

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, August 18, 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 reports.*
3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Tom Panas, El Cerrito, invited all to attend the Anza Trail dedication ceremony on August 25 to commemorate the Anza Expedition which brought the first European settlers to California. El Cerrito is the first city to install a marker and banners that highlight this historic trail and event. On April 1, 1776, the Anza Expedition passed through the area that is now known as El Cerrito. The banners will commemorate the Anza Expedition's visit in El Cerrito each year.

Mr. Panas also stated that he was initially opposed to the construction at Castro Park due to the unearthing of an old dump at the Castro School site. Mr. Panas praised the City's Development Services Manager, Ms. Kavanaugh-Lynch, for how she handled the situation and noted that it was a good example of cooperation between the City, School District and the El Cerrito Historical Society.

Cordell Hindler, Richmond, invited the City Council to the Richmond "Our Power Festival" on August 22. Mr. Hindler also stated that he is involved with the Richmond Youth Leadership Committee and concluded by noting that he is grateful that the El Cerrito Police Department have not been coming down his street.

Ben Choi, representing Marin Clean Energy (MCE), gave an update on MCE enrollment in El Cerrito which has been quite successful. Approximately 91% of El Cerrito customers have enrolled with MCE. There is less than a 10% opt-out rate. El Cerrito has the highest number of “deep green” enrollments. Additionally, El Cerrito is the first City Council with all members enrolled in “deep green.” MCE will continue to work with the Environmental Quality Committee (EQC) regarding enrollment of local businesses.

4. PRESENTATIONS

A. Proclamation Honoring Lieutenant Bonini and Sergeant Shawn Maples: 2015 Special Olympics Torch Run Final Leg Participants – *Presentation by Sylvia Moir, Police Chief.*

Approve a proclamation recognizing Sergeant Shawn Maples and Lieutenant Stephen Bonini as 2015 Special Olympics Torch Run Final Leg Participants for Special Olympics of Northern California. Sergeant Maples and Lieutenant Bonini are examples of the strength and selflessness of volunteerism in the highest ideals of service in policing, and serve as examples to members of the Police Department, the profession of law enforcement, and the El Cerrito community.

Presenter: Sylvia Moir, Chief of Police.

Action: Moved, seconded (Lyman/Bridges) and carried unanimously to approve the proclamation. Presented to Police Lieutenant Stephen Bonini and Sergeant Shawn Maples.

B. Proclamation Commemorating the 25th Anniversary of the Americans with Disabilities Act – *Presentation by Mallory Nestor-Brush, Manager of Accessible Services, Alameda-Contra Costa Transit District.*

At the request of Councilmember Abelson, approve a proclamation recognizing the significance of the efforts and advocacy of people with disabilities throughout the United States including the Alameda-Contra Costa Transit District, locally, who established an Accessibility Advisory Committee and has recommitted its efforts toward maintaining the District’s ADA compliance to secure access, inclusion and independence for people with disabilities. The City will continue to seek the guidance of the disability community in the continued development and provision of fully accessible services and celebrates and recognizes the progress that has been made by reaffirming the principles of equality and inclusion.

Speakers: Christian Peeples and Joe Wallace, AC Transit Board of Directors, and Mallory Nestor-Bush, Manager of Accessible Services, AC Transit.

Action: Moved, seconded (Abelson/Lyman) and carried unanimously to approve the proclamation.

C. Renaming of the Competition Pool at the El Cerrito Swim Center to the Emery G. Weed, III Lap Pool

At the request of El Cerrito residents and swim patrons Rudy Donofrio and former Mayor Norman La Force, consider adopting a resolution to rename the Competition Pool at the El Cerrito Swim Center, the Emery G. Weed, III Lap Pool in memory of Emery Weed, Senior Lifeguard and Swim Instructor who worked at the Swim Center for 25 years.

Presenters: Chris Jones, Recreation Director and Norman LaForce, Former Mayor of El Cerrito.

