



AGENDA

REGULAR CITY COUNCIL MEETING

Tuesday, April 16, 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

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – Councilmember Friedman.

2. **COUNCIL / STAFF COMMUNICATIONS** (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are limited to 3 minutes per person. Please state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. **PRESENTATIONS** – None.

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

Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion unless a request for removal for discussion or explanation is received prior to the time Council votes on the motion to adopt the Consent Calendar.

A. Minutes for Approval

Approve the April 2, 2013 Regular City Council meeting minutes.

B. Earth Day Proclamation

Approve a proclamation proclaiming April 20, 2013 as Earth Day in the City of El Cerrito and encouraging all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

C. Bike to Work Day Proclamation

Approve a proclamation recognizing the value of increased bicycle use and encouraging participation in the 19th Annual Bike to Work Day and other bicycling activities during the month of May, and proclaiming May 9, 2013, as Bike to Work Day in the City of El Cerrito.

D. Child Abuse Prevention Month Proclamation

Approve a proclamation proclaiming the month of April 2013 Child Abuse Prevention Month in the City of El Cerrito and calling upon all residents, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support safe and strong families, thereby preventing child abuse and strengthening the communities in which we live.

E. Second Reading of an Ordinance Amending El Cerrito Municipal Code Section 19.35.020, Temporary Uses (*First Reading was April 2, 2013. Vote: Unanimous*)

Approve second reading and adopt Ordinance No. 2013–01 amending El Cerrito Municipal Code Section 19.35.020, Temporary Uses, to allow greater flexibility for entertainment, recreational and leisure venues, particularly in the form of special events.

F. On-Call Engineering and Project Management Services

Adopt a resolution authorizing the City Manager to execute professional services agreements with three consulting firms: Avila Project Management, BKF Engineers, and Coastland Civil Engineering, Inc. to provide engineering and project management services for three years with options to extend for an additional two years.

G. Support Senate Bill 254 (Hancock): Used Mattress Recovery and Recycling Act

Approve a recommendation authorizing Mayor Lyman to sign a letter expressing the City Council's support for Senate Bill 254 – The Used Mattress Recovery and Recycling Act, legislation which would foster the creation of convenient, cost-free programs for consumers to recycle used mattresses and direct the City Clerk to send the letter to the Honorable Jerry Hill, Chair of the Senate Committee on Environmental Quality and other appropriate legislators and legislative bodies.

H. Support for Patricia Jones' Appointment to the State Park and Recreation Commission

At the request of Mayor Pro Tem Abelson, approve a recommendation authorizing Mayor Lyman to sign and send a letter to Governor Brown expressing the City Council's support for the appointment of Patricia Jones to the State Park and Recreation Commission.

I. Committee on Aging Appointments

Approve the Committee on Aging's recommendation to appoint appointing Gabriel Quinto and Karen Christian to the Committee on Aging Effective April 17, 2013.

6. PUBLIC HEARING – None.**7. POLICY MATTERS****A. Ordinance Establishing the Measure A Swim Center Parcel Tax Rates for Fiscal Year 2013–14**

Introduce by title, waive any further reading, and approve Ordinance 2013-XX establishing the Measure A Swim Center Parcel Tax rates for FY 2013-14, equal to the approved FY 2012-13 rates of \$38.61 per single-family residential unit, \$29.73 per multifamily residential unit, and \$270.66 per acre of non-residential property.

B. City Budget Update

Update, discussion and possible direction on the Fiscal Year 2012–13 budget, the newly adopted Strategic Plan and the Fiscal Year 2013-14 budget.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman Assignments: Commission/Committee Rules Subcommittee, Contra Costa County Mayors' Conference, Crime Prevention Committee, East Bay Green Corridor Principal, Human Relations Commission, Municipal Services Corporation Chair, Pension Trust Board Chair, Public Financing Authority Chair, San Pablo Avenue Area Specific Plan Committee, Successor Agency to the Former Redevelopment Agency Chair, Tree Committee, West Contra Costa Transportation Advisory Committee Alternate, West County Mayors' & Supervisors' Association and West County Integrated Waste Management Authority Delegate.

B. Mayor Pro Tem Abelson Assignments: Committee on Aging, Contra Costa County Mayors' Conference Alternate, Contra Costa Transportation Authority Board Chair, League of California Cities East Bay Division Delegate (also attends as the Council's Delegate to the Annual League Conference), Environmental Quality Committee, Municipal Services Corporation Vice-Chair, Pension Trust Board Vice-Chair, Successor Agency to the Former Redevelopment Agency Vice-Chair, West Contra Costa Transportation Advisory Committee Delegate and West County Mayors' & Supervisors' Association Alternate.

C. Councilmember Benassini Assignments: Association of Bay Area Governments General Assembly Delegate, Financial Advisory Board, Planning Commission, San Pablo Avenue Area Specific Plan Committee and Tom Bates Regional Sports Field Joint Powers Authority Delegate.

D. Councilmember Bridges Assignments: Tom Bates Regional Sports Field Joint Powers Authority Delegate and Design Review Board, Park and Recreation Commission.

E. Councilmember Friedman Assignments: Arts and Culture Commission, Association of Bay Area Governments General Assembly Alternate, Economic Development Board, Commission/Committee Rules Subcommittee, League of California Cities East Bay Division Alternate and West County Integrated Waste Management Authority Alternate.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next City Council meeting is Tuesday, May 7, 2013 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito, California.

- Council Meetings can be heard live on **FM Radio**, KECG – 88.1 and 97.7 FM and viewed live on **Cable TV** - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El

Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.

- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, April 2, 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 7:01 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Councilmember Benassini.
2. **COUNCIL / STAFF COMMUNICATIONS**

Mayor Pro Tem Abelson represented the League of California Cities today at a meeting held in Sacramento regarding the U.S. Department of Agriculture (USDA) and Department of Education nutrition programs for low income students. Many schools no longer offer summer school and this impacts the ability to provide the state-run free lunch program for kids. Earth Day in El Cerrito will be celebrated on April 20, 2013 in the morning. Mayor Pro Tem Abelson encouraged those interested in signing up for a work party to register on the City's website. A free lunch at the Community Center follows the work parties.

Additionally, there are several public hearings scheduled throughout the nine Bay Area counties on the One Bay Area Plan - the Climate Action Plan for Land Use and Transportation in the Bay Area (Plan). The Plan was developed after passage of Assembly Bill 32 and Senate Bill 375. There will be a hearing on the Plan in Contra Costa County on April 17, 2013 at the Contra Costa Transportation Authority, 2999 Oak Road in Walnut Creek at 6:00 p.m. All are welcome to attend and comment. Additionally, there is also a hearing on the Environmental Impact Report at the Marriot Hotel in Walnut Creek. More information is available from the Metropolitan Transportation Commission website, <http://www.mtc.ca.gov/>.

Mayor Lyman stated that that a neighborhood watch meeting sponsored by the Crime Prevention Commission was held at Canyon Trail Clubhouse over the weekend. National Night Out is August 6 this year. On April 11, 2013, Recyclemore/West County Waste Management Authority will be conducting a public hearing on the Final Environmental Impact Report for the plastic bag ban. The City is offering several new small business workshops and entrepreneur training. More information is available on the City's website or by contacting Dwayne Dalman at 215-4362. Residents interested in serving on the Contra Costa County Civil Grand Jury can contact Theresa Ramos at 925-957-5638. On April 20 from 11-2 at the Craneway Conference Center in Richmond, the Ed Fund has organized a luncheon to honor several West Contra Costa Unified School District (WCCUSD) teachers. The cost is \$45 per person. More information is posted on the Ed Fund website, www.tinyurl.com/edfund2013. On June 14 at 7:00 p.m. the El Cerrito Library will be celebrating its 100th birthday.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Todd Groves, West Contra Costa Unified School District Board of Education Director, provided an update on local WCCUSD activities including an update on Portola Middle School and an upcoming WCCUSD Strategic Plan Town Hall scheduled in May at El Cerrito High School.

Nicholas Arzio, El Cerrito, discussed the placement of two parking stalls near the corner of Fairmount and Kearney Streets. Mr. Arzio asked that the City reconsider the placement of the two parking spots because he believes they are too short and impact a disabled access ramp.

Al Miller, El Cerrito, invited all to attend Stege Sanitary District's 100th Anniversary Celebration on May 18, 2013 from 1 to 4 at the Stege District office located at 7500 Schmidt Lane.

4. PRESENTATIONS

Planned Parenthood Health Center at El Cerrito Plaza

Planned Parenthood El Cerrito will express its appreciation to the City Council for its support in bringing the health center to El Cerrito Plaza and present information on the impact Planned Parenthood's presence has had on the community.

Presenters: Debbie Bamberger, Nurse Practitioner and Chris Sorensen, Former Board Chair, Planned Parenthood El Cerrito.

Action: Presentation heard.

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

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

A. Minutes for Approval

Approve the March 19, 2013 Special City Council and Regular City Council meeting minutes.

Action: Approved minutes.

B. Annual Landscape and Lighting Assessment Report

Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988-1 report for fiscal year 2013-14.

Action: Adopted Resolution No. 2013–12.

C. Annual Parcel Assessment for the National Pollutant Discharge Elimination System Program (NPDES)

Adopt a resolution establishing the annual NPDES assessment Equivalent Runoff Unit rate at the current rate of \$38.00 and direct the Contra Costa County Flood Control and Water Conservation District to adopt Stormwater Utility Area levies based on this amount.

Action: Adopted Resolution No. 2013–13.

D. 2010 and 2011 Growth Management Program Compliance Checklist

Adopt a resolution approving the Calendar Year 2010 and 2011 Growth Management Program (GMP) Compliance Checklist for allocation of Fiscal Years 2011–12 and 2012–13 Local Street Maintenance and Improvement Funds from Measure J by the Contra Costa Transportation Authority (CCTA).

Action: Adopted Resolution No. 2013–14.

E. Professional Services Agreement with Avila Project Management

Adopt a resolution authorizing the City Manager to execute an amendment to the consultant services agreement between the City of El Cerrito and Avila Project Management for project management services in an amount not to exceed \$50,000 bringing the total contract to an amount not to exceed \$75,000.

Action: Adopted Resolution No. 2013–15.

F. 2012 General Plan Annual Progress Report

Receive and file the General Plan Annual Progress Report.

Action: Received and filed.

G. Proclamation in Recognition of National Service, Community and Volunteer Day

Authorize Mayor Lyman to join other mayors and public officials nationwide in registering support for the Mayors Day of Recognition of National Service and approve a proclamation proclaiming April 9, 2013 as National Service, Community and Volunteer Recognition Day in the City of El Cerrito and encourage all residents to recognize the positive impact of service in our city, to thank those who serve and to find ways to give back to their communities.

Action: Approved proclamation.

6. PUBLIC HEARING

Amend El Cerrito Municipal Code Section 19.35.020, Temporary Uses

Conduct a public hearing and upon conclusion, introduce by title, waive any further reading and approve an ordinance amending El Cerrito Municipal Code Section 19.35.020, Temporary Uses, to allow greater flexibility for entertainment, recreational and leisure venues, particularly in the form of special events.

Presenter: Noel Ibalio, Senior Planner.

Mayor Lyman opened the public hearing. No speakers.

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

Action: Moved, seconded (Abelson/Bridges) and carried unanimously to approve by title and waive any further reading of an ordinance amending El Cerrito Municipal Code Section 19.35.020, Temporary Uses, to allow greater flexibility for entertainment, recreational and leisure venues, particularly in the form of special events. *Second reading is scheduled for April 16, 2013.*

7. **POLICY MATTERS**

A. **Adoption of the City of El Cerrito Strategic Plan 2013–2017**

Adopt a resolution adopting the Strategic Plan for the City for the years 2013–2017.

Presenters: Karen Pinkos, Assistant City Manager and Suzanne Iarla, Community Outreach Specialist.

Speakers: Tom Panas, El Cerrito, thanked staff and Ms. Hetrick for all the work that has been done on the Strategic Plan. Mr. Panas said that the Strategic Plan should make a stronger statement about public facilities by stating that the City should start construction on a new lifelong learning center and new public safety facility within the next five years. Mr. Panas also asked that the Strategic Plan be revised to include specific language regarding the need for an historic resources ordinance, a survey of historic resources and historic preservation.

Joanne Rubio, El Sobrante, commented on Goal C of the Strategic Plan. Ms. Rubio urged the City Council to support the review and development of an historic resources ordinance and survey as a strategy for furthering Goal C: Deepen a sense of place and community identity.

John Stashik, El Cerrito, stated that the City has a rich heritage and urged the City Council to prepare an inventory and protect the City’s historic resources and heritage.

Action: Moved, seconded (Friedman/Benassini) and carried unanimously to adopt Resolution No. 2013–16 with the following amendments to strategies associated with Goals C and F in the Strategic Plan:

1) Goal C: Deepen a sense of place and community identity.

a) The strategy, “Encourage use of alternative modes of transportation to connect people and create a sense of community” was amended on the floor to read, “Encourage use of alternative modes of transportation to the single occupancy vehicle ~~to connect people and create a sense of community~~” and transferred to Goal F: Environmental Sustainability. Councilmember Benassini suggested that this strategy could also be placed under Goal E: Ensure the public’s health and safety. *The City Council agreed that certain strategies relate to multiple goals.*

b) Mayor Lyman and Mayor Pro Tem Abelson suggested and the City Council agreed by consensus to change the strategy, “Encourage use of alternative modes of transportation” to “Encourage dense business nodes to minimize or eliminate automobile traffic.”

c) The strategy, “Review current policies on historic preservation and determine whether updates are required” was amended on the floor to read “Review and update current policies on historic preservation of historic and cultural resources and determine whether updates are required.”

2) Goal F: Foster environmental sustainability citywide.

The strategy, “Encourage use of alternative modes of transportation to the single occupancy vehicle” was added to Goal F by consensus of the City Council.

3) The City Council also eliminated the word, “beautiful” from the vision statement. The vision statement now reads as follows: “The ~~beautiful~~ City of El Cerrito is a safe, connected, and environmentally focused Bay Area destination with vibrant neighborhoods, businesses and public places, and diverse cultural, educational and recreational opportunities for people of all ages.”

B. San Pablo Avenue Specific Plan Update and Professional Services Agreement Amendment

Receive an update on the San Pablo Avenue Specific Plan and adopt a resolution authorizing the City Manager to amend the professional services agreement with Moore Iacofano Goltsman, Inc. (MIG), in an amount not to exceed \$422,000 to complete the San Pablo Avenue Specific Plan, Complete Streets Plan and Programmatic Environmental Impact Report.

Presenter: Melanie Mintz, Environmental Services Manager, Daniel Iacofano, Principal and Mukul Malhotra, Principal, MIG.

Speaker: Tom Panas, El Cerrito, stated that he was gratified to learn that the Specific Plan would be overhauled to include a stronger focus on “Place Making.” Mr. Panas also stated that a goal of the Plan should be that the final outcome reflects the historic nature of San Pablo Avenue and that the traffic analysis contained in the document needs correction.

Action: Moved, seconded (Benassini/Abelson) and carried unanimously to adopt Resolution No. 2013–17.

C. Term Sheet for the West Contra Costa Integrated Waste Management Authority (RecycleMore) Post-Collection Services Agreement

Approve a recommendation advising Mayor Lyman to vote on the City Council’s endorsement of the Term Sheet memorializing the deal points of an agreement between RecycleMore and Republic Services, Inc. at the April 11, 2013 meeting of the RecycleMore Board of Directors.

Action: Moved, seconded (Friedman/Bridges) and carried unanimously to approve the recommendation to endorse the term sheet and allow the Mayor to have the flexibility to adjust to any amendments or changes that may occur prior to negotiating a final approval.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman reported that he attended the East Bay Division of the League of California Cities meeting on March 28, 2013. Dan Borenstein, (*a reporter with the Contra Costa Times*) delivered a presentation on pension reform. Mayor Lyman asked the City Manager to research and report on the City’s unfunded liability. Mayor Lyman also reported on his attendance at a recent West County Mayors meeting on the same day. The City of San Pablo has formed an economic development corporation to take care of its redevelopment issues. The West County Mayors received a presentation on homeless services provided by Saffron Strand, which offers services to homeless individuals that are re-entering the workforce. The West Contra Costa County Mayors also discussed the upcoming expiration of many regional appointments that are made by the Contra Costa County Mayors Conference. There is a significant shortage of representatives from West Contra Costa County. Mayor Lyman encouraged councilmembers to volunteer for these positions. Existing terms expire on June 30, 2013. The Mayors Conference is expected to vote on appointments at an upcoming meeting.

