

EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

SPECIAL REDEVELOPMENT AGENCY MEETING

**Monday, July 21, 2008 – 6:45 p.m.
Community Center Conference Room**

CONCURRENT MEETING OF THE EL CERRITO CITY COUNCIL AND REDEVELOPMENT AGENCY.

**Monday, July 21, 2008 – 7:30 p.m.
City Council Chambers**

Meeting Location

El Cerrito Community Center
7007 Moeser Lane, El Cerrito

ROLL CALL

Agency Members Abelson, Bridges, Jones, Potter and Chairperson Moore.
All members present.

6:45 p.m.

CONVENE SPECIAL REDEVELOPMENT AGENCY MEETING

Agency Chair Moore convened the Special Redevelopment Agency meeting at 6:51 p.m.

ANNOUNCEMENT OF REDEVELOPMENT AGENCY CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Properties: 10848 and 10860 San Pablo Avenue

Agency Negotiators: Scott Hanin, Executive Director
Karen Tiedemann, Agency Counsel
Hilde Myall, Housing Project Manager

Negotiating Parties: Mr. Joseph Conwill

Under Negotiation: Price and Terms

ORAL COMMUNICATIONS FROM THE PUBLIC – No Speakers.

CONVENE REDEVELOPMENT AGENCY CLOSED SESSION

The Redevelopment Agency recessed into closed session at 6:53 p.m.

POSSIBLE REPORT OUT OF REDEVELOPMENT AGENCY CLOSED SESSION

Agency Chair Moore that the Redevelopment Agency provided direction to its negotiating team.

ADJOURNED SPECIAL REDEVELOPMENT AGENCY MEETING at 7:31 p.m.

ROLL CALL

Councilmembers Abelson, Bridges, Moore, Potter and Mayor Jones.

All members present.

7:30 p.m. CONCURRENT CITY COUNCIL / REDEVELOPMENT AGENCY MEETING

Mayor Jones convened the concurrent City Council / Redevelopment Agency meeting at 7:32 p.m.

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

A. Report of June 30, 2008 Redevelopment Agency Special Closed Session – Letitia Moore, Agency Chair. *(Also contained in Consent Calendar Item No. 5(G) – Redevelopment Agency Closed Session Minutes)*

Agency Chair Moore reported that the Redevelopment Agency had held a special meeting on June 30, 2008 and took the following action:

To ensure the long term viability and success of the Cerrito Theater as an asset to the El Cerrito community, the Redevelopment Agency Board has unanimously directed staff to engage an independent Certified Public Accountant audit firm to verify the current financial status of the Cerrito Theater.

Downey Street Productions, the operators of the Cerrito Theater, are currently nine months behind in making their monthly lease payments to the Agency and missed the April 1 due date for submittal of their required financial reports. After months of discussions between staff and Downey Street Productions, the Agency Board has directed staff to engage an independent audit firm. Staff is directed to report back the results of the audit to the Agency Board.

B. Street Maintenance, Paving and Improvement Program (Measure A) Update – *Jerry Bradshaw, Director of Public Works.*

Jerry Bradshaw, Public Works Director, informed the Council of work that has been initiated throughout the city on the street program including curb ramp cuts and curb restoration, street overlay preparation and asphalt patch work.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, informed the Council that the El Cerrito Democratic Club will conduct three separate endorsement meetings regarding State Propositions 1 through 11 and local measures on the November 4, 2008 ballot. Mr. Miller also reported that his son sighted an El Cerrito Fire Truck on television fighting Northern California fires near Redding.

Peter Loubal, El Cerrito, commented on the June 30, 2008 Redevelopment Agency Special Meeting and Cerrito Theater finances and stated that several questions are unanswered.

4. PRESENTATIONS

A. Presentation of Sundar Shadi Garden Awards – Presentation by Marion Kent, President of the El Cerrito Garden Club.

Action: Presentation heard. Ms. Kent described the history of the award program and presented awards to the following individuals:

Margaret Hicks – 4th Place, Irene Takahashi – 3rd Place, S.D. Fuller – 2nd Place, and Krista Krauss – 1st Place.

B. Crime Prevention Committee National Night Out Proclamation

Approve a proclamation calling upon all citizens of the City of El Cerrito to join the Crime Prevention Committee and the National Association of Town Watch in supporting the “25th Annual National Night Out” on August 5, 2008 and proclaiming Tuesday, August 5, 2008 as “National Night Out” in the City of El Cerrito.

