

**EL CERRITO CITY COUNCIL
EL CERRITO REDEVELOPMENT AGENCY
EL CERRITO PUBLIC FINANCING AUTHORITY
EL CERRITO EMPLOYEES PENSION BOARD**

MINUTES

SPECIAL EL CERRITO CITY COUNCIL MEETING

Closed Session

Monday, June 6, 2011 – 6:00 p.m.

Hillside Conference Room

SPECIAL EL CERRITO CITY COUNCIL MEETING

Prospect Sierra TEFRA Public Hearing

Monday, June 6, 2011 – 7:15 p.m.

City Council Chambers

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

Monday, June 6, 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 all present.

6:00 p.m. SPECIAL CITY COUNCIL MEETING

Mayor Cheng convened the special City Council meeting at 6:00 p.m.

ANNOUNCEMENT OF CLOSED SESSION

1) 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
International Association of Fire Fighters Local 1230
El Cerrito Police Employees Association
El Cerrito Public Safety Management
Unrepresented Employees

2) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to Government Code Section 54956.9: One potential case [Item No. 2 withdrawn at the request of the City Manager.]

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

RECESSED INTO CLOSED SESSION at 6:03 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

Mayor Cheng reported that the City Council had just met in closed session and provided direction to staff.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:17 p.m.

7:15 p.m. ROLL CALL

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

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Cheng convened the special City Council meeting at 7:18 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

PUBLIC HEARING REQUIRED BY THE FEDERAL TAX EQUITY AND FISCAL RESPONSIBILITY ACT (TEFRA), IN CONNECTION WITH THE ISSUANCE OF BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY FOR THE BENEFIT OF PROSPECT SIERRA SCHOOL

Conduct a public hearing under the Tax and Equity Fiscal Responsibility Act ("TEFRA") on June 6, 2011 in connection with the proposed issuance in one or more series of refunding revenue bonds by the California Municipal Finance Authority ("CMFA"), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed \$15,500,000, (the "Bonds"), to assist in the refinancing of the acquisition, renovation, improvement and equipping of educational facilities, known as Prospect Sierra School located at 960 Avis Drive and 2060 Tapscott Avenue, El Cerrito, California (collectively, the "Project").

Adopt a resolution to become a member of the CMFA and to approve of the issuance of the Bonds for the financing of the Project by the CMFA.

Councilmember Lyman recused himself from this item because he has a family member who is employed by Prospect Sierra School. Although the city is not a party to the proposed bond issuance or the projects to be financed by the bond, Councilmember Lyman stated that he is recusing himself from this item to avoid any conflict of interest. [Councilmember Lyman then exited the Council Chambers.]

Presenter: Sky Woodruff, City Attorney.

Mayor Cheng opened the public hearing. No speakers.

Moved, seconded (Benassini/Abelson; Ayes – Councilmembers Abelson, Benassini, Jones and Mayor Cheng; Noes – None; Absent – Councilmember Lyman) and carried to close the public hearing.

Action: Moved, seconded (Benassini/Abelson; Ayes – Councilmembers Abelson, Benassini, Jones and Mayor Cheng; Noes – None; Absent – Councilmember Lyman) and carried to adopt Resolution No. 2011-36.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:33 p.m.

ROLL CALL

Councilmembers/Redevelopment Agency Members/Public Financing Authority Members and Employee Pension Board Members Abelson, Benassini, Jones, Lyman and Mayor/Chairperson Cheng all present.

7:30 p.m.

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

Mayor/Chairperson Cheng convened the Concurrent meeting at 7:34 p.m.

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

Councilmember Abelson reported that a Recycling and Electronic Un-waste Event was held over the weekend. On June 11th there is a clean-up at Cerrito Vista Park. More information is located on the Environmental Services Division website. This website also accepts applications for rebates for improving home energy performance. Everyone is invited to the City's Annual July 4 Celebration at Cerrito Vista Park from 10a.m.to 6 p.m. There will be a number of different booths, dancing companies and activities. Councilmember Abelson also reported on her attendance at the League of California Cities' Legislative Action Days and her participation in the League's Advanced Leadership Training on May 18-20, 2011 in Sacramento. The League reported that the elimination of redevelopment will not provide any budget savings but will destroy hundreds of thousands of jobs and billions of dollars in economic opportunities. A number of legislative bills have been introduced that will reform rather than eliminate redevelopment. Councilmember Abelson also participated in a panel at the League's Advanced Leadership Training entitled *Creating more Collaborative Council Strategies for Effective Communications, Meeting Management and Public Engagement*.

