AGENDA

CITY COUNCIL CLOSED SESSION
Tuesday, August 16, 2016 – 6:30 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, August 16, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges
Councilmember Mark Friedman
Councilmember Gabriel Quinto

6:30 p.m. **ROLL CALL**
CONVENE CITY COUNCIL CLOSED SESSION
ANNOUNCEMENT OF CLOSED SESSION
CONFERENCE WITH REAL PROPERTY NEGOTIATORS *(Pursuant to Government Code Section 54956.8)*
Property: Former Portola Middle School site, 1021 Navellier Street, El Cerrito, CA
Agency Negotiators: Scott Hanin, City Manager
Under Negotiation: Price and terms of payment
ORAL COMMUNICATIONS FROM THE PUBLIC *(Comments limited to three minutes per speaker and to items listed on the Closed Session Agenda only.)*
RECESS INTO CLOSED SESSION
REPORT OUT OF CLOSED SESSION
ADJOURN CITY COUNCIL CLOSED SESSION

ROLL CALL

7:00 p.m. **CONVENE REGULAR CITY COUNCIL MEETING**

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – *Councilmember Gabriel Quinto.*

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 typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly 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. El Cerrito Wall of Fame Ceremony

Adopt a resolution recognizing David Weinstein for his leadership and effort preserving the history and natural areas of El Cerrito, educating the community about environmental sustainability and enhancing El Cerrito's sense of place and inducting Mr. Weinstein into the El Cerrito Wall of Fame.

B. Introduction of Maw Shein Win as El Cerrito Poet Laureate

Introduction of Maw Shein Win as El Cerrito's first Poet Laureate.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(E)

A. Anti-Bullying Proclamation

Approve a proclamation declaring October 16-22, 2016 as "Freedom from Bullies Week" in the City of El Cerrito.

B. Constitution Week Proclamation

Approve a proclamation declaring the week of September 17 through 23, 2016 as Constitution Week in the City of El Cerrito and asking the City's residents to reflect on the ideals outlined in the Constitution of the United States as amended over time and recognize the efforts and sacrifices of not only our Nation's Founding Fathers in crafting the Constitution, but also the brave individuals that have defended it and the great movements that have sought to engage the public and the Nation's leaders in the continuing discussion about human rights, dignity, equality, fairness, justice, liberty and freedom for all.

C. Resolution Opposing Sutter Health Corporation's Plan to Cease Acute Care Hospital Operations at Alta Bates Hospital in Berkeley

At the request of Mayor Lyman and Councilmember Quinto, adopt a resolution opposing Sutter Health Corporation's plan to close its acute care and emergency services at Alta Bates Summit Medical Center Berkeley Campus, and requesting Sutter Health to begin the planning and execution required to bring the Alta Bates Campus up to the necessary standards to comply with Senate Bill 1953 in order to provide an acute care hospital and emergency services at Alta Bates.

D. 2016 Microsurfacing and Curb Ramp Project

Adopt a resolution taking the following actions: 1) Approve plans for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C3027.17; 2) Accept the one submitted bid; 3) Authorize the City Manager to execute a contract in the amount of $469,493.40 with Alaniz Construction, Inc. and approve change orders in an amount not to exceed $90,000 for the construction of the 2016 Microsurfacing and Curb Ramp Project including additional street work; and 4) Amend the Fiscal Year 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to

appropriate an additional $34,494 in the Measure A Street Improvement Fund for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C3027.17. *Exempt from CEQA.*

E. Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Ghirardelli Associates (Ghirardelli) to provide construction management, inspection and materials testing services for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project, City Project No. C3076, Federal Project No. CML-5239(025) in the amount of $394,236 and approve a contingency amount not to exceed $40,000 for a contract term of August 16, 2016 to June 30, 2019. *City completed an Initial Study and Negative Declaration per CEQA in 2009. This project will not have a significant effect on the environment under CEQA or NEPA.*

6. PUBLIC HEARINGS

Correction to Master Fee Schedule for Fiscal Year 2016-17

Conduct a public hearing and upon conclusion, adopt a resolution approving corrections to the Fiscal Year 2016-17 Master Fee Schedule and amending Resolution No. 2016-40.

7. POLICY MATTERS

Memorandum of Understanding for a Feasibility Study of a Transit-Oriented Development Project at the El Cerrito Plaza BART Station

Adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding with the San Francisco Bay Area Rapid Transit District ("BART") to advance and cooperatively pursue the feasibility of Transit-Oriented Development and a potential new library facility at the El Cerrito Plaza BART Station.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

Mayor and City Council communications regarding local and regional liaison assignments and committee reports.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, September 20, 2016 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. 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 http://www.el-cerrito.org/ind-ex.aspx?NID=114. 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 www.el-cerrito.org 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*** is eight days prior to the next meeting 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.

Agenda Item No. 4(A)

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO INDUCTING DAVID WEINSTEIN INTO THE EL CERRITO WALL OF FAME

WHEREAS, David Weinstein has a long and distinguished record of service in El Cerrito. He has volunteered his time, talent and effort to El Cerrito Trail Trekkers, El Cerrito Environmental Quality Committee, El Cerrito Green Teams, the El Cerrito Historical Society, and the Friends of the Cerrito Theater and is known for organizing community groups in El Cerrito; and

WHEREAS, 15 years ago, Mr. Weinstein helped form Friends of the Cerrito Theater to save the theater, an historically significant Art Deco building which has been a much loved community asset since re-opening in 2006; and

WHEREAS, Mr. Weinstein helped El Cerrito Trail Trekkers rediscover, survey, map, improve and publicize city trails and open spaces. Under Mr. Weinstein's leadership, El Cerrito Trail Trekkers has sponsored hikes and championed the addition of open space in the City; and

WHEREAS, Mr. Weinstein has led free public hikes to showcase the City's architectural heritage, history and beauty and co-chaired the El Cerrito Open Space Committee, which raised $100,000 toward the purchase of Madera Open Space. Mr. Weinstein has also worked with the National Park Service to develop trail signage and helped produce Hillside Festivals and Music for Madera Open Space concerts; and

WHEREAS, as a member of the Environmental Quality Committee Mr. Weinstein has led Green Team work parties in creek and litter clean-ups and invasive species removal and has also contributed to the development of significant environmental policies; and

WHEREAS, through his passion for El Cerrito's history, Mr. Weinstein has written histories of Stege Sanitary District and the El Cerrito Recycling Center and has organized tours and public programs for the El Cerrito Historical Society.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of El Cerrito that it hereby inducts David Weinstein into the El Cerrito Wall of Fame in recognition of his contributions toward preserving the history and natural areas of El Cerrito, educating the community about environmental sustainability and enhancing El Cerrito's sense of place.

I CERTIFY that at a regular meeting on August 16, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August _____, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 4(B)

Date: August 16, 2016

To: El Cerrito City Council

From: Suzanne Iarla, Assistant to the City Manager and the Arts & Culture Commission Staff Liaison

Subject: Introduction of Maw Shein Win as El Cerrito Poet Laureate

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ACTION REQUESTED

Introduction of Maw Shein Win as El Cerrito's first Poet Laureate.

BACKGROUND

The Arts and Culture Commission (ACC) is responsible for the oversight, review, and recommendation of all public art acquired by the City and installed on public property. As part of their duties, the Commission is authorized to oversee public artworks funded by the City's Art in Public Places Program (El Cerrito Municipal Code Chapter 13.50.)

Since 2013, the Commission has discussed creating a Poet Laureate position for the City of El Cerrito. In 2015, Commissioner Sterba performed extensive research and outreach on similar municipal programs and presented the information, and in October 2015, the Commission unanimously agreed to establish a Poet Laureate Program funded by the City's Art in Public Places Program. The Commission envisions that the laureate will create and lead activities that will raise the status of poetry in the everyday consciousness of El Cerrito residents and inspire writing and performances of poetry among all age groups.

The goals of the City's Poet Laureate Program are to:

- Promote literature and the arts in the City
- Inspire and encourage residents in their writing and personal expression
- Bring attention to poetry in less traditional settings
- Initiate a dialogue between local poets, cultural organizations, and community institutions

In April 2016, City staff issued an RFP/Call to Poets (available for download from www.el-cerrito.org/poets). Twelve proposals were received by the June 1st deadline. A selection panel comprised of Judith Tannenbaum, Patricia Durham and Arts and Culture Commissioner Chris Sterba reviewed all of the proposals and then invited the top seven finalists to an interview. The Selection Panel was impressed with the quality of the applications. Utilizing guidelines provided by staff that incorporated the City's Art in Public Places guidelines, the Commission's Arts & Culture Master Plan, and the

Commission's vision and goals for the Poet Laureate Program, the Selection Panel ranked the applicants and unanimously agreed to recommend Maw Shein Win.

On June 30, 2016, the Commission unanimously accepted the Selection Panel's recommendation and selected Maw Shein Win to serve a two-year term as El Cerrito's Poet Laureate. Maw Shein Win will be the first poet laureate in the City's history.

Ms. Win is a writer, teacher, editor and has experience organizing literary and arts events for over 25 years. She is a full-time instructor at the Academy of Art University in San Francisco. In her proposal (excerpts included as Attachment 2), and further detailed to the Selection Panel during her interview, Ms. Win proposed to develop and lead "Poetry & Places in El Cerrito Reading Series", a series of literary and acoustic music events featuring El Cerrito poets, local musicians and other performers as well as an all ages open mic.

Specific duties of the laureate are to provide a minimum of two readings and three community events each year:

> ***Readings:*** Each year, the laureate will give a public reading of their new work and also present a poem at a City event (such as the annual Earth Day, Martin Luther King Day, or October Arts Day celebrations).
>
> ***Community Events:*** Each year, the laureate will develop and lead three activities that will provide opportunities for community members to write and/or share their own poems. Types of events envisioned by the Commission include pop-up booths, where the laureate and community members write poems-on-demand; open mic sessions; poetry walks; poetry and art- and craft-making tables at community events, conducting writing workshops. Such events could take place at City facilities including the library, schools, local businesses, markets, or on the School District's local radio station, KECG-FM 88.1.

ANALYSIS

The Arts and Culture Commission has unanimously selected Ms. Win to serve a two-year term, as El Cerrito's Poet Laureate. Specific duties of the laureate are to provide a minimum of two readings and three community events each year. These events will be coordinated with the assistance of the Commission.

FINANCIAL CONSIDERATIONS

There is no financial impact to the City's General Fund. As established by the Arts & Culture Commission, the Poet Laureate program is funded by the Art in Public Places Program's Public Art Fund (El Cerrito Municipal Code Chapter 13.50.050 "Public Art Fund"). The Public Art Fund is also known as the "1% for Public Art" contribution made by developers to the Art in Public Places Program.

As Poet Laureate, Ms. Win will receive a stipend of $2,400 for serving the two-year term as Poet Laureate. The payments will be distributed in four equal payments.

During her term, the Arts & Culture Commission may also consider covering reasonable expenses for Ms. Win to attend a Bay Area poetry conference or seminar as part of her professional development.

LEGAL CONSIDERATIONS

The contact to be executed by the City Manager with Maw Shein Win was prepared by the City Attorney's Office.

Reviewed by:

Karen Pinkos

Karen Pinkos
Assistant City Manager

Attachments:

1. Letter of Interest and "Letter of Interest" and "Description of Proposed Community Event" from Maw Shein Win's Proposal

2. Copy of "Are you in the room with me now?" to be performed by Maw Shein Win

Dear Members of the El Cerrito Arts and Culture Commission,

Thank you for considering my application for Poet Laureate of El Cerrito. It would be a great honor to be selected for this position. My background: I have been writing, teaching, editing, and organizing literary and art events for over 25 years and have been an active member of the Bay Area literary community since the mid-90s. I was co-editor of *Comet*, a literary magazine based in the Bay Area. Also, I am a recipient of the Arkadii Dragomoshchenko Prize for Innovative Poetry and have been twice nominated for a Pushcart Prize. I've been published in many journals, several anthologies (most recently *Cross Strokes, Poetry between Los Angeles and San Francisco*, published by Otis Books), and my latest book is *Ruins of a glittering palace* (SPA/Commonwealth Projects). I'm doing final revisions on my poetry manuscript, *Score & Bone*. I have performed as well as organized for many local literary organizations such as Litquake, Beastcrawl, Bay Area Generations, Quiet Lightning, 100 Thousand Poets for Peace and others. In addition, I'm a member of the San Francisco Writers' Grotto and on the Fellowship Committee where we support emerging writers from diverse backgrounds. Currently, I am a poetry editor of *Rivet, The Journal of Writing that Risks* and co-founder of Reading Next to Kilns, a new reading series that highlights writers inside a sculpture and ceramic studio in San Francisco. As a Burmese American educator and curator, I make a concerted effort towards inclusion and diversity in my creative work. I'm a full-time instructor in the English for Art Purposes department at Academy of Art University, and I also teach a poetry class at the Grotto.

One of the projects I'm proud of began when I was an Artist in Residence at the Headlands Center for the Arts in 2006. I worked on a broadside project with some visual artists I had met there as well as artists I knew. This project at the Headlands inspired me and was an impetus in 2010 to work on a second broadside project on a much larger scale. After two years, along with co-curator Megan Wilson, *Broadside Attractions | Vanquished Terrains* exhibited at Intersection in San Francisco. I love the idea of bringing together writing and visual art that has been such a meaningful part of my life and as a way of giving back to the community.

If selected as Poet Laureate, one of the events I would develop and lead is a literary and acoustic music event that would ideally take place at Canyon Trail Park (on the lawn before the tennis courts). The reading would feature El Cerrito poets and include an all ages open mic, and the music portion would also feature local musicians and performers. I would like to host two similar events, but in other locations in the city.

Thank you for considering my application. If you have any questions, please feel free to contact me.

Sincerely,

Maw Shein Win

Maw Shein Win

[redacted]

Teaching Experience

1999 – Present **EAP/Support Instructor, Coordinator** **Academy of Art University, SF**

Instructor of EAP (English for Art Purposes) classes for graduate and undergraduate ESL students (all levels). Co-coordinator of graduate EAP 602 level. Duties include: prepare curriculum for level, hold level meetings, work with other coordinators on alignment and assessment, attend coordinator meetings, organize and distribute all essential level-related information to instructors, and assist with course-related activities and events. Coursework covers composition, grammar, art-specific vocabulary, and oral presentation skills. Develop and implement curriculum, devise lessons, project assignments, tests. EAP Support Instructor for a variety of courses in art history, graphic design, architecture, fashion design, advertising, multimedia communications, photography, etc. Create lesson plans and teach Grammar Workshop for 602. Conduct study groups and assist instructors. Onsite and online Writing Lab instructor for EAP and native speaker graduate and undergraduate students. Also work in the Speaking Lab and as a one-on-one tutor for Study Hall for the Academy Resource Center. Midpoint Review Specialist for graduate students. Assist with strengthening written proposals and public speaking and presentation skills. Graduate Writing and Grammar Lab Tutor. Coordinate placement exams.

