

# **EL CERRITO CITY COUNCIL**

## **MINUTES**

**SPECIAL CITY COUNCIL MEETING**  
**Tuesday, September 18, 2012 – 7:30 p.m.**  
**City Council Chambers**

**Meeting Location**  
El Cerrito City Hall  
10890 San Pablo Avenue, El Cerrito

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman  
Councilmember Rebecca Benassini

Councilmember Ann Cheng  
Councilmember Janet Abelson

### **ROLL CALL**

Councilmembers Abelson, Benassini, Cheng, Lyman and Mayor Jones all present.

**7:30 p.m.**

### **CONVENE SPECIAL CITY COUNCIL MEETING**

Mayor Jones convened the Special City Council meeting at 7:31 p.m.

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Mayor Pro Tem Lyman.
- 2. COUNCIL / STAFF COMMUNICATIONS**

Councilmember Benassini announced that the City Council will convene a workshop on Saturday, September 22, 2012 from 9:30 a.m. to 1:30 p.m. at City Hall on the Strategic Plan and invited all to attend. The Alberrito Street Play Event is also happening on the same day. This is a fun event for residents. Key Route Boulevard along Ashbury will be closed down to Albany allowing kids to play in the street. Additionally, there will be an Albany vs. El Cerrito Tug-of-War. Councilmember Benassini encouraged all to attend.

Councilmember Abelson reported on her attendance at the League of California Cities Annual Conference in San Diego. She participated in a number of different sessions and presided over a session in which attendees discussed gourmet food trucks and food vendors who operate without a brick and mortar establishment. The session was extremely well attended and is an area of interest for many cities. Although many people like to utilize the food trucks, the issue presents a variety of city permit issues. The session resulted in a very lively exchange.

Councilmember Abelson also attended a meeting of the League's Administrative Services Policy Committee. The Committee considered whether the League should endorse Proposition 31, the Government Performance Accountability Act. The Policy Committee took a position to oppose the proposition and the League took a neutral position. Councilmember Abelson also attended

the Mayors Conference in Richmond. She announced that the City-wide Garage Sale is on October 13 from 9 a.m. to 3 p.m. The Draft Climate Action Plan will be released in October/November.

Mayor Pro Tem Lyman acknowledged everyone who was involved with Tri-City Safety Day which was held on September 8, 2012. The event has occurred for three decades. Agencies involved this year included the American Red Cross, East Bay Regional Park District, Albany Police, Fire and Community Outreach Departments, Contra Costa County Hazardous Materials Response Unit, El Cerrito Police Department, El Cerrito/Kensington Fire Department, Contra Costa County Supervisor Gioia's staff, American Medical Response, Kensington Police Department, Community Emergency Response Team, Richmond Fire Department and Contra Costa County Animal Services. The United States Secret Service also attended and offered services connected with Operation Safe Kid. The Contra Costa County Health Department offered demonstrations of Hands Only Cardiopulmonary Resuscitation (CPR). Mayor Pro Tem Lyman concluded his report by stating that he also attended the Mayors' Conference with Mayor Jones and Councilmember Abelson.

Mayor Jones reported that he attended the League of California Cities Annual Conference. The League is promoting the message that strong cities make a strong state. This is a positive effort by the League. If you want to make cities strong and vibrant, then people need to support them. Additionally, the League is actively engaged in self-rule for cities. The statement, "if you make cities strong, the state will be strong" is very positive. Conference attendees also received information on post redevelopment and economic development; including tools that will be available in the future. There was also a sharing of what some cities are doing. Mayor Jones found the discussion positive and worthwhile and passed some of the ideas on to staff. It was reported that the State did not receive redevelopment related funding from twenty-one cities. All of these cities, including El Cerrito, received a letter from the State that was confusing and unclear – even to the lawyers. The State said that there are no penalties at this time but penalties may be assessed in the future. The Conference was surprisingly upbeat. Cities are struggling but there are a lot of good people trying to find solutions and go forward.

Mayor Jones also reported that El Cerrito employee Craig Johnson and his wife Joan Lundahl, are ranked third in the world in ballroom dancing in the "over 40" category. They also, between the two, have held several world championships in the past. Mayor Jones said he was surprised to learn that we have world champions working at the City. Mayor Jones also reported that the City had its annual golf tournament in support of the David Hunter Memorial Scholarship Fund and thanked the sponsors and individuals that showed up for that event. He also attended the Mayors Conference in Richmond. A reporter from the Contra Costa Times spoke about the upcoming election in Contra Costa County. Interestingly, there are thirty-seven cities, special districts, and other agencies who elect officials who are not having elections due to a lack of competition for open seats. Many contests go uncontested.

