CITY OF EL CERRITO

MINUTES

MONDAY, APRIL 16, 2007

SPECIAL CITY COUNCIL MEETING

CONCURRENT CITY COUNCIL/REDEVELOPMENT MEETING

Meeting Location
Council Chambers, Community Center
7007 Moeser Lane, El Cerrito

ROLL CALL
Councilmembers/Agency Members: Abelson (Agency Chair), Bridges, Jones, Potter, and Mayor Moore

All members were present.

6:45 p.m. CONVENE SPECIAL CITY COUNCIL MEETING

INTERVIEWS OF APPLICANTS FOR COMMISSION VACANCIES

The City Council will conduct interviews of applicants for the Parks and Recreation Commission. The City Council may announce commission appointments at the special or regular meeting.

Mayor Moore convened the special meeting at 6:49 p.m.

ADJOURN SPECIAL MEETING

The special meeting was adjourned at 7:35 p.m.

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

Mayor Moore convened the concurrent City Council / Redevelopment Agency meeting at 7:38 p.m.

Councilmembers/Agency Members: Abelson (Agency Chair), Bridges, Jones, Potter, and Mayor Moore recorded as present.
1. **Pledge of Allegiance to the Flag** was led by Councilmember Abelson.

2. **Council and Staff Communications/Announcements.**

   Mayor Moore announced the City Council’s appointment of Margaret Wolfe to the Parks and Recreation Commission for a term ending January 1, 2011.

   Karen Pinkos, Assistant City Manager, reported that the West Contra Costa County Unified School District has instructed its staff to move forward with moving Portola Middle School to Fairmont Elementary and that staff is busy evaluating how this decision impacts the city, including the future of the library and senior center. Ms. Pinkos stated that the City will be working closely with the district and that there are many complicated issues to work out. Ms. Pinkos stated that the School District has contacted the City and that staff has suggested a joint meeting of the City Council and School District and stated that staff would continue to update the Council, report any potential impacts and seek direction from the Council.

   Councilmember Abelson announced that the City’s celebration of Earth Day will begin on April 28 and will involve the usual clean ups and lunch at noon. The theme of Earth Day this year is Global Warming. In the afternoon the Art Association is having its annual art show featuring recycling in art. On April 29 the Cerrito Theater will show *An Inconvenient Truth* at 1:00 p.m. and the city will host a one hour workshop at the theater on how individuals can reduce their own carbon footprint. Councilmember Abelson encouraged everyone to invite their family and friends and to come early as space is limited. She also advised checking the city’s website, [www.el-cerrito.org](http://www.el-cerrito.org) for more information.

   Mayor Pro Tem Jones announced that the Spring Egg Hunt was a great success and was well attended. Mayor Pro Tem Jones also reported on a fire in Albany in which four cities responded. Mayor Pro Tem Jones said this incident reminded him of the importance of communication and the need for the East Bay Regional Communication System (EBRCS). Mayor Pro Tem Jones also announced a gathering scheduled for April 21 at 9:00 a.m. at Cerrito Vista Park to honor Toni Santarelli for his forty years of service to the city.

   Councilmember Potter announced that the Art Show will open on Friday, April 27 from 7:30 to 9:30 with all ages welcome. An artist reception will begin at 8:00. Councilmember Potter encouraged everyone to attend to celebrate the creativity of El Cerrito.

3. **Presentations**

   **Proclamation Honoring Joyce and Verne Odlin and Commending the Odlin’s 51 years of Dedication and Service to the City of El Cerrito**

   Mayor Moore presented a proclamation to Joyce and Verne Odlin honoring their many years of dedication and service to the El Cerrito community and extended the City Council’s best wishes to the Odlins as they move to their new home in Placerville.

   Verne Odlin said that the Odlins will miss everyone and expressed his enjoyment in living in El Cerrito and thanked everyone for their help over the years, particularly with Huber Park and also said that he is glad to see the new City Hall getting started.
Jovce Odlin explained that the Odlin's were moving to Placerville to be closer to their children and thanked everyone. Ms. Odlin said that El Cerrito is a great city and expressed her hope that it would remain a great a city.

4. Oral Communication from the Public

Al Miller, 625 Ashbury, reported on his attendance at Assemblymember Hancock’s April 14, 2007 Town Hall meeting on the Climate Change Crisis in which he heard many ideas on what can be done to combat global warming at the local level. Mr. Miller brought the following recommendations to Council’s attention for consideration and action: 1) Establish a climate change mitigation element as part of the general plan; 2) Establish a goal of any development or redevelopment project to promote the development of a green economy in El Cerrito; and 3) Become a local government for sustainability and take part in the ICLE program as a way to identify and reduce greenhouse gasses. Mr. Miller reported that interns from St. Marys College are available to assist the city with this type of effort. Mr. Miller also reported on Moraga’s successes in identifying and gradually reducing its carbon footprint and repeated a statement made by a Public Utility Commissioner that agencies can save $2.00 for every $1.00 invested in energy efficiency and other green sustainable programs.