B. Mayor Pro Tem Abelson reported that the Environmental Quality Committee (EQC) co-sponsored a recent showing of the film, *Rising Waters* at the Cerrito Theater. Attendance was good. Break-out sessions followed at Nông Thôn Restaurant. The public also provided comments on the One Bay Area Plan. Mayor Pro Tem Abelson thanked everyone involved, particularly Environmental Analyst, Garth Schultz for his efforts. This event provided a great opportunity to showcase El Cerrito within the community and to neighboring cities.

The Committee on Aging previewed and discussed the Healthcare Movie. The Committee would like to sponsor a viewing of the film. Mayor Pro Tem Abelson also attended the East Bay Division of League of California Cities meeting in which Daniel Borenstein, a reporter with the Contra Costa Times, spoke about pension reform. The presentation provoked a very lively interaction. Mr. Borenstein made a lot of points about his own position and Mayor Pro Tem Abelson stated that she was interested in El Cerrito specifically.

C. Councilmember Benassini reported that the Planning Commission discussed the temporary use ordinance and provided comments. A member of the EQC also came to the meeting and gave a report on what the Committee has done in terms of public outreach.

D. Councilmember Bridges reported that the Parks and Recreation Commission met on March 27, 2013 and voted to approve a temporary pop-up garden. The Commission also received an update from Public Works Director Jerry Bradshaw regarding the status of infrastructure problems at Huber Park, specifically water problems at the top of Park Street. Boulder fill provides a temporary fix. The issue has not been completely resolved however the lack of water this winter has helped. The Commission also received an update on the remainder of Measure WW grant funds. There is \$550,000 remaining; no recommendations were made by the Commission about the funds. Bill Driscoll, Maintenance Engineering Manager, gave an update on irrigation issues at Canyon Trail Park. Director Jones provided an update on the lack of progress on the joint use facilities and field agreement with the School District. Soccer is continuing to pay \$48.00 per hour on Sundays for the soccer field. Councilmember Bridges noted that City Manager Hanin will be meeting with WCCUSD Superintendent Harter during the week and announced that there will be a joint City Council/WCCUSD Board of Education meeting on May 7, 2013. Councilmember Bridges encouraged field users to attend the meeting if issues are not resolved.

E. Councilmember Friedman invited the public to attend the reception with local artist Dug Waggoner on April 6, 2013 from 1-3 p.m. in the City Hall Art Gallery.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7(A) Adoption of the City of El Cerrito Strategic Plan 2013–2017

1. Comments regarding historical resources – *Submitted by Tom Panas.*
2. Additional comments regarding the Strategic Plan – *Submitted by Tom Panas.*
3. Comment regarding historic preservation – *Submitted by Brenda Navellier.*
4. Comments urging language regarding walkability, pedestrian uses, density and local business – *Submitted by Tess Taylor.*
5. Powerpoint presentation – *Submitted by Suzanne Iarla, Administrative Analyst.*

Item No. 7(B) San Pablo Avenue Specific Plan Update and Professional Services Agreement Amendment

6. Powerpoint presentation – *Submitted by Melanie Mintz, Environmental Services Manager*

Item No. 7(C) Term Sheet for the West Contra Costa Integrated Waste Management Authority (RecycleMore) Post-Collection Services Agreement

7. Powerpoint presentation – *Submitted by Garth Schultz, Environmental Analyst.*

Other:

8. Public Works Department Detailed Traffic Order – *Submitted by Nicholas Arzio.*

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:22 p.m.

A meeting of the Municipal Services Corporation followed immediately upon adjournment of this regular City Council meeting.

***CITY COUNCIL OF THE CITY OF EL CERRITO
EARTH DAY PROCLAMATION***

WHEREAS, the first Earth Day was proclaimed in 1970 in order to foster public awareness of the need to protect the environment and conserve resources; and

WHEREAS, the City of El Cerrito has celebrated Earth Day every year in keeping with this spirit of the initial Earth Day; and

WHEREAS, the annual celebration of Earth Day in the City of El Cerrito seeks to involve all of its citizens in improving their local environment and becoming more aware of their global environment; and

WHEREAS, in furtherance of this objective the City is planning a variety of activities in which residents and businesses will have an opportunity to donate their time and money including: cleaning up City parks, facilities, greenways, creeks, and schools; picking up litter along streets and in commercial areas; sharing a community lunch and celebrating becoming more “green.”

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims April 20, 2013 as EARTH DAY in the City of El Cerrito and encourages all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Dated: April 16, 2013

Gregory B. Lyman
Mayor

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
Bike to Work Day on May 9, 2013***

WHEREAS, May is National Bike Month; and

WHEREAS, the City of El Cerrito is committed to making the City a more bike friendly city; and

WHEREAS, in 2007, the City Council adopted a Circulation Plan for Bicyclists and Pedestrians; and

WHEREAS, support for increased bicycle use is one of the strategies in the City's Climate Action Plan; and

WHEREAS, the San Francisco Bay Area's 19th Annual Bike to Work Day will take place on Thursday, May 9, 2013 with all nine Bay Area counties participating in the celebration, and

WHEREAS, as part of Bike to Work Day, Energizer Stations will be located along Bay Area commute routes where bicyclists can stop for refreshments, giveaways, and bicycling information or simply to be 'cheered on' by fellow participants; and

WHEREAS, on Bike to Work Day, the City of El Cerrito will host an Energizer Station on the Ohlone Greenway near the El Cerrito Plaza BART station; and

WHEREAS, according to the 2007 American Community Survey 43,000 Bay Area residents use a bicycle as their primary means of getting to work every day; and

WHEREAS, drivers should remember to drive the speed limit, share the roadway and always watch for bicyclists; and

WHEREAS, the City Council encourages everyone to consider participating in Bike to Work Day and other Bike Month activities, to participate in a bicycle safety class, and to consider bicycling more often.

NOW THEREFORE the City Council of the City of El Cerrito recognizes the value of increased bicycle use and encourages participation in the 19th Annual Bike to Work Day and other bicycling activities during the month of May, and hereby proclaims May 9, 2013, as Bike to Work Day in the City of El Cerrito.

Dated: April 16, 2013

Gregory B. Lyman
Mayor

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
April 2013 is Child Abuse Prevention Month***

WHEREAS, every child is precious and deserves to grow up in a healthy, safe, nurturing environment free from the threats, dangers, and harmful effects of child abuse and neglect; and

WHEREAS, child abuse and neglect impacts our entire society and can cause traumatic psychological, emotional and physical harm which can lead to poor outcomes including detrimental behaviors and mental and physical illness for children and adults; and

WHEREAS, a strong family unit is the best deterrent to child abuse. Effectively intervening in the lives of children threatened by abuse is a shared responsibility. Strengthening the bonds within families requires community members and leaders to partner with parents; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and

WHEREAS, working together is crucial to protect the well-being of our children by recognizing the signs of violence and creating safe, and strong environments that safeguard the promise of their futures; and

WHEREAS, nationally, it is estimated that more than 1,500 children die each year from child abuse or neglect and during periods of economic challenges, families feel more vulnerable, and as a result, child abuse and neglect increases drastically; and

WHEREAS, research shows that for every \$1 spent on child abuse and neglect prevention, \$34 will not be spent on publicly funded crisis-oriented programming such as protective services, foster care, special education and counseling; and

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims the month of April 2013 Child Abuse Prevention Month in the City of El Cerrito and calls upon all residents, community agencies, faith groups, medical facilities, and businesses to increase their participation in efforts to support safe and strong families, thereby preventing child abuse and strengthening the communities in which we live.

Dated: April 16, 2013

Gregory B. Lyman, Mayor

ORDINANCE 2013-01

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE SECTION 19.35.020, TEMPORARY USES, TO ALLOW GREATER FLEXIBILITY FOR ENTERTAINMENT, RECREATIONAL AND LEISURE VENUES, PARTICULARLY IN THE FORM OF SPECIAL EVENTS

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I. Section 19.35.020 B. 2. of the El Cerrito Municipal Code is hereby amended with the following additions and deletions to read as follows (additions in underline, deletions in ~~striketrough~~) :

B. Exempt Temporary Uses. The following minor and limited duration temporary uses are exempt from the requirement for a Temporary Use Permit. Uses that do not fall within the categories defined below shall comply with Subsection C.

2. Events. Events on nonresidential property including the following:

~~City Hall. Any temporary activities conducted at City Hall.~~ City-sponsored Events. Any temporary activities ~~conducted~~ sponsored by the City, unless the Zoning Administrator determines a Temporary Use Permit is necessary to effectuate the purposes of this chapter.

SECTION II. Section 19.35.020 C. 2. of the El Cerrito Municipal Code is amended with the following additions and deletions to read as follows (additions in underline, deletions in ~~striketrough~~):

C. Temporary Use Permit Required. A temporary use permit shall be required for the following types of temporary uses:

2. “ a. Arts and crafts shows, auctions, civic and community events, fairs, farmers' markets, festivals, flea markets, food events, recreation events, rummage sales, second hand sales, street fairs, and swap meets ~~for 10 consecutive days or less, or five two-day weekends, for up to within a 12 months period.~~”

SECTION III. This ordinance is adopted pursuant to the procedures established by state law, and all required notices have been given, and the public hearing has been properly held and conducted.

SECTION IV. This ordinance shall take effect and be enforced thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, the

Agenda Item No. 5(E)

ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

The foregoing ordinance was introduced at a regular meeting of the City Council on April 2, 2013 and passed by the following vote:

AYES: Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman.

NOES: None

ABSENT: None

Adopted and ordered published at a regular meeting of the City Council held on the April _____, 2013 and passed by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

Gregory B. Lyman, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April _____, 2013.

Cheryl Morse, City Clerk



AGENDA BILL

Agenda Item No. 5(F)

Date: April 16, 2013

To: El Cerrito City Council

From: Yvetteh Ortiz, Engineering Manager
Jerry Bradshaw, Public Works Director / City Engineer

Subject: On-Call Engineering and Project Management Services – Professional Services Agreements

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute professional services agreements with three consulting firms: Avila Project Management, BKF Engineers, and Coastland Civil Engineering, Inc. to provide engineering and project management services for three years with options to extend for an additional two years.

DISCUSSION

The Public Works Department currently has several vacancies in the Engineering Division. As the City reviews its overall organizational structure and funding with respect to the vacancies that exist in various departments, Public Works staff has considered soliciting consulting firms to provide as-needed engineering support during this process as well as project management services for a longer three-year term. The services are needed for a variety of capital improvement projects and city programs.

The position of Associate Engineer, in particular, has been vacant since April 2012. This position served as the primary project manager for the City's capital improvement projects. The City currently has a wide variety of active capital improvement projects that are in the environmental, design, construction, and close-out stages. As such, in February 2013 under the authority of the City Manager, the City entered into an agreement with Avila Project Management to provide project management services. On April 2, 2013, the City Council adopted Resolution No. 2013-15 authorizing the execution of a contract amendment allowing the continued use of the services of Avila Project Management at least through the end of May 2013 for the necessary delivery of several projects. This gave City staff sufficient time to complete a thorough consultant solicitation as described below.

The City has previously used consultants to assist Public Works staff to provide various types of engineering services and deliver capital projects. Government Code Section 4526 requires the State and local agencies to select consultant firms such as these on the basis of "demonstrated competency and on professional qualifications." Because of this the consultant selection is not based on cost proposals. That approach is reinforced by

Agenda Item No. 5(F)

the nature of an on-call agreement where the exact scope of work is not specified ahead of time. Therefore, in soliciting these services, staff issued a Request for Qualifications (RFQ) instead of a Request for Proposals (RFP).

Because the work will be unusually variable in scope and may be short-term assignments or may be part of larger capital or planning projects, on-call agreements with consultant firms are appropriate to assign work as needed. Many cities choose to enter into on-call agreements with multiple firms in order to assure that a consultant's workload issues will not get in the way of a city's critical-path needs, and also to allow staff to best fit the expertise of a particular firm with the specific needs of an assignment. For certain projects, a city may ask for task proposals from more than one of their on-call firms to further ensure compatibility.

The selected firms will provide services and have staffing within the specialized categories listed below:

- Street Infrastructure Evaluation and Improvement
- Pavement Management and Improvement
- Storm Drain Evaluation and Improvement
- Erosion and Sediment Control Design
- City Building and Park Repair and Improvements
- Private Development Review
- Utility Coordination and Permitting
- Master Planning and Budgeting

Staff sent the RFQ to 55 firms on March 25, 2013 requesting Statements of Qualifications (SOQs), which were due on April 4, 2013. Staff received 20 responses. The list of 20 was reduced to seven, who were interviewed on April 5, 2013. From this selection process, three firms emerged as the most qualified: Avila Project Management, BKF Engineers, and Coastland Civil Engineering, Inc. All three firms possess several key or all requested areas of expertise, have demonstrated experience handling on-call services for municipalities, and are available to commence services immediately.

The agreements are crafted as master agreements, with specific scope of work and cost to be determined on a task order basis. The agreements have an initial term of three years with the option to extend for up to two additional years. This time frame will allow the City and the respective consultants to develop significant relationships to better serve the City's residents. All firms have submitted fee schedules for the various skill levels and specific team members listed in their SOQs along with other charge conditions such as direct costs and mileage.

As needs arise, one or more of the firms will be asked to propose on the scope for an individual task. Once a proposal and fee are agreed upon, the Public Works Director will issue a task order for the specific assignment.

FINANCIAL CONSIDERATIONS

The on-call agreements do not have dollar amounts directly associated with them. The agreed upon proposal for each task will be subject to funding available for that project or operational need. The fiscal controls are the various budgets for related projects and operations accounts.

Reviewed by:

A handwritten signature in black ink, appearing to read 'S. Hanin', is written over a horizontal line.

Scott Hanin, City Manager

Attachment:

1. Resolution

RESOLUTION 2013-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL AUTHORIZING THE CITY MANAGER TO
EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH AVILA PROJECT
MANAGEMENT, BKF ENGINEERS, COASTLAND CIVIL ENGINEERING, INC. FOR ON-CALL
ENGINEERING AND PROJECT MANAGEMENT SERVICES

WHEREAS, the City requires the services of a consultant firm to perform engineering and project management services for various efforts in the City of El Cerrito; and

WHEREAS, it is customary for a city to enter into one or more agreements for these services on an as-needed basis; and

WHEREAS, Government Code Section 4526 requires the State and local agencies to select professional services firms such as these on the basis of demonstrated competency and on professional qualifications; and

WHEREAS, the City issued a Request for Qualifications to 55 firms for on-call engineering and project management services; and

WHEREAS, Avila Project Management, BKF Engineers, and Coastland Civil Engineering, Inc. were selected from a field of twenty responding consultants, as the most qualified for the requested services.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby authorizes the City Manager to execute professional services agreements with three consultant firms, Avila Project Management, BKF Engineers, and Coastland Civil Engineering, Inc., for on-call engineering and project management services for periods of three years with options to extend for an additional two years.

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on April 16, 2013 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on April XX, 2013.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(G)

Date: April 16, 2013
To: El Cerrito City Council
From: Garth Schultz, Environmental Analyst
Subject: Letter of support for Senate Bill 254 (Hancock) the Used Mattress Recovery and Recycling Act

ACTION REQUESTED

Approve a recommendation authorizing Mayor Lyman to sign a letter expressing the City Council's support for Senate Bill 254 – The Used Mattress Recovery and Recycling Act, legislation which would foster the creation of convenient, cost-free programs for consumers to recycle used mattresses and direct the City Clerk to send the letter to the Honorable Jerry Hill, Chair of the Senate Committee on Environmental Quality and other appropriate legislators and legislative bodies.

