

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, December 18, 2012 – 6:30 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, December 18, 2012 – 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.

6:30 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Mayor Lyman convened the Special City Council meeting at 6:30 p.m.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (*Pursuant to Government Code Section 54956.9(a)*) City of El Cerrito v. Robert R. Campbell, et al., Sacramento Superior Court, Case No. 34-2012-80001200

ORAL COMMUNICATIONS FROM THE PUBLIC – *No speakers.*

RECESSED INTO CLOSED SESSION at 6:32 p.m.

ADJOURNED SPECIAL CITY COUNCIL MEETING – CLOSED SESSION at 6:50 p.m.

REPORT OUT OF CLOSED SESSION

Mayor Lyman reported that the City Council provided direction to staff.

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** was led by Councilmember Friedman.
2. **COUNCIL / STAFF COMMUNICATIONS**

Mayor Lyman began the meeting by asking all present to observe a moment of silence for the children and adults of NewTown, Connecticut and stated that the hearts of the City Council and staff are with them.

Scott Hanin, City Manager, announced that Chief of Police, Sylvia Moir, has been appointed by Governor Brown to the California Commission of Peace Officer Standards and Training (POST). Chief Moir has served the City of El Cerrito since 2010. This position, which was also confirmed by the California Senate, is not only a testament to the Chief but also brings special exposure to the City.

Chief Moir thanked the City Council, City Manager Hanin, Captain Regan and her spouse for supporting her and also thanked the California Police Chiefs Association for nominating her for consideration. POST's mission is to continually support the professionalism of California law enforcement by providing training at all levels, through policy creation, and through strategic planning for California law enforcement. The Commission acts much like a City Council in terms of questioning, advancing policy and creating a sound future for California law enforcement. Chief Moir stated that the appointment is a huge honor for her because it takes her full circle from being an in-class physical instructor to a position where she is able to influence policy for the 100,000 police officers throughout California. For El Cerrito this means that the El Cerrito Police Department will be printed on POST documents. Every recruit that goes through the Police Academy, and everyone who receives training through POST will see El Cerrito Police Department on POST documents. Chief Moir said that it is her hope that this will enhance the reputation of the Department and that people will know that the department is committed to serving at a statewide level. This could potentially improve the Department's recruitment.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, provided an update on the Shadi Holiday display and thanked the Fire Department in particular for carrying the camels. Mr. Miller stated that he was pleased to serve as a shepherd during the weekend evening display and witnessed three generations of families who came to enjoy the display. Mr. Miller also asked the Mayor to consider sending a letter to the Mayor of New Town, Connecticut, expressing the feelings of the people of El Cerrito and acknowledge their grief and sorrow not only to offer support but to also provide an opportunity to reflect on how to help troubled students and contemplate gun control laws.

David Hutcherson, Oakland, stated that he is homeless and described a business he created related to water run-off and water efficiency and wished the City Council a happy holiday season.

Paul Nomington, El Cerrito, provided comments regarding Consent Calendar Item 5(F), the Safety Improvement Project on Arlington Boulevard at Madera and Brewster Drives. Mr.

Nomington noted that traffic is congested and beyond capacity and asked the City Council to vote against the bulb-outs.

Madeline Kronenberg, El Cerrito, President of the West Contra Costa Unified School District Board of Education, spoke in support of Consent Calendar Item 5(H), a resolution supporting the School District's request for a waiver of statutory bonding capacity associated with Measure E, approved by voters in November. President Kronenberg explained the Board's recent change to background information that was provided to the City Council and urged the City Council to support the resolution.

Cassidy Ellis, El Cerrito, commented on Consent Calendar Item 5(F) and the flow of traffic outside Madera School. Ms. Ellis spoke in favor of a lighted crosswalk and against the bulb-out portion of the safety improvement project and encouraged a meeting with the School Board and Madera School community.

4. PRESENTATIONS

Recycling and Environmental Resource Center Achieves Leadership in Energy and Environmental Design (LEED) Platinum Certification from the U.S. Green Building Council – *Presentation by Melanie Mintz, Environmental Services Division Manager.*

Melanie Mintz, Environmental Services Division Manager, announced the Recycling Center's achievement of Platinum LEED Certification, the highest level of certification that can be achieved. Ms. Mintz, also announced that a film featuring history about the Recycling Center, "Where Recycling is a Pleasure," will debut on May 3, 2012.