Mayor Pro Tem Jones reported that the County has announced that it is in the middle of re-districting for supervisor districts. For more information call Supervisor Gioia's office or look at his website to check on status. The re-districting process is attempting to achieve districts with close to 43,000 people per county supervisor district for representation. This may affect current district boundaries.

Councilmember Benassini reminded everyone about the *Bike to Bridges* benefit event for Special Olympics on June 12 at Martinez Waterfront Park. Various routes are available. More

information can be found on the City's website.

Mayor Cheng invited all to join her *Bike to Bridges* team, El Cerrito Cycles.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, commented on the efficiency of operations at the Recycling and Electronic Un-Waste event and on his attendance at the Albany-Exchange Club Recognition Dinner in which Officer Chalk was recognized as Officer of the Year.

4. PRESENTATIONS – None

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

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

A. Minutes for Approval

Approve the minutes of the May 16, 2011 City Council meeting.

Action: Approved minutes.

B. Geotechnical On-Call Services Contracts

Adopt a resolution authorizing the City Manager to execute agreements with two firms, Ninyo & Moore and RMA Group, for on-call services related to geotechnical, geological, environmental and materials testing services for periods of three years with options for two additional years.

Action: Adopted Resolution No. 2011–37.

C. Urban Greening Plan Grant Application

Adopt a resolution approving an application for grant funds from the Urban Greening Planning for Sustainable Communities Grant Program (Proposition 84) for preparation of an Urban Greening Plan.

Action: Adopted Resolution No. 2011–38.

D. Expenditure of Supplemental Law Enforcement Services Program (SLESP) Funds

Adopt a resolution authorizing the reimbursement and expenditure of Supplemental Law Enforcement Services Program (SLESP) funds for the continuation of a sworn position assigned to traffic enforcement and the remainder for the purchase of needed equipment to support front line law enforcement in El Cerrito.

Action: Adopted Resolution No. 2011–39.

E. Adoption of Gann Appropriation Limit for Fiscal Year 2011–12

Adopt a resolution which selects the California Per Capita Personal Income option for the Cost of Living factor and the County Population option for the population factor. Utilizing these factors establishes the City's appropriations limit as \$101,104,599 for Fiscal Year 2011–12.

Action: Adopted Resolution No. 2011–40.

F. Measure J Funds for Paratransit Services

Adopt a resolution authorizing staff to submit an application and claim Measure J funds in order

to provide paratransit services for the elderly and disabled in Fiscal Year 2011–12.

Action: Adopted Resolution No. 2011–41.

G. March 31, 2011 Quarterly Investment Report

Receive and file the City's March 31, 2011 Quarterly Investment Report.

Action: Received and filed.

6. PUBLIC HEARINGS

Fire Hazard Abatement

1. Adopt a resolution declaring that weeds, rubbish, litter or other flammable material (specifically dead or dying eucalyptus trees or branches and ladder fuels growing into the trees) on certain property as identified in the resolution constitutes a public nuisance.
2. 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.

Action: Moved, seconded (Lyman/Jones) and carried unanimously to adopt Resolution No. 2011–42.

Mayor Cheng opened the public hearing. One speaker.

Susan Dixon, El Cerrito, stated that her neighbor has been trying diligently to find another qualified tree service to perform the abatement work. Ms. Dixon stated that she was ready a long time ago to do the abatement at twice the cost of the current contract. Earlier Ms. Dixon and her neighbor had found a tree service who after many delays, informed her neighbor that he was not qualified to perform the work. A tree service contract is in place and is scheduled to start at 9:00 a.m. on June 8. This will bring the property into compliance.

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

Action: Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2011–43.

7. POLICY MATTERS

Fiscal Year 2011–12 Budget

Presentation and discussion of the City's Fiscal Year 2011–12 budget. Adoption of the budget is scheduled for consideration on June 20, 2011.

Presenter: Scott Hanin, City Manager.

Speakers: Ken Berndt, El Cerrito, praised the work of the Police Department and also expressed concerns about statements made in the Message R literature, filling public safety vacancies and the proposed 7-9% pay increase for public safety.