BACKGROUND & ANALYSIS

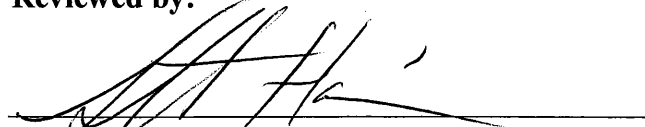
On April 9, 2013, the El Cerrito Environmental Quality Committee passed a motion recommending that Council support SB 254– the Used Mattress Recovery and Recycling Act. Mattresses are bulky items that take up a lot of space in landfills because they do not compact well, and springs from mattresses can easily catch in equipment used in landfill operations. While 80-90% of mattress components are recyclable, some mattress components have value, there is still a net cost to collect and recycle them. Currently, when a resident or business has a mattress for recycling, they must either haul the mattress to a transfer station and pay a recycling fee (\$14 at the Berkeley Transfer Station or \$30 at Golden Bear Transfer Station) or pay a private hauler to recycle it for them (\$54 with East Bay Sanitary). Often times, consumers do not want to pay a landfill disposal fee and end up illegally dumping them on city property.

Senate Bill 254 (SB254), authored by State Senator Loni Hancock, would help eliminate illegal dumping of used mattresses on City streets and public areas by removing the financial burden placed on consumers seeking to recycle these items by requiring manufacturers to pick up mattresses at the end-of-life, at no cost to the consumer and the public agencies. The El Cerrito City Council has previously supported similar legislation mandating manufacturer responsibility, including AB1343 the Paint Recovery Act (Huffman), which was signed into law in 2010. Like AB1343, SB 254 will reduce the financial burden on local governments and protect the environment by requiring manufacturers to take responsibility for establishing and implementing a collection and recycling program for used mattresses. An industry-run program using a market based approach will be more efficient and cost-effective than multiple municipality-led programs.

FINANCIAL CONSIDERATIONS

There is no financial obligation associated with the requested action.

Reviewed by:


Scott Hanin, City Manager

Attachments:

1. Letter in Support of SB 254
2. SB 254 Mattress Recycling Fact Sheet
3. SB 254 Status and Text



OFFICE OF THE MAYOR
Gregory B. Lyman

April 16, 2013

The Honorable Jerry Hill
Chair, Senate Committee on Environmental Quality
State Capitol, Room 5064
Sacramento, CA 95814

RE: SB 254 (Hancock): Used Mattress Recovery and Recycling Act – SUPPORT

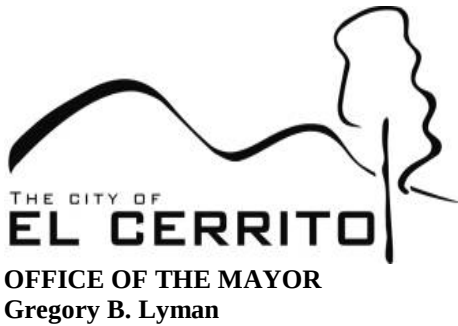
Dear Senator Hill:

On behalf of the City Council of the City of El Cerrito, I am writing to express the City Council's support for Senate Bill 254 by Senator Loni Hancock. SB 254 would foster the creation of convenient, cost-free programs for consumers to recycle used mattresses.

There currently is no state law providing for the recycling of used mattress. More and more communities up and down California, including our own, have seen an increased number of used mattresses on our streets and sidewalks. In the City of Richmond, for example, approximately 2200 mattresses were recovered in 2012. The City of Los Angeles recovers between 120 and 150 mattresses every day. This is not an abstract problem—the costs of dealing with these mattresses places considerable pressure on our cities, counties, and communities. The accumulation of used mattresses in public spaces also poses a serious public health problem, as they can be a breeding ground for mold and pests.

In the City of El Cerrito, residents pay up to \$55 per mattress for hauling and recycling of used mattresses. Some residents avoid paying these costs by dumping mattresses in streets, parks, and other public areas. Not only is this kind of illegal dumping a public nuisance and health and safety concern, but it is also a financial burden on the City's maintenance programs.

SB 254 would help solve this problem by requiring mattress manufacturers to seek CalRecycle approval of mattress recycling programs. The plans would have to achieve the goal of ensuring that 75 percent of used mattresses in California are recycled by 2020. This is an eminently possible goal, one that has already been achieved for bottles, E-waste, and other solid waste.



The City of El Cerrito is, therefore, supportive of Senator Hancock's efforts to increase the recycling of used mattresses in California. We believe that SB 254 is a necessary step in removing this blight and public health hazard from our streets and communities.

Sincerely,

Gregory B. Lyman
Mayor, City of El Cerrito

cc: Members of and Consultants to the Senate Committee on Environmental Quality,
Senate President Pro Tem Darrell Steinberg
Senator Loni Hancock

SB 254 (Hancock): **Used Mattress Recovery and Recycling Act**

Last updated: February 21, 2013
As Introduced in Senate, February 13, 2013

PURPOSE OF THE BILL

Existing law prohibits the dumping of solid waste, except at specific solid waste disposal sites as authorized by law. In recent years, the problem of illegally dumped mattresses has become more serious, especially in the parts of the state that have been hit hardest by the recent recession.

The Used Mattress Recovery and Recycling Act will require manufacturers of mattresses sold in this state to develop, finance and implement a convenient and cost effective program to collect and recycle used mattresses.

PROBLEM & NEED FOR THE BILL

Existing law provides several examples for the disposal of solid waste. AB 2020 (Margolin, 1986), the popularly-known "bottle bill," created a now-widespread program allowing for the recycling and redemption of beverage containers. SB 20 (Sher, 2003) created a program to deal with the problem of illegally disposed e-waste, including discarded computer equipment and other electronics.

There is currently no statute addressing the problem of illegally dumped mattresses. More communities are experiencing an increased number of illegally dumped mattresses, especially given the foreclosure crisis resulting from the recent recession. The accumulation of these used mattresses in public spaces, especially if left for long periods of time, can pose a serious public health problem. Used mattresses can be a breeding ground for mold and pests.

The scope of the problem is growing. In Oakland, for example, between 18 and 35 mattresses are recovered per day. The city estimates that municipal operations devoted to recovering these mattresses costs approximately \$500,000 annually. The City of Richmond estimates that it has recovered approximately 5,000 illegally dumped mattresses from December 2010 to March 2012. The City of Los Angeles estimates that it recovers 120-150 illegally dumped mattresses per day. The City and County of San Francisco recovers approximately 75 to 80 mattresses per day.

The costs of illegally dumped mattresses—both in risk to public health and the burden on financially strapped cities—require action by the legislature.

WHAT THIS BILL WOULD DO

This bill will help reduce illegal dumping, increase recycling and substantially reduce public agency costs for end-of-life management of used mattresses.

SB 254 would require mattress manufacturers to submit a recovery and recycling plan to CalRecycle by April 1, 2015. Consistent with existing state policy, the plans would have a goal of recycling at least 75 percent of used mattresses in California by January 1, 2020.

A compliant plan would provide consumers with convenient, no-cost opportunities to recycle mattresses. These include upon delivery of a new mattress, or when dropped off at a recycling facility or solid waste facility.

The bill would also provide consumers the option of having mattress retailers recover, at no cost, an equivalent used mattress upon the delivery of a new mattress.

CalRecycle would have authority to consider a manufacturer's proposed recovery and recycling plan and determine if it is in compliance. A manufacturer would implement its plans by July 1, 2015.

CalRecycle may impose an administrative cost on manufacturers that is sufficient to meet, but not exceed, the cost of reviewing and approving the recycling plans.

SUPPORT

Californians Against Waste (sponsor).

BILL STATUS

Referred to the Senate Committee on Environmental Quality – February 21, 2013.

CURRENT BILL STATUS

Agenda Item No. 5(G)
Attachment 3

MEASURE : S.B. No. 254
AUTHOR(S) : Hancock.
TOPIC : Solid waste: used mattresses: recycling and recovery.
HOUSE LOCATION : SEN
+LAST AMENDED DATE : 04/01/2013

TYPE OF BILL :
Active
Non-Urgency
Non-Appropriations
Majority Vote Required
State-Mandated Local Program
Fiscal
Non-Tax Levy

LAST HIST. ACT. DATE: 04/02/2013
LAST HIST. ACTION : Set for hearing April 17.
COMM. LOCATION : SEN ENVIRONMENTAL QUALITY
HEARING DATE : 04/17/2013

TITLE : An act to add Chapter 21 (commencing with Section 42985)
to Part 3 of Division 30 of the Public Resources Code,
relating to solid waste.

COMPLETE BILL HISTORY

Agenda Item No. 5(G)
Attachment 3(b)

BILL NUMBER : S.B. No. 254
AUTHOR : Hancock
TOPIC : Solid waste: used mattresses: recycling and recovery.

TYPE OF BILL :
Active
Non-Urgency
Non-Appropriations
Majority Vote Required
State-Mandated Local Program
Fiscal
Non-Tax Levy

BILL HISTORY
2013
Apr. 2 Set for hearing April 17.
Apr. 1 From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.
Feb. 21 Referred to Com. on E.Q.
Feb. 14 From printer. May be acted upon on or after March 16.
Feb. 13 Introduced. Read first time. To Com. on RLS. for assignment. To print.

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 254

Introduced by Senator Hancock

February 13, 2013

An act to add Chapter 21 (commencing with Section 42985) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 254, as amended, Hancock. Solid waste: used mattresses: recycling and recovery.

(1) Existing law requires a retailer of various specified products, such as rechargeable batteries and ~~cell phones~~ *cellular telephones*, sold in the state to have in place a system for the acceptance and collection of those products for reuse, recycling, or proper disposal.

This bill would establish the Used Mattress Recovery and Recycling Act and would define terms for purposes of the act. The bill would require a manufacturer of mattresses sold in this state, individually, collectively, or through a stewardship organization, to provide in an electronic format an interim plan to the Department of Resources Recycling and Recovery by April 1, 2014, that ensures that the manufacturer will be responsible for the collection and recycling of used mattresses generated by consumers. The bill would require a manufacturer to implement the interim plan by July 1, 2014, and to continue implementation until a mattress stewardship plan is approved, conditionally approved, or disapproved by the department.

The bill would require a manufacturer of mattresses sold in this state, individually, collectively, or through a stewardship organization, to submit a mattress stewardship plan to the department by April 1, 2015. The bill would specify the requirements to be included in the plan,

including meeting specified recycling goals. The bill would specify a procedure for the department's approval, disapproval, or conditional approval of a plan.

The bill would require a retailer of mattresses on and after July 1, 2014, to offer the consumer the option of picking up a used mattress, at the time a new mattress is delivered to the consumer, at no additional cost to the consumer.

The bill would prohibit a manufacturer or retailer from selling or offering for sale a mattress to any person in this state unless the manufacturer is in compliance with the act and would prohibit a manufacturer from selling a mattress on or after August 1, 2015, if the manufacturer is not covered by an approved or conditionally approved plan. The bill would require the department, by August 1, 2015, except as specified, and by July 1 annually thereafter, to post on its Internet Web site a listing of manufacturers that have submitted a plan and to annually post a listing of manufacturers in compliance with the act. The bill would require retailers that distribute or sell mattresses to monitor the department's Internet Web site to determine if the manufacturer of a mattress is in compliance with the requirements of the act.

The bill would require a manufacturer, individually, collectively, or through a stewardship organization, to submit an annual report to the department describing its mattress stewardship efforts. The bill would require the department to review the annual report within 90 days of receipt and adopt a finding of compliance or noncompliance with the requirements of the act. The bill would authorize the department to require a manufacturer or stewardship organization submitting that annual report that is not meeting the act's requirements, to amend and resubmit the plan and would require the department to remove the manufacturer's name from the listing of manufacturers that are in compliance, until as specified.

The bill would require recyclers and renovators, as defined, to submit an annual report to the department regarding mattresses received and recycled and would require the operator of a solid waste facility to submit an annual report to the department regarding the number of used mattresses received and designated for recycling or renovation in the state during the preceding calendar year.

The bill would authorize the department to require a manufacturer to pay the department a quarterly administrative fee, as determined by the department.

The bill would require these fees to be deposited into the Mattress Recovery and Recycling Account, which the bill would establish in the Integrated Waste Management Fund. The bill would provide that the moneys in the account would be available for expenditure by the department, upon appropriation by the Legislature.

The bill would require a manufacturer or stewardship organization to provide the department with reasonable and timely access, as determined by the department, to its facilities or operations, and to provide the department with any relevant records. The bill would require the records to be maintained and accessible for 3 years. The bill would require all reports and records to be provided to the department under penalty of perjury, thereby imposing a state-mandated local program by creating a new crime.

The bill would allow the department to impose an administrative civil penalty in specified amounts on a manufacturer, stewardship organization, or retailer ~~who~~ that is in violation of the act. The bill would require the department to deposit all penalties collected into the Mattress Recovery and Recycling Penalty Account, which the bill would establish in the Integrated Waste Management Fund. The bill would provide that the moneys in the penalty account would be available for expenditure by the department, upon appropriation by the Legislature. The bill would also authorize the department to take other actions to enforce the act.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 21 (commencing with Section 42985)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

1 CHAPTER 21. USED MATTRESS RECOVERY AND RECYCLING ACT

2
3 42985. (a) The Legislature finds and declares all of the
4 following:

5 (1) In order to reduce illegal dumping, increase recycling, and
6 substantially reduce public agency costs for the end-of-life
7 management of used mattresses, the Used Mattress Recovery and
8 Recycling Act is hereby established by this chapter to require
9 manufacturers of mattresses sold in this state to develop, finance,
10 and implement a convenient and cost-effective program to collect,
11 reuse where possible, and recycle used mattresses generated in
12 this state.

13 (2) Consistent with existing state policy, the program developed
14 and implemented by manufacturers of mattresses sold in this state
15 shall be capable of the recovery and recycling of at least 75 percent
16 of used mattresses generated in this state annually on and after
17 January 1, 2020.

18 (b) This chapter shall be known, and may be cited, as the Used
19 Mattress Recovery and Recycling Act.

20 (c) This chapter does not prohibit a manufacturer from
21 internalizing the cost of implementing this chapter.

22 42986. For the purposes of this chapter, the following terms
23 have the following meanings:

24 (a) “Account” means the Mattress Recovery and Recycling
25 Account established pursuant to Section 42995.

26 (b) “Common carrier” has the same meaning as defined in
27 Section 2168 of the Civil Code.

28 (c) “Consumer” means an owner of a mattress, including a
29 person, business, corporation, limited partnership, nonprofit
30 organization, or governmental entity.

31 (d) “Interim plan” means a plan provided to the department
32 pursuant to Section 42987.

33 (e) (1) “Manufacturer” means one of the following persons:

34 (A) A person who manufactures a mattress and who sells, offers
35 for sale, or distributes the mattress in the state under that person’s
36 own name or brand.

37 (B) If there is no person who is a manufacturer of the mattress
38 for the purpose of subparagraph (A), the manufacturer is the person
39 named on the label pursuant to Section 1633.12 of Title 16 of the
40 Code of Federal Regulations.

(2) A retailer whose name or brand may be on a mattress is not the manufacturer of the mattress, unless the retailer actually made, produced, and assembled that product.

(f) (1) “Mattress” means any resilient material or combination of materials that is enclosed by a twin size or larger mattress ticking, used alone or in combination with other products, and that is intended for or promoted for sleeping upon.

(2) “Mattress” includes any foundation and any renovation.

(3) “Mattress” does not include an unattached mattress pad, unattached mattress topper, sleeping bag, pillow, car bed, carriage, basket, dressing table, stroller, playpen, infant carrier, lounge pad, crib bumper, liquid and gaseous filled ticking including any water bed and air mattress that does not contain upholstery material between the ticking and the mattress core, and upholstered furniture that does not otherwise contain a detachable mattress.

(g) “Mattress stewardship plan” or “plan” means a plan submitted to the department pursuant to Section 42988.

(h) “Recycle” or “recycling” has the same meaning as defined in Section 40180. For the purposes of this chapter renovation shall be considered recycling.

(i) “Recycler” means a person that engages in the manual or mechanical separation of mattresses to substantially recover components and commodities contained in the mattresses for the purpose of reuse or recycling.

