

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL EL CERRITO CITY COUNCIL MEETING

Monday, July 18, 2011 – 7:00 p.m.

Hillside Conference Room

CONCURRENT EL CERRITO CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY AND EMPLOYEE PENSION BOARD MEETING

Monday, July 18, 2011 – 7:30 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Ann Cheng – Mayor

Mayor Pro Tem Bill Jones
Councilmember Rebecca Benassini

Agency Chair/Councilmember Janet Abelson
Councilmember Greg Lyman

ROLL CALL

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

7:00 p.m. SPECIAL CITY COUNCIL MEETING

Mayor Cheng convened the Special City Council meeting at 7:00 p.m.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS (*Pursuant to Government Code Section 54957.6*)

Agency Designated Representatives: Scott Hanin, City Manager, Glenn Berkheimer, Labor Negotiator, Sky Woodruff, City Attorney and Sukari Beshears, Employee Services Manager

Employee Organizations: Service Employees International Union Local 1021
Unrepresented Employees

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

RECESSED INTO CLOSED SESSION at 7:03 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:29 p.m.

ROLL CALL

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

7:30 p.m.

CONVENE CONCURRENT CITY COUNCIL/ REDEVELOPMENT AGENCY/ PUBLIC FINANCING AUTHORITY AND EMPLOYEE PENSION BOARD MEETING

Mayor Cheng convened the Concurrent City Council/Redevelopment Agency/Public Financing Authority and Employee Pension Board Meeting at 7:35 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Abelson.
2. **COUNCIL / STAFF COMMUNICATIONS**

Mayor Cheng announced that the City Council had just met in closed session and provided direction to staff regarding labor negotiations.

City Manager Hanin stated that the current fiscal year budget the Council adopted at its last meeting contained a caveat that the budget depended on the outcome of the State's actions regarding redevelopment. City Manager Hanin informed the Council and public that the state budget approved by the legislature and signed by the Governor eliminates redevelopment in California. However, another piece of legislation which accompanied the elimination of redevelopment provides for the Redevelopment Agency or the City to pay a certain amount of money to the state, in El Cerrito's case, \$1.5-1.8 million. Additionally, annual payments for El Cerrito are estimated at \$400,000-500,000 every year thereafter. Staff will return to Council in August to discuss redevelopment. The California Redevelopment Association, the League of California Cities, and the cities of Union City and San Jose filed suit asking the Supreme Court to step in with an injunction against the legislation. The legislation has very aggressive timelines which require wrapping up the cities decisions before the end of September. Most notably, under the proposed legislation and the elimination of the Redevelopment Agency, the City would be required to dispose of agency properties expeditiously, including the Cerrito Theater, although all cities are still attempting to analyze and interpret the legislation.

Councilmember Lyman reminded all that August 2 is National Night Out and announced that it is not too late to sign up as a host of a neighborhood party. Anyone interested in being a host can sign up on the City's website. At the Community Center last Saturday the City hosted an event for those interested in hosting a National Night Out party. There was live music and a bounce house. Little Caesar provided food for the event.

Councilmember Lyman also reported that the East Bay Municipal Utility District (EBMUD) is preparing a revision to its programmatic environmental impact report and will be holding a public meeting on July 21 from 6:30-8:30 p.m at 375 11th Street, Oakland. The workplan and other information is available from the EBMUD website – ebmud.com. On August 16, from 7:30-8:30 at City Hall, the Cities of Richmond, Albany, San Pablo and El Cerrito in conjunction with *Energy Upgrade California* and Contra Costa County will offer an opportunity for the public to learn how it can get stimulus funding and PG&E rebates for home energy upgrades. RSVP by calling 215-4361. On September 24 the second Annual Fall Prevention Walk and Fundraiser will take place. More information can be found at www.fallpreventionwalk.org.

Mayor Pro Tem Jones reported that coming up in Pleasant Hill on August 4, the Contra Costa Mayors Conference has invited state and county legislative representatives to engage in a discussion of recent legislative and budget actions that have affected cities adversely. Many

cities in Contra Costa County are not happy with how the state has attacked funding for cities. The discussion involves state budget issues, intrusion on home rule and the relationship between the State and local and county governments. Mayor Pro Tem Jones stated that many cities are unhappy with the State legislature however the Mayors Conference is trying to promote conversation about what is going on. Additionally, Mayor Pro Tem Jones requested that the West Contra Costa School District's notice regarding its intent to terminate the School Resource Officer contract in 2012 be placed on an upcoming City Council agenda.

