EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, November 20, 2012 – 7:00 p.m.
City Council Chambers

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

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Rebecca Benassini
Councilmember Ann Cheng
Councilmember Janet Abelson

ROLL CALL

Present: Councilmembers Abelson, Benassini, Lyman and Mayor Jones.

Absent: Councilmember Cheng.

7:00 p.m. **CONVENE REGULAR CITY COUNCIL MEETING**

Mayor Jones convened the regular City Council meeting at 7:04 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Mayor Jones.

2. **COUNCIL / STAFF COMMUNICATIONS**

Sustainable Contra Costa Leadership in Sustainability Award 2012 for the El Cerrito Recycling and Environmental Resource Center.

Additional honors received as follows:

Certificate of Special Congressional Recognition – Congressman George Miller
California State Senate Certificate of Recognition – Senator Mark DeSaulnier
California State Assembly Certificate of Recognition – Assemblymembers Joan Buchanan, Susan Bonilla and Nancy Skinner.

Councilmember Abelson announced the City's receipt of the Sustainable Contra Costa Leadership in Sustainability Award along with the special recognition received from Congressman Miller, Senator DeSaulnier and Assemblymembers Buchanan, Bonilla and Skinner. Councilmember Abelson commended all staff involved in the new Recycling and Environmental Resource Center project and noted that El Cerrito is bringing recycling operations to a new high.

On October 19th Councilmember Abelson attended the groundbreaking of the I-80 Integrated Corridor Mobility project in Emeryville. Instead of using dirt and shovels, the groundbreaking was commemorated by the plugging in of electrical cords to signify the technology involved in this "smart" project. The project will move quickly and reduce traffic without putting in a lot of highway lanes. It will feature programmable ramp metering, monitoring and use of smart technology to reduce traffic congestion. Councilmember Abelson noted that half of the congestion that occurs on the freeway is due to incident occurrence. Every single jurisdiction from the Carquinez Bridge to the Bay Bridge will be participating in the new system. Additionally, in her role as a director of the Contra Costa Transportation Authority, Councilmember Abelson also attended the groundbreaking for the Lone Tree segment of the e-Bart extension in Eastern Contra Costa County.

Councilmember Benassini thanked the Arts & Culture Commission and Commission Liaison, Suzanne Iarla, for their work on the October 26 Art Party event at City Hall which included the installation of the first public street art icon on San Pablo Avenue. There will be twelve art icons installed along San Pablo Avenue by next Spring.

Mayor Jones reported that he attended an update meeting with East Bay Municipal Utility District (EBMUD) Director Andrew Katz, Councilmember Abelson and representatives from other local cities agencies recently. Mayor Jones was impressed by EBMUD's preparation for safety of the City's water supply. EBMUD emphasized its responsibility to protect ratepayers in the EBMUD District. Mayor Jones encouraged everyone to check EBMUD's website at http://www.ebmud.com/ for more information about programs, improvements and services or phone the City's EBMUD representative Director Katz.

Karen Pinkos, Assistant City Manager, provided an update on the strategic plan process. Elcerritostrategicplan.org offers a new online tool called community voice which is available for the public to use to voice ideas and participate. Ms. Pinkos also stated that there will be an upcoming City Council work session in January 2013.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, stated that he is impressed that EBMUD is the first to have a wastewater plant in the United States that generates more electricity in the wastewater treatment process than is used. The Pacific Gas & Electric Company (PG&E) buys electricity from EBMUD and this helps pay for waste water treatment and lowers rates for EBMUD District residents. Mr. Miller also announced that the Cerrito Theater opened on Christmas Day in 1937. The Friends of the Cerrito Theater and Rialto Cinemas are co-sponsoring an event to commemorate the 75th anniversary of the Cerrito Theater on December 13. The theater will be showing *You Can't Take it With You* starring Jean Arthur, Lionel Barrymore and Jimmy Stewart. All are invited. The tickets are $8.00 each.

4. PRESENTATIONS

A. Tehiyah Day School Proclamation – *Presentation by Councilmember Abelson*

Present and approve a proclamation recognizing and celebrating Tehiyah Day School on the occasion of its designation as a 2012 National Blue Ribbon School.

Action: Councilmember Abelson presented the proclamation honoring Tehiyah Day School to Bathea James, Head of School and Director Debbie Bamberger.

B. ICMA Community Sustainability Awards – *Presentation by Marcia Raines, City Manager of Millbrae and Pat Martel, City Manager of Daly City.*

Action: ICMA Program Excellence Awards for Community Sustainability in recognition of the San Pablo Avenue Streetscape were presented to the City of El Cerrito; Karen Pinkos, Assistant City Manager, and Melanie Mintz, Environmental Services Division Manager. Ms. Pinkos also accepted an award on behalf of City Manager Hanin.

C. Contra Costa/Solano County Food Bank – *Presentation by David Kiefer, Food Bank Ambassador.*

Action: Received presentation.

