

## SPECIAL CITY COUNCIL MEETING

Tuesday, July 7, 2009 – 7:00 p.m. Hillside Conference Room

# SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY/PENSION TRUST BOARD/PUBLIC FINANCING AUTHORITY MEETING

Tuesday, July 7, 2009 – 7:30 p.m. City Council Chambers

SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION
Tuesday, July 7, 2009 Immediately Following the Special Concurrent City Council/Redevelopment
Agency/Pension Trust Board/Public Financing Authority 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

7:00 p.m. CONVENE SPECIAL CITY COUNCIL MEETING

ORAL COMMUNICATIONS FROM THE PUBLIC

(Comments are limited to 3 minutes and to items listed on the Special City Council Meeting Agenda only.)

#### 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.

# ADJOURN SPECIAL CITY COUNCIL MEETING ROLL CALL

# 7:30 p.m. CONVENE SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING/PENSION TRUST BOARD & PUBLIC FINANCING AUTHORITY MEETING

- **1. PLEDGE OF ALLEGIANCE TO THE FLAG** led by Mayor Potter.
- 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.)

### 3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are limited to 3 minutes per person. Please state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

### 4. PRESENTATIONS

- **A.** Annual Garden Club Awards presentation by Marion Kent, President, El Cerrito Garden Club.
- **B.** National Night Out Proclamation presented to the Crime Prevention Committee.
- **C. Economic Development Work Plan** presentation by Dwayne Dalman, Economic Development Project Manager.
- D. Study Session on Neighborhood Traffic Management

This item is a study session and requires no action by the City Council. City staff and our consultants, TJKM Transportation Consultants, will provide a presentation on development of a Neighborhood Traffic Management Program (NTMP).

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

Consent Calendar items are considered to be routine by the City Council and will be enacted by one motion unless a request for removal for discussion or explanation is received prior to the time Council votes on the motion to adopt.

# JOINT CITY COUNCIL/REDEVELOPMENT/PENSION TRUST BOARD/PUBLIC FINANCING AUTHORITY ITEM

## A. Minutes for Approval

Approve the following: 1) June 15, 2009 Special City Council Closed Session and Special Concurrent El Cerrito City Council/Redevelopment Agency/Pension Trust Board and Public Financing Authority Meeting Minutes; and 2) June 29, 2009 Special Redevelopment Agency

Closed Session and Special Concurrent City Council/Redevelopment Agency Meeting Minutes.

### CITY COUNCIL ITEMS

# **B.** Ordinance for Second Reading – Flood Plain Ordinance (First Reading on June 15, 2009. Vote: Unanimous)

Waive further reading and adopt second reading of an Ordinance which amends El Cerrito Municipal Code Section 8.35.010 Flood Hazard Areas Applicability.

# C. Claims for Rejection

Reject the following claims pursuant to the Claims Administrator:

- 1. Andrea Delaney Claim No. GL-009266
- 2. Jonathan Livingston Claim No. GL-009276
- 3. Elaine Maibaum Claim No. GL-009217

# D. DUI Enforcement and Awareness Program Grant Agreement with the Office of Traffic Safety of the State of California

Adopt a resolution authorizing the City Manager or his designee to enter into a Driving Under the Influence (DUI) Enforcement and Awareness Program Grant Agreement with the Office of Traffic Safety of the State of California funded by the National Highway Traffic Safety Administration.

# E. Distribution of Edward Bryne Memorial Justice Assistance Grant (JAG)

Adopt a resolution authorizing the City Manager or his designee to enter into a Memorandum of Understanding between the County of Contra Costa and participating Contra Costa County local government agencies for the distribution of the "Regular" Edward Bryne Memorial Justice Assistance Grant (JAG).

# F. Pavement Rehabilitation at Ashbury Avenue, Buckingham Drive, King Drive, Moeser Lane and Seaview Drive

Adopt a resolution authorizing the City Manager to approve plans, accept bids and execute a contract in the amount to be determined after bid opening (not to exceed \$1,000,000) with the licensed contractor who submits the lowest responsive bid at the time of bid opening, and to approve change orders in an amount not to exceed 10% of the contract amount for the construction of Pavement Rehabilitation at Ashbury Avenue, Buckingham Drive, King Drive, Moeser Lane and Seaview Drive, Contract No. 09-3048.

