

EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL REDEVELOPMENT AGENCY MEETING

Monday, October 5, 2009 – 6:45 p.m.

Hillside Conference Room

SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Monday, October 5, 2009 – 7:30 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Sandi Potter – Mayor

**Mayor Pro Tem Janet Abelson
Councilmember Greg Lyman**

**Councilmember/Agency Chair William C. Jones, III
Councilmember/Agency Vice-Chair Ann Cheng**

ROLL CALL

Redevelopment Agency Members Abelson, Cheng, Lyman, Potter and Chair Jones present.

6:45 p.m.

CONVENE SPECIAL REDEVELOPMENT AGENCY MEETING

Chair Jones convened the Special Redevelopment Agency at 6:47 p.m.

ANNOUNCEMENT OF REDEVELOPMENT AGENCY CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 11450 San Pablo Avenue
El Cerrito, CA 94530

Agency Negotiators: Scott Hanin, Executive Director
Lori Treviño, Redevelopment Agency Manager
Jack Nagle, Redevelopment Agency Counsel

Negotiating Parties: Target Corporation & Safeway Corporation

Under Negotiation: Price and Terms of Payment

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

RECESSED INTO CLOSED SESSION at 6:49 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

ADJOURNED SPECIAL REDEVELOPMENT AGENCY MEETING at 6:52 p.m.

ROLL CALL

City Council / Redevelopment Agency Members Abelson, Cheng, Jones (Agency Chair), Lyman and Mayor Potter all present.

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

Mayor Potter convened the Concurrent City Council/Redevelopment Agency Meeting at 7:32 p.m.

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

COUNCIL COMMUNICATIONS

Redevelopment Agency Chair Jones stated that the Redevelopment Agency had just met in closed session and identified Jack Nagle as Agency Council. The Agency Board provided direction to agency staff.

Mayor Pro Tem Abelson announced that the El Cerrito Police Department placed first in the Law Enforcement Challenge for agencies its size for the second year in a row. The Police Department also won the Commercial Vehicle Safety Award for all agencies in California. Mayor Pro Tem Abelson thanked the Police Department for their fine work.

Mayor Pro Tem Abelson also reported on her attendance at the Parks and Recreation Commission meeting and announced that the City's Annual Halloween Celebration will occur on Friday, October 30 at 3:45 at the Community Center and Cerrito Vista Park. There will be carnival games, bounce houses, a haunted house and a new dog parade and costume contest. All proceeds will benefit the Bruce King Memorial Fund to support building a dog park in El Cerrito. Mayor Pro Tem also reminded the public to attend *Greening El Cerrito Day* on October 17 which will include planting of street trees. Mayor Pro Tem Abelson also reported on her attendance at a luncheon with Randy Iwasaki, Director of the California Department of Transportation on October 2, 2009 and at the Transit Oriented Development Marketplace Conference in San Jose in which the Pleasant Hill Transit Village was featured.

Councilmember Jones reported on his attendance at the City's Celebration of Cal Arts Day and remarked that this was a great event and expressed his appreciation to the Arts & Culture Commission. There were more people than ever before in attendance and art and culture appears to grow with every year. Councilmember Jones also noted that the Fire Department continues to send firefighters to various mega fires throughout the state and said that he appreciates the department's efforts very much.

Councilmember Cheng reported on her attendance at the Transit Oriented Development Marketplace, and heard from a variety of communities that are just like El Cerrito who are trying to create opportunities to do more things without driving more. Councilmember Cheng also stated that she attended an excellent event sponsored by the El Cerrito Historical Society at the Senior Center featuring a celebration of El Cerrito/Richmond flower growers of Japanese-American descent. Councilmember Cheng said she appreciated learning about the history of Japanese leaders in our community. Additionally, Councilmember Cheng announced that Sakura Kai is sponsoring a fundraiser for the El Cerrito Senior Center on October 10 featuring various aspects of Japanese food culture.

Mayor Potter also expressed her appreciation for the collection of historical Japanese photographs at the Senior Center and thanked Tom Panas for his work on the event. Mayor Potter also acknowledged the El Cerrito Art Association who put the Cal Arts Day show together and noted several other upcoming Arts Events including the Folk Festival at Windrush School and events planned at City Hall on October 17, 2009. Additionally, the Contra Costa Theater is featuring the play Harvey at the Contra Costa Theater.

