

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

MINUTES

SPECIAL CITY COUNCIL MEETING

Monday, June 15, 2009 – 7:00 p.m.

Hillside Conference Room

SPECIAL CONCURRENT MEETING OF THE

EL CERRITO CITY COUNCIL

THE REDEVELOPMENT AGENCY

THE PENSION TRUST BOARD

THE PUBLIC FINANCING AUTHORITY

Monday, June 15, 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

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

7:00 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Potter convened the Special City County Meeting at 7:06 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency designated representatives: Scott Hanin, City Manager and Lance Maples, Fire Chief
Employee Organization: Firefighters Local 1230

RECESS INTO CLOSED SESSION at 7:08 p.m.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:30 p.m.

ROLL CALL

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

7:30 p.m.

CONVENE CONCURRENT MEETING OF THE EL CERRITO CITY COUNCIL / THE REDEVELOPMENT AGENCY/THE PENSION TRUST BOARD AND THE PUBLIC FINANCING AUTHORITY

Mayor Potter convened the concurrent meeting of the El Cerrito City Council/Redevelopment Agency/Pension Trust Board and the Public Financing Authority at 7:37 p.m.

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

Mayor Potter, reporting out of closed session, announced that the City Council gave direction to its negotiators.

Monica Kortz, Recreation Director, reported that the city earned about \$4,000 resulting from the Tradeway furniture sale over the weekend. These funds will be used for the community 4th of July celebration.

Scott Hanin, City Manager, reported that staff had issued a Request for Proposal for operation of the Cerrito Theater and received three proposals back. Under Redevelopment law the City is required to release a summary report and lease terms at least 14 days before the meeting. City Manager Hanin stated that staff is happy with the three proposals submitted and will be recommending Rialto Cinemas as the operator at a June 29 meeting. Rialto Cinemas operates the Elmwood Theater in Berkeley. Staff will present the Agency/Council with a detailed evaluation of all proposals on June 29.

Councilmember Lyman reminded all that National Night Out is August 4, 2009 and stated that the City is actively looking for hosts for block parties. Last year there were 25 block parties. Road closure permits for the block parties are free. Anyone interested in hosting a neighborhood party should email crimeprev@eccpc.org for more information.

Mayor Potter announced that Consent Calendar Item 5(C) will be removed from the Consent Calendar for action after consideration of the city budget. Additionally, Item 5(F) will be removed from the Consent Calendar and discussed separately.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

David Brower, El Sobrante, commented on a reference to a breeding pair of Coopers Hawks contained in the Final Environmental Impact Report (FEIR) for the Portola Middle School Re-Building at the Castro Site. The Coopers Hawk is a special status bird with federal and state protections. Mr. Brower reported that a lawsuit was filed in January by 45 people in the Castro School neighborhood asking that the project be suspended until the FEIR complies with the law. Mr. Brower explained the pre-trial process and the issuance of the Court's preliminary injunction suspending the project in its entirety which included cutting down trees because the trees are habitat for the Coopers Hawks. Mr. Brower stated that trees were recently cut down in Castro Park and requested that staff be informed that there is a protected pair of breeding pair of Coopers Hawks at Castro Park.

Elizabeth Wampler, Oakland, stated that a grocery store could be a positive use of the Target site however a single story building does not provide the ability to use the site to its full potential. Ms. Wampler expressed her support for a housing oriented development at the Target site and stated that the demand for affordable housing and transit oriented housing is growing.

Dave Weinstein, El Cerrito, thanked the City for working so diligently on the Cerrito Theater and stated that it is encouraging to hear that Rialto Theaters may be the operators of the Cerrito Theater. Mr. Weinstein said the Friends of the Theater would like to look at the proposals and is interested in the community aspects of the Theater.

