

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, February 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

ROLL CALL

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:02 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Scott Hanin, City Manager, stated that he was proud to announce the City's receipt of the Government Finance Officer Association (GFOA) award for distinguished budget presentation for the third year in a row. City Manager Hanin also introduced the City's new Finance Director, Lisa Malek-Zadeh, who previously worked for the City of Berkeley.

Mayor Lyman reported that the City sent a letter to First Selectman Patricia Llodra of New Town, Connecticut to express sympathy and condolences.

Mayor Lyman also reported that the City Council met on December 18, 2012 in closed session to consider a proposed judgment in City of El Cerrito v. Robert R. Campbell, et al., Sacramento Superior Court, Case No. 34-2012-80001200 to resolve existing litigation with the State Department of Finance and the Contra Costa County Auditor/Controller. The City had filed this litigation to challenge a demand made by the Department of Finance and the Auditor/Controller that the City's former redevelopment agency remit \$1.76 million as part of the process of

dissolving the redevelopment agency statewide. This was also referred to as the "True-Up Payment." The City believed the true up payment had not been properly calculated. The City also challenged the constitutionality of the authority of the Department of Finance and the Auditor/Controller to withhold sales, use and property tax from the City to impose fines for refusing to remit the funds that were demanded. Under the terms of the stipulated judgment, the city is not required to make the true up payment and no fines or penalties were imposed on the City.

The West Contra Costa County Integrated Waste Management Authority (IWMA) has published its Environmental Impact Report (EIR) for the proposed regulated single use carryout bag ban in West County. The EIR is available for review. The proposed draft ordinance preventing the free distribution of single-use carry out paper and plastic bags at the point of sale is also available for review. Copies of the EIR are available at the Recyclemore office, El Cerrito City Hall and other locations. The document can also be downloaded from the Recyclemore website, www.recyclemore.com. The public comment period for this document will conclude on March 4, 2013. After the California Environmental Quality Act (CEQA) process, the City will have an opportunity to adopt the ordinance based on regional environmental analysis. Staff will perform extensive outreach to both residents and businesses in El Cerrito prior to the Council's consideration of the ordinance. Additionally, Recyclemore is sponsoring an Elementary School three-hundred word essay contest on the subject of why littering is bad for the environment – or why reusable shopping bags are better for the environment than shopping bags? The essay deadline is March 15, 2013.

Mayor Lyman also announced that a photo of San Pablo Avenue in El Cerrito is featured on the cover of Western Cities magazine. The article covers the vast improvements the City has made along the Avenue. The City's work along San Pablo Avenue was also featured in the most recent East Bay Municipal Utility District (EBMUD) water report.

3. ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

4. PRESENTATIONS

A. Introduction of Bay Area Rapid Transit (BART) Director Zakhary Mallet –
Director Mallet has requested ten minutes of the City Council's time to introduce himself to the City Council and Public and share his vision for the future of BART.

Action: Received presentation.

B. Annual El Cerrito Streets Oversight Committee Report – Presentation by Al Miller, former Committee Chair.

Action: Received presentation.

C. Sustainability Tools for Assessing and Rating Communities (STAR) Overview – Presentation by Melanie Mintz, Environmental Services Division Manager.

The City has been selected as one of approximately thirty communities across the United States to test the STAR Community Rating System. STAR is the nation's first, voluntary self-reporting framework for evaluating, quantifying, and improving the livability and sustainability of communities. Staff will discuss the STAR framework and what to expect from the pilot project.

Action: Received presentation.

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

Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Consent Calendar Item Nos. 5(A) and 5(C) through 5(F) in one motion as indicated below. Item No. 5(B) was withdrawn from the consent calendar by Mayor Lyman.

A. Minutes for Approval

Approve the February 5, 2013 Regular City Council meeting minutes.

Action: Approved minutes as submitted.

B. Proclamation in Recognition of Officer Sid Hubbs

Approve a proclamation congratulating Officer Sid Hubbs for his recognition by the Richmond Elks Lodge No. 1251 as the El Cerrito Police Department honoree for Police Officer Appreciation Night to be held on February 20, 2013. The City Council extends sincere appreciation to Officer Hubbs for his devotion to the mission, vision and values of the Police Department. Officer Hubbs truly epitomizes community-based policing in the City of El Cerrito.

Presenter: Robert De La Campa, Police Lieutenant.

Action: Removed from the Consent Calendar by Mayor Lyman for the purpose of acknowledging Officer Hubbs at the City Council meeting. Moved, seconded (Friedman/Benassini) and carried unanimously to approve the proclamation recognizing Officer Hubbs.

C. Support for Assembly Bill 39 – Upgrading our Schools and Creating Clean Energy Jobs

At the request of Mayor Pro Tem Abelson, authorize Mayor Lyman to sign a letter expressing the City Council's support for Assembly Bill 39 to implement Proposition 39. Proposition 39 provided up to \$550 million per year for clean energy programs at schools and other public buildings. Assembly Bill 39 (Assemblymember Skinner and Speaker Perez) establishes guidelines for clean energy expenditures at schools, colleges and other public facilities and for job training.

Action: Approved recommendation.

D. Support for Assembly Bill 48 – Bulletproofing Communities

At the request of Mayor Pro Tem Abelson, authorize Mayor Lyman to sign a letter expressing the City Council's support for Assembly Bill 48 (Skinner) which will require ammunition vendors to report all ammunition purchases to the Department of Justice and ban possession of magazine conversion kits.

Action: Approved recommendation.

E. Support for Assembly Bill 127 – Safer Building Insulation

At the request of Mayor Pro Tem Abelson, authorize Mayor Lyman to sign a letter expressing the City Council's support for Assembly Bill 127 which intends to reduce chemical flame retardants in plastic foam building insulation without reducing fire safety.

