

EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL REDEVELOPMENT AGENCY MEETING

Monday, March 16, 2009 – 6:30 p.m.

Hillside Conference Room

SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Monday, March 16, 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 6:31 p.m.

ANNOUNCEMENT OF REDEVELOPMENT AGENCY CLOSED SESSION

1) 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
Karen Tiedemann, Agency Counsel

Negotiating Parties: Target Corporation

Under Negotiation: Terms and Payment

2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 10070 San Pablo Avenue
El Cerrito, CA 94530

Agency Negotiators: Scott Hanin, Executive Director
Lori Treviño, Redevelopment Agency Manager
Karen Tiedemann, Agency Counsel

Negotiating Parties: Downey Street Productions

Under Negotiation: Terms of Payment

3) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 6500 Stockton Avenue

Agency Negotiators: Scott Hanin, Executive Director
Karen Pinkos, Assistant City Manager
Lori Treviño, Redevelopment Agency Manager
Karen Tiedemann, Agency Counsel

Negotiating Parties: West Contra Costa Unified School District

Under Negotiation: Price and Terms

ORAL COMMUNICATIONS FROM THE PUBLIC

Ken Berndt, El Cerrito, commented on transparency in government and noted that his review of public records revealed a lien in the amount of \$100,000 on the Cerrito Theater.

RECESS INTO SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION

The Redevelopment Agency Board recessed into closed session at 6:33 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION *See Item No. 2 on the Concurrent City Council/Redevelopment Agency Minutes below.*

ADJOURNED SPECIAL REDEVELOPMENT AGENCY MEETING at 7:30 p.m.

ROLL CALL

Councilmembers/Agency Members Abelson, Cheng, Jones (Agency Chair) 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 7:40 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Cheng.
2. **COUNCIL / STAFF COMMUNICATIONS** (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

Redevelopment Agency Chair Jones provided a report out of the Redevelopment Agency Closed Session and stated that regarding agenda items 1 and 3, Target and the West Contra Costa Unified School District (WCCUSD), the Agency Board gave direction to staff. Discussion regarding item 2, Downey Street Productions, is continued for discussion after the concurrent meeting. Chairperson Jones stated that Downey Street Productions did meet deadlines as requested in the Agency's letter dated January 27, 2009.

Mayor Pro Tem Abelson reported that she has been working on Earth Day which will be held on April 25, 2009 and that Earth Day will include block tree planting projects. Mayor Pro Tem Abelson suggested contacting the Environmental Services Division at 215-4350 for more information.

Mayor Potter commented on the installation of the new city seal installed above the Council Dais.

Councilmember Jones reported that Windrush School hosted a neighborhood meeting with the Crime Prevention Committee on Saturday, March 14. The school's new facility is a Gold LEED certified project. Councilmember Jones also announced the opening of Youth Baseball's 48th season and noted that this event was well attended.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Al Miller, El Cerrito, commented on the Ohlone Wildflower Park located where Baxter Creek starts, and pointed out the beautiful area created by Gil Patchet.

Peter Loubal, El Cerrito, stated that the closed session statement was insubstantial and reported that a mechanics lien was filed against the Cerrito Theater two years ago and that there was no mention of the lien in the 229 pages produced in response to a public records act request by Mr. Berndt. Mr. Loubal stated that the theater could have been saved at a reasonable cost if staff and the Agency had acted expeditiously but now it may be too late.

Yue X. Wu, El Cerrito, expressed concerns.

4. **PRESENTATIONS**

- A. **March 2009 American Red Cross Proclamation**

Approve a proclamation proclaiming March 2009 as American Red Cross Month in the City of El Cerrito and encouraging all residents to be cognizant of the compassion, courage, character, and civic duty that is inherent in the Red Cross mission to prevent and relieve human suffering.

Action: Moved, seconded (Potter/Abelson) and carried unanimously to approve a proclamation proclaiming March 2009 as American Red Cross Month in the City of El Cerrito and presented to Dona Wiley, Contra Costa County Leadership Council, American Red Cross, Bay Area Chapter.

B. Contra Costa County Civil Grand Jury – Presentation by Richard Olson.

Action: Presentation heard.

C. East Bay Regional Communication Systems Authority – Presentation by William J. McCammon, Executive Director.

Action: Presentation heard and discussion held.

D. Update of El Cerrito Seismic Hazards Identification Program – Presentation by Mitch Oshinsky, Community Development Director, Brian Fenty, Building Official and Dwayne Dalman, Economic Development Project Manager.

Action: Presentation heard and discussion held. The City Council directed staff to mitigate hazards through an ordinance by June 2009 requiring retrofit or demolition and to also explore developing a hardship provision of the ordinance which would also contain financial incentives and extensions.

