

EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Monday, April 6, 2009 – 7:00 p.m.

City Council Chambers

SPECIAL REDEVELOPMENT AGENCY MEETING

Monday, April 6, 2009 – Immediately Following the Special Concurrent City Council/ Redevelopment

Agency 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

Present: Councilmembers Abelson, Jones, Lyman and Mayor Potter

Absent: Councilmember Cheng

7:00 p.m. CONVENE SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Potter convened the Special Concurrent City Council/Redevelopment Agency meeting at 7:04 p.m.

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

Redevelopment Agency Chair Jones reported that at the Agency's March 16 Closed Session, the Agency Board provided staff with direction on how to proceed.

Councilmember Lyman reported on his attendance at a March 26, 2009 local government commission presentation on transit oriented development. On March 29 Councilmember Lyman walked in an Albany and Berkeley Girls Softball League Parade in celebration of the opening of the game season. Councilmember Lyman also reported on his April 2 attendance at the Contra Costa Mayors Conference which included speakers from Union Pacific and the Port of Oakland regarding rail development opportunities in Contra Costa County.

Mayor Pro Tem Abelson reminded the public that the City will be celebrating Earth Day on April 25. There will be work parties in the morning followed by a free lunch at the Community Center. Anyone interested in participating can sign up by logging on to the city's website www.el-cerrito.org and access more information under Environmental Services or look for a full page flyer on Earth Day which contains information on community participation. This year's event will feature a grant funded tree planting project. Neighborhood blocks that are interested in planting trees in the parking strip along the block can find more information on the city's website.

Mayor Potter expressed great appreciation and gratitude to the City of Richmond and the Moraga Fire District for covering El Cerrito's fire stations during the funeral service for El Cerrito Firefighter Dave Garrett and to the City of Oakland who provided support during the reception.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Linda Von Brasket-Crowe, Albany, spoke in support of the Cerrito Theater, shared her memories of watching movies at the theater as a child and commented on the theater's current benefit to the community.

Linda Moss, El Cerrito, stated that the Cerrito Theater is the Jewel in the Crown of the City of El Cerrito, thanked the City Council for its vision and commitment in bringing the theater back to El Cerrito, noted several special community events and expressed her support for the Cerrito Theater.

Diana Krampf, Kensington, expressed her support for the Cerrito Theater and asked the City Council to do what it can to enable the Cerrito Theater to continue and commented on the theater's role in the community.

Peter Loubal, El Cerrito, complemented the Council on its debate and action on the Wong appeal at the last meeting. Mr. Loubal also cited a model used in Victoria, British Columbia, that could be used as a stimulus to promote housing and city revenues in El Cerrito. As to the Cerrito Theater, Mr. Loubal speculated as to why there were so many closed sessions, requested information on how much agency money has been lost to date, said the theater was a costly item and reported on his attendance at a meeting regarding the Parkway Theater.

Kent Berndt, El Cerrito, asked the City Manager and City Council to explain and provide computations which quantify the difference in estimates of between \$5 million and \$7 million dollars to purchase the Cerrito Theater.

Thad Smith, El Cerrito, thanked the City Council for its support of the Cerrito Theater and asked the Council to do whatever it can to save the Cerrito Theater. Mr. Smith also noted the Theater's role in building community and stated it's importance to the disabled community and also noted that the owner's closing of one theater to save another was a good sign.

4. PRESENTATIONS – None

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

Moved, seconded (Abelson/Lyman; Ayes – Abelson, Jones, Lyman and Potter; Noes – None; Absent – Cheng) and carried to approve Consent Calendar Item Nos. 5A through 5H as indicated below. Consent Calendar Item No. 5I was voted on separately as indicated below.

JOINT CITY COUNCIL/REDEVELOPMENT ITEM

A. Minutes for Approval

Approve the March 16, 2009 Special Redevelopment Agency and Special Concurrent City Council/ Redevelopment Agency Meeting minutes.

Action: Approved the March 16, 2009 Special Redevelopment Agency and Special Concurrent City Council / Redevelopment Agency meeting minutes.

CITY COUNCIL ITEMS

B. Ordinance for Second Reading (*First Reading March 16, 2009 – Unanimous*)

Waive further reading and adopt second reading of an Ordinance which amends El Cerrito Municipal Code Section 8.30.010 “El Cerrito Very High Fire Hazard Severity Zone Map.”

Action: Adopted Ordinance No. 2009–1.

C. Claims Against the City

1. Reject Robin Lewis Claim No. GL – 009072 per claims administrator.
2. Reject Deborah Campbell Claim No. GL – 009071 per claims administrator.