Speakers: Rudy Donofrio, co-applicant for renaming of the competition pool, spoke about Mr. Weed’s rules for being human and the applicability of these for all of life’s challenges. Mr. Donofrio also spoke of Mr. Weed’s ability to evoke a positive mental attitude in others, enhance self-esteem, his many contributions and the personalized coaching and mentoring Mr. Weed offered to everyone. Mr. Weed believed that one could do anything in life if one set his/her mind to it.

Rosie Weed, wife of Emery G. Weed, III, thanked the City Council, Mr. Donofrio and Mr. LaForce for the special recognition and stated that Mr. Weed knew that helping others overcome a fear of water would help transform lives.

Action: Moved, seconded (Bridges/Quinto) and carried unanimously to adopt Resolution No. 2015-55.

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

Moved, seconded (Lyman/Abelson) and carried unanimously to approve Consent Calendar Item Nos. 5A, 5C and 5E through 5J in one motion as indicated below. Consent Calendar Item No. 5B was removed from the Consent Calendar at the request of Mayor Friedman for the purpose of presenting the proclamation. Consent Calendar Item No. 5D was removed from the Consent Calendar at the request of Mayor Pro Tem Lyman.

A. Minutes for Approval

Approve the July 21, 2015 Special and Regular City Council meeting minutes.

Action: Approved minutes.

B. Proclamation in Support of Citizens for East Shore Parks 30 Years of Public Service

Approve a proclamation recognizing the exceptional service to the East Bay provided by Citizens for East Shore Parks and supporting its continuing work toward protecting the East Bay shoreline.

Action: Moved to Presentation by Mayor Friedman. Moved, seconded (Lyman/Quinto) and carried unanimously to approve the proclamation. Presented to Citizens for Eastshore Parks President and former Mayor of Albany Robert Cheasty, former El Cerrito Mayor and Director Norman LaForce and Director Roberta Wyn.

C. Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems Ordinance

Adopt Ordinance No. 2015-05 adding Section 16.030.065 to the El Cerrito Municipal Code relating to expedited permitting procedures for small residential rooftop solar energy systems. *First reading July 21, 2015. Vote: Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman. (Exempt from CEQA)*

Action: Adopted Ordinance No. 2015-05.

D. Floodplain Management Ordinance

Adopt Ordinance No. 2015-06 updating Floodplain Management Regulations and repealing El Cerrito Municipal Code Chapter 8.35 – Flood Hazard Areas, and replacing it by adding and adopting El Cerrito Municipal Code Chapter 8.35, Floodplain management. *First reading July 21, 2015. Vote: Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman. (Exempt from CEQA)*

Action: Removed from the Consent Calendar at the request of Mayor Pro Tem Lyman who suggested that staff consider focusing on the 150 Square feet rather than the \$1,500 value outlined in Section 8.35.030(2)(b) of the ordinance if possible. Mayor Pro Tem Lyman also commented on the map and queried whether the model used for the map accurately reflects development that has occurred since 1971 and asked staff to look into it and ensure accuracy in any maps going forward. Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Ordinance No. 2015-06.

E. Measure A Swim Center Ordinance

Adopt Ordinance No. 2015-07 setting tax rates beginning Fiscal Year 2015-16 for the special tax imposed pursuant to Chapter 4.56 of the El Cerrito Municipal Code. Rates will be set at the maximum authorized rate of \$58.46 per single family residential unit, \$45.00 per

multi-family residential unit, and \$410.00 per acre of non-residential property to address maintenance needs of the Swim Center facility and generate additional funds for future capital projects. *First reading July 21, 2015. Vote: Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Friedman; Noes – None; Absent – Mayor Pro Tem Lyman. (Exempt from CEQA).*

Action: Adopted Ordinance No. 2015–07.

F. Storm Drain System Maintenance Services Agreement

Adopt a resolution authorizing the City Manager to execute an agreement with PSC Industrial Outsourcing, LP in an amount not to exceed \$45,000 to provide storm drain maintenance services for Fiscal Year 2015-16.

Action: Adopted Resolution No. 2015–56.

