EL CERRITO CITY COUNCIL
EL CERRITO REDEVELOPMENT AGENCY

MINUTES

CONCURRENT EL CERRITO CITY COUNCIL and REDEVELOPMENT AGENCY MEETING
Monday, August 15, 2011 – 7:30 p.m.
City Council Chambers

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

Ann Cheng – Mayor

Mayor Pro Tem Bill Jones
Councilmember Rebecca Benassini

Agency Chair/Councilmember Janet Abelson
Councilmember Greg Lyman

ROLL CALL

Councilmembers/Agency Board Members Abelson, Benassini, Jones, Lyman and Mayor Cheng all present.

7:30 p.m. **CONVENE CONCURRENT CITY COUNCIL AND REDEVELOPMENT AGENCY/ MEETING**

Mayor Cheng convened the Concurrent City Council/Redevelopment Agency meeting at 7:41 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG was led by Mayor Pro Tem Jones.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Abelson reported on her attendance at a July 28 meeting entitled "Seizing the Opportunity to Expand Local Clean Energy Markets in the Green Corridor." The meeting was organized by the Local Government Commission. Councilmember Abelson also attended the August Mayors Conference and announced that consideration of the Animals Ordinance was postponed due to other urgent matters that required discussion this evening. Additionally, the El Cerrito Trail Trekkers will be offering hikes throughout October. The Alberrito Street Fair on Key Route/Ashbury is coming up on August 28 from noon to 3:00 p.m. Everyone is invited to bring a lunch and have fun.

Councilmember Benassini stated that the Council attended multiple National Night Out parties and thanked the Crime Prevention Committee and all who helped with the event. Councilmember Benassini also apologized for the delay in considering the Animal Ordinance due to the urgent need to discuss the redevelopment agency status and budget this evening. The Animals Ordinance will come before the Council in the near future.

Councilmember Lyman announced that on August 16, the cities of El Cerrito, Albany, Richmond and San Pablo in conjunction with Energy Upgrade California and Contra Costa County will host an informational meeting to discuss how to get stimulus funding and PG&E rebates so residents can make their homes more comfortable and energy efficient. The meeting is 7-8:30 p.m. at City Hall.

Mayor Cheng reported that she had also attended the program with Councilmember Abelson regarding the Green Corridor and thanked the Police Department for its support of the National Night Out event. Additionally, Mayor Cheng reported that the Municipal Services Corporation had just met in closed session and gave direction to Municipal Services Corporation negotiators.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, announced that Stege Sanitary District General Manager, Douglas Humphrey resigned for personal reasons effective June 29. Rex Delizo has been hired as the new General Manager. Mr. Delizo has been with the Stege District for the past 14 years and has been an Engineer/Deputy General Manager for the last three years. Although everything will go on the same, Mr. Humphrey will be missed and was recognized by Mr. Miller for his service and contributions to Stege.

4. PRESENTATION – None

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

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

A. Minutes for Approval

Approve the minutes of the July 18, 2011 Special City Council and Concurrent City Council / Redevelopment Agency / Public Financing Authority and Employee Pension Board meetings.

Action: Approved minutes.

B. Cooperative Agreement with Interested Cities to Jointly Solicit Proposals for the Procurement of Municipal Solar Power

Adopt a resolution authorizing the City Manager to enter into a Cooperative Agreement with the cities of Albany, San Pablo and Piedmont for the purpose of jointly soliciting proposals for the procurement of municipal solar power.

Action: Adopted Resolution No. 2011–58.

C. Support for the PACE Assessment Protection Act of 2011

Adopt a resolution urging El Cerrito's Congressional Delegation to support the Property Accessed Clean Energy (PACE) Assessment Protection Act of 2011.

Action: Adopted Resolution No. 2011–59.

D. White Curb Marking in Front of 951 Pomona Avenue

Adopt a resolution authorizing the City Engineer/Public Works Director to install thirty fee of white curb marking on the south side of Pomona Avenue in front of 951 Pomona Avenue (Contra Costa Theater).

Action: Adopted Resolution No. 2011–60.

E. Four-Way Stop at the Intersection of Cutting Boulevard and Arlington Boulevard

Adopt a resolution authorizing the City Engineer/Public Works Director to establish a four-way stop at the intersection of Cutting Boulevard and Arlington Boulevard.

Action: Adopted Resolution No. 2011–61.

F. Agreement with Vermont Systems, Inc. for the Purchase of Rec Trac Software in Conjunction with Implementation of the Recreation Software Capital Improvement Project

Adopt a resolution authorizing the City Manager or designee to enter into an agreement with Vermont Systems, Inc. for the purchase and installation of hardware, add-on interfaces, and training expenses associated with the installation and training of recreation staff on the Rec Trac Recreation Software Package.

Action: Adopted Resolution No. 2012–62.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

JOINT REDEVELOPMENT AGENCY/CITY COUNCIL ITEM

State Dissolution of the Redevelopment Agency, Options for the Voluntary Redevelopment Program and Necessary Actions

Staff requests that the following actions be taken by members of the Redevelopment Agency Board and City Council:

1. Provide feedback on potential options for accepting dissolution of the Redevelopment Agency or for opting into the Voluntary Redevelopment Program;

2. Adopt a Redevelopment Agency Resolution approving an Enforceable Obligation Payment Schedule complying with the requirements of State Assembly Bill 1x26 "the Dissolution Act;" and

3. Adopt a City Council Resolution electing to serve as the Successor Agency to the Redevelopment Agency, should the City choose not to participate in the Voluntary Redevelopment Program.

Presenters: Lori Treviño, Redevelopment Agency Manager, Hilde Myall, Senior Project Manager and Karen Tiedemann, Redevelopment Agency Counsel.

