

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

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, July 7, 2009 – 7:00 p.m.

Hillside Conference Room

**SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY/PENSION TRUST
BOARD/PUBLIC FINANCING AUTHORITY MEETING**

Tuesday, July 7, 2009 – 7:30 p.m.

City Council Chambers

SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

**Tuesday, July 7, 2009 Immediately Following the Special Concurrent City Council/Redevelopment
Agency/Pension Trust Board/Public Financing Authority Meeting**

Hillside Conference Room

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

Councilmembers Abelson, Cheng, Jones, Lyman and Mayor Potter.

7:00 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Potter convened the Special City Council meeting at 7:07 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

BOARD AND COMMISSION INTERVIEWS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The Council may also discuss scheduling of future interviews.

Action: Interviews conducted and appointments made. See Agenda Item No. 2 below.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:52 p.m.

ROLL CALL

Councilmembers/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/PENSION TRUST BOARD & PUBLIC FINANCING AUTHORITY MEETING

Mayor Potter convened the Special Concurrent City Council/Redevelopment Agency/Pension Trust Board and Public Financing Authority Meeting at 7:56 p.m.

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

Councilmember Lyman thanked the Parks and Recreation Department for their work on the 4th of July Celebration and expressed special gratitude to Corey Mason at El Cerrito High School for his work presenting and coordinating the music. Councilmember Lyman encouraged everyone to attend next year's celebration. National Night Out is August 4, 2009 and the city is still looking for residents to host block parties. National Night Out Block Party Host meetings will be held on July 16 and 23 from 6 to 7 p.m in the City Hall Chambers.

Mayor Potter thanked the volunteers who participated in commission interviews and reminded all residents that there are a number of vacancies on commissions, particularly the Human Relations Commission, and encouraged all to apply. Mayor Potter announced the City Council's appointment of Matthew Heebner to the Parks and Recreation Commission for a term ending January 1, 2010 and the appointment of Steve Poulos as primary delegate and Tom Panas as alternate as El Cerrito's representatives to the Contra Costa Library Commission.

Councilmember Cheng also thanked city staff for the great 4th of July event and noted staff's efforts to engage with the public. Councilmember Cheng participated in the Planning Booth with Mitch Oshinsky, Community Development Director, and reported that 40 people signed up to obtain more information regarding planning on San Pablo Avenue. The next San Pablo Avenue Area Specific Plan meetings are scheduled for July 30 and August 13, 2009.

Mayor Potter announced that Consent Calendar Item No. 5(H) would be removed from the Consent Calendar.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Janet Duckart, El Cerrito, read a letter from 2002 relating to traffic and safety concerns on Rockway Avenue and expressed her preference for having more traffic diverted to Fairmount Avenue.

Carolyn Hayashida, El Cerrito, expressed concerns with the volume and speed of traffic on Rockway Avenue, additional traffic associated with the proposed relocation of Portola Middle School to El Cerrito High School and expressed frustration associated with time spent waiting for the city to address neighborhood traffic concerns.

Thierry Cornet, El Cerrito, stated that the selection of real estate brokers for the Target site is a step in the right direction and noted that he represents dozens of neighbors who are concerned with the possibility of locating a Wal-Mart at the site. Mr. Cornet asked that Wal-Mart be precluded from developing the site.

Jan Bridges, El Cerrito, endorsed the Neighborhood Traffic Management Program and noted that the program removes some of the contention and offers objectivity. Ms. Bridges stated that the community has been waiting for six years to have issues addressed and stated that General Plan Policy Section T3.3 *Residential Streets* discourages "cut through" which is happening on Rockway. Additionally, on the south side of Rockway residents have to back uphill out of their driveways onto a busy street that has 2000 cars daily. Ms. Bridges summarized previous recommendations, stated that Rockway presents a unique set of circumstances and emphasized that safety is very important and that it is important to move forward and move quickly with the plan.

4. PRESENTATIONS

- A. Annual Sundar Shadi Garden Club Awards** – *presentation by Marion Kent, President, El Cerrito Garden Club.*

Action: Presentation heard. Ms. Kent presented the First Place Award to Mr. and Mrs. Jamie Nagal. Second Place awarded to Ms. Vickie Gilliland. Third Place awarded to Mr. Eugene Lukes.