Gary Hill, El Cerrito, reported on his attendance at the community meeting regarding the Target site and stated that a comprehensive plan for the Del Norte site is needed. Mr. Hill stated that the Safeway plan does not adequately address poor vehicular congestion and the lack of residential components at the site. Mr. Hill suggested that with Safeway as an anchor for the site, density and people could come at a later phase which could spur growth in the future. The site needs to be smart growth, transit oriented, address global warming and benefit the entire community.

Thierry Cornet, El Cerrito, reported on his attendance at the Safeway meeting in which a number of development uses were discussed. Mr. Cornet suggested creating a more pedestrian friendly model with several small businesses rather than a single owner development. This would allow for a more cosmopolitan feel. Mr. Cornet characterized the proposal for Wal-Mart as repugnant. Mr. Cornet said that there does not appear to be much demand for affordable high density housing at the moment and said phased development would be a more pragmatic approach.

Al Miller, El Cerrito, commented on his attendance at the El Cerrito Center for the Performing Arts for the School District's proposal for moving Portola Middle School students to El Cerrito High School, and expressed appreciation for the strong comments made by Mayor Potter, who emphasized the city's commitment to ensuring that the District complies with state law and other laws. Mr. Miller stated that Mayor Potter's statements expressed the sentiment of 99% of the people in the room. Mr. Miller also reported on his attendance at Grad Night 2009 and expressed his pleasure in seeing Councilmember Cheng at the event and said it is encouraging to see our elected officials attending community events and community meetings. Mr. Miller also spoke of the calming presence of the School Resource Officers (SRO) at Grad Night and asked all to write to the School Board and tell them how important the presence of SROs are at the school.

Peter Loubal, El Cerrito, suggested that the city designate the Coopers Hawk as the city bird. Mr. Loubal commented on his review of the Cerrito Theater agreement summary proposal and the proposed agreement with Rialto Theaters. He said he liked what he saw but noted that \$10

tickets seemed a bit high and that the public should be allowed to comment on the proposals prior to a recommendation from staff.

Steve Price, El Cerrito, said he was surprised to see the turnout at the meeting organized by Safeway on the 13th. Twenty five people spoke out of 50-70 people present. Mr. Price said he didn't hear anyone that was enthusiastic about what was presented. People were not opposed to a quality grocery store but not at the expense of housing, further deterioration of the pedestrian environment, accompanying loss of two grocery stores in the neighborhoods, attraction of more cars and the further erosion of the vision described in the general plan for Del Norte. The presence of a gas station in the plan was upsetting to meeting participants and creates an unfriendly pedestrian environment. Mr. Price said a coordinated approach to planning is needed in the area and stated that a single use, auto related, single story development in Del Norte no longer meets the needs of a changing planet.

Linda Norick, El Cerrito, in reference to the Target site, urged the Council to follow the City's general plan and specific plan. Ms. Norick said she lives in the area and locating a gas station next to a BART station seems like an untenable situation. Mr. Norick also expressed concerns about increased traffic near the Ohlone Greenway.

4. PRESENTATIONS – None

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

Moved, seconded (Abelson/Cheng) and carried unanimously to approve Consent Calendar Item Nos. 5A, B, D and 5E as indicated below. Consent Calendar Item Nos. 5C and 5F were removed from the Consent Calendar and voted on separately as indicated below.

A. Minutes for Approval

Approve the June 1, 2009 Special City Council and Special Concurrent City Council/Redevelopment Agency/Pension Trust Board/Municipal Service Corporation Board and Public Financing Authority Meeting.

Action: Approved minutes.

B. Proclamation of Support for the Wellness City Challenge

Approve a proclamation declaring the City Council's support and commitment to follow the "Wellness City Challenge" and adhere to established Healthy Eating Guidelines.

Action: Approved proclamation.

C. Two Year Additional CalPERS Service Credit

Adopt a resolution designating another window period (from July 12, 2009 through October 10, 2009) within which miscellaneous and fire public safety employees may receive two-year service credit if they retire; authorize the Mayor to certify compliance with Government Code Section 20903; and direct the City Clerk to certify the Council's action and compliance with Government Code Section 7505.