Presenter: Randy Calish, Chair of the Crime Prevention Committee summarized the mission of *National Night Out* and encouraged all residents to attend this year’s event on August 5, 2008 and introduced members of the Committee.

Action: Moved, seconded (Moore/Abelson) and carried unanimously to approve a proclamation declaring August 5, 2008 as “National Night Out” in the City of El Cerrito.

C. West Contra Costa County Unified School District Parcel Tax

Presentation by Bruce Harter, Ph.D, Superintendent, West Contra Costa Unified School District (WCCUSD). Consider adoption of a resolution encouraging the voters of El Cerrito to consider the WCCUSD parcel tax ballot measure and arguments and support the measure on November 4, 2008.

Presenter: Bruce Harter, Ph.D, Superintendent, West Contra Costa Unified School District.

Speakers: Jenya Jawad, El Cerrito, expressed support for the WCCUSD parcel tax measure.

Michele Jawad, El Cerrito, expressed support for the WCCUSD parcel tax measure.

Jason Reimann, El Cerrito High School Principal, expressed support for the WCCUSD parcel tax measure.

Brenda Surgers expressed support for the WCCUSD parcel tax measure.

Steve Collins, Director of Special Education of WCCUSD, expressed support for the WCCUSD parcel tax measure.

Robert Studdiford expressed support for the WCCUSD parcel tax measure.

Howard Pines, El Cerrito, expressed support for the measure and appreciation for the School District.

Alison Fitch, El Cerrito, expressed support for the WCCUSD parcel tax measure.

Action: Presentation heard. Moved, seconded (Potter/Abelson) and carried unanimously to adopt Resolution No. 2008-56.

D. West Contra Costa County Transportation Advisory Committee (WCCTAC) Action Plan Update

Presentation by Martin Englemann. The Contra Costa Transportation Authority will make a presentation on the draft 2008 WCCTAC Action Plan Update, which is now circulating for public comment.

Presenter: Martin Englemann, Deputy Executive Director for Planning at the Contra Costa Transportation Authority.

Action: Mr. Englemann provided an introduction to the WCCTAC Action Plan Update and discussed the growth management program.

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

Moved, seconded (Bridges/Abelson) and carried unanimously to adopt Consent Items 5A through 5E and 5G. Item 5F was removed from the Consent Calendar by Councilmember Moore and voted on separately as indicated below.

CITY COUNCIL ITEMS

A. Minutes for Approval

Approve the June 16, 2008 Special City Council Meeting and Regular City Council Meeting Minutes.

Action: Approved minutes.

B. Claim Against the City

Richard P. Archer, Claim No. GL-008337 – Reject claim per City Attorney. Municipal Pooling Authority (MPA) has determined that this claim is excluded from MPA coverage.

Action: Rejected claim per City Attorney.

C. Implementation of Final Personnel Changes Approved in the FY 2008-09 Budget

Adopt a resolution amending the City's Classification Plan to add the job descriptions for Forklift Operator and Recycling Operations Supervisor and to set the appropriate salary ranges.

Action: Adopted Resolution No. 2008-57.

D. First Five Contra Costa Children and Families Commission Grant

Adopt a resolution accepting and appropriating a \$5,000 grant received from the First Five Contra Costa Children and Families Commission to improve the quality of life for children prenatal to age 5.

Action: Adopted Resolution No. 2008-58.

E. Amend Contract with Gates and Associates for the San Pablo Avenue Streetscape Project

Adopt a resolution authorizing the City Manager to: 1) Execute a contract amendment in the amount of \$100,000 for Gates and Associates to continue with design services to complete construction documents for the San Pablo Avenue Streetscape project; 2) To approve a change

order in the amount of \$68,000 to document existing electrical elements, if required by Caltrans; and 3) To approve additional change orders in an amount not to exceed \$50,000 for various design and scope contingencies.

Action: Adopted Resolution No. 2008-59.

F. Annual Review and Approval of Investment Policy

Approve the investment policy and a recommendation authorizing staff to provide the Council with periodic investment reports within 60 days of the end of the quarter.

Action: Removed from the Consent Calendar by Councilmember Moore. Moved, seconded (Moore/Abelson) and carried unanimously to: 1) Approve the investment policy; and 2) Approve a recommendation authorizing staff to provide the Council with periodic investment reports within sixty days of the end of the quarter.