2005 – Present **Instructor/Curriculum Developer/Coach** **SFSU College of Extended Learning**

Instructor of *Speaking Effectively: Developing Pronunciation and Conversation Strategies* (Intermediate), Professional Communication Skills Program. Teach techniques to help students speak more clearly and communicate more successfully at work and in social settings. Help working professionals refine English conversation, pronunciation, and presentation skills.

Instructor of *One on One Training in Oral Communication Skills*.

Instructor of *Business Writing for Native Speakers*. Taught students how to improve their workplace writing skills, use a variety of grammatical structures accurately, and edit for grammatical errors.

Instructor of *Grammar and Writing for the Workplace, Writing With Impact* (coaching), and other courses. Developed specialized materials (including placement tests) and taught courses to engineers. Conducted one-on-one coaching for customized program for The Public Utilities Commission of San Francisco.

Instructor of *Clear and Communicative Writing, Essential Grammar Review, Writing with Fluency and Confidence, Coaching Classe*s and other courses. Developed specialized materials (including placement tests) and taught courses to social workers. Conducted one-on-one coaching for customized program for The Human Services Agency of San Francisco.

2013 – Present

Workshop Instructor, San Francisco Writers' Grotto, *The Accidental Find: Looking for Poetry In Unexpected Places*. Class description: An intensive one-day workshop to learn and practice inventive strategies that help generate fresh ideas and jumpstart students' writing practice. A variety of diverse sources are introduced ranging from photographs, musical excerpts, paintings, and non-literary texts to inspire new writing.

2010 – 2011

Instructor/Curriculum Designer **California College of the Arts, Oakland**

Instructor and Curriculum Designer for the Summer High School ESL and Design Program for international high school students. Class description: A four-week program for students who want to be part of the growing international design field. The program offers English instruction that develops all skill areas—reading, writing, speaking, and listening—with an emphasis on art and design content. The English language class works to support the design studio portion of the program. Students learn the language needed to present their studio projects and to respond to classmates' works in group discussions.

Adjunct Professor **California College of the Arts, Oakland**

Instructor of *WRLIT – 100 English 1: Language Dynamics*. Class description: An introduction to college-level writing, reading and discussion. Initial writing assignments involve students with language as a personally expressive, creative, and imaginative medium. Later assignments bring this expressiveness to bear on practical writing tasks typical of college-level work: research, analysis, argument, etc. Reading is designed to stimulate discussion and present model for the students' own writing. Although writing and reading are the main emphases, attention will also be given to informal discussion and oral presentation.

Instructor of *WRLIT-102 English 2: Literature & Writing*. Class description: English 2 has two goals: first, to introduce students to the pleasures, issues, and formal strategies of literature and, second, to continue the work begun in English 1 on strengthening students' ability to use language both expressively and analytically. Reading will be drawn from a range of genres, periods, and traditions.

1994 – 1999 (except 1998)

Adult Education Instructor **Jefferson Adult School, Daly City**

Instructor of all levels of ESL (literacy to advanced), composition and writing, creative writing, citizenship, oral histories. Developed curriculum.

1998 – 1999

EFL Instructor, Kaplan, JVC, Private Tutoring **Tokyo, Japan**
Developed all curriculum specific to learners.

1994 – 1996

Pre-Vocational ESL, VESL, and Job Search Skills Instructor **JVS, SF**
Instructor at Rosenberg Émigré School, Jewish Vocational and Career Counseling Services.

ESL Instructor/All levels **San Mateo Adult School, San Mateo**
Instructor of all levels of ESL (literacy to advanced).

1990 – 1993 **Instructor** **Downey Adult School, Downey, CA**
Taught Basic Writing Skills, Composition, Pronunciation and Conversation, ESL (all levels).

1991 – 1992 **Writing Instructor** **Otis Parsons Art Institute, Los Angeles**
Taught Composition, Fundamentals of English, Basic English 1 and 2.

1990 **Creative Writing Instructor** **LB Parks and Recreation, Long Beach**
Developed curriculum and taught creative writing to all levels.

Education

1994 – 2005 Recipient of scholarship for Bilingual Teacher Training Program
Recipient of scholarship for TESL courses at UC Berkeley Extension
Courses in TESL, teaching composition and other courses, UCLA Extension, California State University of Dominguez Hills, and SFSU

1989 Bachelor of Arts in English with a concentration in Creative Writing, California State University of Long Beach

Certification/Membership/Conferences

Art School Writing Faculty Caucus. Associated Writing Programs Conference: Washington, DC, February 2011

Adult Basic Education Credential for English and Humanities (Ryan Designated Subjects Credential), SFSU

Emergency Credential for Secondary Schools

CBEST verification

National Teacher's Exam, General Knowledge

Completion of OTAN ESL Institute Workshops

Participant in World Literacy Conference

Member of TESOL, CATESOL, and AWP

Grants, Awards, Workshops, Memberships, and Residencies

2016 Pushcart Prize nomination, *Vitriol*

2015 Pushcart Prize nomination, *The Fabulist*
3rd Prize in Poetry, Litquake First Ever Writing Contest

2014 Recipient of the Arkadii Dragomoshchenko Prize for Innovative Poetry

2011 – Present Member of the San Francisco Writers' Grotto and the San Francisco Writers' Grotto Fellowship Committee

2010 – 2012 Affiliate Artist in Residence, Headlands Center for the Arts, Marin, CA
Waitlisted for Djerassi Artist in Residence Program

2009 Writers Residency, Can Serrat International Art Center, Spain
Asian American Women Artists Association Residency, de Young Museum, A Place of Our Own/Cheers to Muses

2008 Judson Jerome Scholarship, Antioch Writers' Workshop

2007 Creativity Workshop 2007 Women Writers Fellowship, Florence, Italy
Finalist, Blue Light Poetry Prize and Chapbook Competition
Honorable Mention, Poetry, University of New Orleans Study Abroad

2006 Artist-In-Residence, Headlands Center for the Arts, Marin, CA

2004 Semi-finalist, Saturnalia Books Poetry Prize Contest

2002 Squaw Valley Writer's Workshop, CA

1991 Public Corporation for the Arts Artist's Grant

Book and Print Publications

2016 *Cross-Strokes, An Anthology of Los Angeles and San Francisco Poets*, edited by Bill Mohr and Neeli Cherkovski, Otis Books/Seismicity Editions

642 Things About You That I Love, Chronicle Books (SF Writers' Grotto publication, forthcoming)

2015 *Silences*, an anthology, ekphrastic poetry based on artwork by Barry Ebner

2014 *712 Things to Write About*, Chronicle Books (SF Writers' Grotto publication)

642 Tiny Things to Write About, Chronicle Books (SF Writers' Grotto publication)

2013 *Ruins of a glittering palace,* with paintings by artist Mark Dutcher, published by SPA/Commonwealth Projects

2011 *Arbres arrencats d'amethles* , a poetry and visual art book with artist Elizabeth Sher in conjunction with KALA, Berkeley, CA

2009 *Benign, Growth, and Neglect,* a poetry collaboration with artist Robert Ortbal (catalogue for exhibit at Wiegand Gallery, Notre Dame University)

2006 *The Farm Without Name* (limited edition poetry chapbook)

The Broadside Project, (a collaboration with ten visual artists), Headlands Center for the Arts, Marin, CA

1991 *Tales of a Lonely Meat Eater* (funded by grant from the Public Corporation for the Arts)

Selected Publications (all publications are poetry unless mentioned otherwise)

2016 "Objects," "The Dressing Stick," *Up The Staircase Quarterly*
"6 Short Films," *great weather for MEDIA Anthology*
"Nine," *Be About It*
5 poems, *Aspasiology*
4 Time Machine poems, *Be Untexed*

2015 "The Physical Therapist," *Cimarron Review*
"Time Machine," *Riverbabble*
"Film #8," *Eleven Eleven*
2 poems, *Moonshine Baby*
5 poems, *Vitriol, Issue 2*

2014 "The most beautiful girl in fourth grade," (prose), *Forklift, Ohio: A Journal of Poetry, Cooking, & Light Industrial Safety* (Issue #27)
"Cinematic Distance: 5 Poems" *Zocalo Public Square*
"The Wheelchair" *Zocalo Public Square*
5 poems, *Full of Crow*
2 poems, *The Fabulist*
2 poems, *Ping-Pong Literary Journal*

2013 *Ruins of a glittering palace,* Poetry Center Chapbook Exchange (online), San Francisco State University
"Questions for the silvery moth," "The blue hula skirt," "cellars & bells," "singular," *the Fabulist*

2012 *The Feeling is Mutual*, an anthology, Small Press Traffic

2010 "Yowl!" *Eclipse*
"things that begin" *echomountain* (text/visual art collaboration with artist Robert Kingston)

2009 "mine," *Moria*
"cinereal (ashen benthic)," *pacificReview*
"the other night," "the indexing of sensation," and "sometimes she is captivated," *Babel Fruit*

2008 "a bed with softer animals," "Let us be young again!" *2River View*
"throwing sparklers at the green mezzanine," *Glass: A Journal of Poetry*
"a lack of tulips," *Big Bridge*, an anthology of Bay Area Women Poets
"bart critic," *Chiron Review*

2007 Featured poet in *No Tell Motel*, 5 poems
"the house," *Cheers to Muses*, an AAWAA anthology
"the collective dreams of mice," *Unpleasant Event Schedule*
"love cannot be much younger than the lust for murder," *SoMa Literary Review*

2006 "she, " *Zone*
"birds, "the portal," "the pincushion," and "hummingbird," *Apt*.

"thistle," *Boston Literary Review, Issue 1*
"dust," *Progress Chrome, Volume 1*
"Black spider," short story, *Red Hills Review*
"the reading," *Yomimono*

2005 "butcher," *Goetry!*
"hyena," *SF Reader, #7*
"sparrow," *Farmhouse Magazine*
"pith," *Conte: An Online Journal of Narrative Writing*
"shigo no sekai," *Hyphen, Issue 5*
"Everyone here has a guru," short story, *Instant City, Issue 1*

2004 "the prayers of crickets (or, a novel about two priests in ecuador)," *Hogtown Creek Review, 5th Anniversary Issue*
"Loving," *Kitchen Sink magazine, Issue 3*
"Soaps," *Shampoo, Issue 17*

2003 "dragonfly," "fish with teeth," and "wasps," *Monday Night, Issue 2*
"cows," *Watchword, Issue 5*

2002 "The farm without name," *Watchword, Issue 4*

1999 "Laura and the Wind (The Umbrellas)," short story, "Chair," and "nats," *Printed Matter, Volume 22*

1998 "three mothers," *When Worlds Collide* (anthology)
"balinese monkey dance," and "animalia," *Printed Matter, Volume 21*

Editing and Publishing Experience

2014 – Present Poetry Editor, *Rivet: the Journal that Risks* for Red Bridge Press

2010 – Present Co-publisher, *Stretcher* (www.stretcher.org), an online magazine about visual culture in the SF Bay Area and beyond. Projects include See|Saw, an author/text response series:
http://www.stretcher.org/features/seesaw/
http://www.stretcher.org/features/seesaw2/
http://www.stretcher.org/features/seesaw3/

1999 – 2004 Co-founder and editor of *Comet,* a literary, arts, and culture magazine based in the SF Bay Area. (print and online: http://cometmagazine.org/)

*Issues:
Comet, Welcome to the Future! 1999
Comet, The Uncompromising Issue 2001
Comet, The Sounds and Visions Issue 2002
Comet, The Tenacity Issue 2003

*Interviews/articles:
Sapphire, Nellie Wong, Lise Swenson, Exene Cervenka, and others.

*Organized benefits/special events/readings:
Southern Exposure (SF), The Lab (SF), Zebulon (SF), Adobe Bookshop (SF), Swedish American Hall (SF), Cell Space (SF), 21 Grand (Oakland), the Stork Club (Oakland), Black Box (Oakland)

*Participants in:
Litquake, Small Press Expo, Independent Press Association, Alternative Press Expo, West vs East Bay Small Press Event, Laughing Squid Benefit

*Press/reviews/announcements:
Bay Guardian, East Bay Express, SF Gate, the SF Chronicle, UrbanView, Maximum RnR, Broken Pencil, Re/search Newsletter

1998 Editorial Staff, *Printed Matter*, Tokyo
English language editor, *FYI,* Tokyo

1987 – 1991 Editor and Publisher, Lemon Fingers Press, Los Angeles
Published five anthologies of *Lemon Fingers Emerge*, a literary journal featuring the works of Southern California authors and artists

Selected Readings

**Featured readings*

Launch Events for *Cross-Strokes Anthology* (Pegasus Books, Bird and Beckett, 2016), Liminal Space (2016), Jason Vass Gallery (Los Angeles, 2016), Berkeley Public Library Series (2106), Bernal Yoga Series (2016), Bay Area Bookfest (Berkeley, 2015, 2016), Berkeley Poetry Festival (2015), Nomadic Press (Oakland, 2015, 2016), Hazel Series (featured reader, 2015), Litquake (featured reader, 2013), Ladyfest (SF), Beastcrawl (2015, 2014, 2013, Oakland), Grotto Night: Sunnyside Up (SF), Intersection for the Arts (SF), Litcrawl (2006, 2010, 2011, 2014, 2016), 323 (SF), NOH Space/Theater of Yugen (SF), Inside/Storytime (SF), Books, Inc. (Alameda), Mythos (Berkeley), Lyrics & Dirges (Berkeley), Quiet Lightning (SF), East Bay on the Brain (Oakland), Rhythm and Rhyme, I-Hotel, Manilatown (SF), Eastwind Bookstore (Berkeley), Expressions Gallery (Berkeley), Own Your Story, Bollyhood Cafe (SF), Quiet Lightning, Elbo Room (SF), Mrs. Dalloways (Berkeley), Open Houses at Headlands Center for the Arts (2006 - 2012, Marin), Reading with YiYun Li, Babylon Salon Reading Series (SF), Modern Times Bookstore (SF), Voices from the Mythic East (SF), Mediterraneum Caffe (Berkeley), Pegasus Bookstore (Berkeley), 848 (SF), Cafe du Nord (SF)

