

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, November 17, 2015 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
Councilmember Gabriel Quinto

ROLL CALL

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Friedman convened the regular City Council meeting at 7:00 p.m.

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

2. **COUNCIL / STAFF COMMUNICATIONS** – No comments.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, Park Plaza Neighborhood Association, said he still has concerns about El Cerrito Police driving on his street. Mr. Hindler expressed appreciation for Chief Moir's email to him on the subject and suggested that the City Attorney and staff research Albany's ordinance regarding police moving out of zone. Mr. Hindler invited all to attend the Contra Costa Theatre's new show – The Secret Garden.

Al Miller, El Cerrito, reported on the Police Department's Community Clean-up day which took place on November 14. It was a very successful event attended by 8-10 police officers and 20-25 people, including youngsters, representatives from the Human Relations Commission, Crime Prevention Committee, and the El Cerrito branch of the NAACP.

Tom Panas, El Cerrito, informed the City Council that the Fred T. Korematsu Middle School campus will open to students on March 28, 2016. A special dedication ceremony at the school is being planned for January 30, 2016, which is also Fred Korematsu Day. Mr. Korematsu's daughter, Karen will be present. Mr. Panas also reported that he attended the Senior Resource Fair at the Senior Center. Mr. Panas thanked staff and said the event was a great success.

Dave Weinstein, Trail Trekkers, stated that the Music for Madera Open Space fundraising festival raised \$3,264 for maintenance of the property. Although the festival was not well

attended it yielded a significant contribution. Mr. Weinstein said he was informed that it costs the city approximately \$4,000/year to cut the grass in the open space area and make other improvements so the donation really helps. The Trail Trekkers probably won't do this event again but is trying to figure out the best way to raise money to cut the grass and maintain the property. It may be folded into the Hillside Festival.

4. PRESENTATION

Fiscal Year 2014-15 and 2015-16 Budget Update

Receive an update on year-end results for Fiscal Year 2014-15 that ended on June 30, 2015 and an update on revenue and expenditure trends for the first three months of the current fiscal year 2015-16 through September 30, 2015.

Presenter: Lisa Malek-Zadeh, Finance Director.

Speakers: Cordell Hindler, Richmond, asked for clarification regarding personnel costs.

Kevin O'Neil, El Cerrito business owner, Well Grounded Tea & Coffee Bar, asked whether data related to sales tax was accurate and also inquired about the decline in business license tax referenced in the budget update.

Action: Received presentation.

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

Moved, seconded (Lyman/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5A, 5C, 5E and 5F in one motion as indicated below. Consent Calendar Item Nos. 5B and 5D were removed from the Consent Calendar by Mayor Friedman at the request of Mayor Pro Tem Lyman.

A. Minutes for Approval

Approve the November 3, 2015 Special Concurrent City Council/Redevelopment Agency Successor Agency meeting – Closed Session and Regular City Council meeting minutes.

Action: Approved minutes.

B. Ordinance Establishing a Local Minimum Wage

First reading approved by unanimous vote on November 3, 2015.

Adopt Ordinance No. 2015-09 amending the El Cerrito Municipal Code (ECMC) Title 6 ("Business Permits and Regulations") by adding a new Chapter 6.95 ("City Minimum Wage Standards").

Mayor Pro Tem Lyman stated that he asked the item to be removed from the Consent Calendar for the purpose of considering removal of one step increase and reducing the number of increases between now and 2017.

Speakers: Cordell Hindler, Richmond, said he is happy to see an increase in the minimum wage and encouraged the City Council to adopt the ordinance.

Jessica LaMaack/Lynam, California Restaurant Association, stated that Association members are very anxious about the increase, particularly being hit two times in one year. Ms. Lynam urged consistency, proposed an alternative rate increase timeline and stated that there are many facets involved in running a business in addition to salaries such as forecasting, business planning, bank loans, payroll tax, workers compensation taxes and other details. A \$1.50 increase represents a 17% increase in costs the first year, decreases by percentage in subsequent years and allows both employers and employees to better plan the future.

Gordon Messer, new El Cerrito business owner, Batteries and Bulbs, asked the City Council to think about filling the vacancies on San Pablo Avenue. A \$15/hour wage increase is counterintuitive to trying to get the vacancies filled. There are nine empty storefronts between the Theater and City Hall. Mr. Messer summarized the costs involved in building

out and permitting an existing space and starting a new business and said he is happy to share any other information regarding the cost of doing business in El Cerrito. Mr. Messer says he has four employees, excluding himself. The business is open 81 hours per week. Two employees are full-time and two are part-time. Payroll, including taxes is \$10,400 per month.

Lisa Martinengo, El Cerrito, home based business owner, stated that she was perturbed by the statements made at the November 3 meeting characterizing raising the minimum wage as a moral issue. No one wants to see poverty exist. No one wants to see people struggling to make ends meet. There is no provision in the ordinance as proposed, for small independent businesses who are trying their best to stay afloat. President Obama proclaimed November as National Entrepreneurship Month with November 17 as National Entrepreneur Day. Ms. Martinengo queried why there is a rush in pushing the ordinance through and asked the City Council to listen to the business neighbors who might have to close or hike up prices, slow down [consideration of the ordinance], consider the Berkeley Chamber of Commerce's proposals regarding including exceptions for very small businesses and establish a date to revisit the plan or compile data to see if the desired results have occurred.