Norman La Force, 802 Balra Drive, expressed appreciation for contributions made by the Odlin's particularly in Huber Park. The Odlin's made a tremendous difference in creating community spirit. Mr. La Force stated that as a resident of the Sierra Club’s West Contra Costa Group he was alerting Council of the Park District’s intention to place a measure on the November 2008 ballot to re-authorize or extend Measure AA, passed in 1988. Measure AA provides for funding of park acquisition and capital projects and which also includes a percentage of funding for each city. If passed, El Cerrito will receive $1 million to $1.2 million for park and recreational activities or facilities. Mr. La Force encouraged the City Council to work with the Park District on park acquisition for open space in the hills area. Mr. La Force offered to make a presentation to Council on Measure AA.

Greg Chang, 5811 Columbia Ave., stated that the losers [in the Portola School relocation] will be the youth of El Cerrito. Mr. Chang emphasized that Fairmont Elementary is too small for a middle school and that it will be an overcrowded and overbuilt middle school. He presented the City Council with a copy of the California Department of Education’s Recommended Pupil Density Standards which show that a critically overcrowded school for 7th and 8th graders is 90 students per acre and said that the proposed relocation plan will result in a density of 89 students and that demographics can change quickly. Mr. Chang further stated that the School District will be closing a historic and high achieving school. Mr. Chang stated that Council was presented with a rare opportunity and asked the Council to request a more reasonable solution and concluded by citing a UCLA study which states that students in overcrowded schools pay less attention, achieve less and that there is more violence.

Kathy McQuade, 714 Lexington, reported that the house she has lived in for the past twenty years is slated for demolition according to the School District’s plan.
She complained of the lack of process and expressed her shock and dismay in learning that her house would be taken by eminent domain. Ms. McQuade said that community discussions began last fall and that none of the discussions indicated that any private residences would be bulldozed as part of the Fairmont proposal. The issue of eminent domain was first voiced at a facilities meeting in February 2007 and only in response to a direct question from a parent who inquired that the Fairmont site would contain 6.6 acres. Ms. McQuade stated that, aside from concerns raised by others of the site being too small, the location near San Pablo Avenue and BART, the expense of relocation and tearing down the senior center and library, and limiting enrollment by the geographic constraints of the site. The lack of process left her with a “bad taste in her mouth” and she said she feels that the School District’s withholding of information defeats the purpose of offering community input. Ms. McQuade urged the city not to engage in the land swap.

Revel Daystar, 2924 Santa Clara, reported that Fairmont is the only school that strives for certification as a California Green School. He said he rejects the School Board’s decision to move forward on a feasibility study to relocate and that there are too many questions left unanswered. Mr. Daystar asked what would happen if the feasibility study came back negative and the plan doesn’t work. Should the School Board reverse its decision? Mr. Daystar asked how the City can accept a school half the size mandated by the state architect particularly when no other school in Contra Costa or Alameda County has a middle school this size? Mr. Daystar further stated that the proposed middle school will be severely overcrowded, create traffic issues and increase ambient noise in the adjoining neighborhoods and asked if the district was switching one danger for another. Mr. Daystar asked about the equity of students and neighbors being forced out of the neighborhood, asked why everyone but the Fairmont community benefits and stated that the community is being asked to sacrifice so much without being acknowledged or shown any gratitude. Mr. Daystar asked why achievements aren’t being recognized and celebrated. He also asked about special education students and what school could accommodate the transfer of kids. Mr. Daystar concluded by asking for Council support for developing an alternative plan.

Gale Mendes, 7858 Burns Court, asked why the city would put students and seniors in a library and senior center at the Portola site if it is not earthquake safe and asked about the plans for the childcare center at the Fairmont site. Ms. Mendes asked that the Council, in working with the School Board, be cautious about being placed in a situation of embarrassing the City of El Cerrito and stated that there is nothing right about closing Fairmont and doing a land swap.