G. 2015 Slurry Seal and Curb Ramp Program

Adopt a resolution taking the following actions: 1) Approve plans for the 2015 Slurry Seal and Curb Ramp Program, City Project No. C3027.16; 2) Accept the two submitted bids; 3) Authorize the City Manager to award a contract, contingent on successful negotiations with Golden Bay Construction, Inc. (the lowest responsible bidder), for a deductive change order after undergoing a value engineering process which is not inconsistent with the revised budget for the 2015 Slurry Seal and Curb Ramp Program, City Project No. C3027.16; 4) Amend the Fiscal Year 2015-16 Adopted Budget to appropriate an additional \$141,724 in funding including \$60,000 in the Measure A Street Improvement Fund, \$50,000 in the Measure J Return to Source Fund and \$31,724 in Capital Improvement Fund for the 2015 Slurry Seal and Curb Ramp Program, City Project No. C3027.16; and 5) Amend the Capital Improvement Program and Annual Program of Maintenance and Improvement pursuant to Measure A Street Improvement Program per the above items. *Exempt from CEQA.*

Action: Adopted Resolution No. 2015–57.

H. Agreement with the State Board of Equalization and Other Actions Regarding Implementation of the Local Pre-Paid Mobile Telephony Services Collection Act

Adopt resolutions: 1) Authorizing the City Manager to execute documents by the State Board of Equalization (BOE) to collect a charge on pre-paid wireless service, and authorizing the City Attorney to certify specific information to the BOE, as required by statute; and 2) Authorizing the examination of records related to the collection of the charge on prepaid mobile telephone services.

Action: Adopted Resolution Nos. 2015–58 and 2015–59.

I. Support for New Sustainable Transportation Funding

Adopt a resolution urging Governor Brown and the State Legislature to provide sufficient and stable funding for local and state transportation infrastructure to ensure the safe and efficient mobility of the travelling public and the economic vitality of California.

Action: Adopted Resolution No. 2015–60.

J. Quarterly Investment Report

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

Action: Received and filed.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

Study Session Regarding Establishing a Minimum Wage Ordinance

This Study Session is an opportunity for the City Council to hear from a panel of experts, and

to discuss and provide feedback regarding development of a local minimum wage ordinance. Should the Council wish to proceed with directing staff to prepare an ordinance for consideration, the Council is expected to provide specific direction regarding the elements it would like to see in a proposed local minimum wage ordinance for El Cerrito.

Presenters:

Mayor Friedman stated that the City had been researching minimum wage options for awhile and that it is exciting to be at the point the City is in now with the possible adoption of an ordinance raising the minimum wage and help alleviate poverty.

John Gioia, Supervisor, Contra Costa Board of Supervisors, recognized the leadership of the Mayor and City Council in addressing climate change and income equality. Supervisor Gioia explained that there is a regional effort to develop a common minimum wage throughout Contra Costa County and to link political support in the County with good public policy. Supervisor Gioia stated that there is a Self-Sufficiency Standard in Contra Costa County which is the amount of money needed for a family of four to avoid relying on public assistance. The amount is currently approximately \$72,000 for a family of four, however, two people earning minimum wage earn approximately half this amount or \$37,000 per year.

Marianna Moore, Director, Ensuring Opportunity Campaign to End Poverty in Contra Costa County. Ms. Moore said she was grateful to Supervisor Gioia for the statewide leadership he has shown. The Ensuring Opportunity Campaign is advocating a county wide uniform ordinance that is sound public policy and will be simultaneously adopted by all nineteen jurisdictions across the County. Although El Cerrito will be a vanguard of the movement, smaller cities will have a collective impact. The ordinance should be simple and workable without a lot of exceptions. The goal is a stepped wage increase to \$15 per hour by 2020 by all jurisdictions in the County.