(j) (1) “Renovate” or “renovation” means altering a mattress for the purpose of resale and includes any one, or a combination of, the following:

(A) Replacing the mattress ticking or filling.

(B) Adding additional filling.

(C) Rebuilding a mattress.

(D) Replacing components with new or recycled materials.

(2) “Renovate” or “renovation” does not include any of the following:

(A) Stripping of a mattress of its ticking or filling without adding new material.

(B) Sterilizing or sanitizing a mattress without otherwise altering the mattress.

(C) Altering a mattress by a renovator when a person retains the altered mattress for lease, rental, or personal use.

1 (D) Refurbishing that disqualifies a mattress for a yellow
2 wholesale renovator tag to be affixed to the mattress, in accordance
3 with the regulations adopted by the Department of Consumer
4 Affairs.

5 (k) “Renovator” means a person that renovates used mattresses.

6 (l) “Retailer” means a person who sells mattresses in the state
7 or offers to consumers mattresses in the state through any means,
8 including, but not limited to, by remote offering such as sales
9 outlets or catalogs.

10 (m) “Stewardship organization” means a nonprofit organization
11 created by one or more manufacturers to act on behalf of the
12 manufacturer to provide an interim plan to the department pursuant
13 to Section 42987 or to design, submit, and implement a mattress
14 stewardship plan pursuant to Section 42988.

15 (n) “Used mattress” means a mattress that is no longer used for
16 its manufactured purpose.

17 (o) “Voucher” means a promise to a consumer of a new mattress
18 to provide that consumer with a future, no cost take back of a used
19 mattress for recycling, as described in this chapter. The voucher
20 may include a payment, coupon, chit, or other form of paper or
21 electronic authorization that enables the consumer to drop off a
22 used mattress for recycling at any recycling facility or solid waste
23 facility at no cost to the consumer, and ~~which~~ *that* the operator of
24 the facility can then redeem from a manufacturer or the
25 manufacturer’s agent in order to cover the cost of recovery and
26 recycling.

27 42987. (a) On or before April 1, 2014, a manufacturer of
28 mattresses sold in this state shall, individually, collectively, or
29 through a stewardship organization, provide an interim plan to the
30 department in an electronic format.

31 (b) The interim plan shall ensure that the manufacturer will be
32 responsible for the collection and recycling of used mattresses
33 generated by consumers. The interim plan shall include a
34 description of activities that the manufacturer shall undertake as
35 part of the plan and shall require the manufacturer to do all of the
36 following:

37 (1) Ensure that when a new mattress is delivered to a consumer
38 by a retailer, the consumer is given the option of having a used
39 mattress picked up for recycling at the time of delivery, at no

1 additional cost to the consumer or retailer. A retailer may contract
2 out to a third-party entity for the pickup of used mattresses.

3 (2) Ensure that when a new mattress is purchased and picked
4 up by a consumer, the consumer is given a voucher that provides
5 for the dropoff and recycling of a used mattress at a local solid
6 waste or recycling facility at no additional cost to the consumer,
7 retailer, or facility.

8 (3) Otherwise provide consumers with convenient opportunities
9 to properly dispose of their used mattresses.

10 (c) The department shall post the interim plan provided pursuant
11 to this section on its Internet Web site.

12 (d) On and after July 1, 2014, a manufacturer shall implement
13 the interim plan provided pursuant to subdivision (a) and shall
14 continue implementation of the interim plan until the mattress
15 stewardship plan required by Section 42988 is approved,
16 conditionally approved, or disapproved by the department pursuant
17 to Section 42989.

18 (e) A manufacturer shall provide retailers with relevant materials
19 60 days prior to implementation of the interim plan.

20 42988. (a) On or before April 1, 2015, a manufacturer shall,
21 individually, collectively, or ~~through~~ through a mattress stewardship
22 organization, submit a mattress stewardship plan to the department
23 that meets the requirements of this section.

24 (b) A mattress stewardship plan submitted pursuant to this
25 section shall include all of the following elements:

26 (1) Program activities to achieve the used mattress recycling
27 goals established in subdivision (c).

28 (2) Existing and planned used mattress take-back sites or
29 collection locations, including estimated timelines for any planned
30 expansion, if applicable.

31 (3) Program objectives consistent with the state's solid waste
32 management hierarchy.

33 (4) Ensure that local governments and solid waste facilities are
34 provided with a mechanism for the recovery of illegally dumped
35 used mattresses at no additional cost to the local government or
36 solid waste facility.

37 (5) Arrangements for the pickup of used mattresses that have
38 been accepted at solid waste facilities and for the delivery of those
39 used mattresses to a recycling or refurbishment facility.

1 (6) A program performance measurement that would collect
2 program data for purposes of the report required by Section 42991,
3 in accordance with the following:

4 (A) If the department does not provide a methodology for the
5 program performance methodology pursuant to subdivision (e) of
6 Section 42991, the plan shall include a methodology for estimating,
7 with regard to the manufacturers covered by the plan, the amount
8 of mattresses sold in the state and the used mattresses available
9 for collection in the state, and for quantifying the number of used
10 mattresses collected and recycled in the state.

11 (B) The program plan performance measurement may aggregate
12 the total number of mattresses sold and recycled by all participating
13 members in a plan submitted by manufacturers acting collectively
14 or through a stewardship organization.

15 *(7) The establishment of a financial incentive to encourage*
16 *parties to collect used mattresses that are discarded or illegally*
17 *dumped in the state for recycling.*

18 ~~(7)~~

19 (8) Education and outreach efforts to consumers and other
20 individuals within the supply chain to promote their participation
21 in achieving the purposes of the plan.

22 ~~(8)~~

23 (9) A consultation process with affected stakeholders.

24 ~~(9)~~

25 *(10) The names of manufacturers and brands covered under the*
26 *plan.*

27 ~~(10)~~

28 *(11) Procedures to ensure implementation of the plan if the*
29 *manufacturer or the stewardship organization no longer exists due*
30 *to bankruptcy, dissolution, or similar processes.*

31 ~~(11)~~

32 *(12) Reimbursement of solid waste facilities for the reasonable*
33 *costs of collecting, storing, and processing used mattresses in the*
34 *implementation of the plan pursuant to this chapter.*

35 ~~(12)~~

36 *(13) Policies to ensure there are adequate and convenient*
37 *opportunities for the collection, acceptance, and recovery for*
38 *recycling of used mattresses in low-income communities, in*
39 *accordance with the poverty line annually established by the*
40 *Secretary of California Health and Human Services pursuant to*

1 the federal Omnibus Budget Reconciliation Act of 1981 (Public
2 Law 97-35), as amended.

3 ~~(13)~~

4 ~~(14)~~ Strategies to give priority to recycling facilities that are the
5 closest to the consumer or retailers.

6 ~~(14)~~

7 ~~(15)~~ A program to ensure that used mattresses recovered by a
8 retailer pursuant to Section 42990 are delivered to a recycling
9 facility or solid waste facility for recycling. A manufacturer or
10 retailer may contract out to a third-party entity for the transportation
11 of used mattresses to such a facility.

12 ~~(15)~~

13 ~~(16)~~ As an alternative to the requirements of paragraph ~~(14)~~
14 ~~(15)~~, a requirement that the manufacturer provide a retailer with
15 extra vouchers to provide to a consumer if, when picking up a
16 consumer's mattress upon the purchase of a new mattress, the
17 mattress is infested with a pest or contaminated so that it poses a
18 contamination risk to personnel, new products, or equipment. These
19 vouchers shall be provided at no additional cost to the consumer,
20 retailer, recycling facility, or solid waste facility.

21 ~~(16)~~

22 ~~(17)~~ Any other information deemed necessary by the department
23 related to compliance with the plan.

24 (c) The plan shall meet the *following goals, consistent with the*
25 *portion of the used mattress recycling goals,* ~~for to~~ which a
26 manufacturer, individually or collectively, submitting the plan, or
27 ~~by~~ the manufacturers included in a plan submitted by a stewardship
28 organization, are subject to, pursuant to the methodology specified
29 in the plan pursuant to paragraph (6) of subdivision (b):

30 (1) On and after January 1, 2015, recycle not less than 25 percent
31 of used mattresses generated by consumers in the state from the
32 manufacturers included in the plan.

33 (2) On and after January 1, 2017, recycle not less than 50 percent
34 of used mattresses generated by consumers in the state from the
35 manufacturers included in the plan.

36 (3) On and after January 1, 2020, recycle not less than 75 percent
37 of used mattresses generated by consumers in the state from the
38 manufacturers included in the plan.

39 (d) A manufacturer is deemed to meet the mattress recycling
40 percentile goal specified in subdivision (c) if the plan submitted

1 by the manufacturer, or by the stewardship organization formed
2 or joined by the manufacturer, when implemented, collects an
3 amount of mattresses equal to, or greater than, the equivalent
4 portion of the used mattresses available for collection, as
5 determined pursuant to paragraph (6) of subdivision (b) of the
6 plan.

7 (e) A manufacturer, individually or collectively, or stewardship
8 organization may coordinate with local governments, solid waste
9 facilities, retailers, and mattress recyclers to achieve the purposes
10 of this chapter.

11 (f) The plan shall not require the funding for the plan to be
12 collected from a consumer at the point of collection or discard.

13 (g) *This section does not prohibit either of the following:*

14 (1) *A manufacturer from internalizing the costs of implementing*
15 *this chapter.*

16 (2) *A manufacturer from voluntarily establishing a charge to*
17 *be added to the purchase price of a mattress to reimburse the*
18 *manufacturer for the costs of implementing this chapter.*

19 42989. (a) The department shall review the plan submitted
20 pursuant to Section 42988 and within 90 days of receipt shall
21 approve, disapprove, or conditionally approve the plan.

22 (b) If the department disapproves the plan pursuant to
23 subdivision (a), the manufacturer or stewardship organization shall
24 resubmit the plan to the department. If the manufacturer or
25 stewardship organization does not resubmit a plan, or submits a
26 plan that is not approved or conditionally approved by the
27 department, the department shall remove all manufacturers covered
28 by the plan from the department's Internet Web site pursuant to
29 Section 42992, and a manufacturer so removed from the Internet
30 Web site shall not sell a mattresses in the state until the department
31 approves a plan for that manufacturer.

32 (c) The approved plan shall be a public record, except that
33 financial, production, or sales data reported to the department by
34 a manufacturer or the stewardship organization is not a public
35 record for purposes of the California Public Records Act (Chapter
36 3.5 (commencing with Section 6250) of Division 7 of Title 1 of
37 the Government Code) and shall not be open to public inspection.
38 The department may release financial, production, or sales data in
39 summary form only that cannot be attributable to a specific
40 manufacturer.

1 42990. (a) On and after July 1, 2014, a retailer shall offer a
2 consumer the option to have a used mattress picked up for recovery
3 at the time of delivery, at no additional cost to the consumer, if a
4 new mattress is delivered to the consumer.

5 (1) A retailer may contract out to a third-party entity for the
6 pickup of used mattresses.

7 (2) This chapter does not require a common carrier delivering
8 a new mattress to a consumer on behalf of a retailer to pick up a
9 used mattress for recovery.

10 (3) If a new mattress is delivered to a consumer by a common
11 carrier, the manufacturer shall provide the consumer the option of
12 having a used mattress picked up for recovery through a voucher
13 or another mechanism, at no additional cost to the consumer.

14 (b) This chapter does not prohibit a retailer from charging a
15 consumer an additional cost for the delivery of a new mattress.

16 42991. (a) On or before April 1, 2016, and each year thereafter,
17 a manufacturer shall, individually, collectively, or through a
18 stewardship organization, submit a report to the department
19 describing the mattress stewardship efforts taken pursuant to the
20 approved or conditionally approved plan, in the form and manner
21 that the department may prescribe.

22 (b) The department shall review the annual report required
23 pursuant to this section and within 90 days of receipt shall adopt
24 a finding of compliance or noncompliance with this chapter.

25 (c) If the department adopts a finding of noncompliance pursuant
26 to subdivision (b), the department may require the manufacturer
27 or stewardship organization to amend and resubmit the plan within
28 90 days of the department's determination.

29 (d) If the manufacturer or stewardship organization does not
30 resubmit the plan pursuant to subdivision (c), or the department
31 does not approve or conditionally approve the plan submitted to
32 subdivision (c), the department shall post a notice of
33 noncompliance pursuant to Section 42992 and the manufacturers
34 subject to the plan shall not sell a mattress in the state until the
35 department approves a plan.

36 (e) The department may adopt a uniform methodology that shall
37 be used by all manufacturers for purposes of estimating the amount
38 of mattresses sold in the state and the number of used mattresses
39 available for collection in the state, and for quantifying the number
40 of used mattresses collected and recycled in the state.

1 42992. (a) A manufacturer or retailer shall not sell or offer for
2 sale a mattress to any person in this state unless the manufacturer
3 is in compliance with this chapter.

4 (b) (1) On or after August 1, 2015, if a manufacturer is not
5 covered by an approved or conditionally approved plan, the
6 manufacturer shall not sell or offer for sale a mattress in the state.

7 (2) A manufacturer is a covered manufacturer if the
8 manufacturer has submitted a plan, either individually, collectively,
9 or through a stewardship organization, to the department pursuant
10 to Section 42988.

11 (c) (1) On August 1, 2015, or upon the date the plan is approved
12 or conditionally approved by the department, whichever date comes
13 first, and on or before July 1 annually thereafter, the department
14 shall post on its Internet Web site a list of manufacturers for which
15 the department has approved or conditionally approved the plan
16 pursuant to Section 42989.

17 (2) On July 1, 2016, and annually thereafter, the department
18 shall post on its Internet Web site a list of manufacturers for which
19 the department has adopted a finding of compliance with regard
20 to the report filed pursuant to subdivision (b) of Section 42991.

21 (3) A manufacturer that is not listed on the department's Internet
22 Web site pursuant to this section, but demonstrates to the
23 satisfaction of the department that it is in compliance with this
24 chapter before the next notice is required to be posted pursuant to
25 this section, may request a certification letter from the department
26 stating that the manufacturer is in compliance. The manufacturer
27 that receives that letter shall be deemed to be in compliance with
28 this chapter.

29 (4) A retailer that distributes or sells a mattress shall monitor
30 the department's Internet Web site to determine if a manufacturer
31 is a covered manufacturer or is in compliance with this chapter.
32 A retailer otherwise in compliance with this chapter shall be
33 deemed in compliance with subdivision (a) if, on the date the
34 retailer ordered or purchased a mattress, or within five calendar
35 days after that date, the manufacturer was listed as covered or
36 compliant on the department's Internet Web site.

37 (5) A retailer may exhaust existing stock in its inventory through
38 sales to the public if the existing stock was purchased when the
39 manufacturer was in compliance with the requirements of this
40 chapter at the time of the existing stock's initial purchase.

(d) If the department determines that a manufacturer or stewardship organization is not in compliance with this chapter, the department shall remove the manufacturer or the manufacturers covered by the plan submitted by the stewardship organization from the department's Internet Web site pursuant to this section and the manufacturer shall not sell a mattresses in the state until the department determines that the manufacturer is in compliance with this chapter.

42993. (a) On or before April 1, 2016, and each year thereafter, a person that is engaged in business as a recycler shall submit a report to the department that includes, but is not limited to, both of the following:

(1) Quantitative information on the number of mattresses received and recycled or renovated in the state during the preceding calendar year.

(2) Quantitative information on the number of vouchers received from customers in the state in the preceding calendar year, if applicable.

(b) On or before April 1, 2016, and each year thereafter, a person who renovates used mattresses shall submit a report to the department, that at a minimum, includes both of the following:

(1) Quantitative information on the number of mattresses received and recycled or renovated in California during the preceding calendar year.

(2) Quantitative information on the number of vouchers received from customers in California in the preceding calendar year, if applicable.

(c) For purposes of determining the recycling rate for a used mattress, on or before April 1, 2016, and each year thereafter, a solid waste landfill facility operator shall report to the department, in a form and manner determined by the department, regarding the number of used mattresses received and designated for recycling or renovation within the state in the preceding calendar year.