Gary Wolinsky, 723 Richmond St., said that School District had made a poor decision. The decision affects the city for years to come. The DeJean Middle School in Richmond is three times the acreage and has far less impact on the community. Its larger acreage and configuration mitigates noise and traffic. Mr. Wolinsky also stated that the Ohlone Greenway is one of the highest crime areas in the city and expressed concern with student afterschool activity and pedestrian safety. Mr. Wolinsky also raised issues about noise burdens and issues of equity. The Castro site is 11 acres and more suitable for a middle school campus. Mr. Wolinsky encouraged the Council to bring honesty and leadership to the process and asked that all associated impacts be considered.
Peter Loubal, 6502 Morris Ave., stated that the District’s Portola/Fairmont plan should not have become the only serious option without a methodical analysis of costs and impacts of several alternatives. Mr. Loubal said that this is the most important decision in El Cerrito that he could remember. The plan was decided upon without consultation between the Council and Board. Mr. Loubal stated that the city should force the District to open options including studying the possibility of taking half of the Golf Course.

Feeny Scharley, 706 Lexington St., said that he: 100 year old home, which has housed five generations of her family, is slated for eminent domain. She asked the Council to reconsider other options.

Greg Lyman, 2531 Tamalpais Ave., stated that he was pleased to inform the City Council of success on the Vallier Urban Forest Plan, a guide to planting, protection, care and maintenance of public trees. The plan will come before the Council at the end of the fiscal year. Mr. Lyman asked the Council to consider funding specific parts of the plan as soon as possible and acknowledged funding difficulties.

Colleen Cooper, 1201 Liberty, stated that she is the PTA President and expressed concerns about where middle schoolers will go to school. She emphasized that the proposed plan involves more than Fairmont and Portola; it also affects the neighborhood. Ms. Cooper said that she has lost faith with School Board members and asked the Council to resolve issues as soon as possible.

Mayor Moore reminded the public that the City Council could not act on the school issue as it is not on the current agenda and that since this is a School District decision the Council does not have all the answers. Mayor Moore said the city is working with the District and will continue to do its best to work with the district, including scheduling a joint meeting to discuss issues and impacts on the El Cerrito community. Mayor Moore said the Council will work hard to do its best for the city of El Cerrito within the constraints that are present and that there will be a full discussion and airing of issues raised.

Councilmember Potter shared her concerns about safety for the kids at Portola and said that the issue presents a tremendous challenge to mitigate a potential hazard where land is scarce and there are several constraints on finding an alternative solution. Councilmember Potter said she wanted to comment on the seismic conditions as she serves on the Bond Oversight Committee, has seen some plans and has attended a number of the public meetings. In California K-12 schools and hospitals are held to the highest building code standards. The Office of the State Architect has identified a particular seismic hazard at the Portola campus in the event there is an earthquake that triggers a landslide. An important point is that the hazard does not affect the entire site but only the steep slope and buffer zone beneath the slope. Part of the lower playground could be looked at for future development. Councilmember Potter reported that the District had not begun the CEQA process and that everyone will need to be involved in this process and watch it closely. As a member of the Bond Oversight Committee, Councilmember Potter made a commitment to keep the community updated on where the District is in the process and inform the public of meeting times and locations so that everyone can work together as the
project moves forward.

5. **Adoption Of The Consent Calendar – Items 5A through 5G**

Alexander Abbe, Assistant City Attorney, recommended an amendment to Item 5G.

Moved, seconded, carried (Abelson/Bridges) to adopt items 5B through 5F on the Consent Calendar. Vote: Unanimous.

**A. Minutes for Approval**

Approve the minutes of: 1) March 5, 2007 (City Council Special Closed and Regular City Council/Redevelopment); and 2) March 19, 2007 (City Council Regular).

**Action:** Removed from the Consent Calendar by Mayor Pro Tem Jones. Moved, seconded, carried (Potter/Bridges) to approve the March 5, 2007 minutes and March 19, 2007 minutes as amended by Mayor Pro Tem Jones.

**B. Ordinance for Second Reading –Utility Users Excise Tax – Ordinance Amending Sections 4.40.030(B) and 4.40.030(D) of the El Cerrito Municipal Code (First Reading March 19, 2007 – Unanimous)**

Waive full reading and adopt Ordinance 2007-03 – Utility Users Excise Tax – Ordinance Amending Sections 4.40.030(B) and 4.40.030(D) of the El Cerrito Municipal Code.

**Action:** Adopted Ordinance No. 2007-03.

**C. Earth Day Proclamation**

Adopt a Resolution and approve issuance of a proclamation declaring April 28, 2007 as Earth Day in the City of El Cerrito.