STAFF COMMUNICATIONS

Jerry Bradshaw, Public Works Director, reported on the status of street paving. A top coat of slurry seal will be placed on streets which are currently chip sealed beginning on Monday, October 12. The slurry seal work is estimated to take three months to complete.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC** – No general comment speakers.
4. **PRESENTATIONS** – None
5. **ADOPTION OF THE CONSENT CALENDAR – Items 5A through 5C**

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

JOINT CITY COUNCIL/REDEVELOPMENT ITEM

A. Minutes for Approval

Approve the September 21, 2009 Special City Council, September 21, 2009 Special Concurrent City Council/Redevelopment Agency and September 21, 2009 Special Redevelopment Agency Meeting Minutes.

Action: Approved minutes.

CITY COUNCIL ITEM

B. Accept Federal Emergency Management Agency Grant Funds and Appropriate \$4,700 for Matching Grant Funds for Training and Certification of Fire Personnel

Adopt a resolution authorizing the acceptance of \$42,300 in grant funds from the Federal Emergency Management Agency (FEMA), authorizing the appropriation of \$4,700 from the unrestricted fund balance for matching grant funds, and authorizing the City Manager to enter into a contract with the Nobody Gets Left Behind Training Group of Lee & Associates Rescue Equipment, Inc. for the training and state certification of fire personnel in Rapid Intervention Crew Training.

Action: Adopted Resolution No. 2009-65.

REDEVELOPMENT AGENCY ITEM**C. Amendment of Consultant Services Agreement with Keyser Marston Associates**

Adopt a Redevelopment Agency resolution authorizing the Executive Director to amend the consultant services agreement with Keyser Marston Associates for real estate advisory services for the development of 10848 and 10860 San Pablo Avenue.

Action: Adopted Redevelopment Agency Resolution No. 592.

6. PUBLIC HEARING – None**7. POLICY MATTERS**CITY COUNCIL ITEM**A. Amend El Cerrito Municipal Code Chapter 16.32, Seismic Hazards Identification and Mitigation Program**

Approve by title, waive first reading and introduce an ordinance amending El Cerrito Municipal Code Chapter 16.32 (Seismic Hazards Identification and Mitigation Program).

Presenter: Mitch Oshinsky, Community Development Director; Brian Fenty, Building Official, and Dwayne Dalman, Economic Development Project Manager.

Speakers: David Schwartz, Earthquake Geologist, United States Geological Service (USGS), Menlo Park, spoke in support of the proposed ordinance. Mr. Schwartz stated that within the next 30 years there is a 63% chance of a 6.7 magnitude or larger earthquake along one of the major Bay Area faults. The USGS has estimated that there is a 31% chance of a 6.7 magnitude or larger earthquake along the Hayward/Rogers Creek fault. Un-reinforced Masonry (URM) and Soft-Story buildings have a major impact on who lives and who doesn't live [during an earthquake]. Dr. Schwartz commended the City Council for moving forward with the URM ordinance

Jeanne Perkins, Consultant for the Association of Bay Area Governments (ABAG) Earthquake and Hazards Program, commended El Cerrito for initiating the proposed URM ordinance and being a part of ABAG's initiative to build a disaster resistant region. Ms. Perkins provided several reasons why retrofitting is a good idea.

Khamarin Sem, El Cerrito, stated that he is the son of parents of a small business who would love to retrofit their building but don't have the \$155-200,000 in the bank to do this work. Mr. Sem asked for a postponement to work on the financing.

Letitia Moore, El Cerrito, spoke in support of the proposed ordinance and urged the Council and property owners to make safety a priority and noted that the URM program has been discussed at the Planning Commission and the City Council for the last 10-13 years.

Vincent Wheeler, Hercules, identified himself as a business that does business in El Cerrito. Mr. Wheeler expressed his opposition to the ordinance and said that the ordinance would cause businesses to go out of business and noted the difficulty in the ability for a small business to obtain financing in this economic climate.

Ray O'Dea, Employee of Granters, stated his opposition to the proposed ordinance.

Chris Fuller, Employee of an El Cerrito business, expressed his concern with becoming unemployed and his opposition to the proposed ordinance.

Tony Wise, El Cerrito, asked the City Council to vote no on the proposed ordinance and expressed concerns with the economy, the lack of a financing program and the difficulty businesses are presented with in procuring financing. Mr. Wise also stated that the ordinance is inequitable and no one has shown any concern for the business owners, their employees or their families, just the safety of the buildings.