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

Moved, seconded (Jones/Abelson) and carried unanimously to adopt Consent Calendar Item Nos. 5A, 5C and 5D in one motion as indicated below. Consent Calendar Item No. 5B was adopted by separate motion as indicated below.

A. Minutes for Approval

Approve the March 2, 2009 Special City Council, Special Concurrent City Council/ Redevelopment Agency Meeting and Special Redevelopment Agency Closed Session Meeting minutes.

Action: Approved minutes.

B. Certificate of Acceptance for the Navellier Reservoir Property

Adopt a resolution authorizing the City Manager to approve a Certificate of Acceptance in order to record a Quitclaim Deed for the previously purchased East Bay Municipal Utilities District Navellier Reservoir property.

Action: Removed from the consent calendar by Councilmember Lyman to promote the idea of a liberty garden at the property. Moved, seconded (Lyman/Abelson) and carried unanimously to adopt Resolution No. 2009–08.

C. Establishing the Rate and Adopting an Annual Parcel Assessment for the National Pollutant Discharge Elimination System Program

Adopt a resolution establishing the annual NPDES Assessment Equivalent Runoff Unit rate at the current rate of \$38.00.

Action: Adopted Resolution No. 2009–09.

REDEVELOPMENT AGENCY ITEM**D. Joint Application for State Proposition 1C Infill Infrastructure Grant Funds for the Hatlen Center for the Blind & Family Housing Development on Portola Drive**

Adopt a Redevelopment Agency resolution authorizing the Agency as co-applicant with Resources for Community Development to apply for Proposition 1C Infill Infrastructure grant funds for the Hatlen Center for the Blind and Family Housing Development on Portola Drive.

Action: Adopted Redevelopment Agency Resolution No. 581.

6. PUBLIC HEARINGS**A. Appeal of a Planning Commission Decision Denying a Use Permit to Exceed the Allowable Square Footage for a Second Unit in the RS-5 (Single Family Residential) Zoning District at 782 Pomona Avenue**

Conduct a public hearing and upon conclusion adopt a resolution granting the appeal and approving the use permit for the proposed 986 square foot second unit.

1. **Staff Report**
2. **Communications**
 - a. **Ken Reid**
3. **Supplemental Communications**
 - a. **Dr. Gayle Green**
 - b. **Mollie and Donald Hazen**
 - c. **Brent Bullard**

Presenter: Noel Ibalio, Senior Planner, Community Development Department.

Mayor Potter opened the public hearing. Nine speakers.

Tami Wong/Appellant, El Cerrito, described the needs and rights of her disabled mother and the accessible features of the proposed unit, use of the second kitchen, and requested that the City Council grant the appeal and approve the use permit.

Elaine Baker, El Cerrito, stated that the house has a history of complaints, particularly as a multi-family house.

Jaime Orduño, El Cerrito, stated that the current owners are not the previous owners and spoke in favor of the design and size of the Wong residence.

Ed Roecker and Ken Berger, El Cerrito, stated that they are grateful that the Planning Commission denied the use permit and stated that the city violated its own code in allowing the building to be built and urged the Council to side with the neighborhood and deny the appeal and expressed concerns with traffic. Mr. Roecker also expressed concerns with future use of the variance on this home.

Jeff Nalle, El Cerrito, stated that granting the use permit would not be good for the neighborhood and expressed concerns about what could happen to the property in the future if ownership transferred and described the history of the residence and his interactions with the City and code enforcement staff regarding various complaints.

James Wong, El Cerrito, stated that he is the son of Pearl Wong and trustee and summarized the applicant as wanting to modify her residence to be ADA compliant. Mr. Wong said that the neighbor's problems with the prior property owner should not carry forward to the current owner.

Brent Bullard, El Cerrito, asked if there was any ADA compliance that could not be met with a 750 sq. ft. addition and asked for clarification regarding the staff recommendation.

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

Action: Moved, seconded and carried (Cheng/Abelson; Ayes – Abelson, Cheng, Lyman and Potter; Noes – Jones) to adopt Resolution No. 2009-10 granting an appeal of a Planning Commission decision and approving a use permit to allow a second unit to exceed the maximum allowed square footage on a site located at 782 Pomona Avenue in the RS-5 (Single Family Residential – 5,000) Zone.

B. Very High Hazard Severity Zone Map Update

Conduct a public hearing and upon conclusion approve by title, waive further reading and adopt first reading of an ordinance amending the El Cerrito Municipal Code Section 8.30.010 "El Cerrito Very High Fire Hazard Severity Zone Map."

Presenter: Michael Bond, Battalion Chief, El Cerrito Fire Department.

Mayor Potter opened the public hearing. No speakers.