**Action:** Adopted Resolution No. 2007-20.

**D. Verne and Joyce Odlin**

Adopt a Resolution recognizing Joyce and Verne Odlin’s generous service to the El Cerrito Community and commending the Odlin’s on their 51 years of dedication and service to the City of El Cerrito. (ACTION: Adopt)

**Action:** Adopted Resolution No. 2007-21.

**E. National Sexual Assault Awareness Month**

Adopt a Resolution and approve issuance of a proclamation declaring April 2007 as National Sexual Assault Awareness Month in the City of El Cerrito.

**Action:** Adopted Resolution No. 2007-22.

**F. Claims Against the City – Robert Parker**

Reject Claim No. GL-007185 per Claims Administrator.

**Action:** Rejected Claim No. GL-007185 per Claims Administrator.
G. Memorandum of Understanding between the City of El Cerrito and the State of California Employment Development Department for Use of Employment Data

Adopt a Resolution authorizing the City Manager to enter into an agreement with the State of California Employment Development Department Labor Market Information Division to access the Quarterly Census on Employment and Wage.

Action: Removed from the Consent Calendar by Mayor Moore. (Moved, second, carried (Abelson/Jones) to adopt Resolution No. 2007-23 as amended.

6. PUBLIC HEARING
None

7. POLICY MATTERS

CITY COUNCIL MATTERS

A. Proposed Plan for February 2008 Sales Tax Initiative for City Street Improvements

Adopt a Resolution authorizing the City Manager to enter into professional service agreements with the Lew Edwards Group and Godbe Research for technical assistance associated with the planned 2008 sales tax initiative and appropriating the necessary funds for the proposed public information strategy.

Scott Hanin, City Manager, provided a summary of the City Council’s March 5, 2007 decision to place a sales tax measure on the February 2008 ballot for street repairs and Council’s direction to staff to plan a timeline and public information strategy. City Manager Hanin recommended engaging the Lew Edwards Group for the public information strategy and conducting an additional small tracking survey. City Manager Hanin recommended an additional survey to ensure that support for streets relative to a sales or parcel tax is still strong and to focus survey data as the initial survey data includes questions about the library, senior center and public safety building. The proposal includes the survey as well as money for printing and mailing six information pieces and includes a 10% contingency for a total of $125,196.00 for a period ending in February 2008.

Catherine Lew, President and CEO of Lew Edwards Group, summarized the Group’s practice as specializing in preparing municipalities for finance measures, particularly of the 2/3 requirement type. Lew Edwards Group is considered one of the industry leaders in successful finance and sales tax measures and has assisted with the passage of approximately $16 billion in California finance measures with an approximate 92% win rate. Ms. Lew introduced Jessica Reynolds, Senior Vice President, who has led efforts on behalf of several cities. Ms. Lew stated that successful special purpose sales tax measures include: strong fiscal accountability provisions, methodical preparation, an expenditure plan and unanimous buy-in from the City Council and other Community Stakeholders on needs. Ms. Lew touched on trends and nuances to be aware of such as “tax fatigue” setting in with the electorate, state issues that might draw the public away from local issues and
emphasized the importance of fact-based education of needs and benefits to the community. Ms. Lew outlined the role of the Lew Edwards Group as team quarterback to direct all strategies towards effective preparation and ensure timeline benchmarks are met in a timely basis, working closely with the City Attorney to develop factual documents and per Council authorization, help oversee a future tracking poll. Ms. Lew concluded her presentation by stating that an effective public involvement program will solicit community input and will put forth the facts such as El Cerrito streets being ranked as the worst according to the MTC and what can be done to improve them. Ms. Lew said she would gather community input and work with staff to place it into the expenditure plan and put together factual information. Ms. Lew differentiated the specificity of this work from general public communication and public relations. She reminded the Council that 2/3 passage is needed and that the margin of error of the Godbe survey is plus or minus 6.1% which speaks to the closeness, difficulty and challenge. There is adequate time to plan but no time to waste.

COUNCIL COMMENTS

Councilmember Bridges asked for an opinion as to whether 300 versus 400 people should be surveyed and whether there is an issue of whether interviews should be 12 versus 15 minutes.

City Manager Hanin replied that the budgeting assumes 300-15 minute interviews but the survey still needs to be framed, specifically assembling the questions and testing the time. The bigger the survey slice the better the results.

Ms. Lew stated that she anticipates helpfully directing the efforts of the next survey to build on past research and work with the City Manager to design the most frugally and prudent survey possible to provide the City Council with the information it needs to make an informed decision about whether to proceed.

Mayor Pro Tem Jones asked Ms. Lew about her company’s role in public outreach.