Action: Removed from the Consent Calendar at the request of Mayor Potter and discussed after Action Item No. 6(A). Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009-32.

D. Citiflex Plan Revision

Adopt a resolution which adopts the City of El Cerrito Citiflex Section 125 Plan, amended and restated, June 2009, the Appendix Health Flexible Spending Arrangement Plan revision and authorizes the City Manager or his designee to sign the plan documents and certification.

Action: Adopted Resolution No. 2009–33.

E. FEMA Grant Acceptance and Appropriation of \$69,600 for Purchase of a Live Fire Training Simulator to Develop a Live Fire Training Program

Adopt a resolution authorizing the acceptance of \$278,400 in grant funds from the Federal Emergency Management Agency (FEMA), authorizing the appropriation of \$69,600 (\$46,000 of which is reimbursable from East Bay regional Parks and Moraga-Orinda Fire District) from the unrestricted general fund balance for matching grant funds, and authorizing the City Manager to enter into a contract with Fireblast 451, Inc. to purchase a live fire training simulator.

Action: Adopted Resolution No. 2009–34.

F. Crime Prevention Committee Member Background Checks and Request for Restatement of the Charge of Developing and Promoting Crime Prevention Programs

Adopt a resolution amending Resolution No. 2001–05 to modify the Crime Prevention Committee application process (including requiring applicants to pass a criminal records check prior to appointment) and changing the charge of the Crime Prevention Committee by replacing the specific reference of “National Night Out” to “An annual citywide crime prevention event” as one of the Committee’s charges. Staff is also requesting the City Council re-affirm the nature of the National Night Out event as a neighborhood-focused crime prevention event.

Action: Removed from the Consent Calendar by Councilmember Lyman. Moved, seconded (Lyman/Jones; Ayes – Councilmembers Abelson, Cheng, Jones and Lyman; Noes – Mayor Potter) to adopt Resolution 2009–35 as amended by Councilmember Lyman to strike the proposed amendment to Section 2(A)(3) and retain the enacting clause regarding criminal background checks.

6. PUBLIC HEARING**A. Adoption of City Budgets for Fiscal Year 2009–2010**

Conduct a public hearing and upon conclusion adopt resolutions of the City of El Cerrito, the El Cerrito Redevelopment Agency, the El Cerrito Public Financing Authority, the El Cerrito Municipal Services Corporation and of the El Cerrito Pension Trust Board, for the Fiscal Year 2009–10 annual operating and capital improvement budgets for all Funds and Component Units of the City of El Cerrito.

The City Council will also discuss and may act on an increase in the city’s 10% general reserve policy.

Presenter: Mary Dodge, Finance Director.

Mayor Potter opened the public hearing. Two speakers.

Denise Sangster, El Cerrito, stated that she does not theoretically oppose the two year CalPERS service credit incentive if the city's financial viability is not at risk. However, based on public statements and documents submitted by the city, she does not feel [financial viability] to be the case. Ms. Sangster expressed the following concerns: 1) The police officer classification is exempt; 2) City Manager Hanin has publicly stated that no layoffs are required; 3) The key criteria for offering the incentive is mandatory layoffs, transfers or demotions; 4) The Financial Advisory Board (FAB) decided to be neutral and leave the decision to the City Council. The FAB said there would be short time savings but Ms. Sangster believes that ultimately the savings would be absorbed by new hires; 6) The criteria outlined in the staff report is different from criteria stated in the PERS contract; and 7) The city's financial viability has not proven to be at risk.

Millie Cleveland, SEIU union representative, reported that the union had voted to support the furlough recommended by the City Manager. Ms. Cleveland stated that members are concerned about vacancies that will not be filled, and additional work placed on people which may affect the classification system. Additionally, Ms. Cleveland asked that people in SEIU who retire not be subject to furloughs.

Moved, seconded (Jones/Lyman) and carried unanimously to close the public hearing.