Consultants Chris Noll, Principal, Noll and Tam Architects, Jim Coyle, Senior Project Manager, Pankow Builders, George Loisos, Principal, Loisos + Ubbelohde and Wes Sullens, Northern California US Green Building Council/Stopwaste.org also commented on the success of the project.

Action: Received presentation. Discussion held.

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

Moved, seconded (Bridges/Benassini) and carried unanimously to approve Consent Calendar Item Nos. 5B and 5C, 5E and 5G through 5I in one motion as indicated below. Item No. 5A was removed from the Consent Calendar at the request of Councilmember Bridges. Item Nos. 5D and 5F were removed from the Consent Calendar by Mayor Lyman.

A. Minutes for Approval

Approve the December 4, 2012 Regular City Council Meeting Minutes.

Action: Removed from the Consent Calendar at the request of Councilmember Bridges. Moved, seconded (Friedman/Benassini; Ayes – Councilmembers Abelson, Benassini, Friedman and Mayor Lyman; Noes – None; Abstain – Councilmember Bridges) and carried to approve the minutes as submitted.

B. Financial Advisory Board Enabling Ordinance Clean-Up

Adopt Ordinance No. 2012-03 amending El Cerrito Municipal Code Section 2.04.300 – Financial Advisory Board, to delete references to the former redevelopment agency and further clarify the Financial Advisory Board's function and duties. (*Approved first reading November 20, 2012; Ayes – Councilmembers Abelson, Benassini, Lyman and Mayor Jones; Noes – None; Absent – Councilmember Cheng*).

Action: Adopted Ordinance No. 2012-3. *Effective January 17, 2013.*

C. Amendment of El Cerrito Municipal Code Chapter 8.12 – Collection and Disposal of Waste Stream

Adopt Ordinance No. 2012-04 amending El Cerrito Municipal Code Chapter 8.12 – Collection and Disposal of Waste Stream, to include provisions for salvage and regulation of certain activities at the El Cerrito Recycling and Environmental Resource Center. *(Approved first reading with amendments on November 20, 2012; Ayes – Councilmembers Benassini, Lyman and Mayor Jones; Noes – Councilmember Abelson; Absent – Councilmember Cheng).*

Action: Adopted Ordinance No. 2012-4. *Effective January 17, 2013.*

D. Employee Classification Plan and Specification Amendments

Adopt a resolution amending the City's employee classification plan to: 1) Establish the classification of Development Services Manager; 2) Revise the class specification of Building Official; 3) Establish the classification of Intern and establish the salary range as recommended; 4) Re-title and revise the class specification of Program Supervisor to Recreation Supervisor, establish the salary range as recommended and eliminate the classification of Recreation Supervisor II; and 5) Revise the class specifications of the Personnel Technician and Employee Services Manager and re-title the classifications to Human Resources Technician and Human Resources Manager.

Action: Removed from the Consent Calendar by Mayor Lyman. Moved, seconded (Benassini/Abelson) and carried unanimously to adopt Resolution No. 2012-89 as amended by Mayor Lyman to modify section three of the enacting clause to further clarify that the control point for the Recreation Supervisor is \$7,051 per month.

E. Accept Offer of Dedication – Bates Avenue

Adopt a resolution accepting the offer of dedication for the 25-foot widening of Bates Avenue as shown on Parcel Map MS 451-09, a four-lot subdivision of 801 Bates Avenue (Assessor's Parcel No. 505-282-027).

Action: Adopted Resolution No. 2012-90.

F. Arlington Boulevard at Madera and Brewster Drives Safety Improvement Project

Adopt a resolution approving plans, accepting bids, and authorizing the City Manager to execute a contract in the amount of \$129,648 with Ray's Electric and to approve change orders in an amount not to exceed \$19,447 (15%) for the construction of the Arlington Boulevard at Madera and Brewster Drives Safety Improvement Project, City Project No. C-3047, Federal Project No. SRTS-5239(016).

Action: Removed from the Consent Calendar by Mayor Lyman. Moved, seconded (Friedman/Benassini) and carried unanimously to adopt Resolution No. 2012-91 as amended to correct the resolution by changing November 10 in the second recital to November 20. The City Council also asked staff to return to the Council with a report on additional community outreach that is undertaken regarding traffic issues.