Ms. Lew explained that her group will play an important supportive role and are great team partners. She believes that her company has specialized expertise in helping to evaluate survey results and recommending key messages. As an example, her group would prepare the first drafts of all community presentations, FAQ sheets, informational mailers and engage in a brainstorming process with staff to develop the most helpful and community respectful community outreach process. Ms. Lew stated that city leaders are the human face to the effort and the heart and soul behind the proposal and that a Lew Group representative usually attends meetings to support city staff.

Mayor Moore asked Mr. Bradshaw how the repair plan plays into a plan for community input as to which roads should be included and a repair timeline.

Mr. Bradshaw replied that if the measure were to succeed 66% of the streets would receive some sort of treatment within the first three years. Mr. Bradshaw said he would need to discuss the plan and what type of recommendation to put forward. He confirmed the city’s eagerness to hear input from the public on street use and traffic flows.
City Manager Hanin added that 70% of streets can be hit within the first three years, and hopefully almost all city streets will be hit in the first 5 years including opportunities to improve pedestrian crossings, re-striping, bike lanes, curb ramps on specific streets and neighborhoods.

Mayor Moore clarified that community meetings would provide input on phasing and other elements of change with how streets are used, characterized and marked.

Mr. Bradshaw reported that the city is already working with Stege Sanitary District, and the city will work with other utilities as well. Specifically, Stege has a new ordinance which requires lateral inspection and repair on point of sale. Stege would like to encourage residents to initiate this program prior to paving.

Mayor Moore asked about what the community can expect to have input and influence on.

Mayor Pro Tem Jones asked for clarification of a street repair trust fund.

Ms. Lew replied that decisions on the types of fiscal accountability is up to the judgment of the Council. A trust fund is one of several components that the City Council might choose to implement. The trust fund refers to a specific account that all sales tax from the measure is deposited into so citizens can receive a high level of confidence and assurance that the revenue is not mixed up with other types of funding.

City Manager Hanin replied that this could be a specific line item fund in which an outside auditor would conduct a separate standalone audit. The audit could be verified by a third party that all proceeds in and out are consistent with the measure.

PUBLIC COMMENT

Peter Loubal said that there needs to be more faith in the common sense of the voter, that he is in favor of the tax and that it is a good idea. Mr. Loubal said that Council can show that it can be trusted and that he is impressed by Ms. Lew. Mr. Loubal suggested that the Council spend the money wisely.

COUNCIL COMMENTS

Councilmember Bridges said that the Council is aware of problems with the streets and emphasized that street repair is a goal of the Council. The situation is dire and there is a need to go forward.

Councilmember Abelson said she likes the thoughtful plan and Lew Group’s record of success inspires great confidence. Councilmember Abelson stressed the need to work together as a team.

Mayor Pro Tem Jones stated the importance of public meetings and said he hopes the public meetings touch on other capital needs. Two-thirds is a lot but the problem is apparent and the effort is focused. The funding source can be identified and spent exclusively on a problem that can be taken care of. Mayor Pro Tem Jones questioned whether another survey is needed and whether the city could save some money [by not conducting a survey].
Councilmember Potter noted that the streets didn’t get the way they are overnight and street deterioration has occurred because the city has not had a stable revenue source to maintain the streets. The goal of the Council is to invest in the community. Councilmember Potter stated that she is encouraged by investments in the theater, the banners, San Pablo Avenue restoration and the Plaza. Street repair is another important part in investing in our community. Councilmember Potter concluded by stating that she is encouraged by the idea of a trust fund as it shows the community that resources are needed and that the resources will be used wisely.

Mayor Moore said she is encouraged by the fact that the process starts in April 2007 and that the city needs to move forward and that the city needs a dedicated revenue stream for streets. Mayor Moore also said that although she is not fond of surveys she accepts the recommendation that the existing survey needs to be tailored further. Mayor Moore further stated that community meetings are important and need to be focused. Opportunities to meet with the public are very important.

**Action:** Moved, seconded, carried (Bridges/Abelson) to adopt Resolution 2007-24.

**B. 2007 Street Resurfacing Program**

Adopt a Resolution 1) Approving plans and specifications, accepting the bids, waive a minor irregularity in the bid of MCK Services, Inc., and authorize the City Manager to execute a contract with MCK Services, Inc. in the amount of $822,686.55 for the construction of the 2007 Street Resurfacing Program, Contract No. 07-3027; 2) Authorize the City Manager to approve change orders for unforeseen conditions and extended scope of work in an amount not to exceed $202,771; 3) Authorize the City Manager to execute a contract amendment in the amount of $40,536 with Vali Cooper & Associates for construction management and inspection of the 2007 Street Resurfacing Program; and 4) Appropriate funds as needed.