- B. National Night Out Proclamation** – *presented to the Crime Prevention Committee.*

Action: Presentation heard. Mayor Potter presented the proclamation to Eugene Go, El Cerrito Crime Prevention Committee.

- C. Economic Development Work Plan** – *presentation by Dwayne Dalman, Economic Development Project Manager.*

Action: Presentation heard.

- D. Study Session on Neighborhood Traffic Management**

This item is a study session and requires no action by the City Council. City staff and our consultants, TJKM Transportation Consultants, will provide a presentation on development of a Neighborhood Traffic Management Program (NTMP).

Presenter: Yvetteh Ortiz, Engineering Services Manager and Christopher Thnay with TJKM Transportation Consultants.

Action: Presentation heard and direction provided.

5. **ADOPTION OF THE CONSENT CALENDAR – Items 5A through 5H**

Moved, seconded (Abelson/Cheng) and carried unanimously to approve Consent Calendar Item Nos. 5A through 5G in one motion as indicated below. Consent Calendar Item No. 5H was removed from the Consent Calendar at the request of Mayor Potter.

JOINT CITY COUNCIL/REDEVELOPMENT/PENSION TRUST BOARD/PUBLIC FINANCING AUTHORITY ITEM

A. Minutes for Approval

Approve the following: 1) June 15, 2009 Special City Council Closed Session and Special Concurrent-El Cerrito-City-Council/Redevelopment-Agency/Pension-Trust-Board-and-Public-Financing Authority Meeting Minutes; and 2) June 29, 2009 Special Redevelopment Agency Closed Session and Special Concurrent City Council/Redevelopment Agency Meeting Minutes.

Action: Approved minutes.

CITY COUNCIL ITEMS

B. Ordinance for Second Reading – Flood Plain Ordinance *(First Reading on June 15, 2009. Vote: Unanimous)*

Waive further reading and adopt second reading of an Ordinance which amends El Cerrito Municipal Code Section 8.35.010 Flood Hazard Areas Applicability.

Action: Adopted Ordinance No. 2009-04.

C. Claims for Rejection

Reject the following claims pursuant to the Claims Administrator:

1. Andrea Delaney – Claim No. GL-009266
2. Jonathan Livingston – Claim No. GL-009276
3. Elaine Maibaum – Claim No. GL-009217.

Action: Rejected Claim Nos. GL-009266, 009276, and 009217 per claims administrator.

D. DUI Enforcement and Awareness Program Grant Agreement with the Office of Traffic Safety of the State of California

Adopt a resolution authorizing the City Manager or his designee to enter into a Driving Under the Influence (DUI) Enforcement and Awareness Program Grant Agreement with the Office of Traffic Safety of the State of California funded by the National Highway Traffic Safety Administration.

Action: Adopted Resolution No. 2009-45.

E. Distribution of Edward Bryne Memorial Justice Assistance Grant (JAG)

Adopt a resolution authorizing the City Manager or his designee to enter into a Memorandum of Understanding between the County of Contra Costa and participating Contra Costa County local government agencies for the distribution of the “Regular” Edward Bryne Memorial Justice Assistance Grant (JAG).

Action: Adopted Resolution No. 2009-46.

F. Pavement Rehabilitation at Ashbury Avenue, Buckingham Drive, King Drive, Moeser Lane and Seaview Drive

Adopt a resolution authorizing the City Manager to approve plans, accept bids and execute a contract in the amount to be determined after bid opening (not to exceed \$1,000,000) with the licensed contractor who submits the lowest responsive bid at the time of bid opening, and to approve change orders in an amount not to exceed 10% of the contract amount for the construction of Pavement Rehabilitation at Ashbury Avenue, Buckingham Drive, King Drive, Moeser Lane and Seaview Drive, Contract No. 09-3048.

Action: Adopted Resolution No. 2009-47.

G. BART Earthquake Safety Program Right of Entry Agreement

Adopt a resolution authorizing the City Manager to execute the following documents to grant Bay Area Rapid Transit (BART) access to the Ohlone Greenway for retrofit of its aerial structures and, after the retrofit is complete, allow BART to rebuild the Ohlone Greenway as part of the BART Earthquake Safety Program: 1) Acquisition Agreement; 2) Right of Entry; and 3) Letter of Agreement for Final Design and Construction.

Action: Adopted Resolution No. 2009-48.

