

EL CERRITO CITY COUNCIL

EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION

Monday, May 18, 2009 – 6:30 p.m.
Hillside Conference Room

SPECIAL CITY COUNCIL MEETING

Monday, May 18, 2009 – 7:00 p.m.
Hillside Conference Room

SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Monday, May 18, 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

Agency Members Abelson, Cheng, Lyman, Potter and Chairperson Jones all present.

6:30 p.m. CONVENE SPECIAL REDEVELOPMENT AGENCY MEETING

Chairperson Jones convened the Special Redevelopment Agency meeting at 6:27 p.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 10070 San Pablo Avenue

Agency Negotiators: Scott Hanin, Executive Director
Karen Tiedemann, Agency Counsel

Lori Treviño, Redevelopment Manager

Negotiating Parties: Downey Street Productions

Under Negotiation: Terms of Payment

ORAL COMMUNICATIONS FROM THE PUBLIC

Steven Craig, El Cerrito, encouraged the city to hire a manager with theater management skills.

Nancy Webb, Albany, spoke in support of the Cerrito Theater.

Catherine Fischer, Speakeasy Theater, stated that the Fischers had made some mistakes but noted that there were many issues that came up such as the downward turn in the economy that could not be foreseen at the time they launched the Cerrito Theater.

Rebecca Weinstein, Oakland, expressed her support for the Cerrito Theater.

Nathan Embretson, Oakland, spoke on behalf of the 23 Speakeasy employees and encouraged the Agency to partner with Will Viharo.

Linda Bon Brasket-Crowe, Albany, encouraged the Agency to support the Cerrito Theater.

Howard Eddie Vives, Albany, expressed appreciation for the Cerrito Theater and its operators.

Daniel Franco, Richmond, expressed support for a Downey Street/Viharo partnership.

Richard Blum, Berkeley, expressed support for the Cerrito Theater as a community and cultural resource.

Jennifer Graber, El Cerrito, expressed her appreciation and support for the Cerrito Theater.

Carolyn Graves, Richmond, expressed her appreciation and support for the Cerrito Theater.

Charles Smith, Richmond, expressed her appreciation and support for the support the Cerrito Theater.

Rick Motamedi, encouraged the Agency to support the Cerrito Theater.

Al Miller, El Cerrito, encouraged the Agency to support the Cerrito Theater.

Ann Lehman, El Cerrito, noted the hard work and dedication of the Fischers, expressed her appreciation for the Fischers' efforts and encouraged the Agency to support the Cerrito Theater.

Jeff Lichtman, El Cerrito, encouraged the Agency to support the Cerrito Theater.

Remi Rubel, Berkeley, expressed her support for the Fischers and encouraged the Agency to support the Cerrito Theater.

Chris Stehrik, Berkeley, expressed his appreciation for the Cerrito Theater.

Terry Hogue, San Francisco, encouraged the Agency to support the Cerrito Theater.

Nadja Robot, Oakland, expressed her support for Speakeasy Theater.

Rob Nilsson, Berkeley, expressed his appreciation for the programming at the Cerrito Theater.

Mollie Dinneen, Berkeley, expressed her appreciation for the Cerrito Theater, particularly her ability to hold a school fund raising event at the Theater.

RECESS INTO SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION at 7:21p.m.

ADJOURNED SPECIAL REDEVELOPMENT AGENCY MEETING to follow immediately after the Concurrent Special City Council / Redevelopment Agency Meeting this evening.

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 Council meeting at 7:21 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.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:33 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

Mayor Potter convened the Special Concurrent City Council/Redevelopment Agency meeting at 7:38 p.m.

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

COUNCIL COMMUNICATIONS

Mayor Potter reported that the City Council had not had a chance to interview all commission candidates. Mayor Potter also announced that the Redevelopment Agency closed session would be continued to immediately after the special concurrent City Council/Redevelopment Agency meeting this evening.

Councilmember Lyman reported on the successful completion of the City's first Bicycle Safety Day event on May 16, 2009 which was attended by 200-250 members of the public. There was a raffle for bike helmets and Councilmember Lyman reminded the public that El Cerrito has a bike helmet law and that all bicycle riders must wear a bicycle helmet. Councilmember Lyman announced he and Mayor Potter's attendance at the Juvenile Justice Awards Banquet where School Resource Officers Jacala and Caputo were recognized for the work they do in keeping youth from being incarcerated. On May 19, El Cerrito is hosting the East Bay Bicycle Coalition.

Councilmember Lyman also reminded the public that National Night Out is August 4 and stated that the City is looking for hosts and that any community members interested in acting as a host contact the City through www.eccpc.org.

