

EL CERRITO CITY COUNCIL

EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL CITY COUNCIL MEETING

Monday, February 2, 2009 – 6:00 p.m.

Hillside Conference Room

SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Monday, February 2, 2009 – 8:00 p.m.

City Council Chambers

SPECIAL REDEVELOPMENT AGENCY MEETING

**Monday, February 2, 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

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

6:00 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Potter convened the Special City Council Meeting at 6:00 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

BOARD AND COMMISSION INTERVIEWS AND APPOINTMENTS

Conduct interviews of candidates for several 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.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 8:06 p.m.

ROLL CALL

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

8:00 p.m.

CONVENE SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

Mayor Potter convened the Special Concurrent City Council / Redevelopment Agency meeting at 8:11 p.m.

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

Redevelopment Agency Chair Jones reported that the Redevelopment Agency at it's closed session on January 20, provided staff and legal counsel with direction on how to proceed with Downey Street Productions. The Agency Board has sent a letter developed by its legal counsel to Downey Street Productions which is posted on the City's website and is available for public review. The Agency Board appointed an ad hoc subcommittee consisting of Councilmembers Lyman and Abelson to meet with Downey Street Productions.

Mayor Potter stated that the City Council was pleased with the many well qualified and talented individuals who had interviewed with the City Council so far and announced the following commission appointments: 1) Radziah Loh is appointed to the Design Review Board for a term ending January 1, 2013; 2) Leslie Goldstein is appointed to the Parks and Recreation Commission for a term ending January 1, 2011; 3) Dyana Bhandari and Kakuti Lin are reappointed to the Arts and Culture Commission for terms ending January 1, 2013; 4) Ed Franco is appointed to the Arts & Culture Commission for a term ending January 1, 2013; 5) Martin Kaliski is reappointed to the Economic Development Board for a term ending January 1, 2013; and 6) Caroline Nunn's appointment to the Committee on Aging is confirmed by the City Council.

Mayor Pro Tem Abelson made several reports in accordance with AB 1234 including her attendance at the League of California Cities Policy Committee for Community Services and also for Administrative Services, the League of California Cities Training for Mayors and Councilmembers in Sacramento, and a Contra Costa Transportation Authority meeting in Martinez. Mayor Pro Tem Abelson obtained a helpful handout on parliamentary procedure basics from the League of California Cities and asked that it be distributed to the City Council. The Community Services Committee received a report from the California Commission on Aging. At the Administrative Services Committee, members received a report on new FPPC Gift Rules and a report from news publishers who are proposing new legislation in the new term. Mayor Pro Tem Abelson also attended various meetings on AB32 and SB375 regarding climate protection, including a briefing sponsored by the Mayors Conference, the Contra Costa Council and East Bay EDA. On January 29, Mayor Pro Tem Abelson attended an Association of Bay Area Governments Bay Area Economic Outlook Seminar which featured a report on the status of the economy at the state level and in the Bay Area. No recovery is expected in 2009 but things may look better in 2010. The Local Government Commission sponsored a seminar regarding transit oriented development that Mayor Pro Tem Abelson and Councilmember Cheng also

attended.

Councilmember Cheng reported on her attendance at a new councilmember orientation conducted by the Contra Costa Mayors Conference on January 31 and said that the orientation complemented her knowledge of the various programs, projects and agencies in Contra Costa County.

Councilmember Jones announced his attendance at the League of California Cities Mayor and Councilmember Training in Sacramento.

Mayor Potter stated that she had also attended the League of California Cities Mayor and Councilmember Training in Sacramento. Mayor Potter announced that an event celebrating the opening of the New El Cerrito High School will span two days. On Friday, February 27 the event will begin at 8:00 p.m. and extend through February 28. On February 28, 2009 there will be a flag ceremony and a special ribbon cutting ceremony which will include the marching band. There will also be school tours, films and a dinner. Mayor Potter encouraged all to attend and to appreciate all that the community has accomplished. Additionally, there will be a City Hall Art Gallery Reception featuring El Cerrito artists at City Hall Saturday, February 7 from 2-4 p.m. The gallery features photographs by Ed Kinney and pastel drawings by Dug Waggoner.

Roll-Out of New Recycling Bins Begins February 16, 2009 for El Cerrito Residents –
Melanie Mintz, Environmental Services Manager.

Ms. Mintz, Manager, Environmental Services Division, announced the roll out of the new recycling bins and described the division's public outreach efforts. On February 16 delivery of carts to residential customers will take place over two weeks. There will be an Open House and demonstration held at the Recycling Center on February 28 from 10:00 a.m. to 1:00 p.m. Additional information can be found on the City's website and by calling the Recycling Center at 215-4350.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Ken Berndt, El Cerrito, stated that he was having difficulty obtaining information from the City.

Peter Loubal, El Cerrito, inquired about the attorney fees expended to write the letter to Downey Street Productions and commented on the current financial crises.

Al Miller, El Cerrito, encouraged the City Council to support debt forgiveness from the State of California for the West Contra Costa Unified School District. Mr. Miller also stated that the Street Oversight Committee had met and conducted its first review of expenditures of revenue collected pursuant to the Pothole and Local Street Improvement and Maintenance Tax and reported the Committees' findings to the Council and also acknowledged the support of Mary Dodge and Jerry Bradshaw.