42994. (a) A manufacturer and a mattress stewardship organization shall do all of the following:

(1) Upon request, provide the department with reasonable and timely access, as determined by the department and as authorized pursuant to Title 13 (commencing with Section 1822.50) of Part

1 3 of the Code of Civil Procedure, to its facilities and operations,
2 as necessary to determine compliance with this chapter.

3 (2) Upon request, provide the department with relevant records
4 necessary to determine compliance with this chapter.

5 (3) If a manufacturer or the stewardship organization does not
6 comply with the department's request made pursuant to paragraph
7 (1) or (2), it shall provide the department with a complete
8 explanation for its inability or decision not to comply with that
9 request.

10 (b) The records required by this chapter shall be maintained and
11 accessible for three years. All reports and records provided to the
12 department pursuant to this chapter shall be provided under penalty
13 of perjury.

14 (c) The department may take disciplinary action against a
15 manufacturer if the stewardship organization or manufacturer fails
16 to provide the department with the access required pursuant to this
17 section, including, but not limited to, imposing penalties pursuant
18 to Section 42996 and posting an immediate notice on the
19 department's Internet Web site pursuant to Section 42292 that the
20 manufacturer is no longer in compliance with this chapter.

21 42995. (a) The department may require a manufacturer to pay
22 the department a quarterly administrative fee, as determined by
23 the department.

24 (b) If the department elects to impose an administrative fee, the
25 amount of the administrative fees imposed pursuant to subdivision
26 (a) shall be established by the department in an amount that is
27 sufficient to meet, but that does not exceed, the department's full
28 costs of administering and enforcing this chapter, including any
29 program development costs or regulatory costs incurred by the
30 department prior to the submittal of the plan required by Section
31 42988.

32 (c) The administrative fees collected pursuant to this section
33 shall be deposited into the Mattress Recovery and Recycling
34 Account, which is hereby established in the Integrated Waste
35 Management Fund. Upon appropriation by the Legislature, moneys
36 in the account shall be expended by the department to administer
37 and enforce this chapter. The fees collected pursuant to this section
38 shall not be expended for any other purpose.

39 42996. (a) The department may impose an administrative civil
40 penalty on any manufacturer or stewardship organization that is

1 in violation of this chapter. The amount of the civil penalty shall
2 not exceed five hundred dollars (\$500) per day, but if the violation
3 is intentional, knowing, or reckless, the department may impose
4 a civil penalty of not more than five thousand dollars (\$5,000) per
5 day.

6 (b) The department may impose an administrative civil penalty
7 on any retailer who is in violation of this chapter. The amount of
8 the civil penalty shall not exceed five hundred dollars (\$500) per
9 day, but if the violation is intentional, knowing, or reckless the
10 department may impose a civil penalty of not more than five
11 thousand dollars (\$5,000) per day.

12 (c) In assessing or reviewing the amount of a civil penalty
13 imposed pursuant to subdivision (a) or (b) for a violation of this
14 chapter, the department or the court shall consider all of the
15 following:

16 (1) The nature and extent of the violation.
17 (2) The number and severity of the violation or violations.
18 (3) The economic effect of the penalty on the violator.
19 (4) Whether the violator took good faith measures to comply
20 with this chapter and the period of time over which these measures
21 were taken.

22 (5) The willfulness of the violator's misconduct.
23 (6) The deterrent effect that the imposition of the penalty would
24 have on both the violator and the regulated community.

25 (7) Any other factor that justice may require.

26 (d) If more than one stewardship organization submits a plan
27 pursuant to this chapter, the department shall determine the
28 manufacturer's or retailer's compliance with this chapter in
29 accordance with the plan to which the manufacturer or retailer is
30 subject.

31 (e) The department may impose the administrative civil penalties
32 pursuant to this section in accordance with Chapter 5 (commencing
33 with Section 11500) of Part 1 of Division 3 of Title 2 of the
34 Government Code, except that subdivision (c) of Section 11505
35 of the Government Code shall not apply to the department.

36 (f) The department shall not impose a penalty upon a mattress
37 stewardship organization pursuant to this section for a failure to
38 comply with this chapter as a result of submitting false or
39 misleading information if the stewardship organization
40 demonstrates that it received false or misleading information from

1 a manufacturer that was the direct cause of its failure to comply
2 with this chapter.

3 (g) The department shall deposit all penalties collected pursuant
4 to this section into the Mattress Recovery and Recycling Penalty
5 Account, which is hereby created in the Integrated Waste
6 Management Fund. Upon appropriation by the Legislature, moneys
7 deposited into the Mattress Recovery and Recycling Penalty
8 Account may be expended by the department to implement this
9 chapter.

10 42997. Upon a finding that a manufacturer or stewardship
11 organization has not met a requirement of this chapter, in addition
12 to any other penalties authorized under this chapter, the department
13 may take any of *the* following actions to ensure compliance with
14 the requirements of this chapter:

15 (a) Revoke the manufacturer's or stewardship organization's
16 plan approval, amend an approval or conditional approval to
17 include new conditions, or require the manufacturer or stewardship
18 organization to resubmit the plan.

19 (b) Remove the manufacturer from the department's Internet
20 Web site and list of compliant manufacturers, as specified in
21 subdivision (d) of Section 42992.

22 (c) As a condition for approval of plans submitted by the
23 manufacturer or stewardship organization pursuant to Section
24 42989 after the date of the department's finding, require additional
25 reporting not otherwise required under this chapter, at a frequency
26 determined by the department.

27 42998. (a) Except as provided in subdivision (c), an action
28 specified in subdivision (b) that is taken by a stewardship
29 organization or its members is not a violation of the Cartwright
30 Act (Chapter 2 (commencing with Section 16700) of Part 2 of
31 Division 7 of the Business and Professions Code), the Unfair
32 Practices Act (Chapter 4 (commencing with Section 17000) of
33 Part 2 of Division 7 of the Business and Professions Code), or the
34 Unfair Competition Law (Chapter 5 (commencing with Section
35 17200) of Part 2 of Division 7 of the Business and Professions
36 Code).

37 (b) Subdivision (a) shall apply to all of the following actions
38 taken by the stewardship organization or a manufacturer:

39 (1) The creation, implementation, or management of an interim
40 plan provided to the department pursuant to Section 42987 or of

1 a plan approved by the department pursuant to Section 42989 and
2 the types or quantities of used mattresses recycled or otherwise
3 managed pursuant to the plan, as described in Section 42988.

4 (2) The cost and structure of an approved plan.

5 (3) The establishment, administration, or disbursement of the
6 costs associated with funding the implementation of this chapter.

7 (c) Subdivision (a) does not apply to an agreement that does
8 any of the following:

9 (1) Fixes a price of or for mattresses, except for an agreement
10 related to costs associated with participation in a plan approved
11 or conditionally approved by the department and otherwise in
12 accordance with this chapter.

13 (2) Fixes the output of production of mattresses.

14 (3) Restricts the geographic area in which, or customers to
15 whom, mattresses will be sold.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.



OFFICE OF THE MAYOR
Gregory B. Lyman

April 16, 2013

The Honorable Edmund G. Brown Jr.
Governor of California
State Capitol Building
Sacramento, CA 95814

Re: Support for State Park and Recreation Commission Candidate Patricia Jones

Dear Governor Brown:

I am writing to express the support of the El Cerrito City Council for the appointment of Patricia Jones to the State Park and Recreation Commission. Ms. Jones will bring a combination of experience, environmental awareness and knowledge about public parks and their important role in California to the position.

As the Executive Director of Citizens for East Shore Parks (CESP), Ms. Jones has worked tirelessly for a non-profit environmental organization committed to protecting open space and creating a necklace of shoreline parks from the Oakland Estuary to the Carquinez Straits. Her office has been located in El Cerrito since 2006. CESP also works to preserve the natural resources and facilitate recreational and educational opportunities along the eastern shore of the San Francisco Bay. Ms. Jones has been extensively involved in community planning efforts to ensure parks are created and properly managed and she knows from on-the-ground experience about the demand to build and maintain parks in and near cities. She has volunteered with the Sierra Club since 2002 and currently serves as the Co-Chair of Sierra Club California's recently re-invigorated Parks Committee.

Ms. Jones is a dedicated environmental leader in our community. With her experience as the Executive Director of Citizens of East Shore Parks, as a Sierra Club leader and as an advocate for environmental sustainability, she would serve the Park and Recreation Commission well. I strongly urge you to appoint Patricia Jones to the State Park and Recreation Commission

Sincerely,

Gregory B. Lyman
Mayor

PATRICIA VAUGHAN JONES

P.O. Box 6087

Albany, California 94706

pjones@eastshorepark.org

510.524.5000

CITIZENS FOR EAST SHORE PARKS - Executive Director, January 2006- present

In this advocacy and land use non-profit, manage office and direct programs/messaging, such as a campaign to qualify an initiative for a city-wide ballot by educating the public through direct mail, letters to the editor and person-to-person contact; recruiting, training and organizing volunteer signature gathering; verifying signatures (25% qualified) and maintaining database of volunteers and supporters. Project culminated in a shoreline vision that sets a high standard for future land use determinations. Other: web/newsletter content, community/agency presentations/comments, board support, membership services, fundraising, grant writing, volunteer recruitment for events and maintenance of office and business files.

SIERRA CLUB (Paid Positions)

- **CAMPAIGN ORGANIZER-STOP CLEARCUTTING CALIFORNIA CAMPAIGN** (on private forestlands), 2005
Part of founding team working to develop campaign strategies, enlarge the coalition of partners and increase public awareness of the on-going clearcutting by SPI in the Sierra Nevada.
- **CONSERVATION CAMPAIGN ORGANIZER - ENVIRONMENTAL VOTER EDUCATION CAMPAIGN (EVEC) AND ROAD TO RENO**, August-November 2004
Single staff person in charge of implementing the Sierra Club's efforts in the 2004 election in Reno. Key focus: to recruit, organize and train volunteers to educate voters. Specific outreach activities: setting up the office, organizing community outreach events, handling the logistics of getting volunteers to Reno, cutting 'turf' for canvassers, providing and explaining the canvassing materials, organizing teams/work flow for each canvassing day and tabulating the canvassing results. Marketing activities: generating marketing materials, encouraging media coverage of campaign issues, communicating with public officials, the media and members of the community. Worked closely with key allies in the campaign: America Coming Together, Planned Parenthood, Democracy for Nevada, SEIU, etc.
 - o August 6-October 29: 12,500 doors were attempted with 4,700 contacts.
 - o Approximately 750 Sierra Club volunteers in 3-month period (mostly from the out of town).
 - o Managed \$11,200 budget.

SIERRA CLUB (Volunteer Positions)

Began volunteer work with Sierra Club in 2002 and selected for leadership position within six months. These policy-setting positions also require communication with and management of volunteer activists.

- CHAIR, CA/Nevada CONSERVATION COMMITTEE, Sept 2008 – May 2010
- CHAIR, NORTHERN CA CONSERVATION COMMITTEE, March 2004 – Sept 2008
- CHAIR, WILDERNESS COMMITTEE (SAN FRANCISCO BAY), May 2003 - 2008

OTHER VOLUNTEER WORK

- **LOBBYING:** Citizen in-person lobbying on behalf of Sierra Club California, Utah Wilderness Coalition, CA State Parks Foundation and Sierra Nevada Conservancy. 2003, 2005, 2008-2012.
- **AMERICAN MARKETING ASSOCIATION OF SAN FRANCISCO BOARD OF DIRECTORS**, 1994-2002
Responsible for marketing, promotion, budgeting and fundraising, planning, training, program development, member recruitment, event planning and management for various volunteer positions.

PRIOR WORK EXPERIENCE

VIRGINIA WINTERIZATION PROGRAM (Energy Saving Program)- Operations Manager- the mission was to save energy, help low income population 'winterize' their homes and provide job training for the unemployed.

MARKETING RESEARCH - Fifteen years of marketing research experience for diverse client base. This type of work involves research design, analysis and coordinating with end-users of research (marketers, presidents/ vice presidents of firms, designers, researchers, etc.), field services, sample managers, data managers and internal employees.

EDUCATION

M.B.A., San Francisco State University, Marketing and Business Analysis; Distinguished Student Award.

A.S., Foothill College, Animal Health Technology (**Veterinary Nursing**)

B.A., History, **University of Virginia**, Dean's List, Volunteer Tutor.



AGENDA BILL

Agenda Item No. 5(I)

Date: April 16, 2013

To: El Cerrito City Council

From: Janet Bilbas, Senior Services Supervisor

Subject: Committee on Aging Membership Recommendation

ACTION REQUESTED

Approve the Committee on Aging's recommendation to appoint appointing Gabriel Quinto and Karen Christian to the Committee on Aging Effective April 17, 2013.

BACKGROUND

At the Committee on Aging's March 20, 2013 regular meeting the Committee voted unanimously to recommend to the City Council that Mr. Gabriel Quinto and Ms. Karen Christian be appointed to the Committee.

Gabriel Quinto

Mr. Quinto has been an El Cerrito resident for over 27 years. He has worked as an assistant office manager and recruiting coordinator dealing with all personnel and hiring issues for a major international law firm. Mr. Quinto also started the Conlon Neighborhood Watch, was Vice-Chair of El Cerrito Human Relations Commission, and served as board member on the Living Well Project and API Wellness Center. He currently serves on the West County Senior Coalition and looks forward to the opportunity to work with the Committee on Aging and playing an active role in improving life for seniors in El Cerrito.

Karen Christian

Karen has been an El Cerrito resident for over 12 years. Karen was the office manager and executive assistant for the Mayor of Fresno for four years. She coordinated special events and major projects, oversaw the mayoral budget, and recruited and pre-screened applicants for 35 boards and commissions. She represented the Mayor, and occasionally the City Manager at numerous community organization meetings, frequently making presentations on behalf of the city.

Karen would like to offer her experience and insights and assist her community in improving and enhancing the quality of life for El Cerrito citizens. She looks forward to

Agenda Item No. 5(I)

the opportunity to work with the Committee on Aging and playing an active role in improving life for seniors in El Cerrito.

Reviewed by:

A handwritten signature in black ink, appearing to read 'SH', is written over a horizontal line.

Scott Hanin
City Manager

Attachments:

1. Gabriel Quinto Application
2. Karen Christian Application



**April 16 2013
Regular City Council Meeting**

**Agenda Item No. 5(I)
Attachments 1 & 2 – Gabriel Quinto and Karen Christian
Applications**

Documents are available for review at:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito, CA
(510) 215-4305

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA



AGENDA BILL

Agenda Item No. 7(A)

Date: April 16, 2013
To: El Cerrito City Council
From: Lori Trevino, Economic Development Manager
Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Ordinance Establishing the Measure A Swim Center Parcel Tax Rates for FY 2013-14

ACTION REQUESTED

Introduce by title, waive any further reading, and approve Ordinance 2013-XX establishing the Measure A Swim Center Parcel Tax rates for FY 2013-14, equal to the approved FY 2012-13 rates of \$38.61 per single-family residential unit, \$29.73 per multifamily residential unit, and \$270.66 per acre of non-residential property.

BACKGROUND

On March 7, 2000, the voters of El Cerrito approved a special tax for the purpose of renovating and reconstructing the El Cerrito Swim Center, rehabilitation of Canyon Trail Clubhouse, and completion of access and restroom renovations at Harding, Huber, and Poinsett Park Clubhouses.

The special tax approved by the voters established a maximum rate authorized per single-family residential unit, multi-family residential unit, and acre of nonresidential property and expires in 2020. Each fiscal year, the City Council may amend Section 4.56 of the El Cerrito Municipal Code and set rates for the special tax at levels lower than the maximum rates, if the Council determines it is in the public interest to do so. If the City Council does not adopt an amending ordinance, the special tax shall be imposed at the maximum rates approved by the voters in 2000.