Mr. Bradshaw introduced an amendment to the title of the resolution and reported on the favorable results of the bidding process. The city received a bid for $200,000 less than last fall for the same scope of work resulting in a 20% reduction attributed to a decrease in the cost of materials. Mr. Bradshaw asked the Council to waive a minor irregularity in the bid document and proposed a change in scope and explained the city would begin a modest streetscape along Fairmont and defer approximately $13,000 of work on Fairmont. Mr. Bradshaw recommend expansion of the scope by adding in three segments along Richmond for slurry seal; from Fairmont to Eureka, from Schmidt to Blake, and add in Carquinez for a two-inch overlay project from Hagen to Jordan.

Councilmember Abelson commented that the city had previously approved a project for sidewalk work that corresponds with the referenced segments and asked how the change impacts the sidewalk project.

Mr. Bradshaw replied that the project will not affect work on the curb ramps, explained some of the technicalities in preparing the bids and said the contractor is willing to be flexible as the city pays a per unit price.

Councilmember Abelson summarized by stating that the curb ramp work would be moved to where the streets are being fixed.
Mayor Pro Tem Jones and Mr. Bradshaw discussed the bidding process briefly and the priority of these streets.

PUBLIC COMMENT

Al Miller, commented on the relationship between Stege Sanitary District and the City on streets. Stege has a continuing sewer rehabilitation program, conducts construction year after year and has accelerated homeowner repairs of laterals due to recent regulatory actions. Mr. Miller noted that Stege has worked well coordinating with the city on street repairs. Unfortunately, other utilities don’t have the same flexibility. As El Cerrito goes forward with street repairs an increase in coordination is needed. Other options to consider include exploring other methods such as homeowners collectively repairing laterals at once to decrease costs prior to street repairs. Mr. Miller noted that homeowner lateral repairs are certified for 10 years. Mr. Miller concluded by asking the council to support staff efforts to coordinate with Stege for future street repair projects and noted that Richmond, Berkeley and Oakland require certification at point of sale.

Mayor Moore asked if Stege provides any financial incentives to homeowners.

Mr. Miller replied that it did not but West County Wastewater does because it has a treatment plant.

Mayor Moore asked if the repair of laterals didn’t benefit Stege as a whole?

Mr. Miller replied in the negative and added that it is always in the city’s interest to fix laterals and said it has always been the owner’s responsibility to maintain the laterals properly.

Mr. Bradshaw notified the Council that Stege has sent out letters to all residents on the overlay streets urging them to take advantage of lateral repairs now rather than waiting to sell their home.

Action: Moved, seconded, carried (Jones/Abelson) to adopt Resolution No. 2007-25 as amended.

C. Purchase of East Bay Municipal Utility District Navellier Reservoir Property

Adopt a Resolution authorizing the City Manager to enter into an agreement with the East Bay Municipal Utility District to purchase the Navellier Reservoir property for $6,000.

Lori Treviño, Redevelopment Manager, stated that the property is located within the Hillside Natural Area and is accessed off Ganges Avenue at Snowden Avenue, just east of Navellier. The tank was removed in 2005 and the area was graded. An existing water service was left behind which could be used for irrigation purposes. There is an existing easement on the property which provides access to two adjacent residential properties which would need to be maintained. Ms. Treviño also informed the Council that the General Plan designates the site for Parks and Open Space and that one out of the four acres is flat enough for park use, possibly a play structure or a dog park.

Councilmember Bridges asked if EBMUD maintains access of the road.
Ms. Treviño stated that she assumes EBMUD maintained the road and further added that the road is more like a driveway. Major repairs were just completed but the city would need to maintain the road [if it purchased the property].

Mayor Pro Tem Jones asked if the city would assume any risks and if there were any toxics.

Ms. Treviño stated that when the tank was removed EBMUD removed the toxics as well and that this was part of the agreement when staff and the EBMUD first spoke.

Mayor Pro Tem Jones asked if the city could obtain a declaration from EBMUD stating that the site is a clean site without any known hazards.

Alexander Abbe, Assistant City Attorney, explained that the agreement is a quitclaim deed and that the city is taking the property as is. The city is responsible for toxics should the issue arise.

Councilmember Potter stated that when EBMUD was looking at the site as an alternative, it is her belief that the environmental documents stated that all improvements were above ground and that one could assume that when the [tank] was removed any hazards would be removed with it.

Mayor Pro Tem Jones suggested that the city obtain some assurance that toxics are removed.

Mr. Bradshaw characterized the site as a fairly pristine environment as the tanks were used for storage of potable water. From a geotechnical standpoint, [tanks] are typically placed on fairly stable ground. Part of the tank was on fill which survived many, many decades with a great load on it.

