community could have benefited from a Town Hall prior to the vote and that the City Council and City work with all residents to bring the library back to the community soon.

Howdy Goudey, El Cerrito, stated that as the City works on the Eden Hana Gardens project it is potentially a good opportunity to increase electric vehicle charging stations. Mr. Goudey suggested that as the City celebrates its 100th Anniversary that all city utility accounts be 100% deep green with Marin Clean Energy. Mr. Goudey said he is also anxiously awaiting thoughts from the City Council regarding mitigation of housing impacts resulting from the El Dorado condominium development project.

Al Miller, El Cerrito, stated on behalf of Stege Sanitary District, that the sewer lateral identified in Consent Calendar Item No. 5(D) will be maintained by Eden Housing.

4. PRESENTATION – None

5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5(A) and 5(L)

Moved, seconded (Abelson/Friedman) and carried unanimously to approve Consent Calendar Item Nos 5(A) through 5(C) and 5(E) through 5(L) in one motion as indicated below. Item No. 5(D) was removed from the consent calendar at the request of Councilmember Bridges and voted on separately as indicated below.

CITY COUNCIL ITEMS

A. Approval of Minutes

Approve the November 1, 2016 Regular City Council meeting minutes.

Action: Approved minutes.

B. Set Schedule for January City Council Meetings

Cancel the January 3, 2016 regular City Council meeting due to a lack of business.

Action: January 3, 2016 City Council meeting cancelled.

C. Agreement with West Coast Arborists, Inc. for Tree Pruning, Removal and Maintenance Services

Adopt a resolution authorizing the City Manager to execute an agreement with West Coast Arborists, Inc. to provide tree pruning, removal, and maintenance services of City trees for a period of three years, with the option to annually extend the contract for three years thereafter, in an amount not to exceed \$115,300 for each of Fiscal Years 2016-17 and 2017-18 and thereafter contingent upon future City budgets and City Council approval of annual appropriations.

Action: Adopted Resolution No. 2016–83.

D. Grant of Access and Utility Easement to Eden Housing

Adopt a resolution granting El Cerrito Senior, L.P., an affiliate of Eden Housing, a perpetual non-exclusive access and utility easement and authorizing the City Manager to execute the Easement Deed and Maintenance Agreement (“Easement Agreement”) for Sewer Line Improvements for the Hana Gardens Apartments to be located at 10860 San Pablo Avenue.

Presenter: Melissa Tigbao, Senior Engineer.

Action: Removed from the Consent Calendar at the request of Councilmember Bridges for the purpose of discussing maintenance of the sewer lateral by Eden. Moved, seconded (Friedman/Abelson) and carried unanimously to adopt Resolution No. 2016–84.

E. Participation in the California Uniform Public Construction Cost Accounting Act

Adopt a resolution confirming that the City has elected to become subject to the uniform public construction cost accounting procedures set forth in the California Uniform Public Construction Cost Accounting (“Act”) and to the California Uniform Construction Cost Accounting Commission’s policies and procedures manual and cost accounting review procedures, as they may each from time to time be amended, and directing that the City Clerk notify the State Controller forthwith of this election.

Action: Adopted Resolution No. 2016–85.

F. Amendment of Professional Services Agreement with TRB + Associates

Adopt a resolution authorizing the City Manager to amend the Professional Services Agreement between the City of El Cerrito and the TRB + Associates in an amount not to exceed \$75,000 bringing the total contract to an amount not to exceed \$100,000 and extending the term of the Agreement through June 30, 2017.

Action: Adopted Resolution No. 2016–86.

G. Service Agreement for NEOGOV

Adopt a resolution authorizing the City Manager to enter into an agreement with GovernmentJobs.com, Inc., doing business as NEOGOV, for human resources software services in an amount not to exceed \$37,363.33 for a term of twelve months with an annual renewal option.

Action: Adopted Resolution No. 2016–87.

H. Annual Review of Investment Policy

Adopt a resolution approving the City's Investment Policy.

Action: Adopted Resolution No. 2016–88.

I. Economic Development Committee Appointment

Approve an Economic Development Committee recommendation to appoint Bill Kuhlman to the Economic Development Committee, effective January 1, 2017.

Action: Approved recommendation.

J. Economic Development Committee Appointment

Approve an Economic Development Committee recommendation to appoint Ashley James to the Economic Development Committee, effective November 15, 2016.

Action: Approved recommendation.

K. Quarterly Investment Report

Receive and file the City's Quarterly Investment Report for the period ending September 30, 2016.

Action: Approved recommendation.

SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY ITEMS

L. Approval of Revised First Amendment to the Disposition Development and Loan Agreement with Eden Housing, Inc., for City Housing Property Located at 10848 and 10860 San Pablo Avenue. Approval of an Agreement with Eden Housing Regarding California Department of Housing and Community Development (HCD) Affordable Housing and Sustainable Communities Grant and Approval of HCD Infill Infrastructure Grant

Staff requests that the City Council, acting as Housing Successor to the Former Redevelopment Agency adopt the following resolutions:

1. Authorizing the City Manager to execute a Revised First Amendment to the Disposition Development and Loan Agreement with Eden Housing, Inc. and making findings and approvals pursuant to the California Community Redevelopment Law in connection with redevelopment of 10848 and 10860 San Pablo Avenue in the City of El Cerrito Redevelopment project area;
2. Authorizing the Execution of a Standard Agreement with the State of California Housing and Community Development for an Infill Infrastructure Grant for the Hana Gardens Project; and

3. Authorizing the City Manager to execute an Affordable Housing and Sustainable Communities ("AHSC") Co-Applicant Agreement with Eden Housing related to the AHSC Grant and Loan received from the State of California Housing and Community Development Department for the Hana Gardens Project.