Councilmember Cheng reported on the May 14, Bike to Work Day and stated that there were 100 more bikers at the El Cerrito Plaza Energizer Station in the 7-9 a.m. commute period than last year. This may be indicative of people making an effort to improve their health and save both money and the environment. Councilmember Cheng said it was a great event and that she hopes to see even more people at next year's event.

Mayor Potter stated that she and Councilmember Lyman attended Senator DeSaulnier's May 16, 2009 workshop on the state budget, the upcoming Special Election and other important issues at El Cerrito City Hall.

STAFF COMMUNICATIONS

Steve Bonini, Police Sergeant, announced the Police Department's first place award in the State of California's, Office of Traffic Safety, Law Enforcement Challenge Program, for the second year in a row. Sgt. Bonini also announced the department's receipt of a grant from the State Office of Traffic Safety, in the amount of \$124,898 which will provide the Police Department with things they do not currently have such as a DUI trailer, and additional traffic safety equipment.

City Manager Hanin informed the City Council that the budget discussion is scheduled for June 1 and June 15, 2009 and asked the Council to hold June 22 and June 29 open, if needed, to adopt the budget by June 30. City Manager Hanin also informed the Council that it typically adopts a reduced summer schedule of one meeting per month.

The City Council, through mutual consensus, agreed to a reduced summer schedule, consistent with prior years, of one meeting per month in July, August and September. The Council will meet on July 7, August 17 and September 21, 2009.

Monica Kortz, Recreation Director, announced that donations for the Bruce King Memorial Dog Park were being collected and a proposed rendering of what the Park could look like is located in the City Hall Foyer.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, reported on his attendance at a meeting regarding the re-location of approximately 600 Portola Middle School students to El Cerrito High School and the need for an adequate number of School Resource Officers at El Cerrito High School.

Peter Loubal, El Cerrito, referred to the Cerrito Theater discussion which occurred at the May 4, 2009 City Council meeting, expressed concerns about the Cerrito Theater, and stated that the Theater was bound to fail as a sensible investment of redevelopment money.

4. PRESENTATIONS

School Resource Officer Program – Presentation by Officers Caputo and Jacala.

Action: Presentation heard.

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

Moved, seconded (Abelson/Lyman) and carried unanimously to adopt Consent Calendar 5A through 5E in one motion. Consent Calendar Items 5F through 5H were removed from the Consent Calendar by Councilmember/Agency Chair Jones and voted on separately as indicated below.

JOINT CITY COUNCIL/REDEVELOPMENT ITEMS

A. Minutes for Approval

Approve the: 1) May 2, 2009 Special City Council meeting; and 2) May 4, 2009 Special City Council, Special Concurrent City Council/Redevelopment Agency meeting and Special Concurrent City Council/Redevelopment Agency Closed Session meeting minutes.

Action: Approved minutes.

B. Annual Review and Approval of Investment Policy and the Comprehensive Financial Policy

Adopt a City Council and a Redevelopment Agency resolution approving the Investment Policy and the Comprehensive Financial Policy.

Action: Adopted City Council Resolution No. 2009–19 and Redevelopment Agency Resolution No. 585.

CITY COUNCIL ITEMS

C. Landscape and Lighting Assessment District No. 1988–1

Accept the Engineer's Report specifying assessments for the Landscaping and Lighting Assessment District and adopt a Resolution of Intention to Order Improvements pursuant to the Landscape and Lighting Act of 1972, and setting the time, date, and place of the public hearing as June 1, 2009 at 7:30 p.m.

Action: Adopted Resolution No. 2009–20, accepted the Engineer's Report and set the time, date, and place of the public hearing as June 1, 2009 at 7:30 p.m.

D. Annual Maintenance Services Contract for Street Sweeping

Adopt a resolution awarding the annual street sweeping contract to Universal Building Services of Richmond, California, with an annual expenditure range of between \$70,000 and \$85,000.

Action: Adopted Resolution No. 2009–21.

E. Proclamation Congratulating Officer Edwin Jacala for his Recognition by the Albany–El Cerrito Exchange Club as the El Cerrito Police Department's Officer of the Year for 2009

Approve a proclamation commending Officer Edwin Jacala, on the occasion of his recognition by the Albany–El Cerrito Exchange Club as The El Cerrito Police Department's Officer of the Year for 2009 and extending sincere appreciation to Officer Edwin Jacala for his devotion to duty, self-confidence and professional focus that truly epitomizes community based policing in the City of El Cerrito.

Action: Approved proclamation.

F. Fairmount Avenue and Ashbury Avenue Intersection Safety Improvements – Accept Highway Safety Improvement Program Grant Funds and Award Design Services Contract to Coastland

- 1) Adopt a resolution accepting \$622,890 in Highway Safety Improvement Program (HSIP) grant funds for the Fairmount & Ashbury Intersection Safety Improvements Project; and
- 2) Adopt a resolution authorizing the City Manager to execute an agreement with Coastland in an amount not to exceed \$62,492 to provide engineering and design services for the project.