Curatorial and Other Related Experience

Installation Project with artists Mark Dutcher and Adrian dela Pena, Beyond Baroque (2017)
Co-curator with Vince Montague of reading/art series at Red Brick Studios, Reading Next To Kilns
Curator of Bay Area Generations
Member and Curator, Portuguese Artist Colony
Curator and Organizer, 100 Thousand Poets for Change, 2014, 2015
Literary Curator, An Evening of Poetry and Prose, Jai Bhim International, 2013, 2015
Co-curator with Megan Wilson and in collaboration with Program Director Kevin Chen of *Broadside Attractions | Vanquished Terrains,* a collaborative project between 12 San Francisco Bay Area visual artists and 12 writers, (www.broadsideattractions.com) Intersection for the Arts, SF, 2010 – 2012
*Selected Press for Broadside Attractions | Vanquished Terrains:
http://www.stretcher.org/features/broadside_attractions/

http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2012/05/09/DDUK1OB5DI.DTL
http://sanfranciscoartbeat.com/2012/05/intersection-for-the-arts-broadside-attractions-vanquished-terrains/
http://www.ptank.com/blog/2012/05/broadside-attractions-vanquished-terrains-at-intersection-for-the-arts/
http://dewittcheng.com/broadside-attractionsvanquished-terrains-inte#more
http://www.artbusiness.com/1open/041112.html

Inclusion in *Visions and Affiliations, California Poetry, 1942 – 2005*, (ed. Jack Foley) 2011
Juror for Headlands Center for the Arts, Artists in Residence, 2009
Literary Curator, Synecdoche at Home, Home Installation, SF, 2008
Conducted workshop, *Curating Literary Events*, Kearny Street Workshop, 2005
Wishy, a one-act play, Festival of Five Minute Plays, Al's Bar, Los Angeles, 1994

Recordings/Radio/Television/Interviews

2016 Featured interview, Writing Like an Asian (online)

2015 Featured interview, *SF Weekly, The Write Stuff* (online)
Interview with editors of *Rivet*, The Review Review (online)

2014 Interview on KFJC

2013 "Cover to Cover," interview with host Jack Foley, KPFA 94.1

2010 "A View For You," a BVAC interview with host Peter Camarda

2007 West Coast Live! Poetry Jam, poetry reading and interview with host Sedge Thomson

Selected Performances

2016 Pitta of the Mind, Word for Word, Litquake

2015 Collaboration with dancer Sharon Coleman, Word | Move

2014 Featured performers for the Outsound New Music Festival, Pitta of the Mind

2013 Pitta of the Mind (sound/text collaborative duo with composer/musician Amar Chadhaury), Luggage Store, SF, New Music Series

2012 Pitta of the Mind, Skronkathon, Berkeley Arts Festival
Fresh Kale & the Cosmos, 100 Performances in a Hole, SOMArts, SF

2011 Pitta of the Mind, Milk Bar, Oakland
Pitta of the Mind, Open House (Spring) Headlands Center for the Arts, Marin

2010 100 Performances in a Hole, SOMArts, SF
Take Wing, Cafe Royale, SF

MSW

Description of Community Poetry Event (Presented during interview)

If selected as Poet Laureate of El Cerrito, one of the events I would develop and lead is a poetry event that will happen in April of next year in honor of National Poetry Month. This event will take place at the Clubhouse in Arlington Park. The reading will feature two El Cerrito poets and also include an all ages open mic. In addition, there will be short performances by one or two musical acts. This event will ideally be the official kick off for a new ongoing reading series called "Poetry & Places in El Cerrito" which will happen three times a year. The two other events will take place in the summer and fall in various locations such as the former El Cerrito Masonic Center, the El Cerrito Library, or Down Home Records.

In preparation for the event, I would conduct as much outreach as possible by creating an El Cerrito Poetry and Poet Laureate Facebook page, create and distribute flyers and posters at local organizations, businesses, and schools, write and send out a press release, and connect with local literary organizations that I am regularly in contact with such as Poetry Flash, Litseen, and the San Francisco Writers' Grotto. One of my aims as Poet Laureate would be to bring poets, writers, and readers of all ages and diverse backgrounds together to write, share, and appreciate literature.

I see this literary event and reading series as an excellent way to create community and generate more interest in poetry. I would love to see the "Poetry & Places in El Cerrito" Reading Series grow and continue over

time to attract as many local residents as possible. Other ideas for future events include a poetry slam at El Cerrito High, Share-your-favorite-poem at the El Cerrito Library, and Q and A's with guest poets and writers. I'm excited about the idea of creating new opportunities to experience poetry for the residents of El Cerrito.

Thank you.

Are you in the room with me now?

My therapist asked why I never cry.
I ask myself the same, closing my eyes.
A small sty in my vision.

As hard as I tried not to cry,
I was shy as a child. As I crossed the street
with mother, I hid behind her lab coat.

My throat taut and tight.
I thought I might cry.
The other night I lost my sight.

I could hear a couple on the crosswalk.
A man doing a handstand.
Two thieves making plans.

Perhaps a chance to dance
in another place. I could cross the state
line. Cry at the sight of a shimmering lake.

My therapist asked:
What are you thinking?
How does that make you feel?
Where did that come from
and are you in the room with me now?

In Rio, there is a majestic cross on a cliff.
People live in pink paper shacks below.
I danced and I drank there.
I thought I might die there.
I crossed myself although I didn't believe.

You sweat silver tears.
You see through pink paper walls.
You think your body might be crying now.

-Maw Shein Win

(from *Score and Bone*, an upcoming chapbook on Nomadic Press)

elcerritopoet@gmail.com

Agenda Item No. 5(A)

EL CERRITO CITY COUNCIL PROCLAMATION
Declaring October 16-22, 2016 as "Freedom from Bullies Week"

WHEREAS, the City of El Cerrito has an interest in promoting the social and economic well-being of its residents; and

WHEREAS, that well-being depends upon the existence of healthy and productive environments that are safe and abuse-free; and

WHEREAS, according to the Department of Health and Human Services, bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance; the behavior is repeated, or has the potential to be repeated, over time. Typically the term is used to refer to behavior that occurs between school-aged kids but adults can be repeatedly aggressive and use power over each other too; and

WHEREAS, bullying happens in many forms, verbally, socially, physically and through the use of technology (cyberbullying), and takes place in many environments such as in schools, workplaces, neighborhoods and in homes; and

WHEREAS, in April 2012, the City Council adopted Resolution No. 2012–24, in recognition of the "Choose Civility Initiative," a campaign which fosters collaboration with organizations throughout the community. The resolution states that concern for the common good and well-being of all citizens is one of the highest virtues of American Democracy. Civility is a core value of a well functioning community and underscores a community's general health, wellness and quality of life and depends in great part on how community members treat each other; and

WHEREAS, bullying is a universal problem that affects people regardless of their age, gender, culture, religion or nationality; and

WHEREAS, "Freedom from Workplace Bullies Week" is promoted as a national effort to reduce bullying in the workplace; and

WHEREAS, in addition to promoting freedom from bullies in the workplace, the City Council wishes to promote freedom from bullying in all places and encourages all residents to prevent bullying through education and awareness.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims October 16 – 22, 2016 as "Freedom from Bullies Week" in the City of El Cerrito.

Dated: August 16, 2016

_____
Gregory B. Lyman, Mayor

Agenda Item No. 5(B)

EL CERRITO CITY COUNCIL PROCLAMATION

Constitution Week, September 17 through 23, 2016

WHEREAS, at the culmination of months of deliberation, debate, and compromise, George Washington, Benjamin Franklin, Alexander Hamilton, James Madison and other prominent leaders gathered to sign the Constitution of the United States of America on September 17, 1787; and

WHEREAS, September 17, 2016 marks the two hundred twenty-ninth anniversary of the drafting of the constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to accord official recognition of this historic document and its memorable anniversary, as well as amendments that have been made to this important document over time; and to the celebrations which commemorate the occasion; and

WHEREAS, Public Law 915 requests that the President of the United States of America issue a proclamation designating September 17 through 23 as Constitution Week.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim the week of September 17 through 23, 2016 as Constitution Week in the City of El Cerrito and asks our residents to reflect on the ideals outlined in the Constitution of the United States as amended over time and recognize the efforts and sacrifices of not only our Nation's Founding Fathers in crafting the Constitution, but also the brave individuals that have defended it and the great movements that have sought to engage the public and the nation's leaders in the continuing discussion about human rights, dignity, equality, fairness, justice, liberty and freedom for all.

Dated: August 16, 2016

_____

Gregory B. Lyman, Mayor

Agenda Item No. 5(C)

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO OPPOSING SUTTER HEALTH CORPORATION'S PLAN TO CEASE EMERGENCY SERVICES AND ACUTE CARE HOSPITAL OPERATIONS AT ALTA BATES SUMMIT MEDICAL CENTER BERKELEY CAMPUS.

WHEREAS, Alta Bates Summit Medical Center has been providing "full service" acute care hospital and emergency services to the East Bay in Alameda and Contra Costa counties for decades; and

WHEREAS, Sutter Health Corporation has announced its intention to dramatically alter services by closing the Alta Bates' Berkeley facility in light of Senate Bill 1953 to consolidate emergency and inpatient services at its Oakland Summit Medical Center and make the Alta Bates Campus an outpatient hub; and

WHEREAS, Sutter Health Corporation has the financial resources to rebuild and retrofit the structure and a stated mission to continue to provide acute care services to the communities they serve; and

WHEREAS, closing the Alta Bates Campus as an acute care hospital instead of retrofitting the structure to comply with Senate Bill 1953 is a business decision that does not benefit the communities Alta Bates serves, and

WHEREAS, the West Contra Costa County, Berkeley, and North Alameda County areas recently suffered the closure of Doctors Medical Center in San Pablo, and the loss of acute care hospital and emergency services as a result, and further is subject to the threat of severe earthquakes, frequent urban interface wildland fires, industrial chemical releases and mass traffic casualties – all of which require emergency services at an acute care hospital; and

WHEREAS, the ramifications of the Alta Bates Campus closure of emergency services and acute care will impact West Contra Costa County where the closure of Doctors Medical Center in San Pablo left Kaiser Richmond Medical Center with the only emergency room between Martinez and Alta Bates in Berkeley; and

WHEREAS, the number of emergency room visits at the Alta Bates Campus has increased over the last five years with the Office of Statewide Health Planning and Development reporting over 40,000 emergency room encounters at Alta Bates in 2015, and

WHEREAS, many hospital departments are often at capacity, and all of the local emergency departments already have large delays in service, which will only be exacerbated by the merging of the two full-service acute care hospitals with emergency departments to one Oakland location, increasing even further wait and admission times; and

WHEREAS, when access to healthcare is made more difficult, patients often delay healthcare but also stop seeking the care that is necessary; and

WHEREAS, paramedics and ambulances that are required to transport patients to an acute care facility from El Cerrito will spend more time at the proposed consolidated emergency room in Oakland resulting in reduced numbers of first responders in El Cerrito; and

WHEREAS, the El Cerrito City Council has a role and responsibility to protect resources to promote public health, since there is no regional body researching the health needs of the greater community.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby opposes Sutter Health Corporation's plan to close its acute care and emergency services at Alta Bates Summit Medical Center Berkeley Campus, calls upon Sutter Health to cease all actions in furtherance of any and all plans to close Alta Bates Summit Medical Center Berkeley Campus, and requests Sutter Health to begin the planning and execution to bring the Alta Bates Campus up to the necessary standards to comply with Senate Bill 1953 in order to provide an acute care hospital and emergency services at Alta Bates.

I CERTIFY that at a regular meeting on August 16, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 5(D)

Date: August 16, 2016

To: El Cerrito City Council

From: Yvetteh Ortiz, Public Works Director/City Engineer

Subject: 2016 Microsurfacing and Curb Ramp Program

ACTION REQUESTED

Adopt a resolution taking the following actions:

1) Approve plans for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C3027.17;

2) Accept the one submitted bid;

3) Authorize the City Manager to execute a contract in the amount of $469,493.40 with Alaniz Construction, Inc. and approve change orders in an amount not to exceed $90,000 for the construction of the 2016 Microsurfacing and Curb Ramp Project including additional street work; and

4) Amend the Fiscal Year 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to appropriate an additional $34,494 in the Measure A Street Improvement Fund for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C3027.17.

BACKGROUND

The 2016 Microsurfacing and Curb Ramp Program is a component of the Measure A funded Annual Street Improvement Program. This project is intended to repair the following six street segments which currently have minor to moderate distressed pavement:

STREET NAME	FROM	TO
Arlington Blvd	Barrett Ave	North City Limit
Fairmount Avenue	Ohlone Greenway	San Pablo Ave
Lexington Avenue	Fairmount Avenue	Eureka Avenue
Norvell Street	Fairmount Avenue	Eureka Avenue
Schmidt Lane	Navellier Street	End
Stockton Avenue	Richmond St	San Pablo Ave

The work generally consists of repairing localized pavement failures, application of a mircosurfacing treatment, installation of traffic striping and markings, installation of twelve new curb ramps and other related work. For bidding purposes and to allow flexibility of award within the project budget, the work was divided into a Base Bid and two Bid Alternates.

The project was advertised for bid in the West County Times on June 7 and 13, 2016. Additionally, the notice along with a complete set of Contract Documents was sent to eight Builder and Construction Exchanges. The project was also posted on the City's website. No addenda were issued.

ANALYSIS

One bid was received on June 30, 2016 with the following results:

Name and Location of Bidder	Base Bid	Alternate 1 - Jordan	Alternate 2 – Localized Concrete Repairs	Grand Total
Alaniz Construction, Inc., Fremont	$469,493.40	$140,095.04	$30,275.00	$639,863.44
Engineer's Estimate	**$471,400**	**$93,579**	**$17,700**	**$582,679**

The Base Bid from Alaniz Construction, Inc. of $469,493.40 is less than one percent (1%) difference from the Engineer's Estimate of $471,400. The Grand Total Bid is approximately 10% above the Engineer's Estimate of $582,679.

Staff contacted several of the other contractors from the plan holders list to determine why they did not submit a bid for this project. Their response was consistent that they were fully booked for this construction season. A low turn-out from contractors at bid openings is consistent with the experience from other agencies in the Bay Area this summer.

Staff recommends that the City Council award a construction contract in the amount of $469,493.40 for the Base Bid to Alaniz Construction, Inc. as the lowest responsive and responsible bidder. The two alternatives are not recommended for award at this time given the amount over the Engineer's Estimate.

In light of the reasonable unit prices for the pavement items in the Base Bid, staff requests that the Council allow staff to investigate the opportunity to include additional street segments originally planned for resurfacing next year into this year's project such as an additional segment of Stockton Avenue. To this end, staff is requesting a contract contingency amount of $90,000, approximately 19%, to allow for expanding the street

segments and addressing typical change orders such as quantity fluctuations and extra work items due to unforeseen conditions. This is approximately twice as high as the typical contingency percentage on projects.

STRATEGIC PLAN CONSIDERATIONS

Award of the construction contract is consistent with the following El Cerrito Strategic Plan Goals:

- Goal D – *Develop and rehabilitate public facilities as community focal points* by addressing ongoing and deferred maintenance of facilities and infrastructure; and

- Goal E – *Ensure the public's health and safety* by providing a safe and accessible transportation system.

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing. More specifically, restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood, is exempt from CEQA.