Annette Bernhardt, Senior Researcher, UC Berkeley Institute for Research on Labor and Education (Institute) stated that the County campaign is similar to other proposals and is very much in line with what other cities have done and/or are planning to do. The Institute has prepared impact studies for a number of California cities that are looking at raising the minimum wage including San Francisco, Oakland, Los Angeles, Sacramento and San Diego. The Institute is also preparing a study for the Ensuring Opportunity Campaign proposal however it has not been completed yet. There are 24 cities in the United States that have minimum wage laws. The East Bay has bounced back from the recession. Unemployment rates are down to below recession levels. Economic indicators show that although local economies are back on track, income inequality has been rising. In Contra Costa County, between 2007-2013, median annual earnings adjusted for inflation fell by 12 percent. The rise in income inequality has risen faster than in San Francisco. Studies indicate that lots of workers will benefit from the minimum wage proposal. Up to 38% of the workforce is expected to receive a minimum wage increase which will have a substantial impact on the local economy and addressing poverty. The institute has found that a small majority of workers that will benefit from a minimum wage increase are teenagers. The majority are adults, most of whom have families and are communities of color or are immigrants. The two industries that are most impacted are restaurants and retail. It is difficult to assess impacts on El Cerrito however research completed at a broader level suggests that there are minimal to no negative impacts to employment associated with raising the minimum wage. When workers are paid more turnover is decreased and productivity increases. The Institute predicts modest price increases in the restaurant sector of 0.5-1% per year. Very small price increases are predicted in the retail sector. Dr. Bernhardt stated that it will be very hard to estimate impacts in El Cerrito versus another city because of data constraints. In Los Angeles, the Institute found that to the extent there is a reduction in employment growth from a higher minimum wage, the Institute expects that it will be more than offset by increased consumption by low wage workers and their families from the increased wages that they are earning. This stimulative effect is diffused throughout the region because of commuters and shows why it is important to develop a regional policy and economic approach and coordination. Dr. Bernhardt cautioned that a lot of her report is based on past minimum

wage research and on minimum wage increases that are typically smaller than many cities are considering. The impact studies that the Institute is doing are prospective and are making predictions about the future and noted that there is a certain level of uncertainty associated with this. Dr. Bernhardt suggested that Cities monitor the community, workers and businesses after passing a minimum wage law.

Jennifer Lin, Deputy Director, East Bay Alliance for a Sustainable Economy (EBASE), stated that the mission of EBASE is to create a just economy in the East Bay economy based on good jobs and healthy communities. EBASE has helped pass Living Wage policies in the East Bay and was part of the coalition that helped pass minimum wage ordinances in Oakland and Emeryville. El Cerrito would be joining a movement of cities in the East Bay. Ms. Lin described lessons learned in the cities of Oakland and Emeryville. Polls across the nation show support for raising the minimum wage. There is consensus among small businesses in raising the minimum wage and in creating innovative ways to pay workers more. Big corporations can afford to pay more. Ms. Lin also spoke about how raising the minimum wage can affect the lives of workers. In one instance, a worker at McDonalds was able to take her daughter out for ice cream whenever she asked for it and to fill her car with gasoline. Ms. Lin commended the City's leadership in taking a step forward in approving a minimum wage law and said her organization looks forward to working with a coalition of elected officials, workers, labor and community organizations to create a strong, effective policy that has at its core low wage workers.

Suzanne Iarla, Assistant to the City Manager, highlighted provisions of minimum wage laws passed by neighboring cities and also sought direction from the Council regarding development of a local minimum wage law.

Speakers: Cordell Hindler, Richmond, encouraged the City Council to adopt an ordinance.

Kevin O'Neal, El Cerrito, stated that he is a local coffee shop owner who employs local high school kids. He is opposed to a proposed minimum wage ordinance. Mr. O'Neal stated that he is terrified about the impacts a minimum wage law will have on his business and stated that automatic raises take away merit increases and will make hiring teenagers even more difficult among small businesses. Mr. O'Neal said El Cerrito is a small city with limited resources and doesn't need to be in the vanguard but should sit back and wait.

Kiev Smith, El Cerrito, spoke in support of increasing the minimum wage in El Cerrito, noted that rents are high in El Cerrito and that he has friends that cannot afford to eat in a restaurant in El Cerrito.

Carla Hansen, El Cerrito Democratic Club President, spoke in support of increasing a minimum wage law in El Cerrito and stated that the Democratic Club has been building support for increasing the minimum wage over the last few months and urges the City Council to take swift action in adopting an ordinance and give a boost to the local economy. There is support from Boards and Commissions, community groups and businesses.