Mayor Jones concluded his report by stating that the City Council had convened two special meetings for the purposes of filling vacancies for boards, commissions and committees and announced the following appointments:

|                             |                                                    |
|-----------------------------|----------------------------------------------------|
| Arts and Culture Commission | Cristin Sethi to a term ending on January 1, 2013. |
| Economic Development Board  | Vikram Bajaj to a term ending on January 1, 2016.  |
| Planning Commission         | Ken Hirano to a term ending January 1, 2014.       |
|                             | Andrea Lucas to a term ending January 1, 2015.     |

Tree Committee

Ralph Boniello to a term ending January 1, 2016.

Sheauchi Cheng to a term ending January 1, 2016.

Janet Hittle to a term ending January 1, 2016.

Steve Price to a term ending January 1, 2016.

Michael Srago to a term ending January 1, 2016.

### 3. ORAL COMMUNICATIONS FROM THE PUBLIC

Don Gancheff, El Cerrito, expressed concerns with his attempt to obtain information from the Police Department regarding parking tickets he had received. He requested information regarding how a police officer can tell that a car has not been driven within seventy-two hours.

Laura Woodford, El Cerrito, Golden Gate Audubon Society, spoke in support of the rodenticide resolution urging local businesses to refrain from selling dangerous rodenticides and expressed concerns with poisonings of children and secondary poisoning of pets, predator birds and wildlife.

Patricia Jones, El Cerrito, urged the City Council to support the rodenticide resolution and told a story about the death of a turkey vulture fledgling who died due to rat poisoning. One of the parent vultures is missing and is presumed to have been poisoned as well.

Robin Mitchell, El Cerrito, spoke in support of passage of the rodenticide resolution.

Jane Kelly, Berkeley, spoke in support of passage of the rodenticide resolution and explained that there are thousands of deaths caused by rat poisons each year. Ms. Kelly also stated that she is impressed with the environmental leadership in El Cerrito, noted that the City is forward thinking and creative and that this is not going unnoticed by neighboring cities.

Sylvia Falcon, El Cerrito, urged passage of the rodenticide resolution, noted that there are approximately 16,000 calls per year regarding suspected rodenticide poisoning and cited an alternative method of trapping rats using peanut butter and fruit.

Pamela Austin, El Cerrito, urged the City Council to place a ban on rodenticide and encouraged the use of owls and owl houses as a way of controlling the rat population.

Tom Kelly, Berkeley, stated that ivy houses a lot of rats. Removal of ivy will reduce the rat population. The USEPA is making efforts to reduce the use and approval of rodenticides and is getting a lot of push back from rodenticide manufacturers. Mr. Kelly encouraged the City Council to approve the rodenticide resolution as a way of supporting the USEPA.

Dave Weinstein, El Cerrito, Chair, El Cerrito Trail Trekkers, described the history and work of the Trail Trekkers in El Cerrito, and urged the City Council to support the resolution regarding the City's co-sponsorship of the Trail Trekkers. The Trail Trekkers will work with the Public Works Department and Environmental Services Division to map trails in El Cerrito. The group has also done hard physical work creating trails. Mr. Weinstein also explained that the Trekkers have obtained good cooperation from neighbors and staff, stated that the work is visionary and that there are many hidden little trails in El Cerrito.

### 4. PRESENTATIONS

**A. Falls Prevention Awareness Proclamation**

Approve and present a proclamation proclaiming September 22-28, 2012 as “Falls Prevention Awareness Week” in the City of El Cerrito and calling upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Presenter: Laurel Zien, Elder Care Director, Fall Prevention Program, Contra Costa County, outlined services provided by the Fall Prevention Program and Senior Outreach Services.

**Action:** Proclamation presented.

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

Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5G and 5I as indicated below. Consent Calendar Item No. 5H was removed from the Consent Calendar at the request of Mayor Jones.

**A. Minutes for Approval**

Approve the: 1) August 21, 2012 Special Concurrent City Council/Public Financing Authority/Successor Agency to the Former Redevelopment Agency meeting minutes and Special City Council Acting as Successor Agency to the Former Redevelopment Agency Closed Session meeting minutes; and 2) September 11, 2012 Special City Council meeting minutes.