Action: Rejected Lewis Claim No. GL – 009072 and Campbell Claim No. GL – 009071 per claims administrator.

D. April is Fair Housing Month Proclamation

Approve a proclamation proclaiming April 2009 as Fair Housing Month in the City of El Cerrito and encouraging all residents to work together to ensure equal access to housing for every member of our community.

Action: Approved proclamation.

E. 50th Anniversary of Civil Rights Laws in California

Approve a proclamation celebrating the 50th anniversary of California’s landmark civil rights law and reaffirming the City of El Cerrito’s commitment to equality.

Action: Approved proclamation.

F. Authorizing NBS Government Finance Group as the Engineer of Work for Landscape and Lighting Assessment District No. 1988–1 to Prepare and File the Annual Report

Adopt a resolution designating NBS Government Finance Group as the Engineer of Work for Landscaping and Lighting Assessment District No. 1988–1, accepting their Proposal for Engineering Services and preparation and filing of the annual report of district activities.

Action: Adopted Resolution No. 2009–12.

G. Install Red Curb Marking on Colusa Avenue as part of the Upper Fairmount

Streetscape Project

Adopt a resolution authorizing the Public Works Director/City Engineer to install new red curb marking, and eliminate the existing green curb marking, on Colusa Avenue adjacent to the dry cleaning business (Tower Cleaners) at 7533 Fairmount Avenue.

Action: Adopted Resolution No. 2009-13.

H. Support Senate Bill 810 – The California Universal Healthcare Act

Mayor Pro Tem Abelson recommends that the City Council authorize Mayor Potter to send a letter to Senator Mark Leno indicating the City Council's support of SB 810, the California Universal Healthcare Act, which will cover every Californian with comprehensive, affordable health insurance and allow every Californian to choose his or her own physician.

Action: Approved recommendation.

REDEVELOPMENT AGENCY ITEM

I. Transfer of Agency Funds to the State Educational Revenue Augmentation Fund

Adopt an Agency Resolution appropriating \$363,530 from undesignated fund balance for payment of the Agency's share of the FY 2008/09 Educational Revenue Augmentation Fund (ERAF) Shift to the State of California and authorizing the Executive Director to make the payment to the County to complete the transfer.

Action: Removed from the Consent Calendar by Redevelopment Agency Chair Jones who noted that this item illustrates how the state budget impacts the city. Moved, seconded, (Abelson/Jones; Ayes – Abelson, Jones, Lyman and Potter; Noes – None; Absent – Cheng) and carried unanimously to adopt Redevelopment Agency Resolution No. 583.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Two Year Additional CalPERS Service Credit

Direct staff to place on the April 20, 2009 City Council Agenda, a resolution which will implement the designation of a two-year CalPERS service credit retirement period from April 26, 2009 through July 25, 2009 for eligible miscellaneous and fire public safety employees.

Presenter: Sandy Chapek, Employee Services Manager.

Action: The Council (Absent – Cheng) approved the recommendation and directed staff to return to the City Council with a resolution on April 20, 2009.

B. 2009 Asphalt Rubber Cape Seal Program

Adopt a resolution approving plans, accepting bids, and authorizing the City Manager to execute a contract in the amount of \$3,416,227.00 with International Surfacing Systems and approve change orders in an amount not to exceed \$683,245 for the construction of the 2009 Asphalt Rubber Cape Seal Program, Contract No. 09-C3027-08.

Presenter: Jerry Bradshaw, Director of Public of Works.

Action: Moved, seconded (Lyman/Abelson; Ayes – Abelson, Jones, Lyman and Potter;

Noes – None; Absent—Cheng) and carried to adopt Resolution No. 2009–14 as amended by Councilmember Jones to include a provision that any individual change order authorized by the City Manager in excess of \$75,000 be reported to the City Council at the City Council's next available meeting following the City Manager's approval.

C. 2009 Rubberized Asphalt Concrete Overlay Program

Adopt a resolution approving plans, accepting bids, and authorizing the City Manager to execute a contract in the amount of \$663,687.60 with MCK Services, Inc. and approve change orders in an amount not to exceed \$331,800 (50%) for the construction of the Rubberized Asphalt Concrete Overlay Program, Contract No. 09–C3027–09.

Presenter: Jerry Bradshaw, Director of Public of Works.

Action: Moved, seconded (Lyman/Abelson; Ayes – Abelson, Jones, Lyman and Potter; Noes – None; Absent – Cheng) and carried to adopt Resolution No. 2009–15 as amended to include a provision that individual change orders which exceed \$75,000 be reported to the City Council at the next City Council meeting following authorization by the City Manager.