Luis Lopez, El Cerrito, asked the City Council to postpone adoption of the ordinance.

Phil Martien, El Cerrito, congratulated the City Council on its past history of making safety a priority with the construction of City Hall and its role in the region in the event of a disaster, coordinating with schools on safety and seismic upgrades and expressed his support for the proposed ordinance.

Joan MacQuarrie, Building Official, Berkeley, expressed support for the proposed ordinance and stated that retrofitting is the right thing to do for community safety, stated that the City was proposing the right standard which is adequate to prevent collapse.

Roger Parra, El Cerrito, resident and structural engineer, expressed his support for the proposed ordinance and stated that it would be irresponsible not to confront the earthquake hazard.

Janet Sowers, El Cerrito, resident and geologist, said she is very aware of earthquake hazards, particularly in El Cerrito, and expressed her support for the proposed ordinance.

Charles Tai, El Cerrito, owner, reported that he had closed for several days because business is slow, and said he did not mind retrofitting his building but the timing is not right and encouraged the Council to focus on training business owners.

Keith Knudsen, Albany, geologist, stated that he helped the City of Albany implement their URM ordinance. Mr. Knudsen congratulated the Council for considering the proposed ordinance and reducing the risk to the city's residents and encouraged the Council to look at other buildings that present hazards..

Richard Denio, El Cerrito, resident and structural engineer, expressed his support for the proposed ordinance and asked the Council to consider extension of the time limits or come up with financing.

Mayor Potter disclosed that she had met with Marty Kalisky and Tony Wise in regard to the proposed ordinance.

Action: Moved, seconded (Cheng/Lyman) and carried unanimously to approve by title, waive further reading and approve introduction of Ordinance 2009-05 with minor revisions to the ordinance recital and as amended on the floor to provide direction to staff to return to Council with an ordinance that allows for an individual hardship extension which would mirror the historic exemption on a case by case basis for each business and extend specific calendar dates identified in Section 16.32.050 by six months.

The City Council also directed staff to prepare an amendment to the master fee schedule to waive permit fees associated with commercial building unreinforced masonry (URM) retrofits, to be presented to the Council in Spring 2010. *Second reading scheduled for October 19, 2009.*

REDEVELOPMENT AGENCY ITEMS

B. Conveyance of Land from Safeway, Inc. and Termination of Repurchase Option on the Target Property

Consider a Resolution authorizing the Executive Director on behalf of the Redevelopment Agency to execute a Tri-Party Agreement with Safeway Inc. and Target Corporation regarding property located at 11450 San Pablo Avenue. The Tri-Party Agreement will:

1. Convey a parcel of land, with certain conditions, to the Redevelopment Agency from Safeway, Inc.
2. Terminate the current Disposition and Development Agreement between the Redevelopment Agency and Target Corporation, including the Agency's repurchase option and its loan obligation to Target.

Presenter: Lori Treviño, Redevelopment Agency Manager.

Speakers: Maureen Ray, El Cerrito, supported having mixed use and public art at the Safeway site.

David McCoard, El Cerrito, spoke on behalf of the Sierra Club and expressed his support for transit oriented mixed use and characterized Safeway as a big-box store which doesn't fulfill the community's vision.

Lamar Turner, El Cerrito, spoke about his vision for the Target site and expressed his opposition to the Safeway plan.

Vu Bang Nguyen, Urban Habitat, Oakland, encouraged the Redevelopment Agency to look at residential use on the site.

Tony Wise, El Cerrito, asked the Agency to request staff to explore the feasibility of how new, large developments can pay a tax or special assessment for unreinforced masonry retrofits.

Linda Novick, El Cerrito, stated her disappointment with the selection of Safeway and expressed her desire for mixed use at the site.

Phil Tucker, Project Director, California Health Communities Network/Tides Center, said that he hopes there will be additional compromises asked of Safeway to make the project more transit friendly and align it with the specific plan.

Action: Moved, seconded (Potter/Abelson) and carried unanimously to adopt Agency Resolution No. 593.

C. Study Session for Redevelopment of Tradeway Property, 10860 & 10848 San Pablo Avenue

Conduct a study session regarding the future redevelopment of the Tradeway property located at 10860 and 10848 San Pablo Avenue. Redevelopment Agency staff is requesting the Agency Board to provide direction regarding redevelopment goals and timeframe for disposition of the Tradeway property.