FINANCIAL CONSIDERATIONS

Funding of $595,000 for the Annual Street Improvement Program is included in the Fiscal Year (FY) 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program. Of this amount, $5,000 is for technical assistance to update the Pavement Management Program as required by the Metropolitan Transportation Commission and the remaining $590,000 is for the 2016 Microsurfacing and Curb Ramp Project. Staff is recommending an additional appropriation of $34,494 in the Measure A Street Improvement Fund to cover construction management, material testing and other miscellaneous costs and to provide for contracting contingencies as described above.

The proposed construction budget for the project with the additional appropriation will be $624,494 as summarized below.

Construction Contract	$469,494
Construction Contract Contingency	$90,000
Construction Management and Materials Testing	$60,000
Miscellaneous (printing, postage, etc)	$5,000
Total	**$624,494**

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:

Karen Pinkos

Karen Pinkos
Assistant City Manager

Attachment:

1. Resolution

Agenda Item No. 5(D)
Attachment 1

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS FOR THE 2016 MICROSURFACING AND CURB RAMP PROJECT, CITY PROJECT NO. C3027.17; ACCEPTING THE ONE SUBMITTED BID; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF $469,493.40 WITH ALANIZ CONSTRUCTION, INC. AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED $90,000 FOR THE CONSTRUCTION OF THE PROJECT; AND AMENDING THE FISCAL YEAR 2016-17 ADOPTED BUDGET AND ANNUAL PROGRAM OF MAINTENANCE AND IMPROVEMENT PURSUANT TO MEASURE A STREET IMPROVEMENT PROGRAM TO APPROPRIATE AN ADDITIONAL $34,494 IN THE MEASURE A STREET IMPROVEMENT FUND, FOR THE 2016 MICROSURFACING AND CURB RAMP PROJECT, CITY PROJECT NO. C3027.17

WHEREAS, the 2016 Microsurfacing and Curb Ramp Program Project considered pavement repairs for six street segments; and

WHEREAS, the work generally consists of repairing localized pavement failures, application of a mircosurfacing treatment, installation of traffic striping and markings, installation of twelve new curb ramps and other related work; and

WHEREAS, a Notice Inviting Bids for the project was advertised in the West Contra Costa Times on June 7 and 13, 2016, sent to eight Builder and Construction Exchanges, and posted on the City's website and one bid was received on June 30, 2016; and

WHEREAS, the lowest bidder was Alaniz Construction, Inc. whose total base bid, in the amount of $469,493, was less than 1 percent below the Engineer's Estimate; and

WHEREAS, given the reasonable unit prices for pavement items, it is desirable to investigate including additional street segments by authorizing additional amounts for change orders; and

WHEREAS, funding of $590,000 for the 2016 Microsurfacing and Curb Ramp Project, C3027.17 is included in the Fiscal Year (FY) 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program; and

WHEREAS, the project work is an appropriate use of Measure A Street Improvement Funds; and

WHEREAS, an amendment to the FY 2016-17 Adopted Budget is required to cover the estimated expenditures of $624,494 for construction of the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby:

1) Approves plans for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C-3027.17;

2) Accepts the one submitted bid;

3) Authorizes the City Manager to execute a contract in the amount of $469,493 with Alaniz Construction, Inc. and to approve change orders in an amount not to exceed $90,000 for the construction of the 2016 Microsurfacing and Curb Ramp Project including additional street work; and

4) Amends the FY 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to appropriate an additional $30,000 in the Measure A Street Improvement Fund for the 2016 Microsurfacing and Curb Ramp Project, City Project No. C3027.17.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on August 16, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. 5(E)

Date: August 16, 2016

To: El Cerrito City Council

From: Yvetteh Ortiz, Public Works Director/City Engineer

Subject: Consulting Services Agreement with Ghirardelli Associates for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Ghirardelli Associates (Ghirardelli) to provide construction management, inspection and materials testing services for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project, City Project No. C3076, Federal Project No. CML-5239(025) in the amount of $394,236 and approve a contingency amount not to exceed $40,000 for a contract term of August 16, 2016 to June 30, 2019.

BACKGROUND

Project Description

The Ohlone ASP Project will improve the Ohlone Greenway at the El Cerrito del Norte and El Cerrito Plaza BART Stations. Following the Ohlone Greenway Master Plan, adopted by the City Council in 2009, the City has been implementing projects along the Greenway to enhance its usability and contribute to reduced vehicle-miles travelled and a healthier, more connected community. However, there remains a strong need for improvements at the two BART Stations. Currently, in the two BART Station areas, the Ohlone Greenway becomes narrower than other segments of the Greenway and has an irregular alignment at street crossings, and at the same time, it has higher pedestrian, bicycle, automobile and bus traffic that contribute to increased conflicts between all modes of travel. The Ohlone ASP Project will improve and widen the mixed-use path; upgrade and expand existing crosswalks on adjacent streets to create high visibility pedestrian zones with new striping, special pavement, improved signage, curb bulb-outs, upgraded curb ramps and flashing lights; enhance landscaping, lighting, seating, gateway features and other amenities; and upgrade and expand the existing camera surveillance system to three key nodes next to the Greenway. The goals of the project are to improve bicycle and pedestrian routes leading to transit, commercial nodes and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community.

The project design is being coordinated with a pedestrian side path that is to be constructed on the west side of the Greenway path between Hill Street and the Safeway Store front entrance, as well as improvements being designed by BART as part of their del Norte BART Station Modernization Project. City and BART staff and consultants have been working closely together in developing both project designs.

Project Funding

In June 2013, the City Council adopted Resolution 2013-29 applying for approximately $3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission's (MTC) One Bay Area Grant (OBAG) Program for design and construction of the project, committing the necessary non-federal match, and assuring the project would be completed per federal requirements. The Metropolitan Transportation Commission (MTC) formally approved the award in September 2013. The OBAG Program requires a minimum 11.47% percent local match in non-federal funding for each phase of the project. The local matching funds include $300,000 from the BART Measure J Project No. 10002-01, "Transit Oriented Development (TOD) and Access Improvements at El Cerrito Plaza & del Norte BART Stations" Project and $149,387 in Park In-Lieu funds contributed by Safeway as part of development of their del Norte Store.

Most recently, City staff submitted a request to the West County Transportation Advisory Committee (WCCTAC) for $300,000 in Subregional Transportation Mitigation Program (STMP) funding to cover additional estimated costs for the construction phase including construction contract, contingency, construction management and engineering, inspection and material testing. The WCCTAC Board approved the request at its March 25, 2016 meeting. City Council adopted Resolution 2016-54 authorizing the City Manager to execute a Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement between West Contra Costa County Transportation Advisory Committee (WCCTAC) and the City of El Cerrito at their July 27, 2016 meeting.

ANALYSIS

City staff released the Request for Proposals (RFP) for the Ohlone ASP Project, Construction Management Services on April 25, 2016. The legal notice regarding the RFP was published in the West County Times on April 25 and May 2, 2016. The notice was also posted on the City's website and emailed to construction management firms on the City's consultant list. The City received requests for the RFP through the website portal and, in total, the RFP was emailed to 10 firms.

The City received three proposals from consultant teams by the due date of May 19, 2016. A consultant selection panel consisting of City staff and staff from the Cities of Albany and Richmond reviewed the proposals based on the evaluation criteria listed in the RFP. These are listed below.

Understanding of the work to be done	20%
Experience and past performance on similar kinds of work, including federally funded projects	20%
Quality of staff for work to be done	30%
Approach to delivering the project including work plan and schedule	30%

The selection panel short-listed all three consultant teams for interviews. The interviews were conducted on June 7, 2016, and the panel developed the final ranking of the consultant teams as follows:

1. Ghirardelli and Associates
2. Park Engineering
3. Anchor Engineering

While the RFP required proposers to submit a detailed work plan with anticipated tasks and estimated hours by team member, a cost proposal was not submitted because cost cannot be a factor in developing the ranking per federal requirements. Only short-listed teams submitted sealed cost proposals at the time of the interviews and only the top-ranked team's proposal was opened for negotiation purposes. City staff then worked with Ghirardelli to agree on a final contract that will deliver the services required at a fair and reasonable cost to the City. At the completion of successful negotiations with Ghirardelli and if approved by the City Council, the remaining sealed envelopes containing cost proposals will be returned to the other two teams.

Ghirardelli is supported by BSK Associates, a firm specializing in material testing. The construction management contract includes all related services, including: review of bid package, coordination with the Contractor, BART, AC Transit and public utilities, public outreach, review of submittals, claims monitoring, inspection, engineering, document control, as-built preparation and material testing. City staff anticipates bidding the project by early Fall 2016 once Ghirardelli reviews the construction contract bid package, which is currently being finalized by our design consultant, BKF Engineers.

Projects using federal funds are subject to Part 26, Title 49, Code of Federal Regulations (CFR) entitled "Participation by Disadvantaged Business Enterprises (DBE) in the Department of Transportation Financial Assistance Program." The consultant teams were required to make a good faith effort to incorporate the services of DBEs in their proposal. The City determined a goal of 6% of participation of DBEs in this contract. Ghirardelli is a DBE firm and thus far exceeded the City's DBE goal; its DBE commitment on this project is 80%.

STRATEGIC PLAN CONSIDERATIONS

The Ohlone ASP Project is consistent with El Cerrito Strategic Plan Goal D – *Develop and rehabilitate public facilities as community focal points*; Goal C – *Deepen a sense of place and community identity by promoting strong neighborhoods*; and Goal F – *Foster environmental sustainability citywide by encouraging alternative modes of transportation to the single occupancy vehicle*. Consistent with the federal grant goals, the project will improve connectivity, enhance sense of place, bring new vibrancy and support the higher-density transit-oriented neighborhoods adjacent to BART as a place where developers want to build and people want to live, work and visit.

ENVIRONMENTAL CONSIDERATIONS

In 2009, the City completed an Initial Study and Negative Declaration per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master Plan. The project is consistent with the Master Plan and will not have a significant effect on the environment.

In addition, because the project is federally-funded, the project Design Consultant and City staff completed preliminary environmental studies and various technical studies in compliance with the National Environmental Policy Act (NEPA). Caltrans reviewed the studies and determined that the project has no significant impacts on the environment as defined by NEPA and therefore the project is categorically excluded from the requirements of preparing an environment assessment or environmental impact statement.

FINANCIAL CONSIDERATIONS

The design and construction of the Ohlone ASP Project is funded by the $3,468,000 federal OBAG grant, $300,000 of BART Measure J funds, $149,387 of Park In-Lieu funds, and $300,000 of STMP funds, totaling $4.2 million. Funding of $3.7 million is included in the Fiscal Year (FY) 2016-17 Adopted Budget and Capital Improvement Program (CIP) for the construction phase of the project. Adequate funding is available for the proposed consultant services agreement of $394,236 and contingency amount of $40,000.

The overall project budget is summarized below.

Planning/Environmental (prior fiscal years)	**$13,253**
Design (prior fiscal years)	**$499,100**
Construction	
Construction Contract including Contingency	$3,185,000
Construction management, inspection and materials testing services (Ghirardelli Agreement including contingency)	$434,236
Project Management & Design Support Services	$60,000
City Staff	$15,000
Miscellaneous (printing, postage, etc)	$10,798
Construction Subtotal	**$3,704,086**
Project Total	**$4,216,439**

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:

Karen Pinkos
Assistant City Manager

Attachments:

1. Resolution

Agenda Item No. 5(E)
Attachment 1

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH GHIRARDELLI ASSOCIATES (GHIRARDELLI) TO PROVIDE CONSTRUCTION MANAGEMENT, INSPECTION AND MATERIALS TESTING SERVICES FOR THE OHLONE GREENWAY BART STATION AREA ACCESS, SAFETY AND PLACEMAKING IMPROVEMENTS (OHLONE ASP) PROJECT, CITY PROJECT NO. C3076, FEDERAL PROJECT NO. CML-5239(025) IN THE AMOUNT OF $394,236 AND APPROVE A CONTINGENCY AMOUNT NOT TO EXCEED $40,000 FOR A CONTRACT TERM OF AUGUST 16, 2016 TO JUNE 30, 2019

WHEREAS, the Ohlone ASP Project is intended to improve bicycle and pedestrian routes leading to transit, commercial nodes and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community; and

WHEREAS, in June 2013, the City Council adopted Resolution 2013-29 applying for approximately $3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission's (MTC) One Bay Area Grant (OBAG) Program for design and construction of the project, committing the necessary non-federal match, and assuring the project would be completed per federal requirements; and

WHEREAS, MTC subsequently awarded the City $3,468,000 in federal funds; and

WHEREAS, the non-federal local matching funds include $300,000 from the BART Measure J Project No. 10002-01, "Transit Oriented Development (TOD) and Access Improvements at El Cerrito Plaza & del Norte BART Stations" Project, $149,387 in Park In-Lieu funds and $300,000 in Subregional Transportation Mitigation Program (STMP) funds; and

WHEREAS, City staff released the Request for Proposals (RFP) for the Ohlone ASP Project, Construction Management Services on April 25, 2016, including publishing a legal notice regarding the RFP in the West County Times on April 25 and May 2, 2016, posting the notice on the City's website, and emailing it to construction management firms on the City's consultant list; and

WHEREAS, the City received three proposals from consultant teams by the due date of May 19, 2016; and

WHEREAS, a consultant selection panel consisting of City staff and staff from the Cities of Albany and Richmond reviewed the proposals based on the evaluation criteria listed in the RFP and short-listed all three consultant teams for interviews; and

WHEREAS, Ghirardelli Associates emerged as the top-ranked consultant team and the negotiated contract will deliver the services required at a fair and reasonable cost to the City; and

WHEREAS, funding of $3.7 million for the Ohlone ASP Project is included in the Fiscal Year (FY) 2016-17 Adopted Budget and Capital Improvement Program (CIP) to cover construction phase expenses; and

WHEREAS, the City completed an Initial Study and Negative Declaration in 2009 per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master Plan, and the project is consistent with the Master Plan and will not have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to execute a consulting services agreement with Ghirardelli Associates to provide construction management, inspection and materials testing services for the Ohlone ASP Project, City Project No. C3076, Federal Project No. CML-5239(025) in the amount of $394,236 and approve a contingency amount not to exceed $40,000 for a contract term of August 16, 2016 to June 30, 2019.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on August 16, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

AGENDA BILL

Agenda Item No. (6)

THE CITY OF EL CERRITO

Date: August 16, 2016

To: El Cerrito City Council

From: Stacey Johnson, Administrative Analyst

Subject: Correction to Master Fee Schedule for Fiscal Year 2016-17

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution approving corrections to the Fiscal Year 2016-17 Master Fee Schedule and amending Resolution No. 2016-40.