REDEVELOPMENT AGENCY ITEM

G. Minutes for Approval

Approve the June 30, 2008 Special Redevelopment Agency Closed Session Meeting Minutes.

Action: Approved minutes.

6. PUBLIC HEARINGS

Fire Hazard Abatement

Conduct a public hearing and adopt the following two resolutions:

1) Adopt a Resolution declaring that weeds, rubbish, litter, or other flammable material on certain real property constitutes a public nuisance.

2) Then, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Chapter 16.26.

Presenter: Michael Bond, Fire Department Battalion Chief, stated that three properties on Exhibit A to both resolutions had achieved compliance and should be stricken from the Resolution. Battalion Chief Bond identified the three properties as: 1) 2521 Carquinez Avenue; 2) 6648 Gatto Avenue; and 3) 508 Seaview Drive.

Action: Councilmember Bridges informed the public that she lives within 500 feet of certain property located at 912 Clark Place within the City of El Cerrito and stated that legal counsel advised her that she could participate and vote on both resolutions because they affect many properties and not specifically the property near her home. Councilmember Bridges further stated that if the public or Council wished to discuss the specific properties by her residence then she would recuse herself for that discussion but return to the dais to vote on the resolution.

Moved, seconded (Moore/Potter) and carried unanimously to adopt Resolution No. 2008-60 as amended to exclude 2521 Carquinez Avenue, 6648 Gatto Avenue and 508 Seaview Drive from the resolution due to compliance and declaring that weeds, rubbish, litter or other flammable material on certain real property constitutes a public nuisance.

Mayor Jones opened the public hearing.

Speaker: Richard Page, El Cerrito, asked for clarification regarding the public hearing process and the staff recommendation.

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

Moved, seconded (Bridges/Potter) and carried unanimously to adopt Resolution No. 2008-61 as amended to exclude 2521 Carquinez Avenue, 6648 Gatto Avenue and 508 Seaview Drive from the resolution due to compliance, overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Chapter 16.26.

7. POLICY MATTERS

A. Upper Fairmount Streetscape – Status and Contract Authority

Receive and comment on a status report on the Upper Fairmount Streetscape Project, and adopt a resolution authorizing the City Manager to execute the following contract change orders for work on the Upper Fairmount Streetscape project (Project No. C3023-3):

- 1) Vanguard Construction contract in an amount not to exceed \$105,000 for concrete curb ramps, bulbouts, sidewalk pavers, and other miscellaneous concrete work; and
- 2) Stevens Creek Quarry or MCK Construction in an amount not to exceed \$30,000 for raised crosswalks and miscellaneous asphalt patching.

Presenter: Jerry Bradshaw, Public Works Director.

Speakers: Al Miller, El Cerrito, commented on the presentation, commended the work of staff and encouraged more discussion of increased coordination during city presentations. Mr. Miller also encouraged discussion with the public regarding planting of trees and locations of sewer laterals.

Greg Lyman, El Cerrito, commended staff on their commitment to irrigation and maintenance of trees and commented on specific features of the Urban Forest Plan.

Action: Moved, seconded (Abelson /Moore) and carried unanimously to adopt Resolution No. 2008-62.

B. Procedures for Establishment and Removal of No Stopping Areas and No Parking Areas

Adopt a resolution creating procedures for the establishment and removal of “no stopping at any time” areas and “no parking at any time” areas (herein referred to as “red zones”) by the City Engineer, as outlined in Exhibit A to the resolution:

Presenter: Yvetteh Ortiz, Engineering Manager.

Action: Moved, seconded (Abelson /Potter) and carried unanimously to adopt Resolution No. 2008-63 to include the revised Exhibit A.

C. Initiative 1326, the Runner Initiative

Consider taking a position on Initiative 1326, the Runner Initiative, which would increase funding for criminal justice programs by half a billion dollars annually; facilitate the prosecution of more youth as adults; increase penalties for drug offenses and offenses alleged to be “gang”

related; create mandatory criminal background checks for housing subsidy recipients; and prohibit bail for undocumented immigrants charged with "gang related" felonies.

Mayor Jones introduced the item. Mayor Jones explained that a member of the West Contra Costa County Mayors Conference had asked that the West County Cities discuss the item and come back to the West Contra Costa County Mayors Conference with direction or comments from each respective city council.