Action: Moved, seconded (Lyman/Potter) and carried unanimously to continue Item 7(C) to the October 19, 2009 Concurrent City Council/Redevelopment Agency meeting.

CITY COUNCIL ITEM**D. Kensington Fire Protection District Agreement**

Adopt a resolution approving the second amendment to an agreement for services between the Kensington Fire Protection District and the City of El Cerrito.

Presenter: Lance Maples, Fire Chief.

Action: Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009-66.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Potter reported on her attendance at the October Mayors Conference in which James Mayer, Executive Director, *California Forward* spoke about efforts to reform California Government.
- B. Councilmember Abelson reported that comments were received at the Parks & Recreation Commission regarding the lack of parking at Gilman Fields. The Parks and Recreation Commission also discussed feasible sites along the Ohlone Greenway for the Bruce King Memorial Dog Park.
- C. Councilmember Cheng reported that she stepped in for Mayor Potter at the Arts & Culture Commission and listened to the Commission develop questions for the four artist finalists who had been selected as part of a public art Request for Proposal process for San Pablo Avenue. Councilmember Cheng applauded the efforts of the Arts & Culture Commission and Karen Pinkos, Assistant City Manager.
- D. Councilmember Jones reported that the Gilman Fields JPA is working with the East Bay Regional Park District regarding parking at Gilman Fields.
- E. Councilmember Lyman – No report.

9. SUPPLEMENTAL REVISED REPORTS & COMMUNICATIONS

Item No. 7(A) Amend El Cerrito Municipal Code Chapter 16.32, Seismic Hazards Identification and Mitigation Program

- 1. Powerpoint Presentation. *Submitted by Staff.*
- 2. Charts from State Seismic Commission. *Submitted by Staff.*
- 3. Minor ordinance typographical error corrections. *Submitted by Staff.*
- 4. Vote No on the URM Ordinance. *Submitted by Christy Wise.*
- 5. No on 7(A). *Submitted by Vince Wheeler.*
- 6. Consider an alternative solution. *Submitted by Manish Doshi.*
- 7. Letter from Owen O'Neil to Mr. Wise. *Submitted by T. Wise (Received at the meeting.)*
- 8. Ernst & Young, LLP. *Submitted by T. Wise (Received at the meeting.)*
- 9. Please postpone the Vote on URM. *Submitted by T. Wise. (Received at the meeting.)*
- 10. Letter in Opposition. *Daniel Lopez (Received at the meeting.)*

Item No. 7(B) Conveyance of Land from Safeway, Inc. and Termination of Repurchase Option on Target Property

- 11. Revised Attachment 2: Final Tri-Party Agreement. *Submitted by Staff.*
- 12. Safeway Proposal – Target Site. *Submitted by Gary Hill, Design Review Board.*

Item No. 7(D) Kensington Fire Protection District Agreement

- 13. Revised Attachment 4: Section 3 of Second Amendment. *Submitted by Staff.*

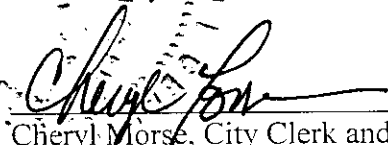
Moved, seconded (Potter/Abelson) and carried unanimously to suspend Council rules and extend the meeting to 10:45 p.m.

Moved, seconded (Abelson/Lyman) and carried unanimously to suspend Council rules and extend the meeting to 11:00 p.m.

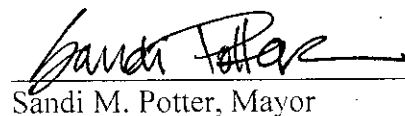
Moved, seconded (Lyman/Abelson) and carried unanimously to suspend Council rules and extend the meeting to 11:05 p.m.

10. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 11:07 p.m.

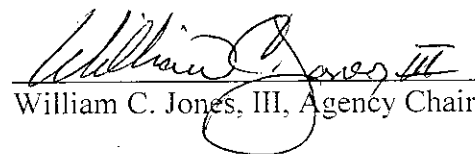
This is to certify that the foregoing is a true and correct copy of the minutes of the concurrent City Council and Redevelopment Agency meeting of October 5, 2009 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency



Sandi M. Potter, Mayor



William C. Jones, III, Agency Chair