Action: Removed from the Consent Calendar by Councilmember Jones for further explanation and clarification regarding the scope of work.

Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009–22 as revised and Resolution No. 2009–23.

G. Award Contract to ADT for Safety Improvements along Ohlone Greenway

Adopt a resolution authorizing the City Manager to execute an agreement with ADT Security Services, Inc., in an amount not to exceed \$415,000 for the Ohlone Greenway Safety Improvements Project and execute change orders in an amount not to exceed \$20,000.

Action: Removed from the Consent Calendar by Councilmember Jones who stated that the City was making a number of efforts toward a secure Greenway.

Moved, seconded (Jones/Cheng) and carried unanimously to adopt Adopted Resolution No. 2009–24.

REDEVELOPMENT AGENCY ITEM

H. Approval of Terms for Development of Ohlone Gardens on Portola Drive by the Hatlen Center for the Blind and Resources for Community Development

Adopt a Redevelopment Agency Resolution accepting the proposed development and loan terms contained in this agenda bill, confirming direction to staff to finalize and execute a loan agreement consistent with these terms for the Ohlone Gardens Mixed-Use Development (formerly the Hatlen Center for the Blind & Family Housing Development) as authorized under Redevelopment Agency Resolution No. 579, and making California Environmental Quality Act findings for the project.

Action: Removed from the Consent Calendar by Agency Chair Jones who thanked all parties for collaborating on a much stronger agreement and stated that he looks forward to seeing the project progress.

Moved, seconded (Jones/Lyman) and carried unanimously to adopt Redevelopment Agency Resolution No. 586.

6. STUDY SESSION ON REDEVELOPMENT OF THE TARGET SITE

This is a study session and requests no action by the Redevelopment Agency Board. Representatives of Safeway will present their plans for redevelopment of the Target site. Agency staff and consultants will present information regarding market conditions affecting the redevelopment potential of the site and make available a written offer to purchase the site from Wal-Mart.

A. Overview – Staff presentation.

B. Safeway Proposal – Oral presentation.

C. Wal-Mart Proposal – Review written proposal dated April 20, 2009.

Presenters: Lori Treviño, Redevelopment Manager, Richard Shaffer, Senior Vice President, CB Richard Ellis Brokerage Services, and Todd Paradis, Safeway Corporation.

Speakers: Al Miller, El Cerrito, stated that Wal-Mart is famous for stealing customers from local stores and suggested that the city study sales tax that may be lost from local stores, queried why Wal-Mart is looking at such a small site and stated that consideration needs to be given to multiple pedestrian and vehicle access points.

Peter Loubal, El Cerrito, stated that he lives close to the proposed project and that the Target site is not suitable for housing and that he would prefer a Safeway to Wal-Mart.

Michael Albrecht, El Cerrito, Design Review Board and San Pablo Avenue Specific Area Plan Committee member, stated that the site would be underutilized with another big box on it and stated that the city is losing an opportunity by placing a single story building at the site. Mr. Albrecht stated that those who attended a community meeting wanted housing and did not want a gas station at the site and suggested that the City Council wait until the San Pablo Area Specific Area Plan is completed. Mr. Albrecht also reported on options and ideas raised at the community meeting.

Michael DeWitt, El Cerrito, expressed concerns with placing a fuel station next to the BART tracks, raised safety issues, and noted the positive aspect of El Cerrito gaining customers from the closure of the McDonald Avenue store.

Roland Bergfelt, El Cerrito, expressed concerns with a report that Wal-Mart would be open for 24 hours and asked the Agency Board to take this into consideration.

Jenny Fowler, El Cerrito, raised security concerns associated with the prospect of having vacant sites at the north end of the district.

Mark Scott, El Cerrito Chamber of Commerce, stated that the Chamber does not have a position at this time and asked that any studies take impacts on local businesses into account and that any increases or decreases in sales tax should be identified along with offsets.

Councilmember Jones disclosed that his employer is a general contractor who has done work with Safeway in the past but is not under any current contract with Safeway. Councilmember Jones' employer has not had a contract with Safeway for the last few years. His company has also done work with the project architect, Johnson Lyman, from time to time in the last few years, but is not currently working with this architect. Councilmember Jones stated that it is the owner of the project who selects the general contractor and the project architect.

Action: Discussion held.

7. PUBLIC HEARING

Master Fee Schedule Revision for Fiscal Year 2009–2010

Conduct a public hearing and upon conclusion adopt a resolution revising the Master Fee Schedule for Fiscal Year 2009–10.

Presenter: Mary Dodge, Finance Director.

Action: Mayor Potter opened the public hearing. No speakers.

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

Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009-25.