CITY COUNCIL ITEMS

Action: Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009-36 adopting the annual budget of the City of El Cerrito except for funds pertaining to the Recreation Department for Fiscal Year 2009-2010.

Councilmember Jones stated that although it is not technically required, he would recuse and remove himself from the discussion on the Recreation Department budget to prevent the appearance of a conflict of interest. Mr. Jones exited the City Council Chambers.

Moved, seconded (Lyman/Abelson; Ayes – Councilmembers Abelson, Cheng, Lyman and Mayor Potter; Noes – None; Absent – Councilmember Jones) and carried to adopt Resolution No. 2009-37 adopting the annual budget representing appropriations from the Recreation Department only for Fiscal Year 2009-2010.

[Councilmember Jones returned to the City Council Chambers and Council dais.]

Moved, seconded (Abelson/Cheng) and carried unanimously to adopt Resolution No. 2009-38 making findings and approvals in connection with the Redevelopment Agency funding of public improvements in the El Cerrito Redevelopment Project Area for Fiscal Year 2009-2010.

REDEVELOPMENT AGENCY ITEM

Action: Moved, seconded (Abelson/Cheng) and carried unanimously to adopt Agency Resolution No. 587 adopting the Redevelopment Agency's Fiscal Year 2009-2010 Budget and Annual Work Program and making required findings pursuant to Health and Safety Code Sections 3345 and 33334.3(D).

PUBLIC FINANCING AUTHORITY ITEM

Action: Moved, seconded (Abelson/Lyman) and carried unanimously to adopt Public Financing Authority Resolution No. 2009-01 which adopts the Authority's Fiscal Year 2009-2010 budget.

PENSION TRUST BOARD ITEM

Action: Moved, seconded (Jones/Abelson) and carried unanimously to adopt Pension Trust Board Resolution No. 2009-01 which adopts the Board's Fiscal Year 2009-2010 budget.

GENERAL RESERVE POLICY

Presenter: Councilmember Jones

Action: The City Council discussed the general reserve policy proposal presented by Councilmember Jones and directed staff to work with the Financial Advisory Board to research the fund balance policy and provide options for the City Council's consideration by the end of the 2009 calendar.

B. Fire Hazard Abatement

Conduct a public hearing and upon conclusion adopt a resolution declaring that weeds, rubbish, litter, or other flammable material on certain real property constitutes a public nuisance. Then, adopt a resolution overriding objections by property owners and directing the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Presenter: Michael Bond, Fire Marshall, El Cerrito Fire Department. Fire Marshall Bond introduced a revised Exhibit A to the proposed resolutions which reflect properties that have been cleared of any fire hazard since the initial resolution was prepared.

Moved, seconded, (Cheng/Lyman) and carried unanimously to adopt Resolution No. 2009-39 declaring that weeds, rubbish, litter, or other flammable material on certain real property as listed on a revised Exhibit A and as further revised by Fire Marshal Bond, constitutes a public nuisance and conduct a public hearing.

Mayor Potter opened the public hearing. Three speakers.

Steve Severy, El Cerrito, stated that he received a citation on June 2nd and noted that his property does not have any hazards on his property but the abutting property in back, 820 Bates, presents hazards. Mr. Severy said that the eight properties on Roberta Drive that were cited about 820 Bates and that 820 Bates is the culprit.

Candy Smith, El Cerrito, stated that she was relieved to learn that her property, which also abuts 820 Bates, was removed from the list.

Eugene Neblett, El Cerrito, stated that his property abuts the Hillside Natural area and noted that he had his property surveyed in 2007 and erected a fence. Mr. Neblett learned that the Fire Department previously control burned his property. Mr. Neblett stated that he has a dead tree in his yard and that he will arrange to have it removed next week. Mr. Neblett also provided the Council with photographs of fallen debris and downed trees that were cut down and abandoned by the city's contractor.

Moved, seconded (Cheng/Jones) and carried unanimously to close the public hearing.