BACKGROUND

The Master Fee Schedule, which includes all of the City's user fees, charges for services, and business license tax rates, is revised annually, as required by El Cerrito Municipal Code §4.01.010:

> *Prior to July 1st of each year, the council shall consider and adopt the schedule of all general and special fees and charges to be known as the master fee schedule. The master fee schedule shall list all fees and charges by department and is on file in the office of the city clerk.*

On May 17, 2016, the City Council held a public hearing to give the public notice and an opportunity to comment on or oppose the fee increases. Following the public hearing, the City Council adopted the FY 2016–17 Master Fee Schedule. Since its adoption, City staff has identified corrections to the Master Fee Schedule, which have resulted in lowering the fees in some areas and correcting other errors such as typos. The following changes have been identified:

IV. Recreation:

Minor corrections were made to the Recreation section, as a result of errors that occurred when rounding numbers.

V. Business License Tax:

Business Taxes for *Fixed Place of Business* (Annual), Motion Picture Theater & Plays, and Transient/Itinerant Vendor was corrected to reflect the increase of 3.02% versus an increase of 3.02 times the amount. Changes made in this section were also to adjust to the correct amount per additional employee.

VI. Public Works:

Minor corrections were made to the Public Works section, to incorporate four PCI Discount numbers that were not included in the previous version to City Council and to correct errors that occurred as a result of rounding numbers.

VII. Planning:

In Planning Fees, the FY 2015-16 "Tentative Tract Map 11 – 25 lots" fee was entered as $10,165.65. It should have been $9,775. This would result in a FY 2016-17 fee of $10,068 instead of $10,471.

IX. Building Permits – New Construction (Inspection Only):

1) In the "Inspection Only" table, under "All Shell Buildings" in the Type I FR and II FR construction columns, the 1000 s.f. and 1500 s.f base rates for FY 2015-16 came from the FY 2014-15 schedule resulting in an incorrect fee calculation for FY 2016-17. The base fees should have been $8,128 and $10,315 to calculate FY 2016-17 fees of $8,372 and $10,624. The other base rates were correctly brought over from the FY 2015-16 schedule.

2) In the "Inspection Only" table, under "Church" of type I FR and II FR construction columns, the 10,000 s.f. category was mistyped as $43,959 where it should have been $13,959. This would have resulted in a FY 2016-17 base rate of $14,378.

3) In the "Inspection Only Table", under "All A Tenant Improvements" of Type I FR and II FR Construction, the 500 s.f. category base rate from the FY 2015-16 schedule was entered as $2. It should have been $7,172 resulting in a FY 2016-17 fee of $7,172.

X. Building Permits – New Construction (Plan Check and Inspections):

The ***Building Permits – New Construction (Plan Check and Inspections)*** table is a combination of the ***VIII-New Construction (Plan Check Only***)and the ***IX-New Construction (Inspection Only)*** tables. The Base Cost @ Threshold Size columns in the Proposed FY 2016-17 were not updated from the previous year, and did not include the CPI increase. These columns have since been corrected and are presented in Attachment 2 to this staff report.

XI. Miscellaneous Building Permit Fees:

1) On the FY 2015-16 schedule, the "Change of Occupancy" fee was entered as $7,400 when it should have been $700. This resulted in an incorrect FY 2016-17 fee of $7,622 where it should have been $721.

2) The “Room Addition <500 sq.ft. with calcs” fee for FY 2015-16 was entered as $2,250 where it should have been $2,520 resulting in a FY 2016-17 fee of $ $2,318 where it should have been $2,596.

3) In the “Storage Racks” category, each additional 100 l.f. should have shown a charge of $124 on the FY 2015-16 schedule and resulting $128 on the FY 2016-17 schedule. Instead, they were entered as $24 and $25 respectively.

4) The “Public Works Plan Review” and “Public Works Engineering Site Inspection” fees were supposed to be $221 min, but were entered as $208.

Other Grammatical Changes

a. The “Real Estate Transfer Inspection and Certificate” and the “Fence or Freestanding Wall (< 10’ high masonry)” is blank in the permit cost column of the FY 2015-16 schedule and has $0 in the FY 2016-17 schedule. It should be blank in the FY 2016-17 schedule to avoid confusion.

b. In the “Windows” category the term “or solar tubes” should have been inserted after “non-structural/replacement.”

c. For the electric vehicle chargers, the word “Each” should be in the units column for both residential and commercial.

d. In the “Fence or Freestanding Wall” categories the descriptions should be “(6’ – 10’ high non-masonry)” and “(< 10’ high masonry)” respectively.

XII. Mechanical, Plumbing & Electrical (MP&E) Permits:

The “Solar Water System Fixtures” permit fee for FY 2016-17 was left at $0 as it was in FY 2015-16. It should have been set to $213 as described in the May 17 Agenda Bill to be in line with the solar photovoltaic fee.

ANALYSIS

General Adjustments

The adopted FY 2016-17 Master Fee Schedule reflects a 3% increase for most fees, representing the City’s increased costs of providing services. This adjustment reflects increases in both personnel and non-personnel related costs.

Business License Tax

For the City's Business License Tax rates, increases are prescribed per El Cerrito Municipal Code Section 4.32.381, as follows:

> *All business license taxes or fees payable under this chapter for ensuing years after 1988-89, beginning with the fiscal year which starts July 1, 1989, with the exception of rates in Sections 4.32.370 and 4.32.380 (gross receipts taxes), shall be adjusted upward or downward based on the% change from the February 1988 figure of 117.0 in the Revised Consumer Price Index for Urban Wage Earners and Clerical Workers for the San Francisco-Oakland Bay Area as published by the Department of Labor for the month of February prior to the fiscal year in which the rate adjustment is applicable. The license administrator shall compute such changes each year and submit them to the city council, which may incorporate same into the master fee schedule.*

The CPI change for this year is based on the change from 258.572 (February 2015) to 262.600 (February 2016) which yields a 3.02% adjustment for the year.

FINANCIAL CONSIDERATIONS

The revenue generated by fees, charges for service, and business license taxes that appear in the City's FY 2016-17 adopted budget are based upon the Master Fee Schedule that was adopted by the City Council on May 17, 2016. The current amendments have a nominal impact upon the budget.

LEGAL CONSIDERATIONS

The majority of fees listed in the Master Fee Schedule became effective July 1, 2016, on the first day of the fiscal year with Development fees becoming effective 60 days after City Council approval.

As required by California Government Code §66018(a), the City is required to conduct a public hearing prior to adopting planning, building, and some other new fees or fee increases, as follows:

> *66018(a) Prior to adopting an ordinance, resolution, or other legislative enactment adopting a new fee or approving an increase in an existing fee to which this section applies, a local agency shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published in accordance with Section 6062a.*

This public hearing satisfies the Government Code requirement and notification of the hearing was made in accordance with the code section.

Reviewed by:

Karen Pinkos, Assistant City Manager

Attachments:

1. Resolution

2. Building Permits – New Construction Plan Check and Inspections

Agenda Item No. 6
Attachment 1

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE FOR FISCAL YEAR 2016-17 AND AMENDING RESOLUTION NO. 2016-40.

WHEREAS, El Cerrito Municipal Code Section 4.01.010 requires that prior to July 1st of each year, the City Council shall consider and adopt the schedule of all general and special fees and charges to be known as the Master Fee Schedule; and

WHEREAS, the City Council conducted a public hearing on May 17, 2016 and adopted Resolution No. 2016-40 approving a Master Fee Schedule for Fiscal Year 2016-17; and

WHEREAS, after its adoption, city staff conducted additional review of the Master Fee Schedule and identified needed corrections, which would result in changes to the fee amounts in some areas. Staff recommends editing the FY 2016-17 Master Fee Schedule to incorporate the Consumer Price Index increase to the fees for Building Permits – New Construction (Plan Check and Inspections) and to make other changes identified in this Resolution.

			Updated Information FY 2015-16	City Council - May 17, 2016	City Council - August 16, 2016	Comments
IV. RECREATION						
Event Facility Rentals 1. Community Center Skylight, Garden and Tot Rooms Non-Resident Commercial				$ 87	$ 88	Correction made due to error in previous formula when rounding numbers.
Event Facility Rentals 1. Community Center Kitchen Use (in conjunction with Main Hall rental only) Non-Profit Organization				$ 120	$ 121	" " " "
Event Facility Rentals 1. Community Center Kitchen Use (in conjunction with Main Hall rental only) Alcohol Service Permit				$ 186	$ 185	" " " "
Event Facility Rentals 5. Facility Rental Related Fees & Discounts Transfer Fee - Rooms and Clubhouses				$ 44	$ 43	" " " "
Recreation Field/Venue Rentals and Fees 1. Tennis Court Tennis Transfer Fee				$ 5	$ 1	" " " "
Recreation Field/Venue Rentals and Fees 1. Play Fields El Cerrito Youth Baseball Rental Fee				$ 4,068	$ 4,067	" " " "
Recreation Field/Venue Rentals and Fees 1. Play Fields Long Term Permit Fee				$ 21	$ 22	" " " "
Recreation Field/Venue Rentals and Fees **3. Tennis Program Fees** **Tennis Court Permits** **Youth/Student Non-Resident**				$ 44	$ 43	" " " "
Recreation Field/Venue Rentals and Fees 3. Tennis Program Fees Tennis Court Permits Adult Monthly Fee - Resident				$ 14	$ 15	" " " "

			Updated Information FY 2015-16	City Council - May 17, 2016	City Council - August 16, 2016	Comments
Swim Center Programs/Fees						
2. Youth and Child Recreation/Family Swim/Splash Park						
Monthly Youth - (7-17) Resident				$ 46	$ 45	" " " "
Swim Center Programs/Fees						
2. Youth and Child Recreation/Family Swim/Splash Park						
Monthly Youth - (7-17) Non-Resident				$ 51	$ 52	" " " "
Swim Center Programs/Fees						
2. Youth and Child Recreation/Family Swim/Splash Park						
Ten Swim Pass Child Resident (ages 1 - 6)				$ 24	$ 25	" " " "
Swim Center Programs/Fees						
5. Swimming Clubs, Teams & Meets						
El Cerrito High School Swim Team				$ 2,340	$ 2,339	" " " "
Youth Programs						
1. Summer Day Camps						
Traditional Camp Resident				$87 - $268	$93 - $268	" " " "
V. BUSINESS LICENSE TAX						
Business License All Others (10-000-4051-00-00)						
a. Fixed Place of Business (Annual)						
" + 4 employees			$ 508	$ 1,573	$ 477	Corrected to reflect the increase of 3.02% versus an increase of 3.02 times the amount.
" + 5 employees			$ 547	$ 1,694	$ 519	" " " "
" + 6 employees			$ 586	$ 1,815	$ 561	" " " "
" + 7 employees			$ 625	$ 1,936	$ 603	" " " "
" + 8 employees			$ 664	$ 2,057	$ 645	" " " "
" + 9 employees			$ 703	$ 2,178	$ 687	" " " "
" + 10 employees			$ 742	$ 2,299	$ 729	" " " "
Business License All Others (10-000-4051-00-00)						
k. Public Amusement						
5. Motion Picture Theater & Plays						
Quarterly			$ 160	$ 160	$ 166	Adjusted to the correct amount per additional employee.
Semiannually			$ 321	$ 321	$ 331	" " " "
Annually			$ 641	$ 641	$ 661	" " " "
Business License All Others (10-000-4051-00-00)						
w. Transient/Itinerant Vendor						
" + 4 employees			$ 508	$ 1,573	$ 477	Corrected to reflect the increase of 3.02% versus an increase of 3.02 times the amount.
" + 5 employees			$ 547	$ 1,694	$ 519	" " " "
" + 6 employees			$ 586	$ 1,815	$ 561	" " " "
" + 7 employees			$ 625	$ 1,936	$ 603	" " " "
" + 8 employees			$ 664	$ 2,057	$ 645	" " " "
" + 9 employees			$ 703	$ 2,178	$ 687	" " " "
" + 10 employees			$ 742	$ 2,299	$ 729	" " " "
VI. PUBLIC WORKS						
Encroachments						
8. Haul Route Impact Fees						
d. PCI Discount						
100<pci<70					2.2	Corrected to reflect the actual number. In previous version to City Council the cells were left blank.
69<pci<50					2.7	" " " "
49<pci<25					3.3	" " " "
24<pci<0					3.6	" " " "
Mapping (Collected by the Planning Department)						Correction made due to error in previous formula when rounding numbers.
2. Parcel Map - up to 4 lots (flat rate plus any 3rd party costs)			$ 797	$ 789	$ 821	
Miscellaneous						
m. Flourescent Tube Recycling *				$ 1	$ 0.54	" " " "

			Updated Information FY 2015-16	City Council - May 17, 2016	City Council - August 16, 2016	Comments
VII. PLANNING						
Tentative Tract Map 11-25 lots			$ 9,775	$ 10,471	$ 10,068	typo correction of number
IX. BUILDING PERMITS - NEW CONSTRUCTION (Inspection Only)						
Occupancy Description:						
All Shell Buildings Project Size Threshold 1000			$ 8,128	$ 8,050	$ 8,372	typo correction of number
All Shell Buildings Project Size Threshold 5000			$ 10,315	$ 10,216	$ 10,624	" " " "
Church			$ 13,959	$ 45,278	$ 14,378	
All A Tenant Improvements			$ 7,172	$ 2	$ 7,172	
XI. MISCELLANEOUS BUILDING PERMIT FEES						
Change of Occupancy			$ 700	$ 7,622	$ 721	typo correction of number
Room Addition - First Story <500 sq. ft. (with calcs)			$ 2,520	$ 2,318	$ 2,596	" " " "
Storage Racks each additional 100 l.f..			$ 124	$ 25	$ 128	" " " "
Public Works Plan Review (if needed)				$206 min	$221 min	" " " "
Public Works Engineering Site Inspection (if needed)				$206 min	$221 min	" " " "
XII. MECHANICAL, PLUMBING & ELECTRICAL (MP&E) PERMITS						
Solar Water System Fixtures (solar panels, tanks, water treatment equipment)				$0	$ 213	information was incorrectly listed as "0"

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby amends Resolution No. 2016-40 and adopts the corrected fees and service charges pursuant to the changes identified in this Resolution.

BE IT FURTHER RESOLVED that the corrected fees and charges in this amended Master Fee Schedule become effective upon adoption of this resolution, with the exception of all corrected Development fees that will become effective 60 days after the adoption of this resolution.

I CERTIFY that at the regular meeting on August 16, 2016 the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

X. Building Permits - New Construction (Plan Check and Inspections)

Agenda Item No. 6
Attachment 2

Combined plan check and inspection fees for new construction are based on occupancy group, descripti square footage using the following methodology and tables. These permits include mechanical, plumbing, and electrical. There are additional permit fees to be added in Section VI.

Combined plan check and inspection permit fees for a new 6,000 sq ft A-2 church of Type I FR Construction would be $25,296 for the first 5,000 sq ft, plus $84 for each additional 100 sq ft, equalling $840. The total plan check & inspection fee would be $26,136.