Dan Jameyson, Service Employees International Union (SEIU) 1021, President Rank and File Chapter, stated that SEIU supports increasing the minimum wage throughout the Bay Area and suggested an immediate increase of \$12.25 per hour and \$15.00 by 2018 with the addition of sick days and no exemptions.

Reverend Brian Woodson, Sr., El Cerrito, Leader of Faith, spoke in support of an increase in the minimum wage and stated that people that work for a living must be able to live. Reverend Woodson thanked Supervisor Gioia for his work on increasing the minimum wage and encouraged the City Council to increase the minimum wage. Reverend Woodson encouraged \$15 per hour at 2018, or sooner, noted that paid sick days are important and stated that no business model should depend on the exploitation of anyone to survive.

Nicholas Arzio, El Cerrito and Vice President of the El Cerrito Democratic Club, stated that the Democratic Club passed a resolution urging the City Council to pass a local minimum wage rate in El Cerrito to be set no lower than the rate set by Richmond and that it should be

passed by January 1, 2016. Mr. Arzio stated that the Democratic Club voted to support a local ordinance not a countywide ordinance although members may support a countywide ordinance too.

Helen Dickey, El Cerrito, thanked the City Council for taking up the issue.

Action: Discussion held. The City Council, by mutual consensus provided staff with the following direction:

- 1) Research raising the minimum wage to \$15 per hour by 2018 vs. \$15 per hour by 2020;
- 2) The ordinance should include an annual increase in the minimum wage, such as the Consumer Price Index;
- 3) Achieve consistent policies for all employers;
- 4) Research the inclusion of paid sick leave but not at the risk of slowing down a vote on the minimum wage ordinance;
- 5) Include the following best practices for enforcement in the ordinance; a) Private right of action; b) Damages and other penalties; c) Retaliation protections; and d) Notice posting and record keeping provisions;
- 6) Research how enforcement activities will be implemented in cooperation with the County as well as state or regional options. Rely on external support as much as possible including the option to outsource this function. The City Council also noted the importance of extensive and ongoing education and that enforcement activities may be placed into the ordinance at a future date after the initial minimum wage ordinance is passed;
- 7) Wage Liens present a level of complexity that should not be included in the ordinance at this time but looked into at the time enforcement arrangements are implemented; and
- 8) Promote homegrown, El Cerrito pride and one-of-a-kind businesses.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS –
No reports.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:15 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(B) Proclamation Commemorating the 25th Anniversary of the Americans with Disabilities Act

1. Powerpoint presentation – *Submitted by Mallory Nestor-Bush, Manager of Accessible Services, AC Transit.*

Item No. 4(C) Renaming of the Competition Pool at the El Cerrito Swim Center to the Emery G. Weed, III Lap Pool

2. Program for Emery “Butch” Weed, III Memorial Event – *Submitted by Rudy Donofrio.*

Item No. 7 Study Session Regarding Establishing a Minimum Wage Ordinance

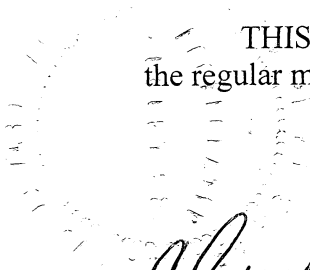
3. Revised powerpoint presentation – *Submitted by Suzanne Iarla, Assistant to the City Manager.*

Other:

4. City of Richmond Youth Leadership Committee advertisement – *Submitted by Cordell Hindler, Richmond.*
5. Richmond “Our Power Festival” flyer – *Submitted by Cordell Hindler, Richmond.*

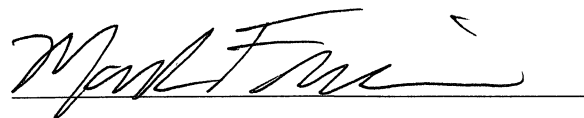
6. Comments regarding the Anza Expedition Historic Trail marker dedication and Castro Park – *Submitted by Tom Panas, El Cerrito.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the regular meeting of August 18, 2015 as approved by the El Cerrito City Council.





Cheryl Morse, City Clerk



Mark Friedman, Mayor