**Action:** Approved minutes.

**B. Domestic Violence Awareness Month Proclamation**

Approve a proclamation proclaiming October 2012 as Domestic Violence Awareness Month in the City of El Cerrito, and urging all residents to actively participate in the efforts to end violence in our homes, in our schools, and in our communities.

**Action:** Approved proclamation.

**C. Execute Agreement and Accept Grant Deed from BART for Public Right-of-Way Easement Near Del Norte BART Station**

Adopt a resolution authorizing the City Manager to execute an agreement between the San Francisco Bay Area Rapid Transit District (BART) and the City of El Cerrito in connection with the sidewalk and tree improvements at the Del Norte BART Station; and accepting the Grant Deed, referenced therein, for a public right-of-way easement adjacent to and near the Del Norte BART Station on Hill Street, Liberty Street, Key Boulevard, Cutting Boulevard, Knott Avenue and Kearney Street, and authorizing the City Manager to execute the Grant Deed after its approval by BART.

**Action:** Adopted Resolution No. 2012–68.

**D. Co-Sponsorship Application for El Cerrito Trail Trekkers**

Adopt a resolution authorizing the City Manager to grant free use of meeting room facilities for the El Cerrito Trail Trekker’s monthly meetings.

**Action:** Adopted Resolution No. 2012–69.

**E. Support West Contra Costa Unified School District Bond Measure E**

At the request of Councilmember Abelson, adopt a resolution supporting the goals of Measure E and encouraging the voters of the City of El Cerrito to review the language and arguments concerning Measure E and cast their vote on Measure E on the November 6, 2012 presidential general election ballot.

**Action:** Adopted Resolution No. 2012–70.

**F. Support West Contra Costa Unified School District Parcel Tax Measure G**

At the request of Councilmember Abelson, adopt a resolution supporting the goals of Measure G and encouraging the voters of the City of El Cerrito to review the language and arguments concerning Measure G and cast their vote on Measure G on the November 6, 2012 presidential general election ballot.

**Action:** Adopted Resolution No. 2012–71.

**G. Urge Local Businesses to Discontinue the Sale and Businesses and Residents to Discontinue Use of Rodenticide Resolution**

Upon initial referral by Councilmember Cheng, staff requests that the Council take the following actions: 1) Adopt a resolution urging local businesses to stop selling and stocking certain rat poison products and discouraging the use of these products in the City of El Cerrito by contractors, City staff and residents; and 2) Send a letter to the Department of Pesticide Regulation requesting that they refuse to renew registration of twenty rodenticide products because of the risk that they pose to public and environmental health.

**Action:** Adopted Resolution No. 2012–72.

**H. Oppose Proposition 32 “Stop Special Interest Money Now”**

At the request of Councilmember Cheng, adopt a resolution expressing the City Council’s opposition to Proposition 32 on the November 6, 2012 general election ballot.

**Action:** Removed from the Consent Calendar by Mayor Jones. Moved, seconded (Cheng/Benassini) and carried unanimously to adopt Resolution No. 2012–73 as amended by Mayor Jones to modify several recitals to more closely reflect the standards and decorum of the City Council and the City’s official records.

**I. Quarterly Investment Report**

Receive and file the City’s June 30, 2012 Quarterly Investment Report.

**Action:** Received and filed.

**6. PUBLIC HEARING**

## **Abatement of Fire Hazard Public Nuisances on Four Properties Pursuant to El Cerrito Municipal Code Chapter 16.26**

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private property designated in Exhibit A to the Resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

Presenter:     David Ciappara, Fire Prevention Officer, Captain/Paramedic.

Mayor Jones opened the public hearing.

Speakers:     James Richardson, M.D., El Cerrito, thanked the Fire Department for its concern and for looking into early notification for some properties. Dr. Richardson reported that he saw a couple smoking in the middle of the grass on the hill near his property after the July meeting and said he is particularly concerned with the property being in a hazardous condition during Fourth of July.

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

**Action:**       Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2012-74.

### **7. POLICY MATTERS**

#### **A. SEIU, Local 1021 Memorandum of Understanding and Reporting the Value of Employer Paid Member Contributions for SEIU, Local 1021 Employees**

Staff requests that the City Council take the following actions:

1. Adopt a resolution adopting the Memorandum of Understanding between the City of El Cerrito and the Service Employees International Union (SEIU), Local 1021 effective July 1, 2012 through June 30, 2014; and
2. Adopt a resolution amending the paying and reporting of the value of employer paid member contributions for SEIU, Local 1021.