On June 17, 2002, the City Council and El Cerrito Public Financing Authority (PFA) approved the issuance of Lease Revenue Bonds totaling \$4.6 million and an associated lease agreement, for the reconstruction of the Swim Center facility. Each year since the bond issuance, the Council has reviewed the revenue capacity of the Measure A special tax rates, and has set the rates below the voter-approved maximum rates of \$58.46 per single-family residential unit, \$45 per multi-family residential unit, and \$410 per acre of non-residential property. The pool reconstruction project was completed in early 2004. For FY 2004-05, the special tax rates were reduced and set at \$38.61 per single-family residential unit, \$29.73 per multi-family residential unit, and \$270.66 per acre of non-residential property. These rates represented the minimum levies needed to meet the requirements of the bond issuance at that time. They have remained the same through FY 2012-13, generating about \$438,000 annually.

Agenda Item No. 7(A)

On August 21, 2012, the City Council and PFA Board adopted resolutions authorizing refinancing of the Measure A Swim Center Lease Revenue Bonds. After the one-time costs of issuance, refinancing these bonds resulted in a savings to the City of \$212,781 over the remaining term of the bonds.

ANALYSIS

Section 3.05(b) of the lease agreement between the PFA and the City specifies that the tax rate be set such that a minimum 110% of the annual debt service be raised. The debt service payments due in FY 2013-14 on the refinanced bonds total \$359,058, so a minimum additional \$35,906 must be raised to cover all of the financing costs.

Costs associated with the Measure A Fund include the Contra Costa County Auditor-Controller retaining approximately \$12,000 from Measure A parcel taxes collected for its administration and revenue collection efforts. The City incurs about \$5,000 in annual administrative costs, including the payment of trustee fees, the maintenance of financial records, the production of continuing disclosure documents related to the bonds, and the preparation of audited financial statements. Maintaining the current parcel tax rates will generate enough revenue to meet these minimum funding requirements.

NBS Local Government Solutions, the Engineer for the parcel tax rates, must complete their analysis and submit their report to the Contra Costa County Auditor-Controller's Office by August 10, 2012 so that the County may include the City's Parcel Tax in the property tax bills.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Ordinance 2013-XX

ORDINANCE NO. 2013-XX

AN ORDINANCE OF THE CITY OF EL CERRITO SETTING REDUCED TAX RATES FOR FISCAL YEAR 2013-14 ONLY FOR THE SPECIAL TAX IMPOSED PURSUANT TO CHAPTER 4.56 OF THE EL CERRITO MUNICIPAL CODE

WHEREAS, Chapter 4.56 of the El Cerrito Municipal Code provides for a special tax (the “Special Tax”) for the purpose of renovating and reconstructing the El Cerrito Swim Center (the “Swim Center”), rehabilitating the Canyon Trails Clubhouse, and performing access and restroom renovations to the Harding, Huber, and Poinsett Park Clubhouses (collectively, the “Authorized Improvements”); and

WHEREAS, the Special Tax was approved by the voters at the March 7, 2000 election as Measure A and includes a maximum rate authorized per single-family residential unit, multi-family residential unit, and acre of non-residential property (the “Maximum Rates”); and

WHEREAS, each fiscal year, the City Council may amend Section 4.56 of the El Cerrito Municipal Code to reflect the lower rates if it determines that it is in the public interest to do so, or else the Maximum Rates will be levied; and

[LT1] WHEREAS, the City Council has determined that the City will be able to meet its Fiscal Year 2013-14 obligations in connection with funding and financing the Authorized Improvements, by levying the Special Tax at rates lower than the Maximum Rates.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Sections 4.56.020 (B) of the El Cerrito Municipal Code is hereby amended to read as follows (additions in underline; deletions in ~~striketrough~~):

- B. For Fiscal Year ~~2012-13~~ 2013-14, the Special Tax imposed pursuant to Chapter 4.56 of the El Cerrito Municipal Code shall be imposed in the amount of \$38.61 per single family residential unit, \$29.73 per multifamily residential unit, and \$270.66 per acre of non-residential property. Thereafter, unless the Council adopts a further amending ordinance, the Special Tax shall be imposed at the Maximum Rate for each type of property.

SECTION 2. It is the intent of the City Council that, if any tax imposed under this Ordinance is for any reason held to be unconstitutional or contrary to state law, the tax which would have been imposed had this ordinance not been adopted shall remain effective.

SECTION 3. This ordinance shall take effect thirty days after passage and within fifteen days after passage, a summary of this ordinance shall be posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Council members voting for and against it.

Agenda Item No. 7(A)

Attachment 1

THE FOREGOING ORDINANCE was introduced and first read at a regular meeting of the El Cerrito City Council on April 16, 2013, and adopted by the following vote on May 7, 2013:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

APPROVED:

Gregory B. Lyman, Mayor

ATTEST:

Cheryl Morse, City Clerk

BUDGET STUDY SESSION EL CERRITO CITY COUNCIL

April 16, 2013

Agenda Item No. 7(B)

AGENDA

- **Update on FY 2012-13 - Year End Projections**
- **Current and Future Budget Challenges**
- **Budget Overview**
- **Strategic Plan Resource Allocations**
- **Priority Setting Exercise**
- **Budget Schedule**
- **Next Steps**

FY 2012-13 TOTAL BUDGET – ALL FUNDS

Major Funds	FY 2013 Adopted Revenues	FY 2013 Adopted Expenditures
General Fund	\$29,192,109	\$29,020,023
Special Funds		
Gas Tax Fund	\$1,323,000	\$1,304,324
Landscape and Lighting	\$1,366,100	\$1,292,279
Street Improvement Fund	\$1,425,000	\$1,494,232
Federal, State and Local Grants	\$464,461	\$464,461
Capital Improvements	\$4,319,616	\$4,421,690
Integrated Waste Management	\$1,931,078	\$2,023,333
Other Funds	\$5,025,694	\$5,667,715
Total Special Funds	\$15,854,949	\$16,668,034
Total All Funds	\$45,047,058	\$45,688,057

*Adopted numbers include Transfer Ins and Transfer Outs

GENERAL FUND UPDATE

FY 2012-13 OVERVIEW

General Fund Summary Revenues + Expenditures	FY 2012 Actuals	FY 2013 Adopted	FY 2013 Amended	FY 2013 Projected
Beginning Fund Balance (Restricted & Unassigned)	\$6,434,405	\$3,224,260	\$3,224,260	\$3,224,260
Total Revenues	\$29,298,213	\$29,192,110	\$29,192,110	\$28,604,705
1- Time Use of Fund Balance (Offset Loss of Redevelopment)			\$598,957	\$598,957
Total Expenses	\$32,508,358	\$29,020,023	\$29,090,923	\$29,046,395
Personnel	\$22,619,755	\$22,689,003	\$22,759,903	\$22,905,306
Non-Personnel	\$9,888,602	\$6,331,020	\$6,331,020	\$6,141,089
Annual Balance/Deficit	(\$3,210,145)	\$172,087	\$101,187	\$157,267
Ending Fund Balance/Deficit	\$3,224,260	\$3,396,347	\$3,325,447	\$3,381,527

- Anticipated use of \$598K from restricted fund balance is required to offset revenue loss of reimbursement for Redevelopment/Successor Agency funds due to disallowance of enforceable obligations

GENERAL FUND UPDATE

FY 2012-13 YEAR END REVENUE PROJECTIONS

General Fund Revenues	FY 2012 Actuals	FY 2013 Amended	FY 2013 Projected	Budget Variance
Property Taxes	\$5,685,841	\$6,038,300	\$5,897,935	(\$140,366)
Sales Taxes	\$3,449,617	\$3,910,000	\$4,060,474	\$150,474
Utility Users Taxes	\$3,163,978	\$3,500,000	\$3,500,000	\$0
Other Taxes	\$1,885,422	\$1,904,900	\$1,957,114	\$52,214
Interim Sales Tax	\$1,564,811	\$1,545,000	\$1,545,000	\$0
Total Taxes	\$15,749,670	\$16,898,200	\$16,960,523	\$62,322
Fees for Services	\$9,936,538	\$10,964,194	\$9,892,515	(\$1,071,679)
Interest, Transfers & Other Revenue	\$3,612,006	\$1,329,716	\$1,751,667	\$421,951
Total Other Revenues	\$13,548,544	\$12,293,910	\$11,644,182	(\$649,728)
Total Revenues	\$29,298,213	\$29,192,110	\$28,604,705	(\$587,405)

Revenue Variances

- Property & Sales Tax- Net Increase **+\$10k**
- Other Taxes- Net Increase of **+\$52K** (Business License +\$50K)
- Fees for Services- Net decrease **-\$1.1M** (Building Permits & Disallowance of Enforceable Obligations)

GENERAL FUND UPDATE

FY 2012-13 YEAR END EXPENDITURE PROJECTIONS

Personnel	\$22,619,755	\$22,759,903	\$22,905,306	(\$145,403)
Non-Personnel				
Purchased Professional & Technical Services	\$2,169,106	\$2,516,840	\$2,441,335	\$75,505
Property Services/Other Services	\$2,014,613	\$2,102,130	\$2,039,066	\$63,064
Supplies	\$660,926	\$650,850	\$631,325	\$19,526
Property & Capital	\$229,826	\$252,500	\$244,925	\$7,575
Other Objects	\$102,395	\$74,600	\$50,339	\$24,261
Transfers From Other Funds (Indirects)	\$761,737	\$734,100	\$734,100	\$0
Total Non-Personnel	\$5,938,602	\$6,331,020	\$6,141,089	\$189,931
Total Expenditures before Land Xfer	\$28,558,358	\$29,090,923	\$29,046,395	
1X Transfer of Land Held for Redevelopment	\$3,950,000			
Total Expenditures	\$32,508,358	\$29,090,923	\$29,046,395	\$44,528

Expenditure Variances

- Personnel includes Fire Department OES costs of \$198K (fully reimbursed)
- Insurance costs increased by \$200K due to a reduction in annual rebate

GENERAL FUND

BALANCING MEASURES TO DATE

General Fund balanced through a combination of measures:

Recurring Savings

- Decreased compensation (COLAs, raises, etc.)
- Increased employee contributions to CalPERS
- Furloughs
- Use of Special Funds

One-Time Measures

- Use of grant funds to implement programs, complete projects
 - **City has received over \$12M in grants in last 5 years**
- Use of reserves to offset one-time costs
- Strategic hiring/vacancies



INCREASED RELIANCE ON VACANCIES TO BALANCE BUDGET

	FY 09-10		FY 10-11		FY 11-12		FY 12-13	
	Approved	Actual	Approved	Actual	Approved	Actual	Approved	Actual
City Council	5	5	5	5	5	5	5	5
City Management	7	7	7	7	7	7	7	7
Administrative Services	7.8	7	7.8	7	7.8	7	7.8	7
Economic Development	5	5	4	4	4	4	4	3
Environmental and Development Services	22	19	20	17	20	19	21	16
Fire	37	36	37	34	37	34	37	34
Police	56.55	55.55	56.55	52.55	56.55	53.55	56.55	50
Public Works	14.25	12.25	14.25	13.25	14.25	14.25	14.25	9
Recreation	38	36	38	34	38	34	38	32
Total	192.6	182.8	189.6	173.8	189.6	177.8	190.6	163
Vacant Positions		9.8		15.8		11.8		27.6

VACANCIES LEAD TO....



- Decreased responsiveness
- Reduced staff morale and productivity
- Decreased ability to leverage outside resources (partnerships and grants)
- Reduced recreation programs, services and special events
- Potential reduction in office hours and customer service
- Vacant positions leave duties/functions that are unmet
- Reduced maintenance of City facilities

BENEFITS CONTINUE TO TAKE UP AN INCREASING PORTION OF THE OPERATING BUDGET

	FY05	FY06	FY07	FY08	FY09	FY10	FY11	FY12	Budgeted FY13
Benefit Costs									
Health, Dental, Life Insurance	1,795,148	1,753,347	2,001,611	2,296,493	2,471,859	2,614,014	2,826,138	2,721,663	3,302,919
Pension Contributions	2,618,445	3,054,753	3,622,202	3,912,701	4,207,504	4,195,313	4,385,138	5,111,450	5,388,789
Percentage Change from Prior Year									
Health, Dental, Life Insurance	19.4%	-2.3%	14.2%	14.7%	7.6%	5.8%	8.1%	-3.7%	21.4%
Pension Contributions	81.9%	16.7%	18.6%	8.0%	7.5%	-0.3%	4.5%	16.6%	5.4%
Budgeted Headcount									
Health, Dental, Life Ins. per Head	163.7	168.0	185.6	187.7	192.4	192.6	189.6	189.6	190.6
Pension Contributions per Head	10,969	10,440	10,785	12,238	12,848	13,572	14,906	14,355	17,329
	16,000	18,188	19,516	20,851	21,869	21,783	23,128	26,959	28,273

- CalPERS pension costs roughly flat for FY 2013-14
- CalPERS Board discussing significant increases for upcoming fiscal years
- Health and medical projected at ~10% increase

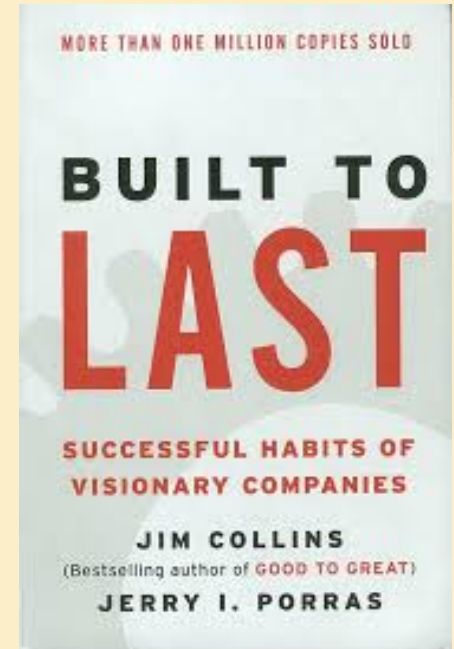
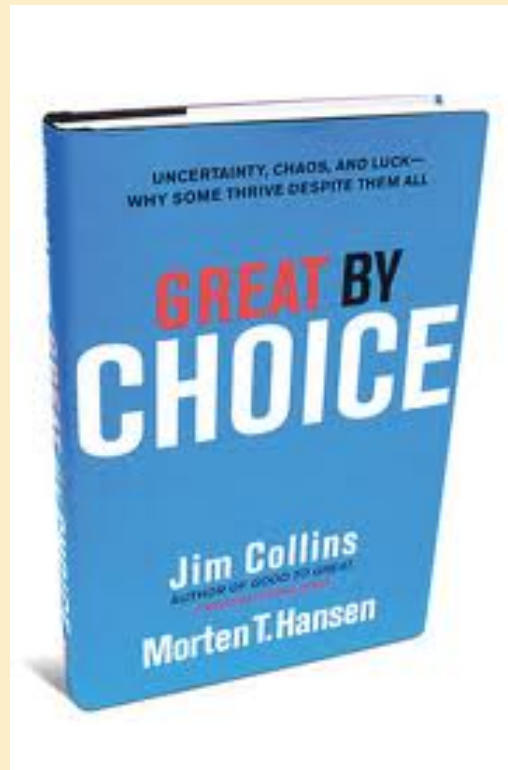
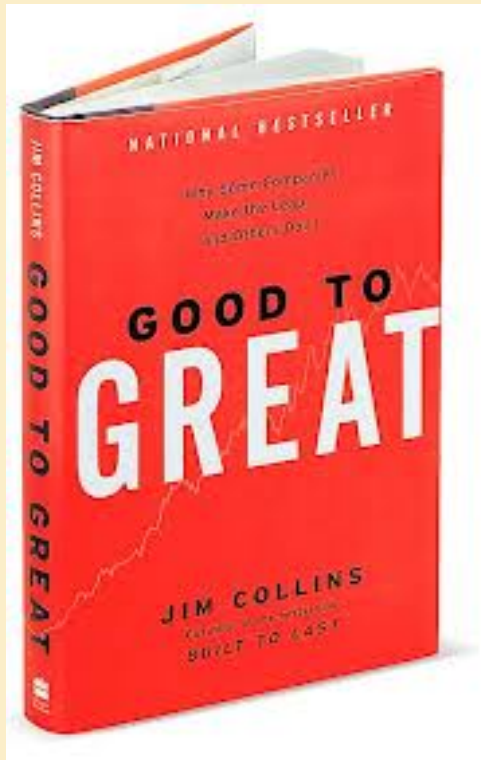
PERSONNEL & COMPENSATION ISSUES

- Although pension costs are projected flat this fiscal year, CalPERS threatening large increases in future years
- Most employees are not or are minimally contributing to pension costs
- Medical benefits continue to increase at a much higher rate than inflation (~10% in FY 2013-14)
- City's median policy keeping salaries competitive (Police and Fire salaries projected roughly flat for FY 2013-14)
- Non-sworn employees have not received a compensation adjustment in seven years
- Unlike most cities, EC does not pay for medical benefits after retirement—further benefit reductions may leave the City at a recruitment disadvantage
- Implementation of Affordable Care Act may impact costs in the future

CITYWIDE CHALLENGES FOR FY 2013-14

- Impact of “triple-flip” true-up = sales tax reduction – **(\$600,000)**
- No backfill for co-op agreements with MSC – **(\$585,000)**
- Fund balances now also used for cash flow
- Dedicating funds for reinvestment and reserves
- Non-sworn employees have not had a median adjustment in seven years
- A greater number of approved positions likely to remain vacant or eliminated

HOW DO WE BECOME—AND STAY— A GREAT ORGANIZATION?



