

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Monday, March 17, 2008 – 7:30 p.m.

City Council Chambers

SPECIAL CITY COUNCIL CLOSED SESSION

Monday, March 17, 2008 – Immediately Following the Regular Meeting

Community Center Conference Room

Meeting Location

El Cerrito Community Center

7007 Moeser Lane, El Cerrito

ROLL CALL

Councilmembers Abelson, Bridges, Moore, Potter and Mayor Jones.

All members present.

7:30 p.m.

CONVENE CITY COUNCIL MEETING

Mayor Jones convened the regular City Council meeting at 7:30 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Moore.

2. **COUNCIL / STAFF COMMUNICATIONS**

Alexander Abbe, City Attorney, reported on the issuance of an Attorney General Opinion which is directly on point regarding whether youth may swear or affirm to the Oath of Office. The Attorney General Opinion states that the Constitutional amendment to take the Oath applies to all public officials and employees including students.

Mayor Jones announced this evening's closed session and adjournment of the City Council meeting in memory of former El Cerrito Mayor Roy Mespelt.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Rosemary Loubal, El Cerrito, expressed concerns regarding administration of the Oath of Office to board, commission and committee members.

Peter Loubal, El Cerrito, expressed concerns with administration of the Oath and expanded his own pledge.

4. PRESENTATIONS

Update on Police Department Activities and Outcomes was presented by Chief Scott Kirkland.

Speaker: Al Miller, El Cerrito, spoke in support of the School Resource Officer.

Action: Presentation heard. The City Council thanked Chief Kirkland for his leadership and commended the work of the Police Department.

5. ADOPTION OF THE CONSENT CALENDAR – Items 5A through 5G

Moved, seconded (Potter/Bridges) and carried unanimously to adopt Consent Calendar Item Nos. 5A, 5B, 5D, 5E, and 5F.

A. Minutes for Approval

Approve the following minutes: 1) Special City Council Goal Setting Worksession minutes of February 23, 2008; and 2) Special City Council, Regular City Council and Special City Council Closed Session minutes of March 3, 2008.

Action: Approved Minutes.

B. Declare and Confirm the Results of the February 5, 2008 Special Measure Election

Adopt a Resolution confirming the results of the February 5, 2008 Special Measure Election and declaring the passage of Measure A – The El Cerrito Pothole Repair, Local Street Improvement and Maintenance Measure.

Action: Adopted Resolution No. 2008–14.

C. Ordinance Establishing Swim Center Measure A Tax Rate for FY 2008–2009

Approve by title, waive any further reading and adopt first reading of an ordinance establishing the Measure A (Swim Center) Parcel Tax Rate for FY 2008–2009.

Action: Removed from the Consent Calendar by Mayor Moore. Moved, seconded (Bridges/Moore) and carried unanimously to adopt first reading of Ordinance 2008–04. Second reading scheduled for April 7, 2008.

Mayor Jones stated that the rate is not increasing, that it is the lowest rate allowed by law and that the rate is same as 2004.

D. Agreement with Knorr Systems, Inc. for the Installation of a CO₂ System, Acid Vapor Recovery System, a Variable Speed Pump Drive, and Recreation Pool Covers

Adopt a Resolution authorizing the City Manager to enter into an agreement with Knorr Systems, Inc. for the installation of a CO₂ System, Acid Vapor Recovery System, a Variable Speed Pump Drive and Recreation Pool Covers in an amount not to exceed \$81,096.

Action: Adopted Resolution No. 2008–15.

E. Award Contract for Streetlight Maintenance

Adopt a Resolution authorizing the City Manager to execute a streetlight maintenance contract for fiscal year 2007-08 in an amount not to exceed \$25,000.

Action: Adopted Resolution No. 2008-16.

F. Cole Management Engineering Contract Amendment for Measure A Curb Ramps and Upper Fairmount Streetscape Projects

Adopt a Resolution authorizing the City Manager to execute a contract amendment with Cole Management Engineering in an amount not to exceed \$191,000.

Action: Adopted Resolution No. 2008-17.

G. American Red Cross Month Proclamation

Approve issuance of a proclamation proclaiming March 2008 as American Red Cross Month in El Cerrito and encouraging all residents to be cognizant of the compassion, courage, character, and civic duty that is inherent in the Red Cross mission to prevent and relieve human suffering.

Action: Removed from the Consent Calendar by Mayor Moore. Moved, seconded (Moore/Abelson) and carried unanimously to approve issuance of a proclamation.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Light Brown Apple Moth

Hear a presentation by a representative from the California Department of Food and Agriculture regarding the Light Brown Apple Moth (LBAM) and consider adopting a resolution of concern regarding the Light Brown Apple Moth and encourage the State Legislature and Governor to ensure that actions by the various state departments and agencies involved in the Light Brown Apple Moth eradication effort do not compromise the health or the environment.

Presenters: Suzanne Iarla, Public Information Specialist A.G. Kawamura, Secretary of the California Food and Agriculture, David Ting, Ph.D., M.P.H., Senior Toxicologist, Office of Environmental Health Hazard Assessment – California Environmental Protection Agency, and Robert V. Dowell, Ph.D., Director, Plant Health & Pest Prevention Services, CDFA.

Councilmember Moore disclosed her employment with the Federal Environmental Protection Agency and stated that nothing she says is made in her capacity as an EPA employee. Mayor Moore's comments and questions are made in the capacity of her position as a member of the El Cerrito City Council.

Councilmember Potter disclosed her employment with the Regional Water Quality Control Board, a sister agency of the CDFA, and stated that she spoke with Secretary Kawamura today and that she will render a fair and unbiased opinion.