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
A-1	Theater	2,000	**$35,099**	$72	**$29,250**	$61	**$23,861**	$48
		10,000	**$40,901**	$70	**$34,085**	$59	**$27,852**	$46
		20,000	**$47,864**	$49	**$39,887**	$41	**$32,617**	$33
		40,000	**$57,709**	$62	**$48,091**	$53	**$39,400**	$41
		100,000	**$95,030**	$43	**$79,192**	$48	**$64,550**	$28
		200,000	**$138,014**	$69	**$115,011**	$85	**$93,555**	$46
A-2	Church	1,000	**$22,251**	$83	**$18,543**	$60	**$15,083**	$57
		5,000	**$25,296**	$84	**$21,336**	$65	**$17,386**	$57
		10,000	**$29,796**	$56	**$24,830**	$25	**$20,247**	$38
		20,000	**$35,424**	$84	**$29,520**	$66	**$24,118**	$56
		50,000	**$60,579**	$58	**$50,482**	$62	**$41,034**	$38
		100,000	**$89,282**	$89	**$74,402**	$101	**$60,359**	$59
A-2.1	Auditorium	1,000	**$22,251**	$83	**$18,243**	$60	**$14,834**	$57
		5,000	**$25,605**	$84	**$21,336**	$65	**$17,070**	$57
		10,000	**$29,796**	$56	**$24,830**	$25	**$19,864**	$38
		20,000	**$35,424**	$84	**$29,520**	$66	**$23,616**	$56
		50,000	**$60,579**	$58	**$50,482**	$62	**$40,386**	$38
		100,000	**$89,282**	$89	**$74,402**	$122	**$59,522**	$59
A-2.1	Restaurant	1,000	**$26,537**	$109	**$22,114**	$77	**$17,691**	$73
		5,000	**$30,916**	$105	**$25,764**	$80	**$20,611**	$70
		10,000	**$36,175**	$74	**$30,145**	$32	**$24,116**	$49
		20,000	**$43,610**	$95	**$36,341**	$74	**$29,074**	$63
		50,000	**$52,632**	$65	**$59,872**	$74	**$47,897**	$43
		100,000	**$104,374**	$104	**$86,978**	$133	**$69,583**	$69
A	All A Tenant	500	**$13,594**	$117	**$11,328**	$98	**$9,062**	$78
	Improvements	2,500	**$15,940**	$111	**$13,283**	$92	**$10,627**	$74
		5,000	**$18,704**	$80	**$15,586**	$67	**$12,469**	$53
		10,000	**$22,705**	$93	**$18,921**	$78	**$15,137**	$62
		25,000	**$36,698**	$65	**$30,582**	$54	**$24,466**	$43
		50,000	**$52,895**	$106	**$44,079**	$88	**$35,263**	$71
A-3	Small	500	**$17,394**	$132	**$14,494**	$110	**$11,596**	$89
	Assembly	2,500	**$20,041**	$132	**$16,700**	$110	**$13,360**	$88
	Buildings	5,000	**$23,333**	$90	**$19,444**	$74	**$15,555**	$60
		10,000	**$27,781**	$130	**$23,150**	$108	**$18,520**	$88
		25,000	**$47,325**	$90	**$39,439**	$74	**$31,550**	$60
		50,000	**$69,660**	$139	**$58,049**	$115	**$46,440**	$93
B	Banks	1,000	**$18,147**	$75	**$15,121**	$63	**$12,097**	$50
		5,000	**$21,150**	$72	**$17,624**	$60	**$14,100**	$47
		10,000	**$24,750**	$50	**$20,626**	$42	**$16,500**	$34
		20,000	**$29,848**	$64	**$24,873**	$54	**$19,899**	$42
		50,000	**$49,120**	$44	**$40,932**	$37	**$32,746**	$30
		100,000	**$71,317**	$71	**$59,430**	$59	**$47,545**	$47
B	Laundromat	500	**$20,911**	$171	**$17,426**	$142	**$13,941**	$114

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
		2,500	**$24,334**	$165	**$20,279**	$137	**$16,223**	$109
		5,000	**$28,458**	$116	**$23,716**	$97	**$18,973**	$77
		10,000	**$34,263**	$149	**$28,553**	$125	**$22,842**	$100
		25,000	**$56,645**	$103	**$47,204**	$87	**$37,763**	$69
		50,000	**$82,402**	$165	**$68,669**	$137	**$54,935**	$110
B	Medical	500	**$23,135**	$197	**$19,279**	$164	**$15,423**	$131
	Office	2,500	**$27,058**	$186	**$22,549**	$155	**$18,039**	$125
		5,000	**$31,716**	$134	**$26,430**	$112	**$21,143**	$89
		10,000	**$38,395**	$161	**$31,996**	$134	**$25,597**	$107
		25,000	**$62,524**	$111	**$52,103**	$93	**$41,682**	$74
		50,000	**$90,402**	$180	**$75,335**	$150	**$60,268**	$121
B	Offices	1,000	**$17,157**	$71	**$14,296**	$59	**$11,438**	$47
		5,000	**$19,990**	$68	**$16,659**	$57	**$13,327**	$45
		10,000	**$23,393**	$48	**$19,494**	$39	**$15,595**	$32
		20,000	**$28,202**	$61	**$23,503**	$50	**$18,802**	$41
		50,000	**$46,448**	$41	**$38,707**	$35	**$30,966**	$28
		100,000	**$67,473**	$67	**$56,228**	$57	**$44,981**	$44
B	Office Tenant	250	**$9,823**	$156	**$8,186**	$130	**$6,549**	$104
	Improvements	1,250	**$11,381**	$152	**$9,484**	$127	**$7,588**	$102
		2,500	**$13,285**	$105	**$11,071**	$88	**$8,857**	$70
		5,000	**$15,917**	$143	**$13,264**	$119	**$10,611**	$96
		12,500	**$26,661**	$99	**$22,217**	$82	**$17,774**	$66
		25,000	**$38,987**	$156	**$32,489**	$130	**$25,991**	$104

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
E-1	Preschool/	500	**$20,094**	$136	**$16,746**	$114	**$13,397**	$92
	School	2,500	**$22,819**	$143	**$19,015**	$119	**$15,212**	$95
		5,000	**$26,396**	$90	**$21,997**	$75	**$17,598**	$60
		10,000	**$30,904**	$161	**$25,754**	$134	**$20,604**	$108
		25,000	**$55,022**	$110	**$45,851**	$91	**$36,681**	$73
		50,000	**$82,319**	$164	**$68,598**	$137	**$54,879**	$109
E-2	Preschool/	300	**$26,684**	$318	**$22,237**	$266	**$17,789**	$213
	School	1,500	**$30,512**	$327	**$25,426**	$272	**$20,340**	$217
		3,000	**$35,404**	$212	**$29,503**	$177	**$23,602**	$141
		6,000	**$41,786**	$345	**$34,821**	$287	**$27,857**	$230
		15,000	**$72,847**	$235	**$60,704**	$196	**$48,563**	$158
		30,000	**$108,152**	$361	**$90,126**	$301	**$72,101**	$240
E-3	Daycare	300	**$31,380**	$424	**$26,150**	$353	**$20,920**	$283
		1,500	**$36,470**	$410	**$30,391**	$342	**$24,313**	$274
		3,000	**$42,627**	$287	**$35,522**	$239	**$28,417**	$192
		6,000	**$51,248**	$375	**$42,706**	$313	**$34,165**	$250
		15,000	**$85,048**	$259	**$70,872**	$215	**$56,698**	$173
		30,000	**$123,920**	$414	**$103,267**	$344	**$82,613**	$275
F-1	Commercial/	1,000	**$26,088**	$103	**$21,740**	$87	**$17,392**	$69
	Manufacturing	5,000	**$30,231**	$102	**$25,192**	$84	**$20,153**	$68
		10,000	**$35,288**	$70	**$29,407**	$58	**$23,525**	$46
		20,000	**$42,290**	$96	**$35,240**	$79	**$28,192**	$63
		50,000	**$70,797**	$66	**$58,997**	$55	**$47,198**	$44
		100,000	**$103,511**	$103	**$86,258**	$87	**$69,007**	$69
F-2	Steel Production/	1,000	**$26,656**	$104	**$22,214**	$87	**$17,771**	$69
	Fabrication	5,000	**$30,837**	$103	**$25,696**	$85	**$20,557**	$69
	Industrial/	10,000	**$35,967**	$71	**$29,972**	$59	**$23,977**	$47
	Manufacturing	20,000	**$43,019**	$98	**$35,849**	$81	**$28,679**	$65
		50,000	**$72,401**	$68	**$60,334**	$57	**$48,267**	$45
		100,000	**$106,067**	$106	**$88,388**	$89	**$70,711**	$71
H-2	Moderate	300	**$22,319**	$237	**$18,599**	$197	**$14,879**	$158
	Explosion	1,500	**$25,158**	$256	**$20,965**	$214	**$16,771**	$171
	Hazard	3,000	**$29,004**	$156	**$24,169**	$129	**$19,335**	$103
		6,000	**$33,657**	$307	**$28,048**	$256	**$22,439**	$205
		15,000	**$61,308**	$207	**$51,089**	$173	**$40,872**	$138
		30,000	**$92,461**	$308	**$77,051**	$258	**$61,641**	$205
H-3	High	300	**$22,319**	$237	**$18,599**	$197	**$14,879**	$158
	Fire	1,500	**$25,158**	$256	**$20,965**	$214	**$16,771**	$171
	Hazard	3,000	**$29,004**	$156	**$24,169**	$129	**$19,335**	$103
		6,000	**$33,657**	$307	**$28,048**	$256	**$22,439**	$205
		15,000	**$61,308**	$207	**$51,089**	$173	**$40,872**	$138
		30,000	**$92,461**	$308	**$77,051**	$258	**$61,641**	$205
H-4	Repair Garage	300	**$19,271**	$227	**$16,061**	$188	**$12,848**	$150
		1,500	**$21,987**	$234	**$18,323**	$195	**$14,659**	$156
		3,000	**$25,489**	$151	**$21,242**	$126	**$16,993**	$101
		6,000	**$30,008**	$251	**$25,007**	$210	**$20,006**	$168
		15,000	**$52,662**	$171	**$43,885**	$142	**$35,108**	$113
		30,000	**$78,376**	$262	**$65,313**	$217	**$52,251**	$174
H-7	Health	300	**$22,687**	$245	**$18,907**	$204	**$15,126**	$163
	Hazard	1,500	**$25,624**	$263	**$21,354**	$219	**$17,084**	$175
	Materials	3,000	**$29,571**	$162	**$24,642**	$134	**$19,713**	$107
		6,000	**$34,400**	$309	**$28,667**	$259	**$22,934**	$206

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	**Occupancy Description**	**Project Size Threshold**	**Base Cost @ Threshold Size**	Cost for Each Additional 100 s.f. *	**Base Cost @ Threshold Size**	Cost for Each Additional 100 s.f. *	**Base Cost @ Threshold Size**	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
		15,000	**$62,265**	$209	**$51,887**	$174	**$41,510**	$139
		30,000	**$93,699**	$312	**$78,082**	$261	**$62,466**	$208

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
I-1.1	Nursery	500	**$22,562**	$169	**$18,802**	$142	**$15,042**	$113
	Full-Time (5+)	2,500	**$25,951**	$169	**$21,625**	$141	**$17,300**	$113
		5,000	**$30,192**	$113	**$25,160**	$95	**$20,128**	$75
		10,000	**$35,876**	$171	**$29,898**	$142	**$23,919**	$114
		25,000	**$61,435**	$117	**$51,196**	$97	**$40,957**	$78
		50,000	**$90,605**	$180	**$75,503**	$150	**$60,403**	$121
I-1.2	Health Care	500	**$22,562**	$169	**$18,802**	$142	**$15,042**	$113
	Centers	2,500	**$25,951**	$169	**$21,625**	$141	**$17,300**	$113
		5,000	**$30,192**	$113	**$25,160**	$95	**$20,128**	$75
		10,000	**$35,876**	$171	**$29,898**	$142	**$23,919**	$114
		25,000	**$61,435**	$117	**$51,196**	$97	**$40,957**	$78
		50,000	**$90,605**	$180	**$75,503**	$150	**$60,403**	$121
I-2	Nursing Home/	500	**$23,749**	$173	**$19,790**	$145	**$15,832**	$115
	Assisted Living /	2,500	**$27,214**	$175	**$22,678**	$146	**$18,142**	$117
	Convalescent	5,000	**$31,610**	$115	**$26,341**	$97	**$21,073**	$77
	Hospital	10,000	**$37,401**	$182	**$31,168**	$152	**$24,935**	$122
		25,000	**$64,767**	$125	**$53,973**	$104	**$43,178**	$83
		50,000	**$95,929**	$192	**$79,940**	$160	**$63,953**	$128
M	Stores (Retail)	1,000	**$22,038**	$90	**$18,366**	$74	**$14,692**	$60
		5,000	**$25,619**	$87	**$21,350**	$72	**$17,080**	$58
		10,000	**$29,948**	$61	**$24,957**	$50	**$19,966**	$40
		20,000	**$36,015**	$79	**$30,013**	$66	**$24,010**	$53
		50,000	**$59,735**	$55	**$49,779**	$45	**$39,824**	$36
		100,000	**$86,987**	$87	**$72,488**	$73	**$57,990**	$58
M	Market	500	**$20,023**	$162	**$16,686**	$137	**$13,350**	$110
		2,500	**$23,304**	$158	**$19,421**	$131	**$15,537**	$106
		5,000	**$27,255**	$111	**$22,713**	$93	**$18,170**	$74
		10,000	**$32,820**	$143	**$27,350**	$119	**$21,879**	$95
		25,000	**$54,237**	$99	**$45,197**	$82	**$36,158**	$66
		50,000	**$78,898**	$158	**$65,748**	$132	**$52,599**	$105
M	Retail Tenant	500	**$11,744**	$92	**$9,787**	$77	**$7,829**	$62
	Improvements	2,500	**$13,593**	$91	**$11,328**	$76	**$9,062**	$60
		5,000	**$15,859**	$62	**$13,216**	$52	**$10,573**	$42
		10,000	**$18,979**	$86	**$15,816**	$72	**$12,653**	$57
		25,000	**$31,889**	$59	**$26,574**	$49	**$21,259**	$39
		50,000	**$46,682**	$93	**$38,901**	$78	**$31,121**	$62