Al Miller, El Cerrito, expressed concerns with CalPERS expenses and the scandal involving senior CalPERS staff and asked the Council to explore the possibility of protecting and funding pensions without CalPERS. Mr. Miller also stressed the importance of the School Resource Officer program and the need for the District to keep the School Resource Officers funded.

Action: Presentation heard and discussion held including a proposal by Mayor Pro Tem Jones to consider two additional City Council goals: 1) Study and evaluate, with the support of

public participation, a proposal for El Cerrito to become a charter city for the self rule and self-determination of the municipal affairs of the City including whether a ballot measure should be put before the voters in the November 2012 election; and 2) Schedule Informal Community Forums to discuss present updated and factual information about current issues involving the city, answer resident's questions and receive comments and suggestions from residents about the City. The informal neighborhood meetings would include staff and up to two councilmembers.

Councilmember Abelson also requested that departmental goals be reviewed within the context of multi-modal transportation.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Cheng noted that El Cerrito resident Jason Lau received recognition at the annual Ed Fund dinner. The Human Relations Commission (HRC) is looking into a micro grant for the support of school and teacher diversity education efforts. The HRC also received a report from the Police Department on hate crimes and welcomed new member, Sara Parker. The Arts and Culture Commission met and received an extensive recap from staff and Assistant Attorney Lintvedt regarding the contract for the San Pablo Avenue Public Art Project and actions taken by the Commission. There will be a formal presentation from the artists on July 14 followed by a public hearing prior to a final decision on the project. At the West County Mayors Conference, the mayors received a presentation from PGE to discuss the San Bruno crisis including the security and distribution of maps. PGE stated that the costs of the San Bruno incident will not be passed on to rate payers.

B. Councilmember Abelson reported that on May 27 the West Contra Costa Transportation Advisory Committee (WCCTAC) received funding for a Safe Routes to Transit grant in the amount of \$69,000 for a way-finding signage plan for West County. El Cerrito has already completed a significant signage program. Councilmember Abelson referred the plan to staff to see if signage will be installed in El Cerrito. Additionally, WCCTAC is currently engaged in budget review and the budget will come to the City Council for review and approval.

C. Councilmember Benassini reported that the Financial Advisory Board (FAB) reviewed the budget in great detail and is interested in having additional meetings before or near the mid-term review and is also interested in the City's reserve fund, particularly when looking at the out years. Councilmember Benassini attended the annual Ed Fund dinner with Councilmembers Abelson and Jones and was inspired by all the great teachers who were honored and recognized for their contributions to the school district that evening. El Cerrito resident Robert Studdiford was recognized as one of the volunteers of the year.

D. Mayor Pro Tem Jones attended the Contra Costa Mayors Conference last week and received presentations on redistricting. Members of the Mayors Conference also discussed the status of redevelopment discussions in Sacramento, including Assembly Bill 1250, a reform bill, and AB 506 regarding municipal bankruptcy. The Integrated Waste Management Authority will approve its budget for next year. The primary concern is the shift in how garbage and recyclables are collected and how to charge for it in the future so that companies are allowed to make a reasonable profit and charges are reasonable for rate payers as well.

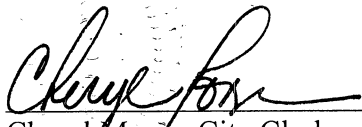
E. Councilmember Lyman – No report

Moved, seconded (Abelson/Lyman) and carried unanimously to extend the City Council meeting to 10:38 p.m.

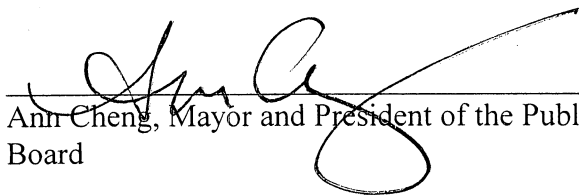
9. ADJOURNED CITY COUNCIL MEETING/ REDEVELOPMENT AGENCY/

**PUBLIC FINANCING AUTHORITY AND EMPLOYEE PENSION BOARD
MEETING at 10:38 p.m.**

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Special City Council Closed Session, Special City Council and Concurrent City Council / Redevelopment Agency / Public Financing Authority and Employee Pension Board meetings of June 6, 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