Speakers: Patrice Chamberlain, El Cerrito, expressed her concerns regarding aerial spraying and asked the City Council to take a stronger position than a resolution of concern including a moratorium on aerial spraying.

Rita Gaber, El Cerrito, expressed concerns with CDFA's campaign and data.

Helen Dickey, El Cerrito, expressed concerns with inert ingredients and health impacts. Ms. Dickey said she will have an informational meeting in her neighborhood.

Simi Sikka, Fremont, expressed concerns with aerial spraying and health risks.

Dorothy Graham, Oakland, expressed concerns with aerial spraying, particularly in connection with her lung sensitivity condition and asthma and with the child and senior populations.

Lisa Tracy, Oakland, expressed her concern with not knowing what will be sprayed and stated that there are no long term studies of toxicity in humans. Ms. Tracy also expressed concerns with spray that will end up in waterways.

Elliot Lavine, expressed his appreciation for the comments made by City Councilmembers and stated that he was concerned that particles of spray would embed in lungs and pose great health effects.

Action: Presentation heard. Dr. Dowell offered the following websites for more information www.cdffa.ca.gov and www.aphis.usda.gov.

Moved, seconded (Potter/Jones; Ayes – Potter and Jones; Noes – Abelson, Bridges and Moore) and failed a motion to adopt a resolution as amended by Councilmember Potter to expand the intent of the resolution and add an enacting clause to the resolution emphasizing the city's intention to continue education and outreach efforts to residents about the LBAM quarantine and other actions residents can take to help control the LBAM.

Moved, seconded (Bridges/Abelson; Ayes –Bridges and Abelson; Noes – Moore, Potter and Jones) and failed a motion to adopt a resolution as amended by Councilmember Potter to expand the intent of the resolution and add an enacting clause to the resolution emphasizing the city's intention to continue education and outreach efforts to residents about the LBAM quarantine and other actions residents can take to help control the LBAM and as amended by Councilmember Bridges to include an enacting clause to support four methods of eradication specified in the CDFA 2008–2009 LBAM Action Plan but expressly opposing aerial pheromone treatment.

Moved, seconded (Bridges/Abelson) and carried unanimously to suspend council rules and extend the meeting to 10:45 p.m.

Moved, seconded (Abelson/Potter; Ayes – Abelson, Potter and Jones; Noes – Bridges and Moore) and carried to adopt Resolution No. 2008–18 as amended by Councilmember Potter to expand the intent of the resolution and add an enacting clause emphasizing the city's intention to continue education and outreach efforts to residents about the LBAM quarantine and other actions residents can take to help control the LBAM and as amended by Councilmember Abelson to include an enacting clause which addresses notification prior to spraying and if

spraying is cancelled due to wind conditions that residents be re-notified as to additional spraying.

B. Geographic Information System

Adopt a Resolution authorizing the City Manager to purchase a one year subscription from Digital Map Products, Inc., in the amount of \$29,000 for an online geographic information system (GIS) and approve additional expenses of up to \$15,000 for theme active layers and additional engineering or configuration services.

Presenter: Jerry Bradshaw, Public Works Director

Moved, seconded (Moore/Abelson; Ayes – Abelson, Moore and Jones; Noes – Bridges and Potter) and carried to suspend council rules and extend the meeting to 11:00 p.m.

Speaker: Al Miller, El Cerrito, expressed support for GIS and expressed caution regarding the costs of growing the system based on his experience at Stege Sanitary District.

Action: Moved, seconded (Moore /Potter) and carried unanimously to adopt Resolution No. 2008-19.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Jones reported on the Sports Joint Powers Authority (JPA). The JPA Board voted to asked the East Bay Regional Park District to give the JPA the money needed to complete the project.
- B. Mayor Pro Tem Potter – No report.
- C. Councilmember Abelson reported that the WCTAC – Contra Costa Transit Authority is beginning to work on a plan to implement Measure J which will go into effect April 2009. Measure J replaces Measure C which has been in place for the past twenty years.
- D. Councilmember Bridges reported that the Crime Prevention Committee is continuing its work on National Night Out.
- E. Councilmember Moore reported on her attendance at a special meeting of the Waste Authority, and stated that Steve Devine, Executive Director, has resigned effective April. Claudia Taurean has been promoted from within as the interim director. A subcommittee of the Board will convene to participate in a search for a new executive director.

SUPPLEMENTAL COMMUNICATIONS

Item No. 7(A) Light Brown Apple Moth

- 1. News Release, Q&A, Brochure, and Reports – *Nancy Lungren, Deputy Secretary of Public Affairs, Department of Food and Agriculture, State of California*
- 2. Various Reports, Legal Filing and a Notice – *East Bay Pesticide Alert and Don't Spray California*
- 3. Janis De Lay

Other – Oath

- 4. Rosemary Loubal

9. **ADJOURNED REGULAR CITY COUNCIL MEETING** at 10:42 p.m. in memory of Roy Mespelt, former Mayor of El Cerrito.

10. **ANNOUNCEMENT OF CITY COUNCIL CLOSED SESSION**

PUBLIC EMPLOYEE APPOINTMENT – City Attorney
Pursuant to Government Code Section 54957(b)


ORAL COMMUNICATIONS – No speakers.

RECESSED INTO CLOSED SESSION at 10:50 p.m.


POSSIBLE REPORT OUT OF CLOSED SESSION – No report.

ADJOURNED SPECIAL CITY COUNCIL CLOSED SESSION at 11:20 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council and Special City Council Closed Session meetings of March 17, 2008 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



William C. Jones, III, Mayor