D. Street Improvement Program – Professional Services Contract Amendment

Adopt a resolution authorizing the City Manager to execute a contract amendment with Avila Project Management in an amount not to exceed \$700,000 and approve change orders not to exceed \$70,000.

Presenter: Jerry Bradshaw, Director of Public of Works.

Action: Moved, seconded (Lyman/Abelson; Ayes – Abelson, Jones, Lyman and Potter; Noes – None; Absent – Cheng) and carried to adopt Resolution No. 2009–16.

E. First Reading of Ordinance Establishing the Measure A Swim Center Parcel Tax Rate for FY 2009/2010

Presenter: Scott Hanin, City Manager.

Introduce by title and waive any further reading of an Ordinance establishing the Measure A (Swim Center) Parcel Tax rate for FY 2009/2010.

Action: Moved, seconded (Abelson/Lyman; Ayes – Abelson, Jones, Lyman and Potter; Noes – None; Absent – Cheng) and carried to introduce by title and waive any further reading or Ordinance No. 2009–02 establishing the Measure A (Swim Center) Parcel Tax rate for FY 2009/2010. *Second reading scheduled for April 20, 2009.*

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Potter reported on her attendance at the Arts & Culture Commission meeting this month and announced the installation of a new art exhibit in the gallery at City Hall. The artist reception will be announced at the Council's next meeting. At the request of students from El Cerrito High School, the Arts & Culture Commission will offer a creative re-use and recycled art project booth as part of the Earth Day festivities. Mayor Potter asked the public to consider donating any materials destined for the garbage or recycling which could be used for art to be taken to the community center for creative re-use and said she is looking forward to joining everyone at the Earth Day Celebration.

- B. Mayor Pro Tem Abelson reported on her attendance at two League of California Cities Policy Committees which included a presentation on the 211, non-urgent emergency system. The service provides a lot of social service help to people. Mayor Pro Tem Abelson suggested that the Council consider receiving a presentation at a future date which would inform the public about services the County provides. Mayor Pro Tem Abelson also reported that she received a presentation regarding the condition of the state budget and has heard of an effort to place an initiative measure on the ballot which would provide an opportunity to vote on changing the 2/3 majority vote of the legislature required to pass the state budget to a simple majority vote or something slightly more. Additionally, El Cerrito's Easy Ride Program for seniors has been selected to provide a presentation at the League's Annual Conference.
- C. Councilmember Cheng – Absent.
- D. Councilmember Jones reported on his attendance at the Contra Costa Mayors Conference on behalf of Mayor Potter, specifically, a discussion with Congresswoman Tauscher's representative, Eric Ridley, regarding El Cerrito's readiness to accept any federal library, public safety, or senior center funds. Councilmember Jones was assured that El Cerrito will remain represented should Congresswoman Tauscher accept and receive approval of a federal appointment. Councilmember Jones also announced an art exhibit at The Glen by a local artist. The exhibit will feature sports themes.
- E. Councilmember Lyman – No report.

9. **ADJOURNED SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING** at 8:24 p.m. in memory of Oakland Police Officers Mark Dunakin, Ervin Romans, Daniel Sakai and John Hege who while in service to their community, were each brutally and tragically killed while responding to a traffic stop and shoot out.

ROLL CALL

Present: Councilmembers Abelson, Jones, Lyman and Mayor Potter
 Absent: Councilmember Cheng

10. **CONVENE SPECIAL REDEVELOPMENT AGENCY MEETING**

Chairperson Jones convened the Special Redevelopment Agency meeting at 8:25 p.m.

ANNOUNCEMENT OF REDEVELOPMENT AGENCY CLOSED SESSION

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
Negotiating Parties: Downey Street Productions
Under Negotiation: Terms of Payment

ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, expressed support for the Cerrito Theater and spoke of the Theater's role in the Community.

Please see Item No. 3 above regarding additional public comments related to the Cerrito Theater.

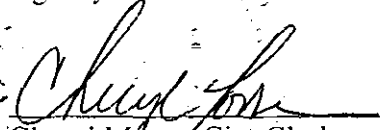
RECESSED INTO SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION at 8:31 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

The Redevelopment Agency Board gave direction to agency negotiators to bring back a draft amended agreement for Board consideration at a May 4th Public Hearing. In accordance with redevelopment law, related documents will be made available to the public no later than April 20, 2009.

11. ADJOURNED SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION MEETING at 10:37 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 April 6, 2009 and the April 6, 2009 Special Redevelopment Agency meeting 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