Councilmember Abelson invited all to participate in a Baxter Creek clean up on July 30 from 10:00 a.m. to 12:00 p.m. at Baxter Creek. More information is available at www.elcerrito.org/ESD. Additionally, *Friends of Five Creeks* is sponsoring a walk on August 21 at 4:00 p.m. at Cerrito Creek on wild edibles. More information is available from www.fivecreeks.org. On August 25, from 6:30-8:00 p.m., the City will be accepting input on solid waste collection services in El Cerrito. The City is undertaking a comprehensive review of the city's garbage, green waste and recycling collection operations.

Councilmember Benassini announced the recent birth of her new baby on July 3rd and thanked everyone for their well wishes.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, thanked the City Council and City Staff for the July 4th event and noted that the Recreation Department team did a wonderful job.

4. PRESENTATION

A. National Night Out Proclamation.

Approve a proclamation calling upon all residents to participate in the 28th Annual National Night Out event on August 2, 2011 and proclaim August 2, 2011 as "Night Out" in the City of El Cerrito.

Action: Approved and presented the proclamation to Paul Keith, Lieutenant, El Cerrito Police Department and Crime Prevention Committee members Eugene Go, Katherine Krueger and John Umemoto.

B. Wall of Fame

Adopt four separate resolutions recognizing the leadership, contributions and achievements of the following community members and inducting them into the El Cerrito Wall of Fame:

1. Richard Bartke
2. Rose Lernberg
3. Roy Mespelt
4. Alan Miller

[Mayor Cheng expressed appreciation for the extraordinary commitment of this evening's Wall of Fame nominees and outlined the evening's proceedings. Upon the adoption of the four resolutions, Wall of Fame Council Subcommittee members Benassini and Jones and several Councilmembers offered general comments. Each honoree was taken up individually with comments offered by Councilmembers, the sponsor, the public and the honoree prior to the presentation of each resolution.]

WALL OF FAME SUBCOMMITTEE COMMENTS

Councilmember Benassini reported that each of the nominees presented different experiences

and made special contributions to the community and stated that she and Councilmember Jones were happy to recommend all four nominees for induction into the Wall of Fame.

Mayor Pro Tem Jones stated that each of the four nominees met the spirit and intent of the award. Each nominee has made extraordinary contributions to the community by being involved in many different tasks, issues and areas of interest. For example, Richard Bartke is a community leader and volunteer on a regional level and is very involved in historical issues. Rose Lernberg has been a tireless advocate of animal rights and health care reform. Roy Mespelt offered lifelong community leadership and volunteerism with a variety of community organizations. Al Miller is a public service advocate and volunteers with a number of institutions and community causes. What is reflected in the Wall of Fame recognition can also be found in many individuals, businesses and organizations throughout the community that volunteer. Individuals, upon their own initiative, have given of themselves and their own free time over many years to serve and benefit the community. The four individuals honored tonight represent the honor and value of volunteerism. Mayor Pro Tem Jones thanked the nominees for the many years and many efforts that have been put out on behalf of the community.

COUNCILMEMBER COMMENTS

Councilmember Abelson noted how lucky residents are to live in a community with such rich resources in terms of people who are willing to dedicate their time and energy to making El Cerrito a better place to live. Councilmember Abelson thanked all for their kind and much appreciated efforts in the community.

Councilmember Lyman thanked the nominees for their service to the city and for setting excellent examples of how we all can make a difference through community service and expressed hope that there would be more people like them twenty years from now.

Mayor Cheng thanked all the supporters and family members of the Wall of Fame nominees for their support and for coming this evening to celebrate these great leaders.

HONORING RICHARD BARTKE

Councilmember Benassini introduced Mr. Bartke by reading the resolution recognizing his achievements and contributions into the record.