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
R-2	Apartment	1,000	**$30,120**	$116	**$25,100**	$98	**$20,080**	$78
	Building	5,000	**$34,795**	$115	**$28,997**	$96	**$23,197**	$76
		10,000	**$40,561**	$79	**$33,800**	$65	**$27,041**	$53
		20,000	**$48,442**	$111	**$40,369**	$93	**$32,295**	$74
		50,000	**$81,860**	$77	**$68,216**	$64	**$54,574**	$50
		100,000	**$120,101**	$119	**$100,084**	$100	**$80,067**	$80
R-2	Apartment	1,000	**$14,560**	$92	**$12,132**	$77	**$9,706**	$61
	Building -	5,000	**$18,224**	$75	**$15,187**	$63	**$12,149**	$49
	Repeat Unit	10,000	**$21,970**	$65	**$18,308**	$54	**$14,647**	$43
		20,000	**$28,435**	$32	**$23,696**	$27	**$18,956**	$22
		50,000	**$38,101**	$25	**$31,750**	$20	**$25,400**	$16
		100,000	**$50,284**	$49	**$41,902**	$41	**$33,521**	$34
R-1	Hotel/	5,000	**$42,274**	$36	**$35,229**	$29	**$28,184**	$24
	Motel	25,000	**$49,406**	$33	**$41,172**	$29	**$32,936**	$23
		50,000	**$57,882**	$25	**$48,235**	$21	**$38,588**	$15
		100,000	**$70,012**	$30	**$58,343**	$25	**$46,674**	$20
		250,000	**$114,336**	$21	**$95,280**	$16	**$76,224**	$13
		500,000	**$165,464**	$33	**$137,888**	$28	**$110,310**	$22
R-3	Dwellings	1,500	**$19,109**	$418	**$15,924**	$349	**$12,739**	$279
	Custom, Models,	2,500	**$23,288**	$157	**$19,407**	$130	**$15,526**	$103
	First Master Plan	4,000	**$25,625**	$453	**$21,355**	$377	**$17,084**	$302
		5,000	**$30,158**	$244	**$25,132**	$203	**$20,106**	$163
		7,500	**$36,248**	$227	**$30,207**	$188	**$24,165**	$151
		10,000	**$41,915**	$419	**$34,929**	$349	**$27,944**	$279
R-3	Dwellings -	1,500	**$10,819**	$248	**$9,016**	$207	**$7,213**	$166
	Production Phase	2,500	**$13,298**	$118	**$11,083**	$98	**$8,866**	$78
	of Master Plan	4,000	**$15,069**	$198	**$12,557**	$165	**$10,045**	$132
	Repeat Unit	5,000	**$17,050**	$144	**$14,208**	$121	**$11,387**	$97
		7,500	**$20,661**	$136	**$17,217**	$113	**$13,774**	$91
		10,000	**$24,060**	$240	**$20,049**	$200	**$16,040**	$160
R-3	Dwellings -	1,500	**$24,322**	$598	**$20,269**	$497	**$16,215**	$399
	Alternative	2,500	**$30,301**	$180	**$25,250**	$150	**$20,200**	$119
	Materials	4,000	**$33,003**	$552	**$27,503**	$459	**$22,003**	$368
		5,000	**$38,522**	$279	**$32,101**	$232	**$25,681**	$185
		7,500	**$45,486**	$295	**$37,905**	$246	**$30,324**	$197
		10,000	**$52,860**	$529	**$44,049**	$441	**$35,239**	$352
R - 2.1	Group Care,	1,000	**$29,586**	$99	**$24,654**	$82	**$19,723**	$67
	Non-Amb. (6+)	5,000	**$33,546**	$104	**$27,955**	$87	**$22,364**	$70
		10,000	**$38,778**	$65	**$32,315**	$55	**$25,852**	$44
		20,000	**$45,322**	$119	**$37,768**	$100	**$30,215**	$80
		50,000	**$81,058**	$81	**$67,547**	$67	**$54,038**	$54
		100,000	**$121,459**	$122	**$101,215**	$101	**$80,972**	$81
R-4	Group Care,	1,000	**$29,586**	$99	**$24,654**	$82	**$19,723**	$67
	Ambulatory (6+)	5,000	**$33,546**	$104	**$27,955**	$87	**$22,364**	$70
		10,000	**$38,778**	$65	**$32,315**	$55	**$25,852**	$44
		20,000	**$45,322**	$119	**$37,768**	$100	**$30,215**	$80
		50,000	**$81,058**	$81	**$67,547**	$67	**$54,038**	$54
		100,000	**$121,459**	$122	**$101,215**	$101	**$80,972**	$81
R-3.1	Group Care,	700	**$35,394**	$162	**$29,495**	$135	**$23,596**	$108
	Non-Amb. (1-5)	3,500	**$39,918**	$174	**$33,266**	$146	**$26,612**	$116
		7,000	**$46,033**	$106	**$38,360**	$89	**$30,689**	$71
		14,000	**$53,454**	$208	**$44,545**	$174	**$35,637**	$139

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	**Occupancy Description**	**Project Size Threshold**	**Base Cost @ Threshold Size**	Cost for Each Additional 100 s.f. *	**Base Cost @ Threshold Size**	Cost for Each Additional 100 s.f. *	**Base Cost @ Threshold Size**	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
		35,000	**$97,205**	$141	**$81,004**	$117	**$64,803**	$94
		70,000	**$146,495**	$209	**$122,079**	$174	**$97,664**	$140

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
S-1	Moderate	1,000	**$16,756**	$67	**$13,964**	$57	**$11,171**	$44
	Hazard	5,000	**$19,444**	$66	**$16,203**	$55	**$12,963**	$43
	Storage	10,000	**$22,713**	$45	**$18,926**	$38	**$15,141**	$30
		20,000	**$27,257**	$61	**$22,715**	$50	**$18,171**	$40
		50,000	**$45,452**	$42	**$37,877**	$35	**$30,302**	$28
		100,000	**$66,344**	$67	**$55,287**	$55	**$44,229**	$44
S-1	Mini Storage	1,000	**$16,661**	$67	**$13,884**	$57	**$11,108**	$44
		5,000	**$19,344**	$65	**$16,120**	$55	**$12,896**	$43
		10,000	**$22,599**	$45	**$18,833**	$37	**$15,066**	$30
		20,000	**$27,133**	$61	**$22,612**	$49	**$18,089**	$40
		50,000	**$45,179**	$42	**$37,650**	$35	**$30,119**	$28
		100,000	**$65,921**	$66	**$54,935**	$55	**$43,947**	$44
S-2	Low Hazard	1,000	**$20,828**	$83	**$17,357**	$69	**$13,884**	$57
	Storage	5,000	**$24,179**	$81	**$20,150**	$68	**$16,120**	$55
		10,000	**$28,249**	$57	**$23,542**	$47	**$18,833**	$37
		20,000	**$33,918**	$75	**$28,264**	$62	**$22,612**	$49
		50,000	**$56,474**	$52	**$47,062**	$43	**$37,650**	$35
		100,000	**$82,402**	$82	**$68,668**	$69	**$54,935**	$55
S-1	Repair Garage	500	**$23,081**	$175	**$19,234**	$146	**$15,387**	$116
	(not H-4)	2,500	**$26,579**	$174	**$22,149**	$145	**$17,719**	$116
		5,000	**$30,940**	$117	**$25,784**	$99	**$20,627**	$78
		10,000	**$36,819**	$173	**$30,684**	$144	**$24,547**	$115
		25,000	**$62,816**	$118	**$52,346**	$99	**$41,878**	$79
		50,000	**$92,506**	$185	**$77,089**	$153	**$61,671**	$124
M	Motor Vehicle	1,000	**$17,705**	$69	**$14,755**	$58	**$11,804**	$45
	Fuel Dispensing	5,000	**$20,456**	$68	**$17,045**	$57	**$13,637**	$45
	(including canopy)	10,000	**$23,846**	$46	**$19,872**	$38	**$15,897**	$31
		20,000	**$28,477**	$66	**$23,731**	$55	**$18,985**	$43
		50,000	**$48,114**	$45	**$40,096**	$38	**$32,076**	$30
		100,000	**$70,594**	$71	**$58,828**	$59	**$47,062**	$47
S-2	Open Parking	2,000	**$25,925**	$46	**$21,604**	$38	**$17,283**	$31
	Garage	10,000	**$29,666**	$47	**$24,721**	$40	**$19,777**	$32
		20,000	**$34,434**	$31	**$28,694**	$26	**$22,956**	$22
		40,000	**$40,678**	$50	**$33,898**	$42	**$27,119**	$33
		100,000	**$70,752**	$34	**$58,960**	$28	**$47,169**	$23
		200,000	**$104,938**	$53	**$87,449**	$44	**$69,959**	$35
S-2	Enclosed Parking	2,000	**$24,963**	$47	**$20,802**	$39	**$16,643**	$31
	Garage	10,000	**$28,775**	$47	**$23,978**	$39	**$19,185**	$32
		20,000	**$33,511**	$32	**$27,923**	$27	**$22,342**	$22
		40,000	**$39,820**	$46	**$33,267**	$38	**$26,616**	$31
		100,000	**$67,908**	$32	**$56,588**	$27	**$45,274**	$21
		200,000	**$99,878**	$49	**$83,229**	$42	**$66,590**	$34
	Other Tenant	250	**$10,522**	$167	**$8,769**	$139	**$7,015**	$111
	Improvements	1,250	**$12,192**	$163	**$10,160**	$136	**$8,128**	$108
	(not Office/Retail)	2,500	**$14,230**	$112	**$11,858**	$95	**$9,487**	$75
		5,000	**$17,051**	$153	**$14,209**	$128	**$11,366**	$102
		12,500	**$28,559**	$105	**$23,799**	$89	**$19,040**	$70
		25,000	**$41,763**	$167	**$34,803**	$139	**$27,842**	$111
SHELL BUILDINGS								
	All Shell	1,000	**$18,216**	$73	**$15,180**	$61	**$12,145**	$47
	Buildings	5,000	**$21,108**	$71	**$17,590**	$59	**$14,073**	$47
		10,000	**$24,639**	$49	**$20,532**	$40	**$16,426**	$33

Construction (Plan Check and Inspections)

			Adopted FY 2016-17					
			Construction Types: I FR, II FR		Construction Types: II, III, V - A (1 HR)		Construction Types: II, III, IV, V - B (NR)	
UBC Occ. Group	Occupancy Description	Project Size Threshold	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *	Base Cost @ Threshold Size	Cost for Each Additional 100 s.f. *
* Each additional 100 square feet, or								
		20,000	**$29,523**	$67	**$24,602**	$56	**$19,682**	$44
		50,000	**$49,443**	$45	**$41,203**	$38	**$32,962**	$30
		100,000	**$72,286**	$72	**$60,239**	$61	**$48,191**	$48

AGENDA BILL

Agenda Item No. 7

Date: August 16, 2016

To: El Cerrito City Council

From: Scott Hanin, City Manager
Suzanne Iarla, Assistant to the City Manager

Subject: Memorandum of Understanding for a Feasibility Study of a Transit-Oriented Development Project at the El Cerrito Plaza BART Station

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ACTION REQUESTED

Adopt a resolution authorizing the City Manager to enter into a Memorandum of Understanding in substantially the attached form (Attachment 2) with the San Francisco Bay Area Rapid Transit District ("BART") to advance and cooperatively pursue the feasibility of Transit-Oriented Development and a potential new library facility at the El Cerrito Plaza BART Station.

BACKGROUND

Transit-Oriented Development ("TOD") is a term to describe moderate- to higher-density development located within an easy walk of a major transit stop that generally includes a mix of residential, employment, and shopping opportunities.

Both the City and BART have policies supporting TOD and the agencies have discussed development at or near both El Cerrito stations for decades. Since that time, both agencies have adopted new policies related to development. The City has adopted the San Pablo Avenue Specific Plan, the Economic Development Action Plan, the Climate Action Plan, and the Strategic Plan within the last three years. BART recently adopted its Transit-Oriented Development Policy and modified its parking replacement approach to make the El Cerrito Plaza BART surface parking lot an attractive site for development. (See Attachment 3, a fact sheet on TOD site conditions and zoning at the El Cerrito Plaza Station.)

Library Project

On July 19, 2016 the City Council unanimously voted to place a funding measure before the voters of El Cerrito to construct a new safe and modern library. The current El Cerrito Library was built in 1948 and was expanded in 1960 to 6,500 square feet. The Library is too small to serve the needs of our community, lacks modern technologies and is frequently overcrowded. The Library does not meet current earthquake safety or energy-efficiency standards. The Library has major structural and building system deficiencies that impact the

safety, comfort, and functionality of the building. The Library is also not fully compliant with the Americans with Disabilities Act (ADA). Further, the library is substandard when compared to those in neighboring communities.

The 2006 Library Needs Assessment, updated in 2014, recognized the deficiencies in the current library facility and recommended a larger facility with upgraded technology, larger collection, and increased seating capacity including flexible meeting space for groups and studying. The recommendation called for expanding the size of the building to approximately 21,000 square feet.

As part of the City's feasibility analysis, a number of potential public and private sites for the new library facility have been considered. Based on the site evaluation criteria, cost estimates, and the synergy with the current Community Center, the City Council unanimously found the most desirable option was the former Portola Middle School Lower Playfield with additional community center space. This was also the preferred option of staff and the consultants. The Council directed City Manager Scott Hanin and Mayor Greg Lyman to pursue discussions with the West Contra Costa Unified School District ("WCCUSD") Board of Education to develop an agreement for a 50-year lease for the "Lower Portola Playfield" area for the City to build a minimum 21,000 square foot library and a 7,500 square foot community center space. The Council's direction also included urging the WCCUSD to rebuild Fairmont Elementary School as soon as possible, with a commitment that the City would ensure there would be adequate room on the Lower Portola Playfield for a temporary Fairmont campus while the school was under construction/renovation, as well as a commitment to develop a plan for the ultimate disposition of the current Senior Center and Library sites from the City to the District upon successful passage of a ballot measure to fund the new El Cerrito Library. Unfortunately, the WCCUSD was not open to the City's request for the School Board to consider use of the Lower Portola Playfield for a new El Cerrito Library. City staff may recommend that the City Council pursue requesting the WCCUSD Board to reconsider this position in the future.

Staff's evaluation of other potential public and private sites for the new library facility has continued, using the City's policies, plans, and guidelines supporting development to inform and provide criteria for consideration. Analysis is ongoing, including identifying the need for additional feasibility studies for potential library sites.

City Council Policies Supporting TOD

San Pablo Avenue Specific Plan: In 2014, the City Council adopted the San Pablo Avenue Specific Plan, which envisions San Pablo Avenue as a multimodal corridor and established context-sensitive regulations that promote both residential and commercial uses in an urban setting. The Plan specifically promotes higher-intensity mixed-use developments in proximity to both BART stations within El Cerrito. The Plan identified the potential for development at the El Cerrito Plaza BART surface parking lot. The increased height and densities

now allowed near the BART stations, more flexible parking requirements with lower minimums, and a more flexible approach to mixed-use, including allowing ground floor residential throughout the Plan area, were informed by a detailed Transit-Oriented Development (TOD) Feasibility Analysis and Parking Study completed in 2011 (with funding from the Metropolitan Transportation Commission).