Mayor Moore confirmed that the agreement would involve a quitclaim deed with purchase as is and that EBMUD has a duty to disclose however the city does not have significant concerns given the traditional type of use on the property.

**Action:** Moved, seconded, carried (Abelson/Potter) to adopt Resolution No. 2007-26 as amended contingent upon a visual inspection by city staff to determine that the water tank and associated structures have been removed from the site.

Mayor Moore asked staff what body will determine the use of the site and what process will be undertaken in determining use as the city has not purchased property for open space in quite awhile.

Mr. Bradshaw replied that he does not see this as an engineering issue. The site is stable and there doesn’t seem to be any inherent hazards for a recreation site from an engineering point of view.

City Manager Hanin added that the Parks and Recreation Commission would be the forum for discussing site uses. The City Council will make decisions relating to any financial appropriations for the site.
REDEVELOPMENT AGENCY ITEMS

D. Retail Analysis Contract

Adopt a Resolution authorizing the Executive Director to enter into an agreement for consultant services with Buxton Company to assess the potential for El Cerrito to recruit and expand its retail sector and to identify specific retail targets.

Dwayne Dalman, Economic Program Specialist, asked the Council to enter into a $50,000 agreement with Buxton Company and noted staff’s December 2006 presentation to Council regarding the economic development strategy and summary of findings relating to the retail workshop. Mr. Dahlman stated that staff is now ready to begin prepare marketing materials to recruit new retail and/or restaurants. Staff has identified locations that can accommodate new development however recruitment is limited to staff contacts or contacts of developers and brokers that staff speak to. Buxton’s work would involve two phases. The first phase involves an analysis of the trade area. Staff has identified the Eastshore Triangle in the north of San Pablo Avenue as its centerpoint. Buxton takes the centerpoint and extends it to a 10-15 drive time to come up with a trade area. The area would start at the north border of El Cerrito to the City Hall area. Buxton analyzes the households in the trade area and puts them into segments based on consumer habits and spending patterns. Retailers look at dominant segments to see if there are enough potential customers to make a new location successful.

The second phase involves Buxton determining specific retailers which best match characteristics of the city’s trade area. Buxton has contact and profile information of over 4,500 retailers and restaurants across the nation. Buxton will provide the city with a list of ten retailers best suited to the trade area and will provide marketing packages that staff can send to potential retailers and will provide contact names of decision makers. City staff will finalize the deals.

COUNCIL COMMENTS

Mayor Moore asked for clarification regarding the trade area and consumers and whether this includes commuters on BART.

Mr. Dalman stated that the trade area is comprised of potential customers but doesn’t include commuters however this is something staff is attempting to finalize with Buxton.

Mayor Moore commented that with BART commuters it doesn’t seem like there are as many customers because of the difficulty in estimating commuter interest.

Mr. Dalman replied that staff would finalize this with Buxton and in the past Buxton has relied on drive by traffic and has considered commuters as extra consumers however it is up to staff to determine the center point.

Ms. Treviño clarified that the area that the analysis would apply to is anywhere from City Hall to the northern boundary but the population that Buxton will look at is anyone within a 15 minute drive time from the Eastshore Triangle.
Mayor Moore asked if there was a way to account for the large population of potential consumers during commute hours.

Ms. Treviño said she would talk to Buxton about the swell of commuters during different parts of the day and use the information in discussions with potential retailers.

City Manager Hanin added that some retailers are reluctant to commit to a transient population as commuters may or may not stop to shop and eat. City Manager Hanin explained that retailers who wish to locate in El Cerrito want the best available information on potential consumers.

Councilmember Abelson stated that transit riders are potential shoppers that reflect a special market and noted that the San Francisco Center anchored by Nordstrom is an example.

Councilmember Bridges asked staff about other cities that have worked with Buxton and how the cities assessed Buxton’s work.

Mr. Dalman replied that Buxton is working locally with the cities of Richmond, Pinole, and Brentwood. Brentwood used Buxton for successful matches in one area that Brentwood was able to land. All three cities were pleased with the progress that had been achieved so far.

Councilmember Bridges asked how Buxton finds the consumers and noted the city’s demographics of high income and educated households.

Mr. Dalman replied that the drive time correlates to where people live. Buxton identifies residents and what their spending habits are. Mr. Dalman added that based on past discussion, it is difficult to analyze BART riders. The high education and high disposable income correlate to higher end stores and it is the city’s hope that this data will relate to the type of matches the city gets.

Mayor Moore clarified the BART station commuter issue by stating that it is her belief that as a city there is an opportunity to present a situation that make it easy for commuters to spend money. Mayor Moore also asked if the 15 minute drive time for shopping is relevant to the Bay Area because people tend to drive farther than 15 minutes and asked whether it related to clothes, luxury goods or food.