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

Moved, seconded (Lyman/Abelson) and carried unanimously to approve by title, waive further reading and introduce Ordinance 2009-01 amending El Cerrito Municipal Code Section 8.30.010, "El Cerrito Very High Fire Hazard Severity Zone Map" as amended on the floor to include a statement that the maps will also be made accessible through the building department.

Second reading of the ordinance is scheduled for April 6, 2009.

7. POLICY MATTERS

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY ITEM

Request for Housing Fund Advance from the Pooled Investments of the General Fund

That the City Council and Agency Board adopt resolutions approving the following:

- 1) Authorize an Interfund Loan from the pooled investment portion of the General Fund to the Low & Moderate Income Housing Fund for up to \$1.5 million to be repaid by the tax increment revenues of the Low & Moderate Income Housing Fund; and
- 2) Rescind the Agency's approval of a loan from the Local Initiatives Support Corporation (LISC) for up to \$1.5 million to be repaid by the tax increment revenues of the Low & Moderate Income Housing Fund.

Presenter: Hilde Mvall, Senior Project Manager, Redevelopment Agency.

Speaker: Al Miller, El Cerrito, spoke of the time when the Committee of the Whole was active several years ago and the prior history regarding the public's lack of confidence in staff's ability to track and document redevelopment loans properly and suggested that the Council be sure of the arrangements, terms and documentation associated with the loan.

Action: Moved, seconded (Abelson/Cheng) and carried unanimously to adopt City Council Resolution No. 2009-11 and Redevelopment Agency Resolution No. 582.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Potter reported that she delivered the State of the City address at the March 11 Chamber of Commerce luncheon and that it was a pleasure to reach out to the business community.
- B. Councilmember Abelson reported that the Environmental Quality Committee (EQC) had met and discussed appointments to the Committee and that candidates will be directed to attend committee meetings and make recommendations on EQC appointments to the Council consistent with other Committees.
- C. Councilmember Cheng reported that the Design Review Board did not meet this month but the Economic Development Board (EDB) had met and set June 28 for the Home Improvement Business Expo and discussed scheduling an in-home business event sometime in October which would focus on providing assistance in setting up a new business and marketing existing businesses located in homes. The EDB also received an update on the San Pablo Avenue Specific Plan process and welcomed new Chamber of Commerce President Mark Scott.
- D. Councilmember Jones reported that the Integrated Waste Management Board did not meet.
- E. Councilmember Lyman reported that Lance Kolding declined his appointment to the Financial Advisory Board, stated that the Board would be bringing a suggestion forward to restructure rules regarding minute recordation to alleviate the burden on staff, and suggested that there be a resident group that would review developer proposals as they come forward. Additionally, the Crime Prevention Committee has scheduled Bicycle Safety Day for Saturday, May 16 from 12:00-4:00 p.m. in the Department of Motor Vehicles Parking Lot. The Crime Prevention Committee, also, after much debate, decided to join with the National Association of Town Watch for another year and hold National Night Out in August.

Moved, seconded (Abelson/Jones) 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 10:50 p.m.

- 9. **ADJOURNED SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING** at 10:48 p.m. in memory of Fire Engineer David L. Garrett who died tragically at his home on Saturday evening, March 14, 2009. Mr. Garrett is survived by his wife Joan and daughter Tiara. Mr. Garrett was a twenty year veteran of the Fire Department and will be sorely missed by all who knew and loved him.

10. ROLL CALL

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

CONTINUE SPECIAL REDEVELOPMENT AGENCY MEETING

Chairperson Jones convened the continuation of the Special Redevelopment Agency Meeting at 10:49 p.m.

**ANNOUNCEMENT OF SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION
CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8

Property: 10070 San Pablo Avenue
El Cerrito, CA 94530

Agency Negotiators: Scott Hanin, Executive Director
Lori Treviño, Redevelopment Agency Manager
Karen Tiedemann, Agency Counsel

Negotiating Parties: Downey Street Productions

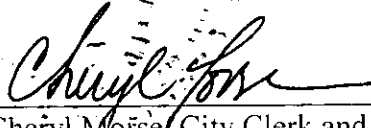
Under Negotiation: Terms of Payment

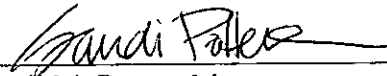
REPORT OUT OF REDEVELOPMENT CLOSED SESSION

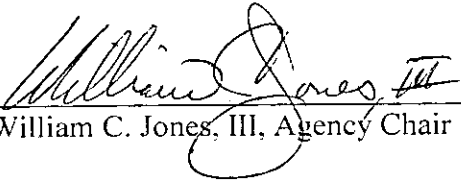
The Redevelopment Agency Board provided direction to staff.

ADJOURNED SPECIAL REDEVELOPMENT AGENCY MEETING at 11:48 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the Special Redevelopment Agency and Concurrent City Council and Redevelopment Agency meeting of March 16, 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