Kevin O'Neal, El Cerrito, Well Grounded Tea and Coffee Bar, stated that his employees make on average, \$13.00/hour not including tips. Mr. O'Neal stated that the current budget shows a 6.5% decrease in business licenses. Mr. O'Neal said he is concerned about raising the minimum wage because it hits retail and restaurants especially hard and is also duplicating a state bureaucracy at the small town level. Additionally, the City will need to pay not only its own minimum wage workers and increase city payroll costs but will also add more work for staff that is already operating at a reduced level. Mr. O'Neal also questioned the calculations contained in the UC Berkeley, Institute for Research on Labor and Employment Center on Wage and Employment Dynamics (CWED) impact study and stated that he believes the savings in the report attributed to retention and efficiency are based on a false assumption. Mr. O'Neal asked the City Council to make an exception for small businesses.

Jen Komaromi, El Cerrito, co-owner of Well Grounded Tea & Coffee Bar and JennyK, stated that she is concerned about how the ordinance is moving forward and that many business owners are not aware of the minimum wage proposal. The California Restaurant Association, rather than a city mailing, alerted her husband, Kevin O'Neal, about the proposed ordinance. Mailings did not occur until late September. Ms. Komaromi stated that she feels the ordinance is being rushed through and she does not understand why. She is also concerned about lay-offs.

Nicholas Arzio, El Cerrito, Vice-President of the El Cerrito Democratic Club, stated that the Democratic Club had passed a resolution asking the City Council to pass a local minimum wage ordinance with dollar amounts and annual increases no lower than those set forth in the City of Richmond's ordinance and to enact it by January 2016. The City of Emeryville implemented its minimum wage within 30 days. Mr. Arzio said this shows that it is possible to implement a minimum wage quickly and that no one will argue that the large employers can afford to pay an increased minimum wage.

Marianna Moore, Director, Ensuring Opportunities to End Poverty Campaign in Contra Costa County, thanked the City Council and everyone for their work on the ordinance. Ms. Moore said she is proud of the conversation that occurred in the city and stated that she believes small businesses will be resilient. Ms. Moore encouraged the City Council to stay the course with the ordinance.

Action: Removed from the Consent Calendar at the request of Mayor Pro Tem Lyman. Moved, seconded (Quinto/Abelson) and carried unanimously to adopt Ordinance No. 2015-09. *Effective July 1, 2016.*

C. Human Rights Day and Month Proclamation

Approve a proclamation declaring December 10, 2015 as Human Rights Day and December as Human Rights Month in the City of El Cerrito, and encouraging all residents to study and

promote the ideas contained in the Universal Declaration of Human Rights to the end that freedom, justice, and equality will flourish and be made available to all.

Action: Approved proclamation.

D. Annual Review of Financial Policies

Adopt a resolution approving changes to the City's Comprehensive Financial Policy and Investment Policy and rescinding and replacing Resolution No. 2012-13.

Action: Removed from the Consent Calendar at the request of Mayor Pro Tem Lyman. Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2015-70 and rescind Resolution No. 2012-13.

E. Amendments to the City Classification Plan and Resolution No. 2014-22 for Management and Confidential Employees

Adopt a resolution amending the City's Classification Plan and Resolution No. 2014-22 as follows: 1) Establish the classification and salary for the position of Senior Human Resources Analyst; and 2) Modify the control points for management and confidential employees.

Action: Adopted Resolution No. 2015-71.

F. Quarterly Cash & Investment Report

Receive and file the City's Quarterly Investment Report for the period ending September 30, 2015.

Action: Received and filed.

6. PUBLIC HEARINGS

Proposed Integrated Waste Management Fees and East Bay Sanitary Garbage & Green Waste Collection and Processing Rates

Staff requests that 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, 2016; and 2) Upon closure of the public hearing, adopt a resolution reaffirming the calculation of and continuing in effect, the maximum allowable rates as identified in the attached resolution, for the collection of garbage and green waste, effective January 1, 2015.

Presenter: Maria Sanders, Environmental Services and Operations Division Manager.

Mayor Friedman opened the public hearing. One speaker.

Cordell Hindler, Richmond, encouraged the Council to support the resolutions.

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

Actions: Moved, seconded (Lyman/Quinto) and carried unanimously to adopt Resolution No. 2015-72 setting Integrated Waste Management (IWM) Fees, effective January 1, 2016.

Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2015-73 reaffirming the calculation of and continuing in effect, the maximum allowable rates as identified in the attached resolution, for the collection of garbage and green waste, effective January 1, 2015.

7. POLICY MATTERS – None

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports.

Councilmember Bridges stated that the Design Review Board recently conducted a hearing regarding window frames and panes for the Creekside development project.

Mayor Pro Tem Lyman reported that he participated in the West County Integrated Waste Management Authority Board's meeting last week in which the Board discussed setting post collection rates for other jurisdictions.

Councilmember Abelson reported on her attendance at the Self-Help Counties Coalition Conference – Focus on the Future. There is concern that state and federal funding for local transportation projects is not keeping pace with needs.

Mayor Friedman reported that he and Councilmember Quinto attended the Citizens for Eastshore Parks 30th Anniversary Celebration at the Berkeley Marina. Former El Cerrito Mayor, Norman La Force, was one of the honorees.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:38 p.m. in memory of those who have lost their lives to terrorist violence in Lebanon, Iraq and France in recent days.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4 Fiscal Year 2014-15 and 2015-16 Budget Update

1. Powerpoint presentation – *Submitted by Lisa Malek-Zadeh, Finance Director.*

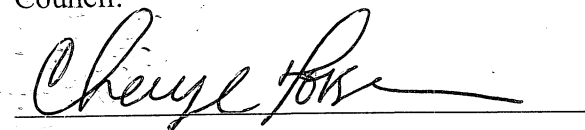
Item No. 6 Proposed Integrated Waste Management Fees and East Bay Sanitary Garbage & Green Waste Collection and Processing Rates

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

Other:

3. Comments regarding Korematsu Middle School dedication – *Submitted by Tom Panas, El Cerrito.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of November 17, 2015 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Mark Friedman, Mayor