Presenter:     Mary Dodge, Administrative Services Director.

Mayor Jones stated for the record that the actions taken this evening are a result of the direction given by the City Council during closed session.

**Action:**       Moved, seconded (Benassini/Lyman) and carried unanimously to adopt Resolution No. 2012-75 adopting the Memorandum of Understanding between the City of El Cerrito and the Service Employees International Union (SEIU), Local 1021.

Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2012-76 amending the paying and reporting of the value of employer paid member contributions for SEIU, Local 1021.

### **8. COUNCIL ASSIGNMENTS/LIAISON REPORTS**

*Council Assignments and Liaison Reports were held over from the meeting of August 21, 2012.*

A. Mayor Jones stated that the Successor Agency and Oversight Board had met and the city has filed all paperwork required by the State. The Tom Bates/Gilman Regional Sports Field Joint Powers Authority will meet on September 19. Everything seems to be going fine. The West County Mayors and Supervisors meet monthly to discuss regional issues. Assemblymember Skinner is scheduled to meet with the West County Mayors at their next meeting.

B. Mayor Pro Tem Lyman reported that RecycleMore/West Contra Costa Integrated Waste Management Authority is working on a strategic plan regarding the steps for consideration of the future for the Joint Powers Authority Agreement group over the next sixteen months. Member cities will have to make a decision about whether they wish to continue to be members of the Joint Powers Agreement Authority group after January 1, 2014. The decision will probably occur in December, 2012. Additionally, the group is considering a series of proposals from a wide number of entities on what the future processing will be. In January 2014 the current processing agreements for recyclables, green waste, hazardous waste and other related services will end. There are currently six firms competing for these services. The Technical Advisory Committee that is evaluating the proposals and advising the Authority is continuing to meet and negotiate with those who have submitted proposals to obtain the best rates and services possible. This Committee will make a recommendation to the Authority in November. The firm may be selected prior to the City Council's work session.

Additionally, the Authority recently received a report on the single user carryout bag reduction ordinance, "Plastic Bag Ban." The initial study has been released for thirty days. Several comments were received, including comments from the plastic bag coalition, who has threatened litigation if the ordinance is approved without the preparation of an environmental impact report. The Authority is moving forward with a negative declaration and has requested an analysis from its legal counsel and from legal counsel for each member city regarding whether a negative declaration is adequate. The California Supreme Court upheld the City of Manhattan Beach's decision to pass the plastic bag ban based on a negative declaration.

C. Councilmember Abelson – No report.

D. Councilmember Benassini – No report.

E. Councilmember Cheng reported that the Financial Advisory Board (FAB) discussed and reviewed City Council compensation within the context of the Contra Costa Grand Jury's recommendation to conduct an annual review as part of the budget. No recommendation has been made yet. The FAB also reviewed El Cerrito Municipal Code Section 2.04.300, the enabling legislation for the FAB, in light of dissolution of the redevelopment agency and also reviewed the 2009 Two Year Service Credit data and the Quarterly Investment report.

## **SUPPLEMENTAL COMMUNICATIONS**

### **Item No. 4(A) Falls Prevention Awareness Proclamation**

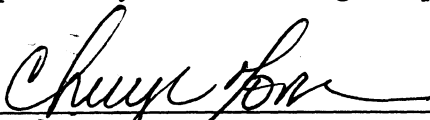
1. Fall Prevention Program and Meals on Wheels Senior Outreach Materials – *Submitted by Laurel Zien, Elder Care Director, Fall Prevention Program, Contra Costa County*
2. Third Annual Walk for Fall Prevention – *Submitted by Laurel Zien,*

### **Item No. 5(G) Urge Local Businesses to Discontinue the Sale and Business and Residents to**

**Discontinue Use of Rodenticide.**

3. Comments on effects of rodenticides – *Submitted by Patricia Jones, El Cerrito*
4. Comments in opposition to the resolution – *Submitted by Hal Ambuter, Reckitt Banckiser.*
9. **ADJOURNED SPECIAL CITY COUNCIL MEETING** at 8:54 p.m.

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

  
Cheryl Morse, City Clerk

  
William C. Jones III, Mayor