STAFF TRAINING TO BE “GREAT BY CHOICE”

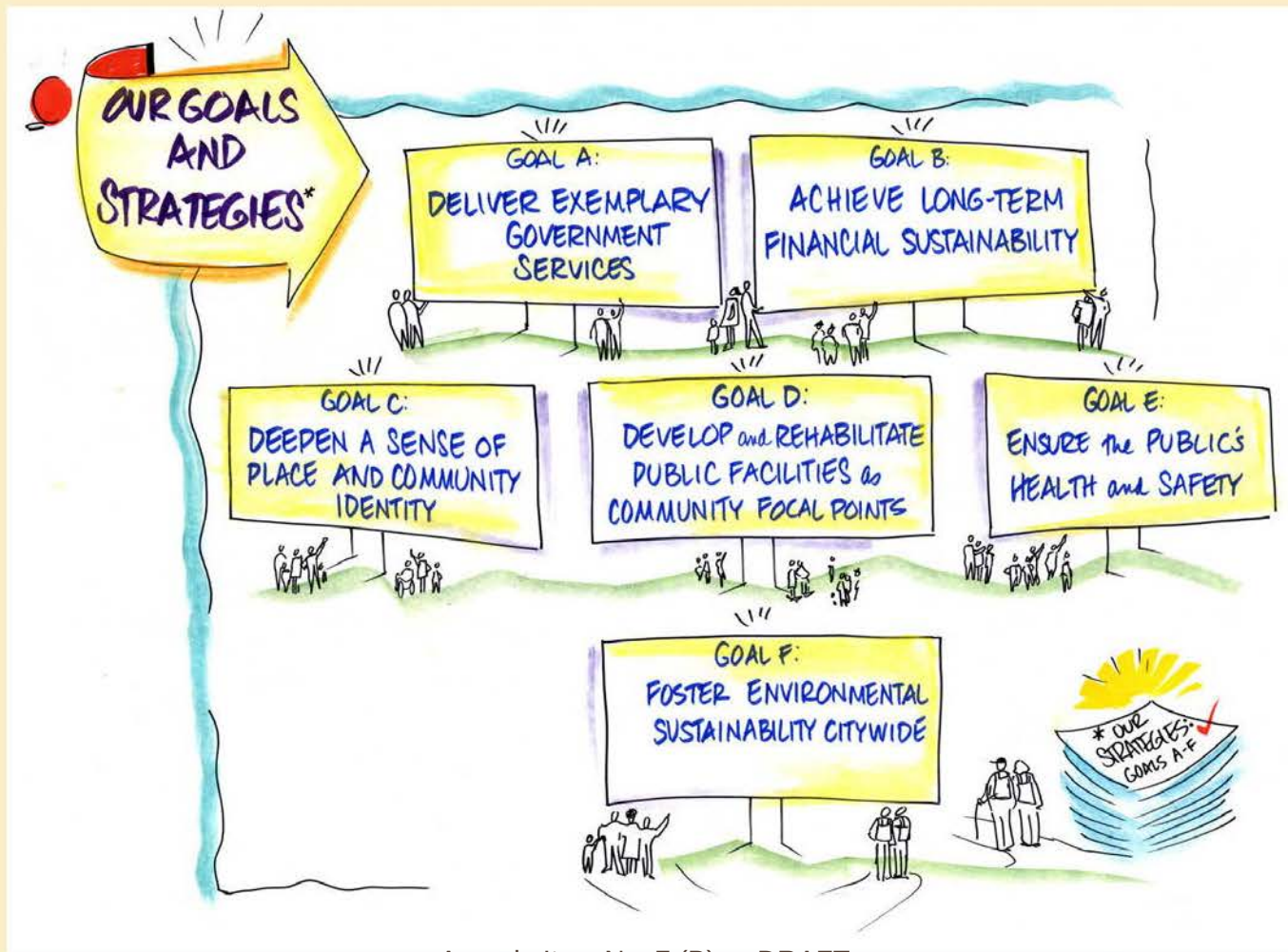
■ Key Concepts

- What is our “20 Mile March” and are we hitting it?
- How do we get the right people “on the bus and in the key seats”?
- Is it time to face the “Brutal Facts”?
- Where should we place our “big bets” based on empirical validation?

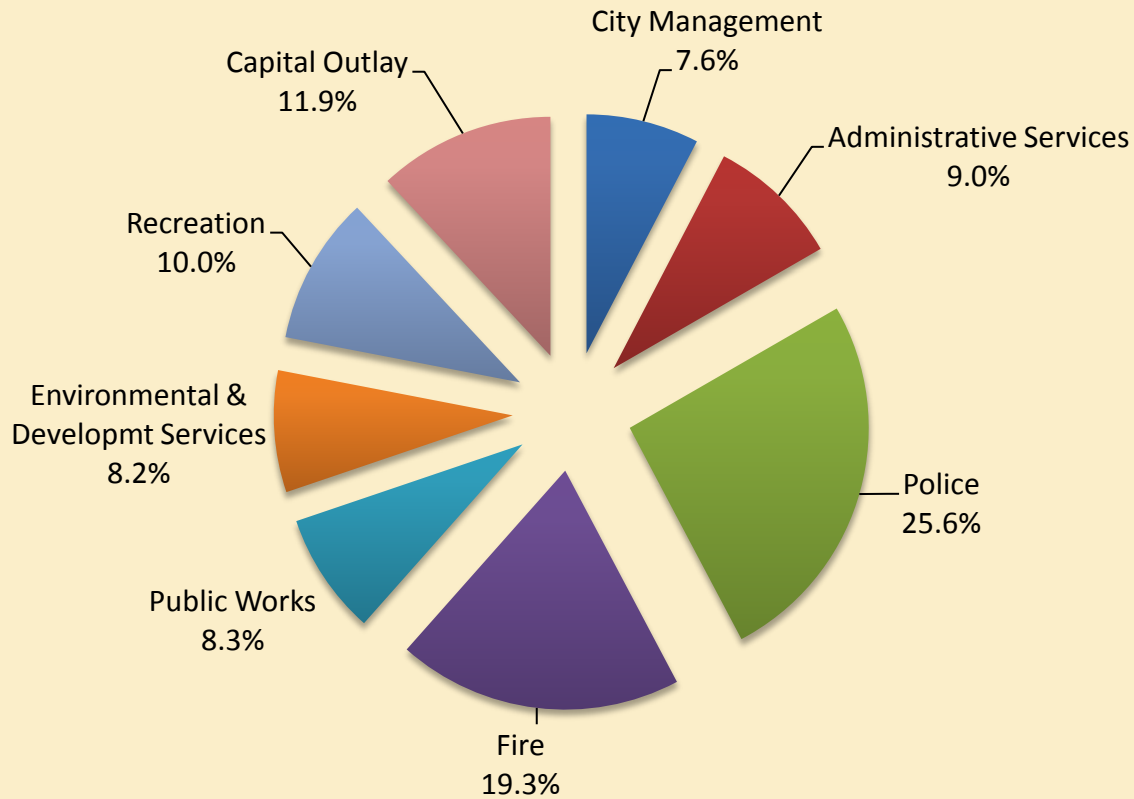
CITY COUNCIL GOALS FY 2012-13

- **Fiscal Responsibility**
- **Responsive Government**
- **Community Engagement & Partnership**
- **Environmental Stewardship**
- **Economic Development**
- **Public Safety**
- **Support of Multi-Modal Transportation**