Speakers: Brian Lee, Dixon, field representative of the Service Employees International Union 1021 (SEIU), stated that the El Cerrito chapter of SEIU has not adopted a position on whether to retain or dissolve the Redevelopment Agency. Local SEIU 1021 chapter members are deeply concerned about safeguarding the current level of services that are provided to El Cerrito residents and emphasized a desire to use the estimated $1.5 Million Measure R funds for services. Mr. Lee stated that the local union chapter members would like to discuss the impacts retention or dissolution of the redevelopment agency would have on city services.

COUNCIL DISCUSSION

Mayor Pro Tem Jones stated that he was leaning toward paying the extortion fee and hopes that the Court will overturn the state legislation however he is not comfortable with understanding the restrictive terms and conditions by which the agency can develop projects in the future. Mayor Pro Tem Jones asked if it is necessary to place a clause in the September 19 resolution

that states if the legislation is overturned by the Supreme Court that the actions to accept payment of the fee and agree to the terms and conditions of the legislation will be rescinded by the agency and city. Mayor Pro Tem Jones suggested preparation of a companion resolution which would include language stating that the City and Agency do not endorse the redevelopment legislation proposed by the Governor and passed by the legislators; actions are being taken under protest and undue distress; and that the new regulations and payment requirements are intentionally punitive and are created for the benefit of the state and not for our communities. Mayor Pro Tem Jones also suggested language be included that would state that the legislation is against the will of the people who passed Proposition 22 and that the City and the Redevelopment Agency is in full support of the lawsuit filed against the legislation. This resolution should be sent to the Cities of Contra Costa County, the Mayors Conference, our state representatives, the Governor, the Controller, the California League of California Cities, California Redevelopment Association and any other entities or officials that need to be notified.

Councilmember Lyman stated that he was uncertain about which option he would choose and asked staff to also begin preparing documents necessary for dissolution and have them ready for adoption in October in order to keep all options open.

Councilmember Abelson clarified that the Council is asking staff to prepare opt-in documents and final strategy to retain the Redevelopment Agency with the understanding that if it turns out that this is not in the best interests of the City then the City and Agency will not move forward in the immediate future.

Councilmember Benassini stated that she appreciated keeping all options open due to the complexity and evolving nature of this issue. Councilmember Benassini said she also appreciated Agency Counsel's comment that the dissolution documents would not be required until sixty days after the payment is needed because staff is doing so much work on this issue it would be great if Council could ensure that staff doesn't do work that may not be necessary. Councilmember Benassini said she is happy to direct staff to prepare the opt-in documents with the idea that Council and staff will continue to study the issues and keep options open. If the Council decides that it does not want to or is unable to make a payment on January 15 it will go down the road to dissolution.

Action: Moved, seconded (Lyman/Benassini) and carried unanimously to adopt Redevelopment Agency Resolution No. 616.

Moved, seconded (Lyman/Jones) and carried unanimously to adopt City Council Resolution No. 2011–63.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Cheng reported that the West County Mayors discussed the Supreme Court's recent ruling in favor of the City of Manhattan Beach which will result in reduced costs for an Environmental Impact Report associated with the plastic bag ban ordinance. As reported at the last meeting, the Arts and Culture Commission directed the artists for the San Pablo Avenue Public Art Project to come back with a monochrome metallic design for art along the Avenue. The Human Relations Commission did not meet.

B. Councilmember Abelson reported that the Environmental Quality Committee met and is looking into the possibility of showing a film entitled "Bag It" which provides background and insight into the use of plastic bags.

C. Councilmember Benassini announced the opening of Elevation 66 on September 1.

D. Mayor Pro Tem Jones reported on his attendance at the August Contra Costa Mayors Conference in which redevelopment and the intrusion of state legislation into municipal affairs

was discussed. Senator DeSaulnier and Assembly Member Skinner were also present. Both representatives voted for the Governor's redevelopment changes even though all nineteen cities in Contra Costa County were not in favor of the legislation. Mayor Pro Tem Jones stated that the meeting was civil however, the issue of intrusion into municipal affairs is not going to go away. El Cerrito will be hosting all nineteen mayors in Contra Costa County in September.

E. Councilmember Lyman reported that he received a brief update at the West County Integrated Waste Management Authority Board meeting in July and informed Council that staff is contributing to the development of the plastic bag ban ordinance. The Environmental Quality Committee has considered the plastic ban ordinance and the Authority Board discussed the creation of a model ordinance that all West County member cities can adopt. The Authority Board asked staff from the cities of Richmond and El Cerrito to work with the Authority staff to work on a model ordinance that can be brought to the Authority for consideration in September. The Executive Director of the Authority will be bringing this ordinance before the City Council to gauge each member city's support for the ordinance. The Authority also discussed how the estimated $20,000 cost of environmental review would be funded. It would be wonderful if those who will benefit directly from implementation of the ordinance such as the landfill operator and County would contribute to funding. Environmental review for the ordinance will be discussed at the Authority's next meeting.

SUPPLEMENTAL REPORTS

Item No. 7 State Dissolution of the Redevelopment Agency, Options for the Voluntary Redevelopment Program and Necessary Actions

Revised powerpoint presentation pages 26, 28 and 29 - *Submitted by Hilde Myall, Senior Project Manager.*

9. ADJOURNED CONCURRENT CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING at 9:10 p.m.

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Concurrent City Council / Redevelopment Agency meeting of August 15, 2011 as approved by the El Cerrito City Council and Redevelopment Agency.

Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency

Ann Cheng, Mayor

Janet Abelson, Redevelopment Agency Chair