



AGENDA

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, November 19, 2013 – 6:00 p.m.

Hillside Conference Room

CITY COUNCIL MEETING

Tuesday, November 19, 2013 – 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 Rebecca Benassini
Councilmember Mark Friedman

6:00 p.m.

ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

ANNOUNCEMENT OF CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – *Pursuant to Government*

Code Section 54957

Title: City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS – *Pursuant to Government Code*

Section 54957.6

Agency Designated Representatives: City Council Subcommittee on City Manager Performance

Designated Employee: City Manager

ORAL COMMUNICATIONS FROM THE PUBLIC – *Comments limited to three minutes per person and to the item on this special meeting agenda only.*

RECESS INTO CLOSED SESSION

ADJOURN SPECIAL CITY COUNCIL – CLOSED SESSION

ROLL CALL

7:00 p.m.

CONVENE CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF

MOMENT OF SILENCE – Councilmember Rebecca Benassini.

2. COUNCIL / STAFF COMMUNICATIONS (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. PRESENTATIONS

A. KIDS for the BAY – *Presentation by Mandi Billinge, Executive Director/Founder, regarding the organization's Watershed Action Program and their work in El Cerrito schools which is co-sponsored by the City's Clean Water Program.*

B. Prosecution and Prevention of Crime in Contra Costa County – *Presentation by Mark Peterson, Contra Costa County District Attorney.*

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

A. Minutes for Approval

Approve the November 5, 2013 Special City Council Closed Session and Regular City Council meeting minutes.

B. Stormwater Utility Area Agreement with Contra Costa Flood Control and Water Conservation District to Administer an Agreement with West County Wastewater District for El Cerrito's Inspection and Illicit Discharge Control Activities

Adopt a resolution approving the following actions: 1) Authorize the Contra Costa Flood Control and Water Conservation District to execute the Amended and Restated Contra Costa Clean Water Program Inspection Activities Agreement by and among the District, Central Contra Costa Sanitary District, Delta Diablo Sanitation District and West County Wastewater District; and 2) Authorize the City Manager to execute the Third Amendment to the Stormwater Utility Area Agreement (SUAA) and Clean Water Program Inspection Program Indemnification Agreement. Exempt from CEQA.

C. Contract with West Coast Arborists for City Tree Pruning and Removal

Adopt a resolution authorizing the City Manager to amend the current City Tree Pruning and Removal Contract with West Coast Arborists (WCA) to increase the contract amount from \$25,000 to \$100,000 and time of completion from December 31, 2013 through June 30, 2014. Exempt from CEQA.

6. PUBLIC HEARINGS

A. Proposed Integrated Waste Management Fees and East Bay Sanitary Garbage & Green Waste Collection and Procession Rates – Effective January 1, 2014

1) Conduct a public hearing and upon conclusion adopt a resolution setting Integrated Waste Management (IWM) Fees, effective January 1, 2014; and

2) Conduct a public hearing and upon conclusion adopt a resolution setting maximum allowable East Bay Sanitary (EBS) garbage and green waste collection, disposal and processing rates, and stipulating a 15% EBS Franchise Fee, effective January 1, 2014.

B. Building Code and Fire Code Ordinance Update

Conduct a public hearing and upon conclusion adopt Ordinance No. 2013–05, an ordinance of the City of El Cerrito amending Title 16 of the El Cerrito Municipal Code to adopt, with modifications to address unique local conditions, the 2013 Edition of the California Green Building Code, the 2013 Edition of the California Building Code (Based on the 2012 International Building Code), Volumes 1 and 2, including several appendices thereto, the 2013 California Fire Code (based on the 2012 International Fire Code), including all appendices thereto, the 2013 Edition of the California Administrative Code, the 2013 Edition of the California Residential Code (based on the 2012 International Residential Code) with some appendices, the 2013 California Plumbing Code (based on the 2012 Uniform Plumbing Code), the 2013 California Mechanical Code (based on the 2012 Uniform Mechanical Code), and the 2013 California Electrical Code (based on the 2011 National Electrical Code). Exempt from CEQA. *First Reading October 15, 2013. Approved by unanimous vote.*

C. Amend El Cerrito Municipal Code Chapter 11.64 - Bicycles

Conduct a public hearing upon conclusion, introduce by title, waive any further reading and approve an ordinance amending specified sections within El Cerrito Municipal Code Chapter 11.64 – Bicycles. Exempt from CEQA

7. POLICY MATTERS

A. City Manager Employment Agreement Amendment

Adopt a resolution approving the First Amendment to the City Manager Employment Agreement between the City of El Cerrito and Scott Hanin.

B. Board, Commission and Committee Ordinance, Policy and Rules Revisions

Based on direction received from the City Council on October 15, 2013, the City Council Subcommittee on Commission Rules Revisions seeks additional discussion, direction and action this evening on regulations regarding quorums and the minimum number of members required to take action on the City's Boards, Commissions and Committees and proposes adoption of the following legislation:

- 1) Introduce by title, waive any further reading, and approve an ordinance amending Section 2.04.220 of the El Cerrito Municipal Code – Boards, Commissions and Committees and repealing Section 2.04.290 Economic Development Board;
- 2) Adopt a resolution establishing an Economic Development Committee;
- 3) Adopt a resolution revising the policy regarding Council and staff relations with City Commissions, Boards, Committees and Task Forces by modifying the role and reporting frequency of the Council Liaison; and
- 4) Adopt a resolution establishing a policy regarding appropriate positions to receive ethics training pursuant to Government Code Section 53235. The City Council designates each member of the Arts and Culture Commission, Design Review Board, Financial Advisory Board, Parks and Recreation Commission and the Planning Commission to complete AB 1234 Ethics Training.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman Assignments: Commission/Committee Rules Subcommittee, Contra Costa County Mayors' Conference, Crime Prevention Committee, East Bay Green Corridor Principal, Human Relations Commission, Municipal Services Corporation Chair, Pension Trust Board Chair, Public Financing Authority Chair, San Pablo Avenue Area Specific Plan Committee, Successor Agency to the Former Redevelopment Agency Chair, Tree

Committee, West Contra Costa Transportation Advisory Committee Alternate, West County Mayors' & Supervisors' Association and West County Integrated Waste Management Authority Delegate.

B. Mayor Pro Tem Abelson Assignments: Committee on Aging, Contra Costa County Mayors' Conference Alternate, Contra Costa Transportation Authority Board Chair, League of California Cities East Bay Division Delegate (also attends as the Council's Delegate to the Annual League Conference), Environmental Quality Committee, Municipal Services Corporation Vice-Chair, Pension Trust Board Vice-Chair, Successor Agency to the Former Redevelopment Agency Vice-Chair, West Contra Costa Transportation Advisory Committee Delegate and West County Mayors' & Supervisors' Association Alternate.

C. Councilmember Benassini Assignments: Association of Bay Area Governments General Assembly Delegate, Financial Advisory Board, Planning Commission, San Pablo Avenue Area Specific Plan Committee and Tom Bates Regional Sports Field Joint Powers Authority Alternate.

D. Councilmember Bridges Assignments: Tom Bates Regional Sports Field Joint Powers Authority Delegate and Design Review Board, Park and Recreation Commission.

E. Councilmember Friedman Assignments: Arts and Culture Commission, Association of Bay Area Governments General Assembly Alternate, Economic Development Board, Commission/Committee Rules Subcommittee, League of California Cities East Bay Division Alternate and West County Integrated Waste Management Authority Alternate.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next City Council meeting is Tuesday, December 3, 2013 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito, California.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

2197492.1