Councilmember Lyman stated that he has had the pleasure of working with Mr. Bartke on the Financial Advisory Board (FAB) and the Sundar Shadi display. Councilmember Lyman stated that he looks up to Mr. Barke, that there is a lot to be learned from his dedication to the City and thanked Mr. Bartke for his leadership over the past forty years.

Mayor Pro Tem Jones thanked Mr. Bartke for constantly keeping El Cerrito in his thoughts, particularly on regional boards. Mayor Pro Tem Jones noted that Mr. Bartke was a former chair and member of the Golden Gate National Recreation Area Advisory Committee.

Councilmember Abelson reflected on how Mr. Bartke helped shape the community and made an amazing difference. Councilmember Abelson thanked Mr. Bartke for his work and also thanked Jane Bartke for all the work she has done and for the way they both work together to do so many things for the community.

Councilmember Benassini expressed her appreciation for Mr. Bartke's working style on the FAB.

Mayor Cheng thanked Mr. Bartke and expressed her hope to have an opportunity to work with Mr. Bartke soon.

SPONSOR COMMENTS

Mae Ritz, El Cerrito, stated that she would not talk about all of Mr. Bartke's accomplishments

because there are far too many to list in the amount of time allotted for her to speak. Ms. Ritz reported that when she and Councilmember Bacon wrote the criteria for the Wall of Fame the Council wanted to acknowledge positive contributions made by individuals to the City. Mr. Bartke has been involved in the community for over 40 years, helped complete many service projects in the City, and continues to be involved in enriching the community. As founding member of the Historical Society, Mr. Bartke has worked tirelessly to promote the Society and its activities. Mr. Bartke has left his mark not only on the City Council where he served two terms but also on many areas that affect the entire West Contra Costa County. Ms. Ritz concluded by saying that she was proud to have the honor of nominating Mr. Bartke to the El Cerrito Wall of Fame and stated that he has truly earned his place on the Wall.

Richard Bartke, El Cerrito, thanked the Mayor and Council for providing the honor and also thanked Ms. Ritz, Tom Panas, JoAnn Steck-Bayat and the Historical Society Board for his nomination. Mr. Bartke noted that he had worked with ten of the eleven individuals inducted into the Wall of Fame already, reflected on his nomination and expressed gratitude for his wife Jane and daughters for their support. Mr. Bartke also expressed pride for the Historical Society and commented that it has been nice to work with the City Council and staff and concluded by saying that there are still jobs to do and people to honor.

HONORING ROSE LERNBERG

Councilmember Abelson said that she was sorry that Ms. Lernberg was unable to be present and read the resolution recognizing her achievements and contributions into the record.

Councilmember Lyman wished Ms. Lernberg well and expressed his hope that she will continue to be an inspiration for social change.

Mayor Pro Tem Jones stated that Ms. Lernberg is tireless in the issues she pursues; she never gives up, and keeps going and going until her goal is met.

Councilmember Abelson said that when Assemblymember Dion Aroner was in Sacramento representing this area, Ms. Abelson was told that Ms. Lernberg was in Sacramento so much that the Assemblymember set aside office space for Ms. Lernberg to work in. The level of Ms. Lernberg's dedication was amazing. Ms. Abelson recalled seeing Ms. Lernberg at meeting after meeting on subject after subject.

Councilmember Benassini stated that based on the resolution honoring Ms. Lernberg, that she is a force to be reckoned with. Councilmember Benassini wished her well.

SPONSOR COMMENTS

Al Miller, El Cerrito, stated that he was honored, pleased and grateful to nominate Ms. Lernberg for the award. Mr. Miller stated that Gary Bogue, columnist for the Contra Costa Times, turned to Ms. Lernberg whenever he had a question regarding animal rights legislation. Ms. Lernberg placed El Cerrito on the map as a source of animal rights information and legislation. Mr. Miller concluded by saying that Ms. Lernberg is very sorry that she could not be present to accept her award and is very thankful and grateful for the recognition. Ms. Lernberg did not do the continuous work she did for recognition but because it needed doing and she had an interest in it. Everything she did focused on improving the quality of life.

Mayor Cheng thanked Ms. Lernberg for her advocacy on behalf of pets and expressed her appreciation for her contributions to the community.

HONORING ROY MESPELT

Councilmember Lyman read the resolution recognizing Mr. Mespelt's achievement and

contributions into the record.