Action: Approved recommendation.

F. Tree Committee Appointment

Approve a Tree Committee recommendation to appoint Cathy Bleier to the Tree Committee effective March 11, 2013.

Action: Approved recommendation.

6. PUBLIC HEARING – None

7. POLICY MATTERS

CITY COUNCIL ITEM

A. Release of Draft Climate Action Plan

The City has released the draft Climate Action Plan (CAP) for public comment. Staff will present an overview of the content in the CAP and the public review timeline.

Presenter: Maria Sanders, Environmental Analyst.

Action: Received presentation.

CITY COUNCIL ITEM AND CITY COUNCIL ACTING AS EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEMS

B. Redevelopment Agency Successor Agency's Fiscal Year 2013-14 Administrative Budget, its Draft Recognized Obligations Payment Schedule 13-14A (July-December 2013), and a Cash Flow Loan Agreement Between the City and Successor Agency

Staff requests approval of the following actions:

1. Adopt a Successor Agency resolution approving its Fiscal Year 2013-14 administrative budget;
2. Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligation Payment Schedule 13-14A, covering the period July to December 2013;
3. Adopt separate City Council and Successor Agency resolutions approving a cash flow loan agreement for consideration by the Oversight Board to the Successor Agency.

Actions: Moved, seconded (Friedman/Abelson) and carried unanimously to adopt City Council Resolution No. 2013-07 approving a cash flow loan agreement with the El Cerrito Redevelopment Agency Successor Agency.

Moved, seconded (Benassini/Friedman) and carried unanimously to adopt Successor Agency Resolution No. 2013-01 approving its Fiscal Year 2013-14 administrative budget.

Moved, seconded (Abelson/Benassini) and carried unanimously to adopt Successor Agency Resolution No. 2013-02 approving a cash flow loan agreement with the City of El Cerrito.

Moved, seconded (Benassini/Bridges) and carried unanimously to adopt Successor Agency Resolution No. 2013-03 authorizing submittal of the draft recognized obligation payment schedule 13-14A, as required under the dissolution act.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman reported that the Municipal Services Corporation met in closed session on February 5, 2013 and provided direction to staff. At this month's meeting, the IWMA extended its existing post collection contract for six months. El Cerrito has six more months for household hazardous waste and garbage disposal at the landfill beyond the January 1, 2014 deadline if an agreement is reached beforehand. The Authority also received a report on the term

sheet for post collection services which mostly affects the four other cities in the JPA. El Cerrito is still negotiating with Republic Sanitary Services for disposal independent of the other four cities. Mayor Lyman stated that he hopes to see the final term sheet at the IWMA's meeting next month. Mayor Lyman and Mayor Pro Tem Abelson received a presentation from CCTA and CalTrans staff on the fourth bore of the Caldicott Tunnel and Bay Bridge Construction at the Contra Costa Mayors Conference. Both projects are expected to go into service later this year. At the meeting, the City of San Pablo reported that it had received an American Planning Association award for the health element of its general plan. The Contra Costa Board of Supervisors provided an annual report of the Board's activities and recently completed a goal setting session. Additionally, the Contra Costa Library system is celebrating its 100th anniversary which includes an event in El Cerrito on October 31, 2013.

The Crime Prevention Committee met and discussed activities for 2013 and began planning the National Night Out event. The Tree Committee met and discussed the City's tree selection process, the tree list and also formed an outreach subcommittee.

B. Mayor Pro Tem Abelson reported that as Vice Chair of the Contra Costa Transit Authority (CCTA) she was invited to attend a tour of the transfer platform of eBART in eastern Contra Costa County. The platform enables one to transfer from the BART we know today to eBart which uses a different technology. Diesel Multiple Unit (DMU) technology is less costly than the traditional BART. There is no station associated with the transfer platform. This project is a Measure J project. It will help relieve extreme congestion in east Contra Costa County.

The Environmental Quality Committee received a presentation on the climate action plan last week and heard comments from the public. The meeting was well attended. Councilmember Benassini also attended.

C. Councilmember Benassini – No report.

D. Councilmember Bridges – No report.

E. Councilmember Friedman – No report.

SUPPLEMENTAL REPORTS

Item No. 4(A) Introduction of Bay Area Rapid Transit (BART) Director Zakhary Mallet

1. Zakhary Mallett bio – *Submitted by Zakhary Mallet.*
2. MTC Resolution 3434 Transit-Oriented Development (TOD) Policy for Regional Transit Expansion Projects – *Submitted by Zakhary Mallet.*
3. Getting to Know Your BART Director – *Submitted by Zakhary Mallet.*

Item No. 4(C) Sustainability Tools for Assessing and Rating Communities (STAR) Overview

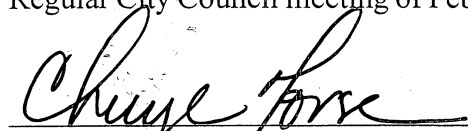
4. STAR powerpoint presentation – *Submitted by Melanie Mintz, Environmental Services Division Manager.*

Item No. 7(A) Release of Draft Climate Action Plan

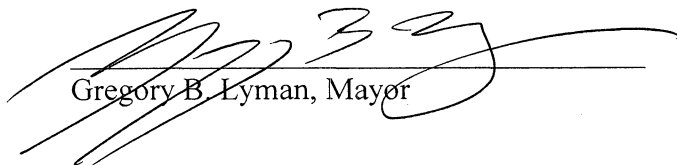
5. Powerpoint presentation – *Submitted by Maria Sanders, Environmental Analyst.*

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:07 p.m.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of February 19, 2013 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Gregory B. Lyman, Mayor