



## Summary Minutes

### SPECIAL MEETING OF THE CITIZENS STREET OVERSIGHT COMMITTEE

**Tuesday, September 30, 2014, 7:00 p.m.**

**El Cerrito City Hall**  
Hillside Conference Room  
10890 San Pablo Avenue

**Call to Order** at 7:00 p.m.

#### **1. Roll Call**

**Present:** Chair Thomas Miller, Vice Chair Lynne Kessler, and Committee Members Al Miller, and Matthew Kelly

**Absent:** Committee Member Elizabeth Oszelcuk

**Other Attendees:** Yvetteh Ortiz, Staff Liaison, Public Works Director/City Engineer  
Nicholas Arzio, Public Speaker

Chair T. Miller asked that the Agenda Item 5c "Presentation on Measure R, the El Cerrito Preservation of Citywide Services Funding Measure, on the November 4, 2014 ballot" be covered under Agenda Item 2 "Comments from the Public (on non-agenda items)" because the subject matter is not part of the business of the Committee. Committee Member A. Miller recommended Agenda Item 5c instead be removed from the Agenda because information on Measure R is available on the City's website and is being distributed in other ways by the City.

**Action taken:** Moved and seconded (A. Miller/T. Miller) to removed Agenda Item 5c from the Agenda.

**AYES:** Chair T. Miller, Vice Chair Kessler, and Committee Member A. Miller

**NOES:** Committee Member Kelly

**ABSTAIN:** None

**ABSENT:** Committee Member Oszelcuk

#### **2. Comments from the Public (on non-agenda items)**

None.

### 3. Approval of Minutes

Committee Member A. Miller indicated that on Page 2 of 8, Paragraph 4, Line 4, the sentence should be corrected to read “on projects not approved by City Council.”

Committee Member A. Miller indicated that on Page 4 of 8, last paragraph under Item 3 – Approval of Minutes, “proceed” should be replaced with “precede.”

Committee Member A. Miller indicated that on first page, under Agenda Item 1 “Roll Call,” that members of the public who spoke at the meeting should be listed.

Chair Miller indicated that on Page 6 of 8, “Public Speakers” paragraph, second sentence, “suppose” should be replaced with “supposed.”

**Action taken:** Moved and seconded (Kessler/Kelly) to approve minutes as amended.

AYES: Chair T. Miller, Vice Chair Kessler, and Committee Members A. Miller and Kelly

NOES: None

ABSTAIN: None

ABSENT: Committee Member Ozelcuk

### 4. Review of Fiscal Year 2013 – 2014 Revenues & Expenditures

Staff Liaison Ortiz, for ease of reference, distributed Fiscal Year (FY) 2013-14 materials that had been distributed at previous meetings including excerpts from the FY 2013-14 Budget Book showing the Public Works Department Operating budget and the Capital Improvement Project (CIP) budget, and other documents for individual projects (attached).

Chair T. Miller asked if Measure A funds were being used for the personnel expenses listed in the Agenda attachment. Staff Liaison Ortiz confirmed that these personnel expenses are for City staff who respond to, investigate, and maintain various street items, and that these expenses were approved by City Council as shown on the hand-out labeled as Page 4-25, Attachment E.

Committee Member A. Miller indicated that there have been two phases to the Measure A program with the first phase being when many streets were being repaved and where most of the work was contracted out - the City used consultants and contractors, and City staff expenses related to project management were allowed but the Public Works Director’s expenses for administration of the program were not. He indicated that the second phase is to maintain streets, and therefore includes City public works employees that are working on the streets, and that their salaries are coverable by Measure A. He indicated that the City is using a combination of contractors and City employees at this phase and it looks like a logical distribution between the two.

Vice Chair Kessler indicated that these costs do not appear to be administrative and that it was an administrative cost that the Committee objected to in the past.

Committee Member Kelly inquired as to why there would be a problem with paying City employees when it is likely more cost effective than paying consultants, which is an acceptable expense.

Staff Liaison Ortiz presented the preliminary list of revenues and expenditures as listed in the attachment for the Agenda Item. She indicated that the numbers are unaudited and that she would highlight any difference with the final audited numbers at the next meeting. She indicated that revenues consist of the Measure A sales tax and fees paid for street restoration when encroachment permit work must be done in streets that are under an excavation moratorium. The latter revenues are much lower than in past years because the excavation moratorium on many streets has expired. Staff Liaison Ortiz indicated that expenditures are for auditor costs, street work by City staff, and capital projects including the Annual Street Improvement Program and other projects. The Annual Street Improvement Program includes miscellaneous repairs and paving, and an operating transfer approved by Council for a previous expenditure.