Mayor Pro Tem Jones stated that he had met Mr. Mespelt when Mr. Mespelt served on the City Council and found him to be particularly positive. He came along at a time to grow this city in the post war period and worked with others at that time to improve quality of life. Mr. Mespelt believed in the community and in giving back and helped make El Cerrito the city it is today. Mayor Pro Tem Jones concluded by expressing his appreciation to Mr. Mespelt and his family.

Councilmember Lyman recognized and thanked Mr. Mespelt's family for their support while Mr. Mespelt was donating so much time to the community.

Councilmember Abelson stated that although she did not know Mr. Mespelt well she knows many people who knew Mr. Mespelt and had nothing but high levels of praise for him.

SPONSOR AND PUBLIC COMMENTS

Patsy Berndt, El Cerrito, thanked the City Council for bestowing the Wall of Fame honor on Mr. Mespelt. He was true to his family and his organizations and helped many people. He had an open heart for everybody and was generous.

George Fosselius, El Cerrito, stated that Mr. Mespelt and his family were generous with their time. Mr. Mespelt was a great leader in the Lions Club.

HONORING AL MILLER

Mayor Pro Tem Jones introduced Mr. Miller by reading the resolution recognizing his achievements and contributions into the record.

Councilmember Benassini said she appreciates the passion and energy that Mr. Miller brings to all topics. Councilmember Benassini also expressed appreciation for the positive and constructive tone of Mr. Miller's comments and noted that it is a pleasure to have him in the community to ensure that the city is held accountable.

Councilmember Abelson also expressed appreciation for Mr. Miller's constructive comments and noted the huge amount of work he does. Mr. Miller is always a part of community events and always does more than one person's share of the work with a smile.

Mayor Pro Tem Jones said he looks forward to interacting with Mr. Miller on Council matters and city and school district events.

Councilmember Lyman expressed sincere gratitude for the example Mr. Miller sets and the generosity of his intellect.

Mayor Cheng expressed appreciation for Mr. Miller's presence and contributions.

Al Miller thanked his wife Barbara, his two sons and other family members present. Mr. Miller also thanked Sally Schroeder, daughter in law of Art Schroeder who was also present. Mr. Miller also thanked Chuck Lewis for giving him the courage and impetus to get started and thanked his mother for her activism and wisdom. Mr. Miller encouraged everyone to contribute to their community.

Action: Moved, seconded (Benassini/Abelson) and carried unanimously to adopt Resolution No. 2011-48 recognizing the leadership, contributions and achievements of Rich Bartke and inducting him into the El Cerrito Wall of Fame; Resolution No. 2011-49 recognizing the leadership, contributions and achievements of Rose Lernberg and inducting her into the El Cerrito Wall of Fame; Resolution No. 2011-50 recognizing the leadership, contributions and achievements of Roy Mespelt and inducting him into the El Cerrito Wall of Fame; and Resolution No. 2011-51 recognizing the leadership, contributions and achievements of Alan

Miller and inducting him into the El Cerrito Wall of Fame:

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

Moved, seconded (Abelson/Lyman) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5E in one motion as indicated below.

JOINT COUNCIL/AGENCY ITEM

A. Minutes for Approval

Approve the minutes of the June 20, 2011 Special City Council and Concurrent City Council / Redevelopment Agency / Public Financing Authority and Employee Pension Board meetings.

Action: Approved minutes.

CITY COUNCIL ITEMS

B. Contract Award for Solid Waste Collection Rates and Operations Review

Adopt a resolution authorizing the City Manager to execute a contract in an amount not to exceed \$46,000 with R3 Consulting Group, Inc. to perform a detailed review of East Bay Sanitary Company's (EBS) rates and operations. The scope of work will include a review of the City's recycling collection operations and an analysis of the City's readiness to implement mandatory commercial recycling, as required by the State.

Action: Adopted Resolution No. 2011-52.

C. Extension of the Garbage and Green Waste Collection Franchise Agreement with East Bay Sanitary Company, Inc.

Adopt a resolution approving the Fourth Amendment to the Franchise Agreement between the City of El Cerrito (City) and East Bay Sanitary Company, Inc. (EBS) extending the Franchise Agreement by one year, through December 31, 2018.

