



Public Works Department

Summary Minutes

SPECIAL MEETING OF THE CITIZEN STREET OVERSIGHT COMMITTEE

Monday, October 10, 2011, 7:00 p.m.

El Cerrito City Hall
Hillside Conference Room
10890 San Pablo Avenue

Roll Call at 7:00 p.m.

Present: Chair Al Miller, Vice Chair Liz Oszelcuk, and Committee Members Thomas Miller, and Lynne Kessler

Absent: none

Other Attendees: Staff Liaison Jerry Bradshaw
Finance Director Mary Dodge

1. Staff Liaison Report

Liaison Bradshaw reported that the new Committee candidate was not able to schedule the Council interview prior to this meeting, so she has not been appointed yet. She was also invited to attend as a member of the public, but could not attend. If appointed, Bradshaw would try to meet with her and brief her on the committee's past business.

Bradshaw gave a summary of several publications in which an El Cerrito Paving Program article appeared. These included the Cover of Street Talk (MTC newsletter), CP2 Center News, and the cover story in the Pavement Preservation Journal. The article in each of these publications was essentially the same article originally written by Bradshaw upon a request by MTC staff. El Cerrito's pavement success also was featured in MTC's Pothole Report where the pavement conditions of all public agencies in the Bay Area are reported. Although El Cerrito's most recent PCI is 85, the Pothole Report is based on a running 3-year average which, for El Cerrito, is still in the 60s range. But the report devoted a paragraph to El Cerrito's recent success.

Bradshaw reported that he had been contacted by staff members of Berkeley asking to learn about El Cerrito's success. Bradshaw gave an extensive presentation to senior staff and elected officials from the Town of Moraga.

Kessler handed Bradshaw a letter inquiring about the schedule for the paving of her street, Liberty Street, blocks 700 thru 1100. Bradshaw reported that upcoming paving work includes a resurfacing project along seven blocks of Liberty Street including overlay and inlay work. The bids are in, and will be presented to Council for award on October 17th.

2. Comments from the Public

None.

3. Approval of Minutes

No discussion

Action taken: Approve minutes as presented. M/S; Kessler/TMiller. Approved unanimously.

4. Review Fiscal Year 2010-11 Expenditures and Revenues

Revenues

Pages 4-1 and 4-2 show the preliminary revenues for the year of approximately \$2.1 million. Attention was directed to a particular entry on page 4-2 of \$83,000, which came from EBMUD for their share of repairing Balra Drive after installing a water line.

Chair Miller asked what revenues are from Measure A other than those labeled State Sales Tax. Finance Director Dodge responded that all the rest of the revenues are not Measure A.

Expenditures

Salaries shown on the expenditures listing are for two temporary staff members (former Avila Project Management employees) from January through June, 2011. This was due to Avila ending its primary role as project manager as of January (although the firm did do some miscellaneous tasks after that time).

Other miscellaneous expenses were presented. Specifically, discussion centered around four individual charges related to the decommissioning of the former temporary City Hall campus that were charged to Measure A. The campus was used strictly for Measure A workers for the past several years. The Committee did not question the ongoing monthly charges for this campus, but did question the decommissioning costs. The reasoning was that the campus was built for the City Hall project, and that project should be responsible for the decommissioning costs, albeit two years after the fact. Bradshaw and Dodge agreed to look into the issue and get back to the Committee.

Other expenses are grouped by project number.

Expenditures are greater than revenues thereby spending down the balance on the fund. The fund balance will likely be shown to be negative in the annual audit. This is due to a couple of items: A State Infrastructure Fund grant of \$350,000 was not available this fiscal year due to State's inability to sell bonds at this time. While that was known during the project, staff decided to add work scope on the Balra Drive reconstruction in order to take advantage of a unique funding situation: EBMUD had a major water line project concluding in the fall of 2009, and would have normally been required to make significant pavement repairs to approximately 30% of the street. That created an opportunity to have EBMUD contribute funding (over \$80,000) in lieu of making repairs as long as the City could perform the street reconstruction work before the winter rains arrived. Since staff had enough expenditure

authority from Council to take advantage of this opportunity, the decision was made to move ahead on the Balra Drive reconstruction.

The concept of paying City staff salaries from Measure A was discussed – particularly street maintenance staff. This has not been done in the past. Bradshaw stated that future year’s projects may be modest enough for City staff to manage the projects (instead of consultants). In that event, those direct City staff salaries may be charged to Measure A – but only if they are directly involved with the capital maintenance costs. City maintenance staff does not typically get involved with the capital maintenance work, so their salaries would not be charged to the fund. Chair Miller requested that the Committee be provided with the ordinance language describing which City staff salaries would be eligible and which would not be eligible for Measure A.

Action taken: M/S; TMiller/ Kessler; that expenses to decommission the temporary City Hall Campus should not be charged to Measure A funds. Approved unanimously.

Director Dodge left the meeting.