Committee Member A. Miller requested an explanation regarding the various personnel line items. Staff Liaison Ortiz explained that when an employee's time is charged it is broken out into these various categories including overtime pay, special pay, medical, insurance, workers compensation etc. Committee Member A. Miller asked about the difference between Overtime (OT) Pay and Straight OT Pay. Staff Liaison Ortiz indicated she would report back at next meeting.

Committee Member A. Miller inquired about the operating transfer for the Arlington Blvd. at Brewster Dr. Project. Staff Liaison Ortiz indicated that this was funding that transferred upfront before expenses were incurred as opposed to the transfer for prior expenditures under the Annual Street Improvement Program.

Staff Liaison Ortiz indicated that individual projects include both staff and consultant expenses. The largest project was the 2013-14 Street Improvement Project (C3072), which was partially funded by state grant funds.

Committee Member A. Miller asked whether the City was in position to charge the School District for pavement impacts of their construction projects. Staff Liaison Ortiz indicated that City has and does charge the City's Haul Route Impact Fees to the District per the City's Master Fee Schedule and City staff is also discussing the same with BART.

Staff Liaison Ortiz indicated that the next large construction project is that 2014 Pavement Rehabilitation Project (C3074), which is partially funded by a federal grant and for which design was developed during FY 2013-14.

## **5. Staff Liaison Reports**

### *a. Review Expenditure Plan approved by City Council in June 2014*

Staff Liaison Ortiz presented the Measure A Street Improvements Expenditure Plan approved by the City Council in June 2014 as an advance notice of FY 2014-15 expenditures to be reviewed by the Committee. She reviewed excerpts of the Adopted Biennial Budget for Fiscal Years 2014-15 and 2015-16 as provided in the attachment for the Agenda Item. She indicated that there are estimated revenues of \$2 million including grants, and expenditures of \$1.9 million including personnel and capital. Committee Member Kelly inquired as to why sales tax revenues are decreasing in FY 2014-15. Staff Liaison Ortiz directed him to the first bullet item on Page 54 of the Budget Book which indicates

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that sales tax revenues have been subject to adjustment by the Board of Equalization to address Home Depot related corrections.

Committee Member A. Miller inquired regarding the "Transfer out 301" line item. Staff Liaison Ortiz explained that this reflects City Council's approval of a transfer from the Measure A Fund 211 to the Capital Fund 301. There are none for FY 2014-15 although previous years included \$50K for Arlington/Brewster and \$34K for previous expenses.

Vice Chair Kessler asked about the second bullet item on Page 54 of the Budget Book. Staff Liaison Ortiz indicated that this reflects City staff responding to street requests as previously discussed.

Committee Member A. Miller inquired regarding the last bullet item on Page 54 of the Budget Book and whether a different percentage increase in personnel costs had been assumed in prior years. Staff Liaison Ortiz indicated that this fund forecasting table is new and aims to list primary assumptions.

Committee Member Kelly inquired and Staff Liaison Ortiz confirmed that five percent is a placeholder increase across all City funds.

Chair T. Miller indicated that the Agenda attachments include information that does not pertain to Measure A and so it is too much information to provide to the Committee.

Committee Member A. Miller indicated that these are the source documents that demonstrate City Council actions. Staff Liaison Ortiz indicated in the future she will highlight pertinent Measure A items in the source documents, and for the next meeting would work on a format that would better summarize the source documents for the Committee's ease of reference.

*b. Review work plan for 2014-15*

Staff Liaison Ortiz distributed maps (attached) illustrating locations for capital project in the 2014-15 work plan. She discussed the locations for the 2014 Pavement Rehabilitation Project (C3074) and 2014 Patch Paving under the Annual Street Improvement Program. Committee Member A. Miller inquired whether the 2014 Pavement Rehabilitation Project included the section of Colusa just south of Eureka where a natural spring has deteriorated the condition of the pavement. Staff Liaison Ortiz confirmed that this location was included and that a subdrain to redirect spring water had just recently been installed as well. As part of the Annual Street Improvement Program, City staff completes miscellaneous repairs such as the patch paving in locations that are showing localized pavement failure.

Vice Chair Kessler inquired as to the percentage of streets that still need to be repaved after the 2014 Pavement Rehabilitation Project is completed. Staff Liaison Ortiz did not have the exact percentage but confirmed that most of streets had been repaved except for some streets that needed more substantial repair work like Manila where street trees had displaced sidewalks, curbs and gutters. Staff Liaison Ortiz indicated she would provide a percentage at the next meeting.

Chair T. Miller indicated that in earlier years maps that were provided to the Committee were in different colors to show timeframe, and he would prefer to see those maps.