Mr. Dalman explained that he had looked at Brentwood’s trade analysis and described the analysis and how matches are made to Council. He also stated that he will ask Buxton to take BART into consideration and figure out a way to analyze this.

Mayor Moore stated that the analysis needs to look at what commuters need and use during mid-commute as they transfer to a bus or their car.

Councilmember Bridges asked how the sales leakage that another consultant, Chabin found fits into the analysis.
Mr. Dalman replied that the analysis of the type of consumers El Cerrito has will be similar. Chapin prepared their idea of the marketplace based on a citywide analysis. The Buxton analysis will be more focused and will take shopper characteristics into account and match this with specific retailers.

Mayor Pro Tem Jones asked if the Economic Development Board (EDB) had reviewed the Buxton proposal and whether the Board had any comments.

Mr. Dalman replied that the Board had not reviewed the Buxton item however staff has talked about the city’s next steps and stated that the EDB is involved with the entire economic development strategy process. Marketing was discussed at the Retail Workshop. Staff has talked to the EDB about wanting to use a consultant to help identify retailers. Mr. Dahlman added that the EDB agrees with the concept and stated further that Buxton will put the packages together, go after companies, make an introduction and that El Cerrito will follow up.

Mayor Pro Tem Jones asked why the city is going to pay $25,000 for signing the contract before anything is produced on the project.

Ms. Treviño replied that the city went with Buxton’s standard terms.

City Manager Hanin added that the scope of work submitted by Buxton will need to agree to the city’s standards for a professional services agreement and that the scope does not represent the contract or a final payment schedule.

Mayor Pro Tem Jones asked if part of the study entails determining the optimum drive time.

Ms. Treviño replied that retailers want to know who is within a 15 minute drive so they get a sense of who is likely to come [to their business.]

PUBLIC COMMENT

Al Miller stated that he thinks Buxton is selling the same data to all cities and that this presents an opportunity for green business. Mr. Miller referenced a statement by Mayor Bates that Berkeley is the only city in the world that has 100 green certified restaurants. Mr. Miller further stated that green certified or oriented businesses will have the same draw in this area. Additionally, as the population ages Mr. Miller recommends that elder friendly businesses be added into the effort.

Peter Loubal stated that it is telling that the Chamber of Commerce is not represented indicating that the Chamber does not have high expectations of the data. Mr. Loubal stated that Buxton is reselling data and placing it onto maps and added that such studies have been done many times before to no avail. Mr. Loubal stated that the $50,000 in redevelopment funds can be spent more productively and that staff should do the work themselves. He further stated that this money would be better spent on school issues or parks.
COUNCIL COMMENT

Mayor Pro Tem Jones stated that the value of the study is that it actually identifies what businesses would be attracted to El Cerrito and makes the right contacts. The city will find out if its money is well spent by the results.

Action: Moved, seconded, carried (Bridges/Moore) to adopt Resolution No. 2007-27.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Moore No report.

B. Mayor Pro Tem Jones reported that at the Integrated Waste Management Meeting it was announced that all sites have battery collection areas in compliance with State Law which disallows collection of batteries with the general garbage. Mayor Pro Tem Jones also reported that Berkeley approved the contract for the JPFA Sports field and that work should be starting within the next week or so.

C. Councilmember Abelson No report.

D. Councilmember Bridges reported that National Night Out, a joint event with the Crime Prevention Committee will be on August 7, 2007. The purpose of this event is to promote awareness and safety in neighborhoods. Councilmember Bridges also reported that the Human Relations Commission will have a booth at the 4th of July Fair. Additionally, three of the five members of Financial Advisory Board met to discuss the budget and receive an orientation.

E. Councilmember Potter No report.

SUPPLEMENTAL REPORTS and COMMUNICATIONS

Item 7(A) Proposed Plan for February 2008 Sales Tax Initiative for City Street Improvements

Successfully Preparing for a Funding Measure to Repair and Maintain City Streets – by The Lew Edwards Group

Relocation of Fairmont Elementary School

1. Rayel Daystar
2. Greg Chang

ADJOURN CITY COUNCIL / REDEVELOPMENT MEETING at 10:19 p.m.
This is to certify that the foregoing is a true and correct copy of the minutes of concurrent City Council and Redevelopment Agency meeting of April 16, 2007 as approved by the El Cerrito City Council.

Cheryl Morse, City Clerk and Secretary to the Redevelopment Agency

Letitia D. Moore, Mayor

Janet Abelson, Agency Chair