G. On-Call Construction Administration – Professional Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with three consultant firms, BKF, Inc., Harris & Associates, Inc. and Harrison Engineering, Inc. for on-call construction management services for periods of three years with options to extend for an additional two years.

Action: Adopted Resolution No. 2012-92.

H. Support for the West Contra Costa Unified School District Request for Waiver of Statutory Bonding Capacity

Adopt a resolution in support of the West Contra Costa Unified School District's application to the State Board of Education for a waiver of the statutory bonding capacity.

Action: Adopted Resolution No. 2012-93.

I. Reschedule the January 2, 2013 City Council Meeting

Approve a recommendation to cancel the January 2, 2013 City Council meeting and schedule a Special City Council meeting on Monday, January 7, 2012 for the purpose of conducting board and commission interviews.

Action: Approved recommendation.

6. PUBLIC HEARING

Proposed Integrated Waste Management Fees and East Bay Sanitary Commercial and Extra Residential Green Waste Collection and Processing Rates – Effective January 1, 2013

1. Conduct a public hearing and upon conclusion adopt a resolution fixing and setting rates for the Integrated Waste Management (IWM) fee, effective January 1, 2013.
2. Conduct a public hearing and upon conclusion adopt a resolution setting maximum allowable commercial green waste and extra residential green waste collection and disposal (processing) rates, effective January 1, 2013.

Presenter: Garth Schultz, Environmental Analyst.

FIXING AND SETTING RATES FOR THE INTEGRATED WASTE MANAGEMENT FEE

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Benassini/Abelson) and carried unanimously to close the public hearing.

Action: Moved, seconded (Benassini/Friedman) and carried unanimously to adopt Resolution No. 2012-94.

GREEN WASTE COLLECTION AND DISPOSAL (PROCESSING) RATES

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Benassini/Friedman) and carried unanimously to close the public hearing.

Action: Moved, seconded (Abelson/Benassini) and carried unanimously to adopt Resolution No. 2012-95.

7. POLICY MATTERS

A. Annual City Council Liaison Reorganization and Appointments

Discuss City Council appointments to regional bodies and liaison appointments to local boards, commissions and committees and approve appointments for 2013.

Action: Approved by consensus.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman reported that the West Contra Costa Integrated Waste Management Authority (IWMA) met and received presentations from six firms that were competing for post collection services. The IWMA has undergone a process lasting over a year to solicit bids and ultimately ended up with six bids. A committee met and had twenty-four different meetings with six bidders to evaluate proposals. A Statement of Interest was received from different firms who provided a description of what services each firm wished to provide. Some firms were strictly recycling and others offered a combination of disposal and other services. The IWMA received a proposal from Republic Environmental Services (RES), the current provider. RES proposes to provide an increased level of services at the same rate. Republic will negotiate a rate for residuals, which is essentially blue can waste, and El Cerrito should see a reduction in cost in the future once the agreement goes into effect on January 1, 2014. Staff intends to bring a presentation to the Council in the future which will discuss services received from the IWMA. The IWMA has been authorized to negotiate with RES. Staff will be included in the negotiations as well.

B. Mayor Pro Tem Abelson reported on her re-election as Chair of West Contra Costa Transportation Advisory Committee (WCCTAC) for 2013. Mayor Pro Tem Abelson also reported that WCCTAC said good bye to Executive Director, Christina Atienza, who left to become a nun. Jerry Bradshaw has been hired as a half-time, Interim Executive Director of WCCTAC.

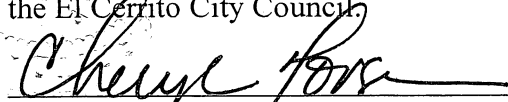
C. Councilmember Benassini – No report.

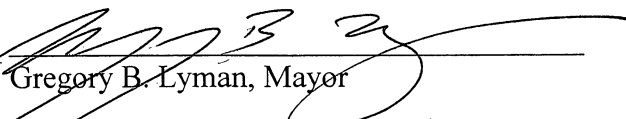
D. Councilmember Bridges – No report.

E. Councilmember Friedman – No report.

9. **ADJOURNED REGULAR CITY COUNCIL MEETING** at 9:00 p.m. in memory of the twenty-six people who lost their lives in the Newtown, Connecticut school shooting tragedy.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special City Council and Regular City Council meetings of December 18, 2012 as approved by the El Cerrito City Council.


Cheryl Morse, City Clerk


Gregory B. Lyman, Mayor