Actions: Adopted Resolution Nos. 2016-89, 2016-90 and 2016-90A.

6. PUBLIC HEARINGS

Proposed Integrated Waste Management Fees and East Bay Sanitary Garbage & Green Waste Collection and Processing Rates – Effective January 1, 2017

Staff requests that the City Council take the following actions: 1) Conduct a public hearing and upon conclusion adopt a resolution setting Integrated Waste Management (IWM) Fees, effective January 1, 2017; and 2) Conduct a public hearing and upon conclusion adopt a resolution setting maximum allowable East Bay Sanitary (EBS) garbage and green waste collection and disposal and processing rates, effective January 1, 2017.

Presenter: Maria Sanders, Environmental Services and Operations Manager.

Mayor Lyman opened the public hearing regarding Integrated Waste Management fees.

Speakers: Cordell Hindler, Richmond, expressed support for the rate increase.

Moved, seconded (Quinto/Bridges) and carried unanimously to close the public hearing.

Action: Moved, seconded (Friedman/Quinto) and carried unanimously to adopt Resolution No. 2016-91 setting Integrated Waste (IWM) Fees, effective January 1, 2017.

Mayor Lyman opened the public hearing regarding East Bay Sanitary Company rates.

Speakers: None

Moved, seconded (Friedman/Abelson) and carried unanimously to close the public hearing.

Action: Moved, seconded (Bridges/Friedman) and carried unanimously to adopt Resolution No. 2016-92 setting maximum allowable East Bay Sanitary (EBS) garbage and green waste collection and disposal and processing rates, effective January 1, 2017.

7. POLICY MATTERS

A. Centennial Celebration Task Force Recommendations

Adopt a resolution making a mid-year budget adjustment and appropriating \$8,000 in Fiscal Year 2016/2017 and appropriate \$23,000 in Fiscal Year 2017/2018 to carry out the events and activities proposed by the Centennial Celebration Task Force to celebrate El Cerrito's 100 year history as an incorporated city.

Presenters: Suzanne Iarla, Assistant to the City Manager and Joann Steck-Bayat, Chair, Centennial Celebration Task Force.

Speakers: Cordell Hindler, Richmond, spoke in support of the centennial events.

Action: Moved, seconded (Friedman/Quinto) and carried unanimously to adopt Resolution No. 2016-93. Mayor Lyman requested that all staff liaisons be informed that they should place a discussion item regarding ideas for centennial events on

December Board, Commission and Committee agendas.

B. Exclusive Negotiating Rights Agreement with Mona and Kanti Patel for 1718 Eastshore Boulevard

Adopt a resolution authorizing execution of an Exclusive Negotiating Rights Agreement with Mona and Kanti Patel for the disposition of 1718 Eastshore Boulevard.

Presenter: Melanie Mintz, Community Development Director.

Speaker: Cordell Hindler, Richmond, urged the City Council to adopt the resolution.

Action: Moved, seconded (Quinto/Friedman) and carried unanimously to adopt Resolution No. 2016-94.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor Pro Tem Abelson reported that Contra Costa Transportation Authority (CCTA) Measure X failed. This will impact funding for a variety of projects ranging from paratransit service to BART cars, "return to source" funds used for repaving roads and other projects. Projects that would've been funded by the measure will not be going forward.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:31 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 6 Proposed Integrated Waste Management Fees and East Bay Sanitary Garbage & Green Waste Collection and Processing Rates – Effective January 1, 2017

1. Powerpoint presentation – *Submitted by Maria Sanders, Environmental Services and Operations Manager.*

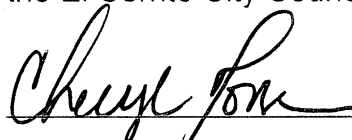
Item No. 7(A) Centennial Celebration Task Force Recommendations

2. Powerpoint presentation – *Submitted by Suzanne Iarla, Assistant to the City Manager.*

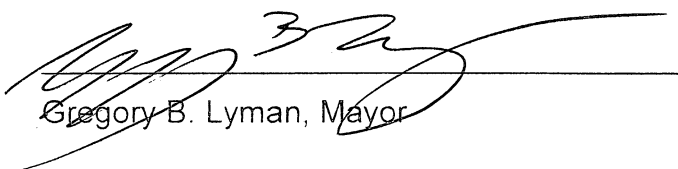
Item No. 7(B) Exclusive Negotiating Rights Agreement with Mona and Kanti Patel for 1718 Eastshore Boulevard

3. Last two pages of Exhibit A to Attachment 2. Legal description – *Submitted by Cheryl Morse, City Clerk.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of November 15, 2016 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Gregory B. Lyman, Mayor