REDEVELOPMENT AGENCY ITEM

H. Brokerage Agreement with Jones Lang Lasalle

Adopt a Redevelopment Agency resolution authorizing the Executive Director to enter into a contract with Jones Lang LaSalle for marketing of the Agency's repurchase option on the vacant Target property.

Speakers: Mark Wolfe, San Francisco, on behalf of California Healthy Communities Network, stated that any type of big box is automobile dependent and is going to be anathema to a mixed use, transit oriented, smart growth, environmentally sustainable development project at this site.

John Dalrymple, Berkeley, stated that he works with several building trades councils and encouraged the Redevelopment Agency to ensure that the developer that is chosen has a clear commitment to work with stakeholders in the community to build a complete community that is sustainable, supports a community benefits plan and adds value such as economic development and enabling good transportation choices. Mr. Dalrymple requested that the Agency amend the resolution to state that the broker be given direction to seek stakeholders to develop a plan that would have a features such as hiring local youth, plug-ins for electric cars, and foster community engagement.

Action: Removed from the Consent Calendar by Councilmember Cheng to discuss opportunities for public comment in the developer pre-selection, selection criteria and selection process. Moved, seconded (Lyman/Cheng) and carried unanimously to adopt Redevelopment Agency Resolution No. 589 as amended by Councilmember Lyman to modify the sixteenth and nineteenth recitals and amend the enacting clause to add the following language, "5. *The brokers shall bring forward qualified development partnerships not specific project proposals prior to a public hearing.*"

6. PUBLIC HEARING – None

7. POLICY MATTERS – None

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Potter reported that the Human Relations Commission met and is seeking recruitment of an El Cerrito High School Student. Mayor Potter and City Manager attended the Mayors Conference in Brentwood.
- B. Mayor Pro Tem Abelson reported that she attended the California League of California Cities Policy Committee and reported that 2010 census workers will be coming to El Cerrito households to ask census questions. Census workers must have proper identification and be wearing clothes with the appropriate logo. The League Policy Committee also discussed the state budget. Mayor Pro Tem Abelson also reported on that she welcomed the new postmaster, Denise Pace, to the City of El Cerrito at her June 30, 2009 installation ceremony.
- C. Councilmember Cheng – No report.
- D. Councilmember Jones – No report.
- E. Councilmember Lyman – No report.

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

9. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING/PENSION TRUST BOARD/PUBLIC FINANCING AUTHORITY MEETING at 10:41 p.m.

10. ROLL CALL

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

11. CONVENE SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor/Agency Member Potter convened the Concurrent City Council/Redevelopment Agency Meeting at 10:44 p.m.

12. ANNOUNCEMENT OF CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

1) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code section 54956.9(c): One potential case

2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 6500 Stockton Avenue

Agency Negotiators: Sky Woodruff, City Attorney
Karen Pinkos, Assistant City Manager

Negotiating Parties: West Contra Costa Unified School District

Under Negotiation: Price and Terms of Payment

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

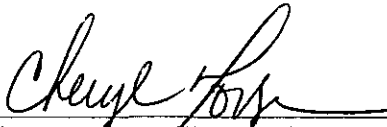
RECESSED INTO CLOSED SESSION at 10:49 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

The Redevelopment Agency Board directed staff to place an agenda item for the September 21, 2009 regular meeting to review the status of the Agency's offer to purchase the Senior Center property located on 6500 Stockton Avenue from the West Contra Costa Unified School District.

13. ADJOURNED SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION at 11:26 p.m.

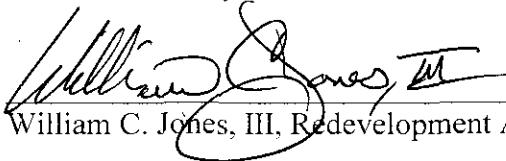
This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting, Concurrent City Council/Redevelopment Agency/Pension Trust Board/Public Financing Authority and the Concurrent City Council/Redevelopment Agency Closed Session of July 7, 2009 as approved by the El Cerrito City Council, Redevelopment Agency, Pension Trust Board and Public Financing Authority.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency, Pension Trust Board and Public Financing Authority



Sandi Potter, Mayor and President, Pension Trust Board and Public Financing Authority



William C. Jones, III, Redevelopment Agency Chair