Committee Member A. Miller inquired when the patch paving locations would be completed so as to coordinate with Stege work. Staff Liaison Ortiz indicated the City will develop maps for other streets to be paving in upcoming years and will coordinate with Stege.

Committee Member Kelly asked about the patch paving location near San Pablo and Hill. Staff Liaison Ortiz confirmed that the work was on Hill and that the City was responsible and not Caltrans.

Staff Liaison Ortiz indicated that City staff was working on evaluating requests to determine improvement measures to be installed as part of the Traffic Safety & Management Program.

Public Speaker: Nic Arzio, El Cerrito, inquired as to what type of street tree species caused the damage along Manila Avenue. Staff Liaison Ortiz indicated that she could not name the species but that the species along Manila Avenue is known to have caused problems throughout the City. The existing trees would be replaced with a tree species that is appropriate for the street conditions.

*c. Presentation on Measure R, the El Cerrito Preservation of Citywide Services Funding Measure, on the November 4, 2014 ballot*

Item removed from Agenda as described under Item 1

## **6. Committee Member Reports**

*a. Review Staff/Committee Relations*

Chair T. Miller indicated that he asked for this item to be put on the Agenda because he was prevented from communicating with all members of the Committee by the Brown Act so he chose to put his comments in a form of a letter (attached) for the information of the Committee. He suggested that the Committee not read the letter at that time, but rather take it home and think about it.

*b. Review Statement to City Council on April 22, 2014*

Chair T. Miller stated that Committee Member A. Miller and Vice Chair Kessler were present at the April 22, 2014 meeting when he presented the Annual Report to the City Council and Citizens of El Cerrito. Committee Member Kelly indicated that he was there as well. Chair T. Miller indicated that he raised issues to City Council but that he had gotten no response. Chair T. Miller indicated that he thought it was extremely important as a matter of record that his concerns be documented so he distributed a written copy of his statement to City Council (attached).

## **7. Review Committee Standing Rules**

Chair T. Miller asked whether any of the committee members had items to discuss regarding the Committee Standing Rules. Committee Member Kelly asked a question regarding Rule 11, the sentence beginning “In the event that any member has a question as to the legality of a procedure, that member shall pose that question to the Chair.” He wanted to know why members had to go through the Chair. T. Miller indicated that this was intended to organize the questions that would be asked of the Staff Liaison.

Chair T. Miller distributed a written copy of a proposed new Standing Rule (attached). The rule is regarding transmittal of the proposed agenda to the Chair not less than ten calendar days prior to the schedule date of the subject meeting so that the Chair has sufficient time to revise if necessary.

Committee members discussed the need for the new rule. Committee Members A. Miller and Kelly indicated that they would like to know what staff-recommended items a Chair removed from a proposed agenda. Committee Member A. Miller indicated he would consider adding a rule to this affect in the future.

Committee Member Kelly suggested an amendment to the rule suggested by Chair T. Miller to indicate that any changes made by the Chair be transmitted to staff not less than seven calendar days before the meeting.

**Action taken:** Moved and seconded (Kelly/A. Miller) to amend Chair T. Miller’s suggested rule as noted above.

AYES: Vice Chair Kessler, and Committee Members A. Miller and Kelly

NOES: Chair T. Miller

ABSTAIN: None

ABSENT: Committee Member Ozselcuk

**Action taken:** Moved and seconded (Kelly/A. Miller) to add amended rule to Committee Standing Rules.

AYES: Chair T. Miller, Vice Chair Kessler, and Committee Members A. Miller and Kelly

NOES: None

ABSTAIN: None

ABSENT: Committee Member Ozselcuk

## **8. Future Agenda Items and Meeting Schedule**

Chair T. Miller stated that the Committee has regular meetings specified in the Committee Standing Rules. He emphasized that the correct procedure for any departure from Standing Rules of the Committee, such as changes in a meeting date, should be presented to the Chair and the Chair should provide a reasonable response to it.

Committee members discussed the need to hold the regular meeting in November and did not identify any agenda items.

Next meeting is pending completion of the City audit reports and should include the regular meeting items.

**Action taken:** Moved and seconded (T. Miller/Kessler) to cancel the November meeting of the Committee.

**AYES:** Chair T. Miller, Vice Chair Kessler, and Committee Member Kelly

**NOES:** None

**ABSTAIN:** Committee Members A. Miller

**ABSENT:** Committee Member Ozselcuk

## **9. Adjournment**

Adjourned at approximately 8:38 pm.

**Action taken:** Moved and seconded (T. Miller/Kelly) to adjourn.

**AYES:** Chair T. Miller, Vice Chair Kessler, Committee Members A. Miller and Kelly

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Committee Member Ozselcuk