# G. BART Earthquake Safety Program Right of Entry Agreement

Adopt a resolution authorizing the City Manager to execute the following documents to grant Bay Area Rapid Transit (BART) access to the Ohlone Greenway for retrofit of its aerial structures and, after the retrofit is complete, allow BART to rebuild the Ohlone Greenway as part of the BART Earthquake Safety Program: 1) Acquisition Agreement; 2) Right of Entry; and 3) Letter of Agreement for Final Design and Construction.

# REDEVELOPMENT AGENCY ITEM

### H. Brokerage Agreement with Jones Lang Lasalle

Adopt a Redevelopment Agency resolution authorizing the Executive Director to enter into a contract with Jones Lang LaSalle for marketing of the Agency's repurchase option on the vacant Target property.

- **6. PUBLIC HEARING** None
- 7. **POLICY MATTERS** None

#### 8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

- A. Mayor Potter Assignments: Arts & Culture Commission; Association of Bay Area Governments (ABAG) General Assembly Alternate, Contra Costa County Mayors' Conference, Disaster Preparedness Council, East Bay Delta Housing & Financial Agency, Human Relations Commission, League of California Cities East Bay Division Alternate, Pension Board, Temporary Permits Committee, Underground Utilities Committee, West County Mayors' & Supervisors' Association, West County Regional Library Board Delegate, and West County Unified School District Citizens' Bond Oversight Committee (CBOC) Alternate.
- B. Councilmember Abelson Assignments: Association of Bay Area Governments (ABAG), General Assembly Delegate, Contra Costa County Mayors' Conference Alternate, League of California Cities East Bay Division Delegate, Committee on Aging, Environmental Quality Committee, Park and Recreation Commission, Pension Board Alternate, West Contra Costa Transportation Advisory Committee Delegate, and West Contra Costa County Mayors and Supervisors Association Alternate.
- C. Councilmember Cheng Assignments: Design Review Board, Economic Development Board, San Pablo Avenue Area Specific Plan Committee and West Contra Costa Transportation Advisory Committee Alternate.
- D. Councilmember Jones Assignments: Disaster Preparedness Council Alternate, Planning Commission, San Pablo Avenue Area Specific Plan Committee, Tom Bates Regional Sports Field JPA; Temporary Permits Committee; Underground Utilities Committee, West County Regional Library Board Alternate, and West County Integrated Waste Management Authority Delegate.
- E. Councilmember Lyman Assignments: Crime Prevention Committee, Financial Advisory Board, Tom Bates Regional Sports Field JPA Alternate, Tree Committee and West County Integrated Waste Management Authority Alternate.
- 9. ADJOURN CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING/PENSION TRUST BOARD/PUBLIC FINANCING AUTHORITY MEETING
- 10. ROLL CALL
- 11. CONVENE SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
- 12. ANNOUNCEMENT OF CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION
  - 1) CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code section 54956.9(c): One potential case
  - 2) CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

**Property:** 6500 Stockton Avenue

Agency Negotiators: Sky Woodruff, City Attorney

Karen Pinkos, Assistant City Manager

Negotiating Parties: West Contra Costa Unified School District

**Under Negotiation:** Price and Terms of Payment

### ORAL COMMUNICATIONS FROM THE PUBLIC

(Comments are limited to 3 minutes and to items listed on the Concurrent Special City Council/Redevelopment Agency Closed Session Meeting Agenda only.)

### RECESS INTO CLOSED SESSION

### POSSIBLE REPORT OUT OF CLOSED SESSION

# 13. ADJOURN SPECIAL CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION

- Council Meetings can be heard live on <u>FM Radio</u>, KECG 88.1 and 97.7 FM and viewed live on <u>Cable TV</u> KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <a href="http://www.el-cerrito.org/gov/">http://www.el-cerrito.org/gov/</a>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at <a href="http://www.el-cerrito.org">www.el-cerrito.org</a> prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- *The Deadline for agenda items and communications* for the 08/17/09 meeting is Monday, 08/10/09 by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.