5. Maintenance of Gutters and Curbs Using Measure A Funds

Committee Member TMiller presented the following written motion: That the liaison be requested to prominently include the following statement into the next Street Newsletter issued from his office: “Our use of the phrase ‘pavement condition’ in the previous newsletter has caused some confusion as to the definition and parameters of Street Maintenance. To clarify this matter ‘Street Maintenance’ includes Curbs, Gutters, Storm drains, and any other elements impinging on Street Quality as well as the predominant element of ‘pavement’”. The Liaison is further requested to indicate acceptance or denial of this request forthwith or at the next Regular Meeting of this Committee.” Motion is seconded by Chair Miller

Discussion on the motion:

Bradshaw states that curb, gutter and sidewalk work is included in Measure A. The language in the ordinance is broad enough to allow for these items, although the primary communication with the voters prior to the election was on pavement condition. Therefore, staff views pavement condition to be the first priority. Nonetheless, much curb and gutter work was done as the work progressed. As the pavement condition is improved in the future, more curb and gutter work may be considered.

Chair Miller asked whether there is a separate revenue stream for storm drain work. Bradshaw confirmed that there has been a parcel tax for that since 1992.

TMiller stated his view that voters wished to have their streets in good condition. The electorate looks at streets overall – not just pavement. His personal experience was a curb that literally fell into the street and cost him a tire once. In addition to curbs, weeds can be seen growing up in the street. The street system also includes signage. Electorate expected to get all these things if they voted for measure A. He is thrilled with how things are turning out on the

streets. His only concern was with the newsletters that focus only on pavement condition – not the whole street system.

Bradshaw agrees with TMiller’s statements. The only problem he foresees is that there aren’t any newsletters dedicated to streets planned in the future similar to the one he held up as an example. However, there may be many other opportunities to publish a broader viewpoint of the Measure A.

Action taken: Approved unanimously.

6. Authority to Change Meeting Times

29:50 Reference pages 6-1 (email from TMiller) and 6-2 (Standing Rules). TMiller presented his concerns about how the September 27th Committee meeting was cancelled and that the Standing Rules had not been complied with – very possibly because they might be unworkable or not appropriate. It should be recognized that the liaison works for the committee – the Committee does not work for the liaison. The opposite impression was made when the notice of the meeting cancellation was received. The standing rules should be done away with, or they should be revised. TMiller stated that he would like the Committee to come back at the November meeting prepared to discuss the issue.

TMiller reviewed the standing rules and found that the committee could not meet unless a liaison is present. He felt this is administratively incorrect; if there was a liaison that wished to silence the committee, all he would have to do is not show up. To be on firm ground, the committee should not be dependent on any personalities.

Chair Miller – what is direction given to staff liaisons for when a staff liaison cannot attend a scheduled meeting? What options are there other than to cancel the meeting? Answer: No direction is given. What would Bradshaw do - ask for postponement or send someone else? Answer: If it was on short notice, then he’d attempt to brief another staff member to conduct the meeting – as difficult as that might be. Bradshaw would prefer that there was a back-up system – would not want to have the control suggested by the standing rules. However, the Department is lean on staff – there is not really any other staff conversant with Committee business. Some other committees are flexible and must schedule special meetings, e.g. the FAB, which must convene to consider urgent financial matters. However that is issue driven; not staff driven. Other committees meet on very fixed schedules (Planning Commission, DRB), and there is more depth on staff for those bodies.

Kessler asked what the purpose would be to meet without the liaison. The detailed information would have nobody familiar with it.

TMiller stated that this committee is an oversight committee – a polite way to not say “watch dog”. This committee is in an adversarial relationship with the Public Works Department – must make sure they do what they’re supposed to do. There might be occasions when the committee has great discord, and they might wish to report to the City Council. Committee is top dog; liaison must not cloud our function. Committee works for voters, not the liaison.

Although the liaison does not work for the Committee, he does work for the City Manager and is simply assigned to the Committee. Bradshaw does not work for Committee. He works for CM, and is assigned to committee.

Chair Miller stated that as long as any liaison is willing and cooperative, things are fine. But if they wanted to sabotage, slow down, or make it difficult for us – they could do that, too. It's good to review standing rules so we can count on the process to change a meeting or whatever is in order.

TMiller seemed to remember that the Ordinance required that the Committee should be governed by by-laws (standing rules). The Committee may not have the option of doing away with the standing rules. Chair Miller did not remember that.

TMiller hopes, by making the following motion, the Committee could discuss a revision to the Standing Rules at the November meeting, and take action at the January meeting.

Action taken: M/S TMiller/Kessler; That the liaison be requested to comply with the legally required public notice of the Committee's next regular meeting. Consideration of crafting a Revision of the Standing Rules to be listed on that agenda. Approved unanimously.

TMiller handed out a draft of suggested revisions. Each committee member is asked to prepare comments or revisions ahead of time and bring them to the next meeting.

A second motion had been presented in writing, but it was not forwarded nor acted upon. Both written motions are attached for reference.

7. Future Agenda Items and Meeting Schedule

In agenda item #6, it was determined that the November meeting will be held. On that agenda will be discussion of the Standing Rules.

8. Adjourned at approximately 8:58 p.m.