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

Moved, seconded (Benassini/Lyman; Ayes – Councilmembers Abelson, Benassini, Lyman and Mayor Jones; Noes – None; Abstain – None; Absent – Councilmember Cheng) and carried to adopt Consent Calendar Item Nos. 5A through 5G as indicated below.

A. Minutes for Approval

Approve the October 16, 2012 Regular City Council and Special City Council Meeting – Closed Session meeting minutes.

Action: Approved minutes.

B. Distribution of Tickets Pursuant to the Fair Political Practices Commission Regulation 18944.1

Review and adopt a resolution and policy regarding the distribution of complimentary tickets received by the City, pursuant to the Fair Political Practices Commission Regulation Section 18944.1.

Action: Adopted Resolution No. 2012–84.

C. Renew Participation in the Contra Costa Abandoned Vehicle Service Authority

Adopt a resolution authorizing the City Manager or his designee to renew participation in the Contra Costa County Abandoned Vehicle Abatement Service Authority by entering into a joint powers agreement.

Action: Adopted Resolution No. 2012–85

D. Quarterly Investment Report

Receive and file the City's September 30, 2012 Quarterly Investment Report.

Action: Received and filed.

E. Annual Maddy Act Local Appointments List

Receive and file a listing of all current board and commission members whose terms will expire January 1, 2013 and vacancy information for each board, commission and committee.

Action: Received and filed.

F. 2012-2013 Holiday Closure

Consistent with prior years, administrative offices at City Hall will be closed for the holiday period beginning Friday, December 21, 2012 through Tuesday, January 1, 2013 to facilitate the consolidation of employee vacation schedules and to save energy. City administrative offices will reopen on Wednesday, January 2, 2013.

Action: Approved recommendation.

G. Financial Advisory Board Enabling Ordinance Clean Up

Introduce by title, waive any further reading and approve an ordinance amending El Cerrito Municipal Code Section 2.04.300 – Financial Advisory Board, to delete references to the former redevelopment agency and further clarify the Financial Advisory Board's function and duties.

Action: Mayor Pro Tem Lyman read the title of the ordinance into the record. Approved Ordinance No. 2012–03. *Second reading scheduled for December 18, 2012.*

6. PUBLIC HEARING – None

7. POLICY MATTERS

A. Solid Waste Rate and Operational Review Report and Extension of the Garbage and Green Waste Collection Franchise Agreement with the East Bay Sanitary Company

Receive a presentation and report from staff regarding the 2011/2012 Solid Waste Rate and Operations Review and adopt a resolution approving the Fifth Amendment to the Franchise Agreement between the City of El Cerrito and the East Bay Sanitary Company, Inc., extending the Franchise Agreement by seven years, through December 31, 2025.

Presenter: Garth Schultz, Environmental Analyst.

Speakers: Tom Panas, El Cerrito, stated that he has been composting for thirty years and considers green waste a treasure. Mr. Panas expressed his support for the Green Stream and backyard composting and emphasized the need to think imaginatively and give residents incentives to compost their own Green Stream in their back yards, not penalize them by forcing them to subsidize a "Green Waste" service that they do not use. More backyard composting would also reduce the city's carbon footprint by taking an East Bay Sanitary truck off the roads. Mr. Panas also noted that the City's environmental services team does a fantastic job. The issue provides an opportunity to engage in innovative and imaginative thinking. Mr. Panas also thanked Mayor Jones for his many years of service to the community and also thanked retiring Public Works Director Jerry Bradshaw and Administrative Services Director Mary Dodge for their years of service to the City.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Abelson, Benassini, Lyman and Mayor Jones; Noes – None; Abstain – None; Absent – Councilmember Cheng) and carried to adopt Resolution No. 2012–86 as revised to modify Section 23(Q) of the fifth amendment to the franchise agreement, attached as Exhibit 1 to the resolution.

B. Budget Update

Receive and comment on the General Fund budget update for the period of July 1, 2012 through October 31, 2012.

Presenter: Mary Dodge, Administrative Services Director.

Action: Received presentation and discussion held.

C. Amendment of El Cerrito Municipal Code Chapter 8.12 – Collection and Disposal of Waste Stream

Introduce by title, waive any further reading and approve an ordinance amending El Cerrito Municipal Code (ECMC) Chapter 8.12 – Collection and disposal of waste stream, to include provisions for salvage and regulation of certain activities at the El Cerrito Recycling and Environmental Center.

Presenter: Garth Schultz, Environmental Analyst.