8. POLICY MATTERS

San Pablo Avenue Streetscape Project – Construction and Construction Management Services Awards

1) Adopt a resolution authorizing the City Manager to execute a contract with Cole Management & Engineering for an amount not to exceed \$355,000 to perform Construction Management services for the San Pablo Avenue Streetscape project and to approve change orders in the amount of \$35,500.

2) Adopt a resolution approving plans, accepting bids, authorizing the City Manager to execute a contract with in an amount of approximately \$3,667,000 for construction of the San Pablo Avenue Streetscape Improvements (specific award amount and successful bidder to be made known prior to the meeting), and authorizing the City Manager to approve change orders not to exceed 10% of the contract amount.

Presenter: Jerry Bradshaw, Public Works Director.

Action: Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution Nos. 2009-26.

Moved, seconded, (Jones/Lyman) and carried unanimously to adopt Resolution No. 2009-27 as revised.

9. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Potter reported that Mayor Pro Tem Abelson, Councilmember Jones and herself attended the May Contra Costa Mayors Conference which included a presentation by California State Controller John Chiang on the state budget.
- B. Mayor Pro Tem Abelson reported on the West Contra Costa Transportation Advisory Committee's (WCCTAC) retreat on May 9 which generated ideas about additional ways to raise funds for transportation in the future including formation of a Special District. Mayor Pro Tem Abelson also reported that she is proud of the Environmental Quality Committee's (EQC) enthusiasm, public interest and involvement in the EQC and with the work being done by EQC subcommittees.
- C. Councilmember Cheng reported on the Design Review Board's review of the Hatlen Center. The main comments concerned how to make the project better and more transparent to the Greenway.
- D. Councilmember Jones – No report.
- E. Councilmember Lyman reported on the Crime Prevention Committee's desire to have fingerprinting done as part of committee member background checks. Councilmember Lyman also reported on the Financial Advisory Board's May 5 meeting in which the proposed CALPERS two year buy out was discussed.

10. REVISED RESOLUTIONS AND SUPPLEMENTAL COMMUNICATIONS

Cerrito Theater

- 1. William Ralph
- 2. Heather Borman
- 3. Helen Carr

4. Ann Manheimer

**Item No. 5(F) Fairmount Avenue and Ashbury Avenue Intersection Safety Improvements -
- Accept Highway Safety Improvement Program Grant Funds and Award Design Services
Contract to Coastland**

5. *REVISED RESOLUTION – Submitted by Jerry Bradshaw, Public Works Director*
6. *May 15, 2009 Bid Opening Results - Submitted by Jerry Bradshaw, Public Works Director*

Item No. 6 Study Session on Redevelopment of Target Site

7. *Target-Safeway Letter Agreement – Submitted by Target*
8. *First Amendment to the DDA – Submitted by Target*
9. *Supplemental Emails – Submitted by Safeway*
10. *Powerpoint presentation – Submitted by Lori Trevino, Redevelopment Manager*

**Item No. 8 San Pablo Avenue Streetscape Project – Construction and Construction
Management Services Awards**

11. *REVISED RESOLUTION – Submitted by Jerry Bradshaw, Public Works Director*
12. *Powerpoint presentation – Submitted by Jerry Bradshaw, Public Works Director*

Other

13. *Law Enforcement Challenge Grant – Submitted by Scott Kirkland, Police Chief.*

Moved, seconded (Abelson/Cheng) and carried unanimously to suspend council rules and extend the Special Concurrent City Council/Redevelopment meeting to 10:40 p.m.

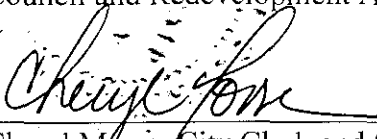
Moved, seconded (Jones/Abelson) and carried unanimously to suspend council rules and extend the Special Concurrent City Council/Redevelopment meeting to 10:50 p.m.

11. **ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 10:54 p.m.**
12. **RECESS INTO CONTINUED SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION at 10:56 p.m.**
13. **POSSIBLE REPORT OUT OF CLOSED SESSION**

Chair Jones confirmed direction to staff to continue to negotiate the termination of the agreement with Downey Street Productions related to the Cerrito Theater and transition to a new operator.

14. **ADJOURNED SPECIAL REDEVELOPMENT AGENCY MEETING at 12:01 p.m.**

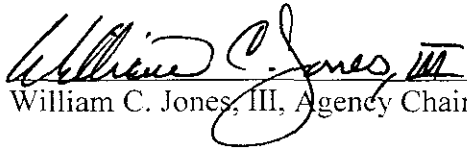
This is to certify that the foregoing is a true and correct copy of the minutes of the concurrent City Council and Redevelopment Agency meeting of May 18, 2009 as approved by the El Cerrito City Council and Redevelopment Agency.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency



Sandi M. Potter, Mayor



William C. Jones, III, Agency Chair