4. PRESENTATIONS

A. West Contra Costa Unified School District Update on Planned Relocation of Portola Middle School – *Presentation by Bill Fay, Associate Superintendent for WCCUSD Operations and Bill Savidge, WCCUSD Bond Program.*

The City Council will receive a report from WCCUSD representatives and may provide feedback on the District's Plans and Proposals.

Presenters: Bill Savidge, WCCUSD Bond Program and Engineering Officer.

Speakers: Joanna Pace, El Cerrito, President of Portola PTSA, noted that Portola serves the entire southern portion of the School District for 11-14 year olds, and stated that parents want the new school built, commented about the long process, expressed concerns with the school closure process and seismic safety and questioned the safety of adding thousands of students to Ashbury Avenue.

David Miller, El Cerrito, president of Madera Elementary School PTA, encouraged the City Council and Staff to support and facilitate the proposed relocation of the Portola Middle School to the Castro School campus. Mr. Miller stated that the move would be good for children and good for the community and noted that the benefits of good schools are not just academic but are also economic and increase home prices. A new middle school would enrich the lives of families and our community.

Al Miller, El Cerrito, expressed concerns with traffic and student safety related to a temporary relocation of Portola Middle School to an El Cerrito High School Temporary Campus and encouraged the School District to explore additional alternatives.

Action: Presentation heard and discussion held. Mayor Potter summarized the School Districts upcoming decisions as: 1) Which schools to close; 2) Whether or not to close Portola Middle School in the 2009/2010 academic year; and 3) Where to re-locate Portola Middle School. The City Council reached consensus on the following points: 1) El Cerrito is committed to strengthening its partnership with the school district in terms of after school programming, shared facilities and particularly at Cerrito Vista Park; 2) El Cerrito supports the School Resource Officer Program at El Cerrito High School and any future middle school facility; 3) El Cerrito is committed to developing safe facilities for grades 6-8 in El Cerrito; 4) The City Council prefers not to have the portable buildings for Portola Middle School located at El Cerrito High School; 5) At El Cerrito High School, any changes in enrollment that exceed the 1600 student capacity of the High School would require a traffic and parking analysis and evaluation of community impacts; and 6) The City Council believes that physical education is an integral part of the academic program and asks that the District review the physical education requirements and procedures for all schools with substandard athletic facilities.

B. Surveillance Ordinance Update – Presentation by Police Chief Scott Kirkland and Police Commander Michael Regan.

Presenters: Michael Regan, Commander, Susan Garman, Detective Corporal, and Detective Gilbert Tang, Police Department.

Action: Presentation heard.

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

Moved, seconded (Abelson/Lyman) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5H as indicated below.

A. Minutes for Approval

Approve the January 20, 2009 Special City Council Meeting, Special Redevelopment Agency, Concurrent City Council/ Redevelopment Agency Meeting and Special Redevelopment Agency Closed Session Meeting minutes.

Action: Approved minutes.

B. Support of the West Contra Costa Unified School District's Efforts to Seek Debt Forgiveness from the State of California

Adopt a resolution calling upon the State of California to forgive the debt incurred by the West Contra Costa Unified School District in 1991 to improve the fiscal health of the District and allow funding to directly benefit the thousands of students in El Cerrito and all of West Contra Costa County and directing the City Clerk to send a copy of the resolution to the Governor as well as members of the Assembly and Senate that represent West Contra Costa County.

Action: Adopted Resolution No. 2009-03.

C. Cancellation of February 17, 2009 City Council Meeting

Approve a recommendation to cancel the February 17, 2009 City Council Meeting. The City Council's Annual Goal Setting Worksession is scheduled on Saturday, February 14 at 9:00 a.m. in the City Council Chambers.

Action: Approved recommendation.

D. Richmond Elks Lodge Law Enforcement Night Proclamation

Approve a proclamation commending Sergeant Stephen Bonini on the occasion of his recognition by the Richmond Elks Lodge No. 1251 and extending the City Council's sincere appreciation of Sergeant Stephen Bonini for his devotion to duty and professionalism which truly epitomizes public service in the City of El Cerrito.

Action: Approved proclamation.

E. Expenditure of Supplemental Law Enforcement Services Program Funds

Adopt a Resolution authorizing the expenditure of SLESP funds for the continuation of a sworn position assigned to traffic enforcement and the remainder for the purchase of needed equipment.

Action: Adopted Resolution No. 2009-04.

F. Claims Against the City

1. Achi Ben-Shalom, Claim No. GL-008800 – Reject Claim per Claims Administrator.
2. Sharon Artlip, Claim No. GL-008676 – Reject Claim per Claims Administrator.

Action: Rejected Claim Nos. GL-008800 and GL-008676 per Claims Administrator.

G. Quarterly Investment Report

Receive and file the City's December 31, 2008 Quarterly Investment Report.

Action: Received and filed.

H. Street Oversight Committee Annual Report

Receive and file the Street Oversight Committee Annual Report to the City Council and Residents of El Cerrito.