Speakers: Tom Panas, El Cerrito, stated that his wife will not allow his two sons, who are disabled, to go near the area because she feels threatened by the people that are there sometimes. Mr. Panas expressed his appreciation for the work staff has done on this issue and noted that his sons have California Identification cards which means identification does not have to be limited to a driver's license.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Lyman and Mayor Jones; Noes – Councilmember Abelson; Abstain – None; Absent – Councilmember Cheng) and carried to introduce by title, waive any further reading and approve Ordinance No. 2012–04 as amended by Councilmember Lyman to modify ECMC Section 8.12.020(L) to change the reference to 8.12.140(C) to 8.12.150; to add the language "...without a salvage permit" to the end of 8.12.150(A) and also revise ECMC Section 8.12.150(B)(1) to read, Applicants may ~~must supply all required proof of qualifications in writing together with the application submittal. Applicants may~~ be required to provide information in forms provided by the city. Applicants may be required to show proof of information provided on the application form. Salvage activities are subject to inspection prior to approval of a permit.

Councilmember Abelson also requested that the Environmental Quality Committee review Attachment 3: Salvage Permit Application Form, from a user's perspective and also asked staff to change language regarding the vehicle information and change the requirement to supply a driver's license number to an identification number. *Second reading scheduled for December 18, 2012.*

D. Central Avenue and Liberty Street Streetscape Improvements Project, City Project No. C-3063, Federal Project No. CML–5239 (020)

Adopt a resolution approving the following actions: 1) Approve plans for the Central Avenue and Liberty Street Streetscape Improvements Project; 2) Reject the bid from California Constructores, Inc. as non-responsive and accept all other bids; 3) Amend the Capital Improvement Program to transfer an amount not to exceed $160,000 of Measure A Street Improvement Funds from the Annual Street Improvement Program to the Central Avenue and Liberty Street Streetscape Improvements Project; and 4) Authorize the City Manager to award a contract, contingent on successful negotiations with Redgwick Construction Company (the lowest responsible bidder for the project) for a deductive change order after undergoing a value engineering process which is not inconsistent with the revised budget for the Central Avenue and Liberty Street Streetscape Improvements Project, City Project No. C–3063.

Presenter: Jerry Bradshaw, Public Works Director.

Action: Moved, seconded (Benassini/Abelson; Ayes – Councilmembers Abelson, Benassini, Lyman and Mayor Jones; Noes – None; Abstain – None; Absent – Councilmember Cheng) and carried to adopt Resolution No. 2012–87.

E. Grant to Writer Coach Connection

At the request of Councilmember Benassini, consider a $2,500 grant in support of the Writer Coach Connection (WCC) funding request in Fiscal Year 2012–13.

Presenter: Councilmember Benassini.

Speakers: Al Miller, El Cerrito, described the benefits of the program to the City and the benefits to the community by having volunteers active in the schools.

Robert Menzimer, Writer Coach Connection, expressed his desire to enter into a co-sponsorship relationship with the City of El Cerrito.

Action: Moved, seconded (Lyman/Abelson; Ayes – Councilmembers Abelson, Benassini, Lyman and Mayor Jones; Noes – None; Abstain – None; Absent – Councilmember Cheng) and carried to indicate the City Council's willingness to accept and consider, a formal application for a grant submitted by the Writer Coach Connection at an upcoming City Council meeting, for this fiscal year off-cycle from the budget.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Jones reported that the Integrated Waste Management Authority met. The Authority is twenty years old and is considering whether to go forward or to disband. This issue will come to the City Council for future direction. The Gilman Fields Joint Powers Authority will be meeting in January.

B. Mayor Pro Tem Lyman reported that the Tree Committee had met and there are a lot of really smart people on the Committee who are looking forward to working together for the city.

C. Councilmember Abelson attended an Association of Bay Area Governments (ABAG) and received an interesting presentation on protecting investments and creating a resilient region. Councilmember Abelson also reminded everyone that the executive director of the West Contra Costa Transportation Advisory Committee (WCCTAC) is leaving the agency and noted that recruitment is underway for an interim director.

D. Councilmember Benassini reported that the Parks and Recreation Commission met with a representative of the West Contra Costa Unified School District and discussed the joint use permit. Additionally, the Arts and Culture Commission expressed lots of interest in the Urban Greening Advisory Committee.

E. Councilmember Cheng – Absent.

9. SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7(A) Solid Waste Rate and Operational Review Report and Extension of the Garbage and Green Waste Collection Franchise Agreement with the East Bay Sanitary Company

1. Powerpoint presentation – *Submitted by Garth Schultz, Environmental Analyst.*

2. Revised language for Section 23Q of the fifth amended franchise agreement *Submitted*

by Sky Woodruff, City Attorney.

3. Comments regarding Green Stream – *Submitted by Tom Panas.*

Item No. 7(C) Amendment of El Cerrito Municipal Code Chapter 8.12 – Collection and Disposal of Waste Stream

4. Comments regarding book resellers and metal recyclers at the Recycling Center – *Submitted by Paul Deavereaux.*

Item No. 7(E) Grant to Writer Coach Connection

5. Administrative Policy I(A)(5)

10. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:30 p.m.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of November 20, 2012 as approved by the El Cerrito City Council.

Cheryl Morse, City Clerk

Gregory B. Lyman, Mayor