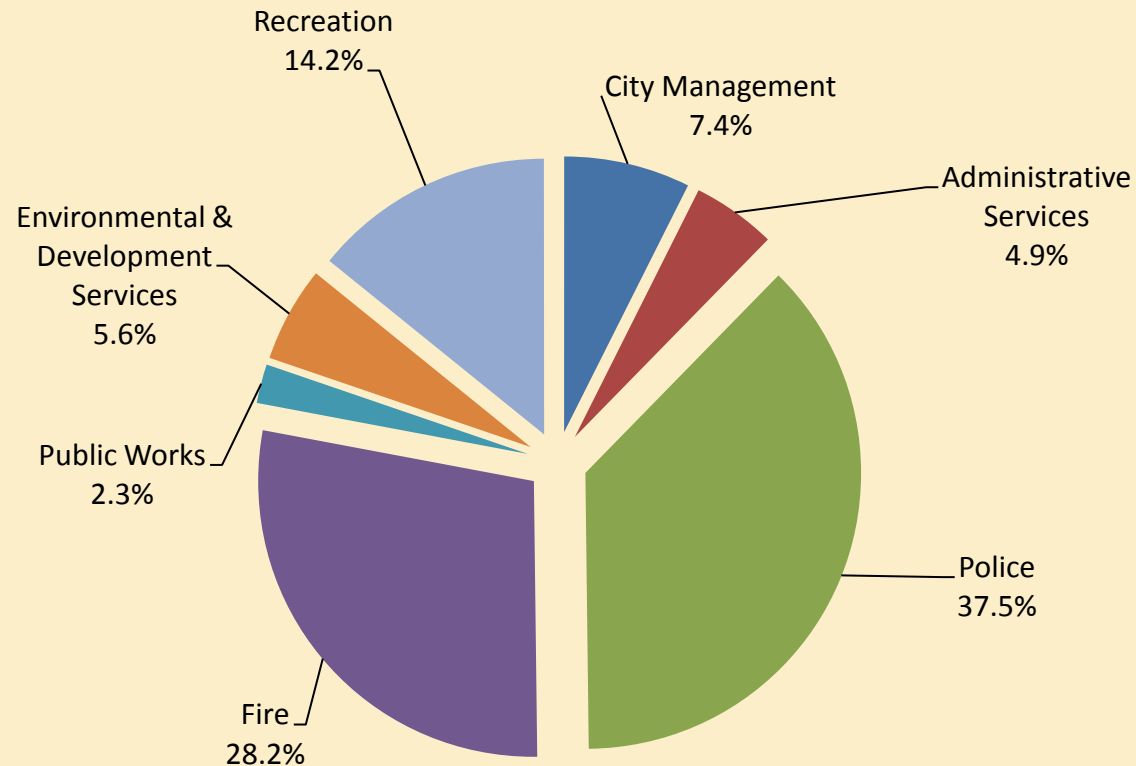
STRATEGIC PLAN GOALS



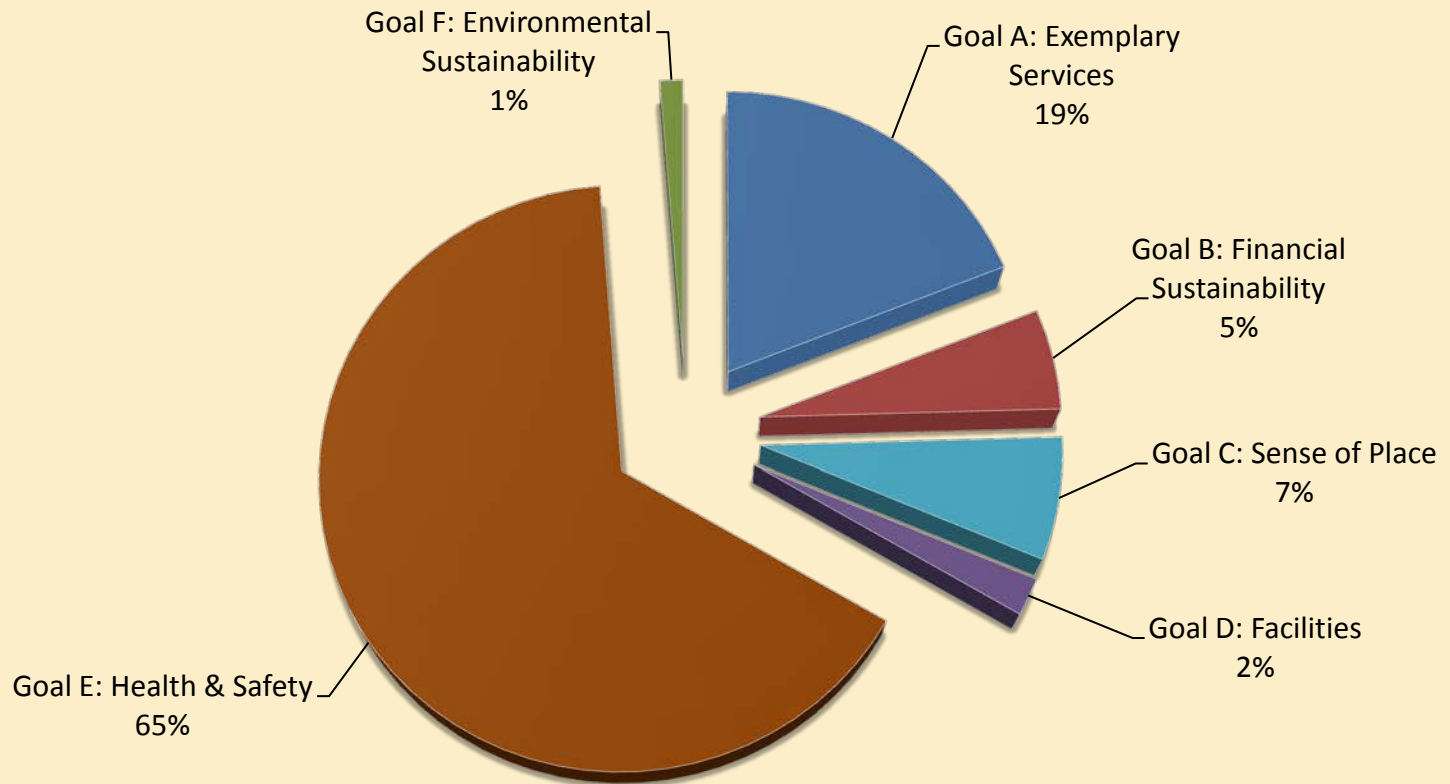
OVERVIEW OF FY 2012-13 OPERATING BUDGET



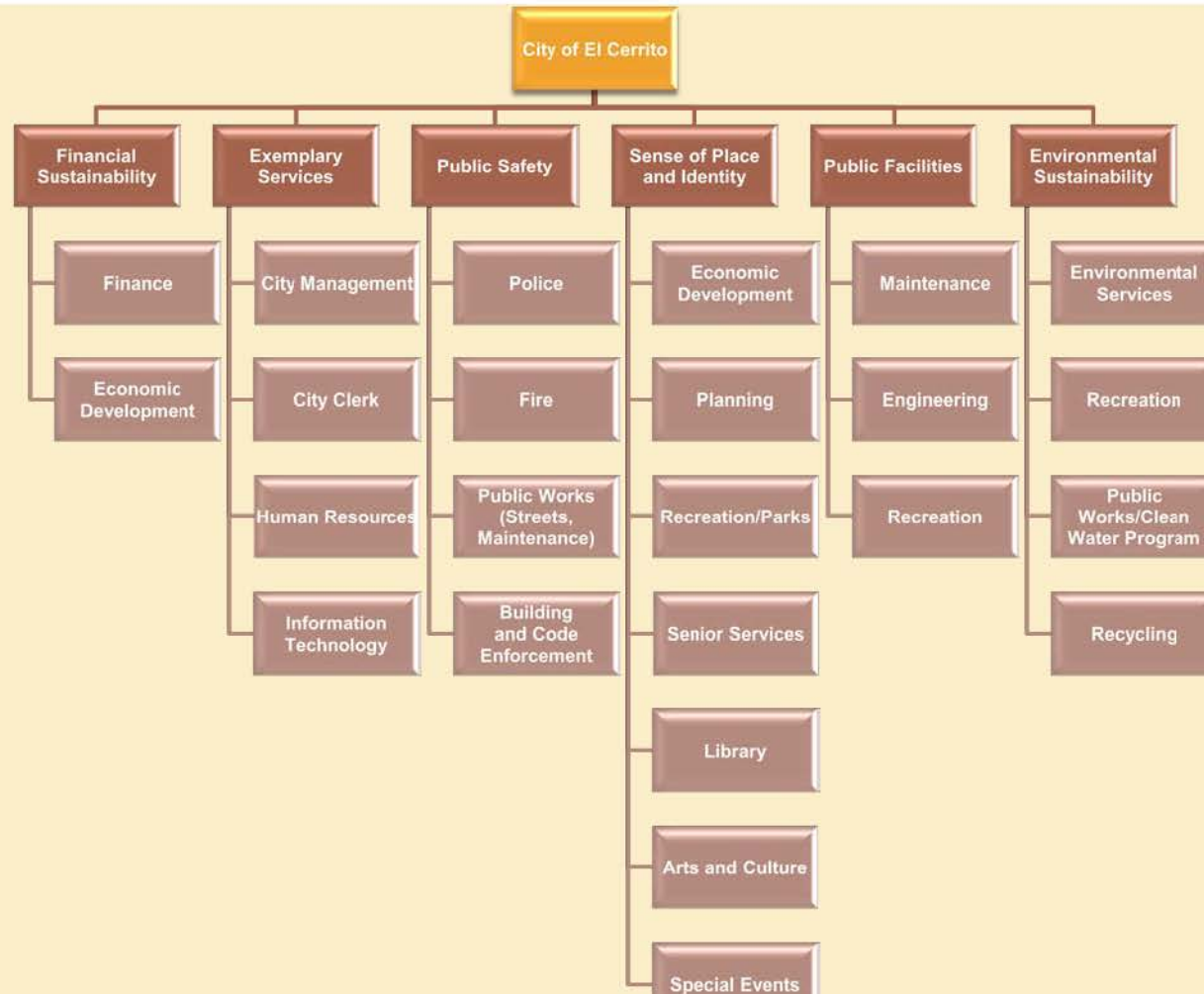
OVERVIEW OF FY 2012-13 GENERAL FUND



OVERVIEW OF GENERAL FUND USING STRATEGIC PLAN GOALS



OVERVIEW OF FUNCTIONS ACROSS STRATEGIC PLAN GOAL AREAS



GOAL A: DELIVER EXEMPLARY GOVERNMENT SERVICES

Strategy	Ongoing	Next year	Mid-term	Long Term
Increase productivity and efficiency by utilizing data driven analysis to ensure appropriate resource allocation.	●			
Promote employee development and professional growth.	●			
Recruit and retain a talented and effective workforce.	●		●	
Ensure city programs and services are inclusive of people of diverse backgrounds.		●		
Develop and strengthen relationships with public and private partners, residents, businesses, schools and community groups.		●		
Maintain emphasis on providing excellent customer service.	●			

GOAL B: ACHIEVE LONG-TERM FINANCIAL SUSTAINABILITY

Strategies	Ongoing	Next year	Mid term	Long Term
Maintain financial discipline by establishing decision-making guidelines.	●			
Ensure policies, procedures and systems represent best practices in financial management.	●			
Attract and maximize opportunities for new/expanding businesses.		●		
Explore opportunities for public/private partnerships.	●	●		
Continue to pursue opportunities for new funding, including outside grants.	●	●		
Develop a financial plan to address ongoing and deferred maintenance of facilities and infrastructure.		●		
Develop a plan to ensure that revenue meets the cost of providing the services identified in the Strategic Plan.		●		
Track and promote State and Federal legislation that would create new funding opportunities.	●	●		

GOAL C: DEEPEN A SENSE OF PLACE AND COMMUNITY IDENTITY

Strategies	Ongoing	Next year	Mid term	Long Term
Promote strong neighborhoods.	●			
Celebrate the City's diversity by welcoming residents of all ages and cultures and encouraging their civic involvement.	●			
Adopt a Revised General Plan that meets the needs of the community.			⦿	
Re-imagine under-utilized properties through advanced planning efforts that encourage investment and/or new development.	●	⦿		
Develop an Economic Development action plan.		●		
Review and update policies on preservation of historic and cultural resources.		⦿		
Encourage dense business nodes to minimize or eliminate automobile traffic.				●
Identify, promote, and/or develop entertainment, recreational, and leisure activities for people of all ages and demographics.	●			
Promote arts and culture and community celebrations.	●	⦿		
Develop plans for the City's 100 Year anniversary.			⦿	
Be a strong partner with the schools.	●			



Key: ● = Can do with current resources ⦿ = Will require additional resources

Agenda Item No. 7 (B) -- DRAFT

GOAL D: DEVELOP AND REHABILITATE PUBLIC FACILITIES AS COMMUNITY FOCAL POINTS

Strategy	Ongoing	Next year	Mid-term	Long Term
Develop a plan to address ongoing and deferred maintenance of facilities and infrastructure.		●		
Continue the facilities assessment to prioritize and strategize investment (i.e., library, public safety facility, community center).	●	●	●	●
Revisit and update the Structural Facilities Management Plan.			●	

Key: ● = Can do with current resources ● = Will require additional resources

GOAL E: ENSURE THE PUBLIC'S HEALTH AND SAFETY

Strategies	Ongoing	Next year	Mid term	Long Term
Provide transparent info on crime, and address perceptions of safety.	●			
Utilize environmental design techniques to deter and prevent crimes.	●			
Apply data-driven analysis to target resources and enhance safety.		●		
Maintain disaster preparedness programs and ensure plans are current.	●			
Continue teamwork to ensure and enhance efficient and comprehensive plan review, permitting and inspection process.	●			
Continue to work with local partners (i.e., BART, school district, other communities, EBRPD) on a coordinated approach to public safety.	●			
Utilize community-oriented policing and problem solving.	●			
Utilize a diverse array of crime prevention techniques (e.g. School Resource Officer (SRO) program, Traffic Unit, Bike Patrol, etc).	●			
Explore innovative and best practices for promoting public health.		●		

GOAL F: FOSTER ENVIRONMENTAL SUSTAINABILITY CITYWIDE

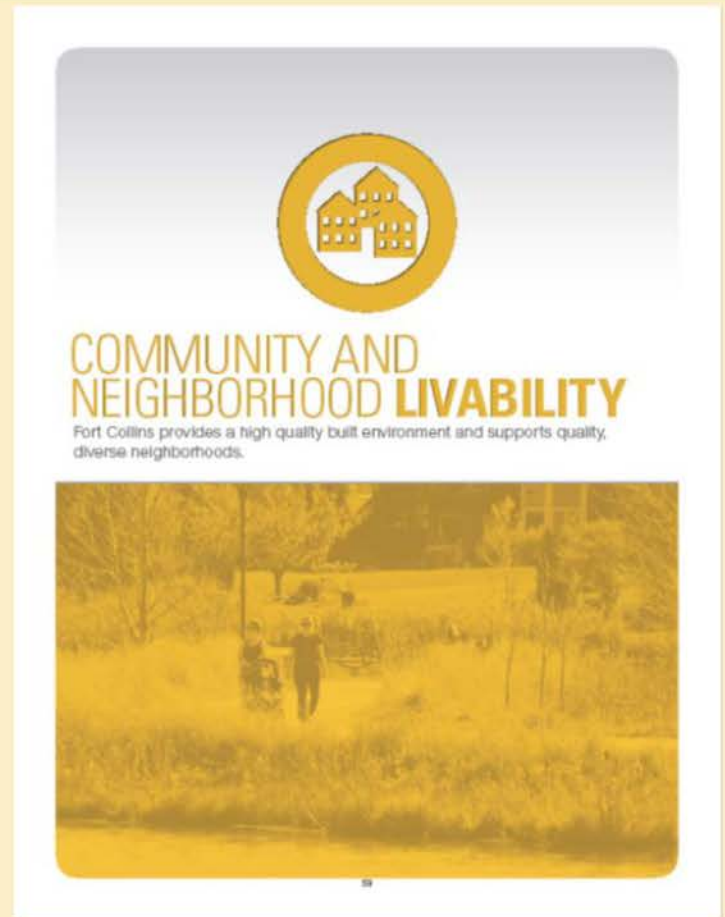
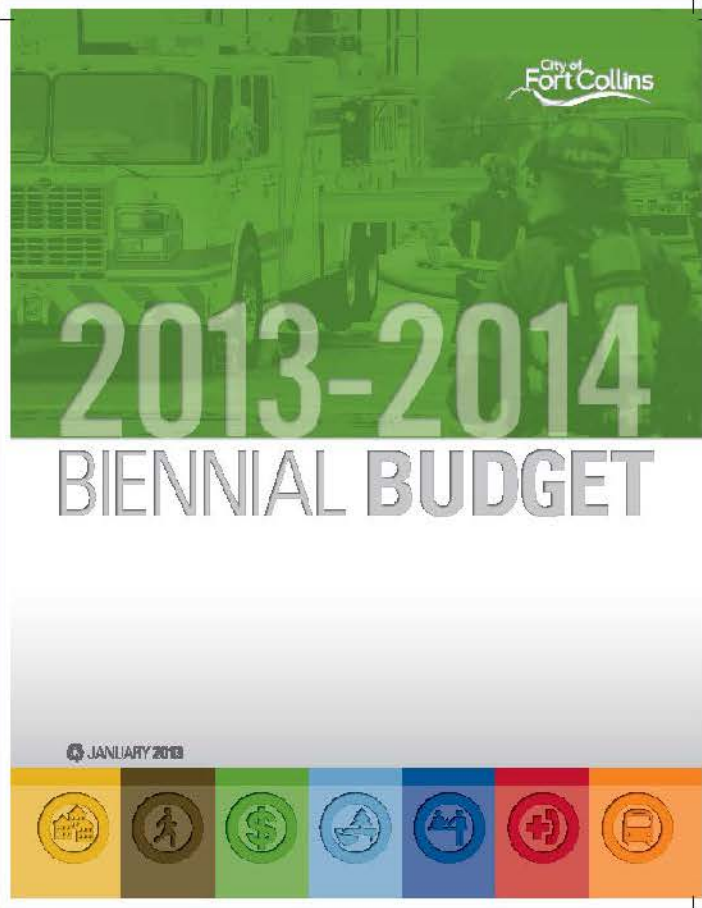
Strategy	Ongoing	Next year	Mid-term	Long Term
Be a leader in setting policies and providing innovative programs.	●	●		
Promote environmental education to facilitate behavioral changes by working with the school district and other community groups.		●		
Implement policies to promote waste diversion (i.e. ban on single-use bags and Styrofoam food containers).		●		
Encourage alternative modes of transportation to the single occupancy vehicle.	●			
Implement the City's Climate Action Plan, including: • Reduce vehicle miles • Facilitate energy and water efficiency • Reduce the amount of waste generated in El Cerrito • Make municipal operations more resource efficient and environmentally friendly		●	●	

Key: ● = Can do with current resources ● = Will require additional resources

DEVELOPING BUDGET PRIORITIES FOR FY 2013-14

- What goals and strategies are most important to the City Council for the next fiscal year ?
- How should goals be aligned with resources?
- What options are most or least desirable to the City Council for balancing the budget?

EXAMPLE OF GOAL BASED BUDGETING



EXAMPLE OF GOAL BASED BUDGETING

Drilling Platform - Ranked Offers by Outcome

Budget Years: 2013 - 2014

COMMUNITY AND NEIGHBORHOOD LIVABILITY - 2013

Offer	Offer Cost	Offer Funding			
	Total	GENERAL FUND Dedicated	Ongoing	OTHER FUNDS	RESERVES
170.1 Neighborhood Services	314,029	0	314,029	0	0
170.2 Code Compliance, Occupancy and Zoning Enforcement	701,092	50,000	651,092	0	0
<i>Special Assessments</i>					
40.1 Long Range Planning	370,318	0	370,318	0	0
80.2 Affordable Housing & Human Services Program Funding and Administrative Support	760,062	0	760,062	0	0
<i>City of Fort Collins</i>					
80.3 KFCG: Affordable Housing and Human Services	150,047	0	0	150,047	0
<i>Keep Fort Collins Great Fund</i>					
200.1 Low Income, Senior and Disabled Rebate Programs	217,450	0	217,450	0	0
99.1 Median Maintenance	489,157	8,094	481,063	0	0
<i>Park Fees</i>					
203.1 Neighborhood Street Tree Replacement	50,000	0	50,000	0	0
162.1 Neighborhood Traffic Mitigation	130,000	130,000	0	0	0
<i>Traffic Calming Surcharge</i>					
80.1 Social Sustainability Management, Core Programs, and Projects	294,553	0	294,553	0	0
170.3 Mediation & Restorative Justice Services	124,750	0	124,750	0	0
236.1 ENHANCEMENT: Community Garden Outreach Program	112,961	0	112,961	0	0
80.7 ENHANCEMENT: Social Sustainability Administrative Support	37,508	0	37,508	0	0

EXAMPLE OF GOAL BASED BUDGETING



OPTIONS TO CONSIDER FOR FY 2013-14

There are four main categories to be considered in developing the FY 2013-14 Budget:

- **Fiscal Policies**
- **Improved Efficiencies**
- **Service/Program Changes**
- **Other Budget Directives**

FISCAL POLICIES

For FY 2013-14, are these policies important to the City Council to maintain or implement?

The budget should be balanced.	Agree or Disagree?
General Fund reserves between 10% and 15% could be used to help balance the budget.	Agree or Disagree?
Reserves should be used for cash flow AND dedicated reserves.	Agree or Disagree?
Budget should identify our core services as first priority and shortfalls for additional programs and services.	Agree or Disagree?

IMPROVED EFFICIENCIES

Vacant positions should continue to be the primary method of balancing the budget.	Yes or No?
Are there particular vacant positions that should be filled regardless of the budget impact?	Yes or No? Which ones?
Reduction of office hours should be considered.	Yes or No?
Median adjustments to control points (not necessarily salaries) for unrepresented employees is appropriate.	Yes or No?

SERVICE AND PROGRAM CHANGES

Budget Strategies	(1 - 3, 1 = highest priority)
Layoffs should only be considered as a last resort in order to balance the budget and meet goals and strategies.	1 - 2 - 3
Service reductions should be considered over continued reliance on vacancies.	1 - 2 - 3
Alternatives to reduce the City's cost of health care benefits should be evaluated, including greater employee contributions should be considered.	1 - 2 - 3
Employee benefit contributions to pensions should be increased over time.	1 - 2 - 3

OTHER BUDGET DIRECTIVES

Additional fee increases to cover actual operating costs, above inflation, for programs should be considered.	Yes or No?
All special events should continue as in the past (particularly July 4th).	Yes or No?
Additional funds should be earmarked for a restricted reserve fund.	Yes or No?
Additional funds should be earmarked for a dedicated facility repair fund.	Yes or No?

BUDGET SCHEDULE

- Adoption of Strategic Plan April 2, 2013
- Budget Priority Setting April 16, 2013
- Preliminary Budget to FAB Mid-May
- Draft Budget Book to City Council Early June
- Budget Presentation June 4, 2013
- Study Sessions – as needed June 10, 11, 18 & 25
- Budget Adoption By June 30, 2013

NEXT STEPS

- Should the City Council wish to discuss priorities and options further, an additional workshop can be scheduled
- If priorities are relatively clear, staff will go forward and develop FY 2013-14 Budget for Council consideration in June