Moved, seconded, (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009-40, including a revised Exhibit A overriding objections by property owners and directing the City

Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

7. POLICY MATTERS

A. Adoption of the Ohlone Greenway Master Plan

Adopt a resolution adopting the Ohlone Greenway Master Plan and Negative Declaration pursuant to the California Environmental Quality Act.

Presenter: Melanie Mintz, Environmental Services Manager.

Speaker: Steve Price, El Cerrito, stated that he is enthusiastic to see that the Greenway is getting this type of attention and added that the value of a bike path is that it is not in conflict with pedestrian use. Mr. Price advocates widening the bike path so that two people walking abreast stay to the side of the center line, and likes the idea that decomposed granite is on one side of the path.

Moved, seconded, (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009-41.

B. Street Light Replacement along San Pablo Avenue

Adopt a resolution authorizing the City Manager to enter into an agreement with Omega Pacific Electric Supply Inc. for an amount not to exceed \$173,580.60 to purchase 240 light emitting diode (LED) street light luminaires to replace the existing lights along San Pablo Avenue.

Presenter: Jerry Bradshaw, Director of Public Works.

Moved, seconded, (Abelson/Jones) and carried unanimously to adopt Resolution No. 2009-42.

C. Amendment of Flood Hazard Area Ordinance

Introduce an ordinance amending El Cerrito Municipal Code Section 8.35.010 (Flood Hazard Areas Applicability).

Presenter: Brian Fenty, Building Official.

Moved, seconded, (Jones/Lyman) and carried unanimously to waive first reading and approve Ordinance No. 2009-04 amending El Cerrito Municipal Code Section 8.35.010 (Flood Hazard Areas Applicability). *Second reading scheduled for July 7, 2009.*

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Potter acknowledged the tragic loss of life that occurred at the BART station last week and thanked the El Cerrito Police and Fire Departments for their rapid response.

B. Councilmember Abelson reported that the Environmental Quality Committee will be recommending several people for membership at the Council's next meeting. The Committee also worked on further defining its role. The Committee also discussed how they could support the Urban Forest Plan and will be developing a series of green teams and scheduling some fall workshops.

C. Councilmember Cheng – No report

D. Councilmember Jones reported that the Integrated Waste Management Authority (IWMA) passed a biennial budget. The City of El Cerrito is currently chairing the IWMA Board.

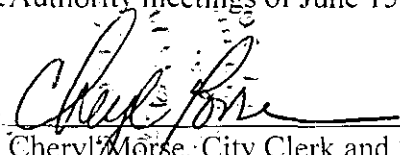
E. Councilmember Lyman – The Crime Prevention Committee discussed Agenda Item 5(F) regarding criminal background checks. Councilmember Lyman also offered his sympathies to the Carey family for their terrible loss.

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

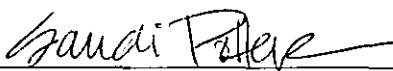
Moved, seconded (Abelson/Jones) and carried unanimously to suspend council rules and extend the meeting to 10:55 p.m.

9. ADJOURNED CONCURRENT EL CERRITO CITY COUNCIL/REDEVELOPMENT AGENCY MEETING/THE PENSION TRUST BOARD AND THE PUBLIC FINANCING AUTHORITY MEETING at 10:53 p.m.

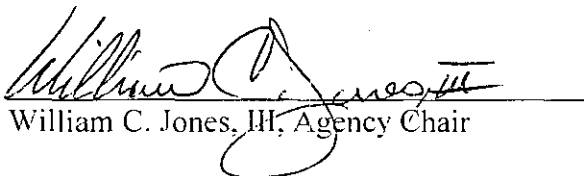
This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council and Concurrent City Council/Redevelopment Agency/Pension Trust Board and Public Financing Authority meetings of June 15, 2009 as approved by these bodies on July 7, 2009.



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



Sandi M. Potter, Mayor and Chair of the Pension Trust Board and Public Financing Authority



William C. Jones, III, Agency Chair