Speakers: Scott Kirkland, Chief of Police and Cal Chiefs' Board Member described elements of the Runner Initiative including impacts on major street crimes, the jail access fee and stated that the Cal Chiefs' Board has worked hard to support the bill.

Richard Page, El Cerrito, expressed concern for the costs of incarceration and structural racism and encouraged the Council not to support incarceration and prison policies but support a more compassionate approach than proposed in the Runner Initiative.

Al Miller, El Cerrito, expressed concerns with the Runner Initiative and asked the City Council to either oppose the Initiative or to not take a position at all.

Moved, seconded (Moore/Bridges) and carried unanimously to suspend Council rules and extend the meeting to 10:40 p.m.

Action: Discussion held. Mayor Jones thanked the Council for their comments and stated that he would share the Council's comments with West Contra Costa County Mayors at the West County Mayors Conference on July 24, 2008.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Jones reported that the Gilman Fields will hold its grand opening on September 6, 2008. Mayor Jones stated that Greg Lyman, Parks and Recreation Commissioner, and representative for youth groups is also on the Gilman Fields Joint Powers Authority and that the City is well represented by Mr. Lyman. Mayor Jones also reported that the San Pablo Avenue Specific Plan Committee will meet on July 30th.
- B. Mayor Pro Tem Potter reported on the Arts and Culture Commission's July 16 meeting and commented on the success of the July 4th festivities. Mayor Pro Tem Potter also stated that she regretted to report that the Council had received the resignation of Arts and Culture Commissioner Ed Kinney. The Arts and Culture Commission will be focusing on October 3, 2008 Cal Arts Day Events.
- C. Councilmember Abelson reported the WCCTAC is currently conducting interviews for Executive Director and that WCCTAC will make a decision soon. The Committee on Aging is trying a new format for meetings which will include alternating a program presentation with a business meeting. The Committee is in need of members. Councilmember Abelson encouraged all to attend meetings and apply for service on the Committee. The Environmental Quality Committee (EQC) had its second meeting and is making a determination regarding which programs to work on first. Councilmember Abelson announced a vacancy on the EQC resulting from the resignation of Mark Mendelsohn.
- D. Councilmember Bridges reported that the Financial Advisory Board had met to review Agenda Item No. 5F, the Investment Report and Procedures and reviewed the previous DDA with Target. The Human Relations Commission will be having a Diversity Day on Sunday, October 5, from 2-4 at the Cerrito Theater. The event will feature a film entitled *Daddy and Papa*. The Director, Johnny Simmons, will be in attendance. Councilmember Bridges

reminded all residents to attend the August 5 National Night Out events in their neighborhood and encouraged residents that do not have a party to attend to contact the City.

- E. Councilmember Moore reported that the Waste Authority Board is currently conducting interviews for Executive Director in closed session. The Board reorganized and the new chair is Ed Balico. Councilmember Moore is Vice Chair.

9. SUPPLEMENT REPORTS AND COMMUNICATIONS

Staff Comments

- 1. Photographs of Street Program work – *Submitted by Jerry Bradshaw, Director of Public Works.*

Item No. 4(D) West Contra Costa County Transportation Advisory Committee (WCCTAC) Action Plan Update

- 2. Powerpoint presentation handout – *Submitted by Martin Englemann.*

Item No. 5(G) Redevelopment Minutes for Approval

- 3. Cerrito Theater questions remain unanswered – *Submitted by Peter Loubal.*

Item No. 7(A) Upper Fairmount Streetscape – Status and Contract Authority

- 4. Powerpoint presentation handout - *Submitted by Jerry Bradshaw, Director of Public Works.*

Item No. 7(B) Procedures for Establishment and Removal of No Stopping Areas and No Parking Areas


- 5. Revised Exhibit A – *Submitted by Yvette Ortiz, Engineering Manager.*

Other

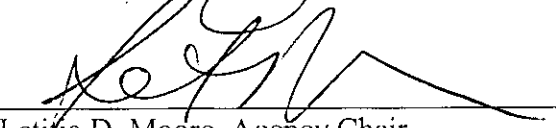
- 6. Theater Questions Unanswered – *Peter Loubal*

10. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT MEETING at 10:38 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 July 21, 2008 as approved by the El Cerrito City Council.


 Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency


 William C. Jones, III, Mayor


 Letitia D. Moore, Agency Chair