Action: Received and filed.

6. **PUBLIC HEARINGS** – None

7. **POLICY MATTERS**

CITY COUNCIL ITEM

A. East Bay Municipal Utilities District's Collection and Distribution of Water Utility User Tax as Approved by the Voters of El Cerrito in November 2004

Discuss East Bay Municipal Utilities District's (EBMUD) collection and distribution of the Utilities Users Taxes (UUT) on water and provide direction to staff on the collection of the UUT due to the City from current and prior years.

Presenter: Mary Dodge, Financial Services Director.

Speakers: Peter Loubal, El Cerrito, expressed concerns about traffic and circulation at the site and with the expenditure of UUT funds for transit oriented development at this site.

Ken Berndt, El Cerrito, expressed concerns with the city's proposal.

Action: Moved, seconded (Lyman/Abelson: Ayes – Abelson, Lyman and Potter; Noes – Cheng and Jones) and carried to bill every six months and issue a bill for the period July 1, 2008 to December 31, 2008 at this time.

The City Council supported the [4%] administrative fee proposed by EBMUD and recommended by staff for the interim period and in the future.

REDEVELOPMENT AGENCY ITEM

B. Acquisition of Real Property Located at 11600 San Pablo Avenue

Adopt a Redevelopment Agency resolution making certain findings, approving Agency acquisition of real property located at 11600 San Pablo Avenue, amending the Fiscal Year 2008/2009 Budget, appropriating \$670,000 for the acquisition, and authorizing execution of a purchase and sale agreement for the property and a promissory note to the seller for \$2,667,000 secured by a deed of trust on the property.

Presenter: Lori Treviño, Redevelopment Manager and Economic Development Manager.

Speakers: Peter Loubal, El Cerrito, expressed concerns about the expenditure of redevelopment funds and traffic and circulation in the Del Norte area.

Dan Fabulich, El Cerrito, asked the City Council to oppose the acquisition of 11600 San Pablo Avenue and focus on core services.

Action: Moved, seconded (Potter/Abelson; Ayes – Abelson, Cheng, Lyman and Potter; Noes – Jones) and carried to adopt Redevelopment Agency Resolution No. 578 making certain findings, approving Agency acquisition of real property located at 11600 San Pablo Avenue, amending the Fiscal Year 2008/2009 Budget, appropriating \$670,000 for the acquisition, and authorizing execution of a purchase and sale agreement for the property and a promissory note to the seller for \$2,667,000 secured by a deed of trust on the property and direct staff to continue to

work with the parking lot operator.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Action: No reports. Held over to the meeting of February 14, 2009.

Moved, seconded (Jones/Abelson) and carried unanimously to suspend council rules and extend the Concurrent City Council/Redevelopment Agency meeting to 11:00 p.m.

Moved, seconded (Abelson/Lyman) and carried unanimously to suspend council rules and extend the Concurrent City Council/Redevelopment Agency meeting to 11:15 p.m.

Moved, seconded (Abelson/Cheng) and carried unanimously to suspend council rules and extend the Concurrent City Council/Redevelopment Agency meeting to 11:30 p.m.

Moved, seconded (Jones/Lyman; Ayes – Cheng, Lyman, Jones and Potter; Noes – Abelson) and carried to suspend council rules and extend the Concurrent City Council/Redevelopment Agency meeting to 11:40 p.m.

9. SUPPLEMENTAL COMMUNICATIONS

Item No. 4A West Contra Costa Unified School District Update on Planned Relocation of Portola Middle School

1. West Contra Costa Unified School District Update Powerpoint Presentation – *Submitted by Bill Savidge, WCCUSD Engineering Officer.*

Other

2. League of California Cities Parliamentary Procedure Basics Relating to League Policy Committees – *Submitted by Mayor Pro Tem Abelson.*

10. ADJOURNED SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 11:39 p.m.

ROLL CALL

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

11. CONVENE SPECIAL REDEVELOPMENT AGENCY MEETING

Chairperson Jones convened the Special Redevelopment Agency meeting at 11:45 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

ANNOUNCEMENT OF REDEVELOPMENT AGENCY CLOSED SESSION

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 Trevino, Redevelopment Agency Manager
Karen Tiedemann, Agency Counsel

Negotiating Parties: West Contra Costa Unified School District
Under Negotiation: Price and Terms

RECESSED INTO REDEVELOPMENT AGENCY CLOSED SESSION at 11:46 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

The Redevelopment Agency Board (Absent – Cheng) provided direction to the negotiators.

**12. ADJOURNED SPECIAL REDEVELOPMENT AGENCY CLOSED SESSION
MEETING** at 12:22 p.m.

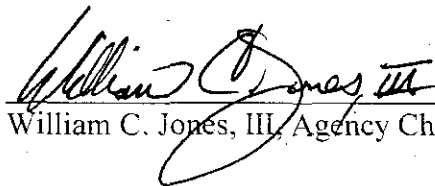
This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council, Special Concurrent City Council /Redevelopment Agency and Special Redevelopment meeting of February 2, 2009 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency



Sandi M. Potter, Mayor



William C. Jones, III, Agency Chair