Action: Adopted Resolution No. 2011-53.

D. Conflict of Interest Code Revision

Adopt a resolution revising the City's Conflict of Interest Code to include filing requirements for related agencies, including the Redevelopment Agency, the Public Financing Authority and the Municipal Services Corporation.

Action: Adopted Resolution No. 2011-54.

E. Re-Endorsement of Senate Bill 810 – California Universal Health Care Act of 2011

At the request of Councilmember Abelson, adopt a resolution supporting Senate Bill 810, the California Universal Healthcare Act of 2011, which will cover every Californian with comprehensive, affordable health insurance and urges all members of the State legislature to sponsor this critical bill. The official status, history and text of the bill is available from the State Legislative Counsel's website at <http://www.leginfo.ca.gov/bilinfo.html>.

Action: Adopted Resolution No. 2011-55.

6. PUBLIC HEARINGS

Fire Hazard Abatement

Adopt a resolution declaring weeds, rubbish, litter or other flammable material on certain real property identified in the resolution constitutes a public nuisance.

Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Presenter: Michael Bond, Battalion Chief/Fire Marshall. Chief Bond introduced a revised Exhibit A to both resolutions.

Action: Moved, seconded (Benassini/Lyman) and carried unanimously to adopt Resolution No. 2011-56 including a revised Exhibit A.

Mayor Cheng opened the public hearing. No speakers.

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

Action: Moved, seconded (Jones/Lyman) and carried unanimously to adopt Resolution No. 2011-57 including a revised Exhibit A.

7. POLICY MATTERS

Study Session on Transit-Oriented Development Feasibility and Parking Demand Study

This evening's study session is to provide the City Council with an update on the progress of the studies being completed and for staff to receive feedback from the Council.

Presenters: Lori Treviño, Redevelopment Manager, Alexander Quinn, Director of Sustainable Economics, AECOM; and Chi-Hsin Shao, Principal, CHS Consulting Group

Action: Presentation heard and discussion held.

Moved, seconded (Lyman/Jones) and carried unanimously to extend the meeting to 10:46 p.m.

Moved, seconded (Benassini/Abelson) and carried unanimously to extend the meeting to 10:54 p.m.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Cheng reported that the Arts and Culture Commission had met and upheld their decision to reject the current design for the San Pablo Avenue public art project and asked the artists to come back to the Commission in 60 days with a revised design that will not be colorful.

B. Councilmember Abelson – No report.

C. Councilmember Benassini – No report.

D. Mayor Pro Tem Jones reported that at the July Contra Costa Mayors Conference those present expressed a lot of concern about the intrusion by the state into self-rule by cities and recent state actions regarding the budget and redevelopment.

E. Councilmember Lyman reported that the Waste Management Authority is moving ahead with work on the plastic bag ban.

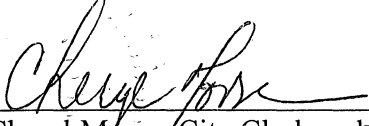
SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 6 Public Hearing – Fire Hazard Abatement

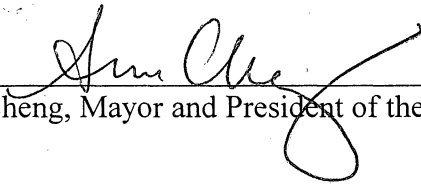
Revised Exhibit A to the Resolution – *Submitted by Fire Marshall Bond.*

9. ADJOURNED CITY COUNCIL / REDEVELOPMENT AGENCY/ PUBLIC FINANCING AUTHORITY AND EMPLOYEE PENSION BOARD MEETING
at 10:54 p.m.

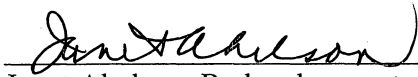
THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Concurrent City Council / Redevelopment Agency / Public Financing Authority and Employee Pension Board meetings of July 18, 2011 as approved by the El Cerrito City Council / Redevelopment Agency / Public Financing Authority and Employee Pension Board.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency, Public Financing Authority, and Employee Pension Board



Ann Cheng, Mayor and President of the Public Financing Authority and Employee Pension Board



Janet Abelson, Redevelopment Agency Chair