The Plan also embraced the City's existing "Transit First" Policy to encourage and promote the use of public transit among El Cerrito residents and visitors, and expedite the movement of transit vehicles. Prioritizing development at the El Cerrito Plaza BART station would help the City to achieve multiple goals stated in the Plan, particularly the goals to "Ensure Return on Investment" and "Catalyze Mode Shift".

El Cerrito Economic Development Action Plan: The Economic Development Action Plan, adopted in 2016, provides a solid policy foundation for economic activities in El Cerrito in the next five years. The Plan specifically calls for maximizing TOD including higher density residential in-fill development close to existing infrastructure (BART, AC Transit, the Ohlone Greenway) to improve air and water quality and protect natural resources through increased walkability and reduced auto use; and achieve the vision for higher quality sustainable urban development by adopting agreements with BART for cooperative development of the BART sites, including identifying steps to initiate and coordinate development and release of an RFQ/RFP for a mixed-use development at the Plaza BART station parking lot.

El Cerrito Climate Action Plan: The City's Climate Action Plan, adopted in 2013, identifies actions the City and community can take to reduce greenhouse gas emissions, which include encouraging more compact, higher density infill development to reduce vehicle miles traveled. The goal is to create a walkable, bikeable San Pablo Avenue supported by strong public transportation use, vital commercial activity, a mix of housing types, pedestrian design elements, green infrastructure and urban green open spaces proven to reduce dependence on the private automobile.

El Cerrito Strategic Plan: The El Cerrito Strategic Plan (adopted in 2013 and updated in 2015) articulates a vision of the City as a "safe, connected, transit-oriented and environmentally focused destination with welcoming neighborhoods, thriving businesses and vibrant public spaces, and diverse cultural, educational and recreational opportunities for people of all ages." Pursuing development at the El Cerrito Plaza BART station would help to achieve this vision and fulfill a number of the Plan's objectives, including to:

- Explore opportunities for public/private partnerships
- Develop a vision for underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development

- Reduce vehicle miles traveled by creating a well connected, pedestrian, bicycle and transit-oriented urban forms that will make it easier for residents and visitors to leave their car behind

BART Policies Supporting TOD

On June 9 2016, the BART Board of Directors adopted a new Transit-Oriented Development Policy (Attachment 4) that recognizes that BART's real estate assets can be used to catalyze Transit-Oriented Development and by working in partnership with communities, BART can help to achieve local and regional economic development goals and fulfill the regional land use vision. BART has also recently lessened parking replacement requirements that make the El Cerrito Plaza BART surface parking lot an attractive site for development. Where residential development is desired, BART policy also places a renewed emphasis on addressing the affordable housing need, with a minimum goal of 20% of units on BART property at each station to be affordable, and a District-wide target of 30% of all units to be affordable.

TOD at Del Norte Station In Process

In addition to the policies, plans and guidelines supporting TOD, El Cerrito is actively engaged in TOD near the El Cerrito del Norte Station. Through a competitive process, the City recently selected Holliday Development and Bridge Housing to develop the "Mayfair Block" adjacent to the Del Norte BART station. The City has entered into an Exclusive Negotiating Rights Agreement for the Holliday Development and Bridge Housing team to develop a mixed-use project of apartments and ground floor retail/commercial. Development of the Mayfair Block has long been viewed as a key to catalyzing transit-oriented residential and commercial development near the Del Norte BART station. This process could be a model for identifying developers for the El Cerrito Plaza Station site.

ANALYSIS

Staff is seeking direction from the City Council to work together with BART to explore TOD at the El Cerrito Plaza Station, including a feasibility analysis for a mixed-use development with the potential to include a library facility. The study would evaluate if the site is suitable for a new safe, modern El Cerrito Library to be incorporated into the development to replace the current library facility.

Staff recommends that the City and BART enter into a Memorandum of Understanding (MOU) that articulates both agencies' desire to implement TOD at the El Cerrito Plaza Station as soon as possible and to determine the appropriateness and feasibility for a new library, and direct staff to work together toward achieving that goal. Should the transit-oriented, mixed use development including a safe, modern El Cerrito Library appear feasible, City and BART staff would work toward developing and implementing a solicitation process for the feasible development scenario in a timely manner.

Pursuing TOD and a possible library at the El Cerrito Plaza Station would achieve the following joint objectives:

- The City and BART work together proactively to plan for development around the station that is both supportive of transit service and maximizes the value of the land.
- The City and BART work together proactively to ensure the development contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.
- Facilitate a high quality development project that will lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.
- Leverage use of BART property to provide enhanced walkability, bikeability, additional ridership and seamless transit connectivity in the neighborhood.
- The City and BART work together proactively to encourage TOD to help address the regional shortfall in meeting affordable housing and other sustainable growth needs and be a catalyst for local economic development in El Cerrito.

This site is one of a number of sites that could be considered for a new library. Staff will return to the City Council with a revised recommendation for a preferred site after completion of this and other feasibility studies and when the outcome of the November ballot measure is known.

FINANCIAL CONSIDERATIONS

The City and BART would agree that a feasibility analysis for the El Cerrito Plaza Station site will be supported jointly, with the City overseeing any consultant work and BART providing staff support. The City would serve as the fiscal agent for a consulting contract, and the City's liability shall not exceed $25,000. Because this spending is within the authority of the City Manager and funds are currently available, no additional appropriation is necessary at this time.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved both the resolution and draft MOU.

Reviewed by:

Karen Pinkos
Assistant City Manager

Attachments:

1. Resolution
2. MOU
3. El Cerrito Plaza TOD site conditions and zoning fact sheet
4. BART Transit-Oriented Development Policy

Agenda Item No. 7
Attachment 1

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO REQUESTING THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ("BART") BOARD OF DIRECTORS TO ADVANCE DEVELOPMENT AT THE EL CERRITO PLAZA BART STATION AND TO DIRECT THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH BART TO DETERMINE THE FEASIBILITY OF TRANSIT-ORIENTED DEVELOPMENT AND A POTENTIAL NEW LIBRARY AT THE EL CERRITO PLAZA BART STATION

WHEREAS, the City of El Cerrito supports transit-oriented development; and

WHEREAS, the El Cerrito Plaza BART Station as identified in the City's San Pablo Avenue Specific Plan is located in Downtown El Cerrito, the City's entertainment/theater and shopping district that serves as the southern gateway to the City; and

WHEREAS, transit-oriented development at the El Cerrito Plaza BART station would help fulfill objectives identified in various City planning documents including the San Pablo Avenue Specific Plan, Climate Action Plan, Updated Strategic Plan; and

WHEREAS, development at the El Cerrito Plaza Station would deepen a sense of place and community identity, strengthen the City's partnership with BART, promote the everyday use of transit, and serve as a catalyst to attract private investment to El Cerrito; and

WHEREAS, staff from the City and BART would work together proactively to complete a feasibility study to consider transit-oriented development opportunities that would be supportive of transit service, offer a mix of commercial uses and housing for various income levels, maximize the value of the BART-own parcels, and contribute to the vitality of El Cerrito; and

WHEREAS, the study would also evaluate if a site suitable for a new safe, modern El Cerrito Library could be incorporated into the development to replace the current El Cerrito library facility; and

WHEREAS, the City supports transit-oriented development, reduced parking requirements, and affordable housing at the El Cerrito Plaza BART station as soon as possible, regardless if it includes a site for a new safe, modern El Cerrito Library.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to execute a Memorandum of Understanding (MOU) with BART to study and pursue Transit-Oriented Development opportunities and a new library at the El Cerrito Plaza station.

Agenda Item No. 7
Attachment 1

I CERTIFY that at the regular meeting on August 16, 2016 the El Cerrito City Council passed this resolution by the following vote:

AYES:
NOES:
ABSENT:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August __, 2016.

_____
Cheryl Morse, City Clerk

APPROVED:

_____
Gregory B. Lyman, Mayor

Agenda Item No. 7
Attachment 2

MEMORANDUM OF UNDERSTANDING
BETWEEN
CITY OF EL CERRITO
AND
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

This Memorandum of Understanding ("MOU") is entered into this____ day of September, 2016, by and between the City of El Cerrito ("City") and the San Francisco Bay Area Rapid Transit District ("BART") to cooperatively pursue study of the feasibility of transit oriented development and a potential new library facility at the El Cerrito Plaza BART Station.

I. RECITALS

a) In 2014, the City adopted the San Pablo Avenue Specific Plan (Plan), which includes the El Cerrito Plaza BART Station and describes residential development, retail, commercial and office uses, and established the public facilities, planning and development standards (including reduced parking ratios) which control new development in the Plan area.
b) Over the past 15 years, a number of attempts to develop transit oriented development at either the El Cerrito Plaza or Del Norte BART stations in El Cerrito have been considered but none have come to fruition.
c) The El Cerrito Plaza BART Station offers a unique opportunity because of its desirable location and adjacency to the El Cerrito Plaza and San Pablo Avenue shopping and entertainment areas.
d) The goals of the City and BART in regard to transit oriented development, affordable housing and required parking appear to now be more aligned than ever before and the market for new housing at transit locations is incredibly strong.
e) The City has been in the process of developing a new, safe, modern library in the City for nearly 15 years and has now placed a measure before the voters of El Cerrito to authorize obtaining the funds necessary for the new library and the El Cerrito Plaza BART Station is a potentially desirable location for the new library, which could be integrated into a transit oriented development.
f) The City and BART desire to cooperate in analyzing joint development possibilities of at the El Cerrito Plaza BART Station, including the possibility of a new library that could serve the residents of El Cerrito and potentially generate additional ridership for BART.

g) Through their own planning efforts, the City and BART have identified the following mutual development objectives which could be addressed through preparation of a feasibility analysis, including:

1) To establish development parameters which will create a high density, transit oriented development with a mix of both market rate and affordable housing that integrates into the surrounding single family neighborhood.
2) To examine potential activities (potentially including a new library), and land uses which will complement and strengthen the ongoing revitalization of the area around El Cerrito Plaza and along San Pablo Avenue.
3) To analyze all development opportunities on the El Cerrito Plaza BART site in consideration of a full range of available transit-oriented development opportunities.
4) To analyze alternative development scenarios and schedules that will serve to address opportunities and strategies for maximizing development of the El Cerrito Plaza BART Station, including station access investments and management, and a potential reduction in replacement parking.
5) To analyze the feasibility of including a new, modern and safe library as part of potential development at the El Cerrito Plaza BART site.
6) Exploration of potential to improve sustainable transportation choices for existing residents in the El Cerrito Plaza area, as well as tenants of any particular development on BART property.

It is the intent of the Parties that this MOU will result in an analysis of the feasibility of development of the Site ("Feasibility Analysis") for consideration by each Party; however, this MOU shall not constitute prior approval by any party of any development project that may be discussed or recommended in such report.

II. MUTUAL UNDERSTANDING OF THE PARTIES

In light of the foregoing Recitals, the City and BART desire to cooperatively pursue joint feasibility analysis for development of the El Cerrito Plaza BART station ("Site"), generally bounded by Fairmont Avenue, Richmond Street, Central Avenue and Liberty Street (refer to Exhibit A) as follows:

1. Elements of the Feasibility Analysis

The City and BART agree that the Feasibility Analysis will establish specific development objectives for the Site in the context of the overall Plan.

Specific building design issues will be governed by the El Cerrito Zoning Code and more specifically the Form Based Code included in the Plan. The Feasibility Analysis is predicated upon the financial viability of development on the Site based upon market conditions and trends. Elements of this analysis will include but not necessarily be limited to the following action items:

a) Identification of development objectives and opportunities at the Site, both with and without a new library,
b) Examination of the specific land use type(s) and magnitude of transit oriented development appropriate for the Site in light of current and projected market conditions, the Plan, and the adjacent residential neighborhood,
c) Establishing broad Site design concepts including site planning for the location of uses and the scale/mass buildings on Site,
d) Detailed analysis of the specific market conditions and financial feasibility considerations which will shape development on the Site,
e) Identify recommended development alternatives to improve station access, and for replacement parking, resident parking, customer parking and on-street parking adjacent to the station,
f) Identification of the possible structure of participation by the City and BART in each joint development alternative and the financial/fiscal ramifications of each development alternative upon the participating entities.
g) Should transit-oriented, mixed use development including a modern, safe El Cerrito Library appear feasible, development of a timeline and task list associated with the development and implementation of a solicitation process to implement the feasible development scenario will be completed in a timely manner.
h) Analysis of the potential subsidy needed to meet BART's goals for affordable housing (a minimum of 20% of units affordable to low and very low income household on-site, and a system wide target of 30%) as well as the City's goals for providing affordable housing in El Cerrito.

2. Project Management

The Feasibility Analysis will be managed jointly. The City will identify consultants to perform the Feasibility Analysis, subject to the consideration and approval of BART staff. This could include the development and distribution of a Request for Proposal for consulting services or identification of consultants already under contract or who have been previously selected through a competitive process. The City and BART will jointly negotiate the scope of consulting services and monitor performance of the consultant. The City and not BART will contract for the services of the consultant.

Only the City Council or City Manager approval of the contract for preparation of the Feasibility Analysis shall be required, unless such selection is other than the consultant recommended by both respective staffs. If this should occur, approval of the BART Board of Directors shall also be required.

3. Indemnification

City shall defend, indemnify and hold harmless BART, its directors, officers, agents and employees from all claims, demands, suits loss, damages, injury and liability, direct or indirect (including any and all costs and expenses in connection therewith) collectively "Liability", incurred as a result of or in connection with the contract with the consultant; and City agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against BART, its directors, officers, agents and employees, or any of them, under or in connection with the contract with the consultant; and City agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against BART, its directors, officers, agents and employees, or any of them, arising out of the contract with the consultant, and to pay and satisfy any resulting judgments except to the extent such claims, actions, suits or other legal proceedings are caused by the negligence or willful misconduct of BART or its employees. In addition, City shall indemnify, defend with counsel acceptable to BART, and hold harmless BART and its officers, officials, employees, agents and volunteers from and against any and all Liability arising out of this MOU to the extent such Liability is due to City's negligence or willful misconduct.

BART shall indemnify, defend with counsel acceptable to City, and hold harmless City and its officers, officials, employees, agents and volunteers from and against any and all Liability arising out of this MOU to the extent such Liability is due to BART's negligence or willful misconduct.

4. Funding Provisions

The Feasibility Analysis will be funded by the City of El Cerrito, who will assume payment responsibilities of a consulting contract. The City will serve as the fiscal agent for the consulting contract, receiving invoices from the contractor and processing progress payments. The consulting contract shall be in an amount not to exceed $25,000.

5. Schedule

The City and BART will pursue implementation of the feasibility study immediately upon execution of this Memorandum of Understanding. The Parties intend to complete the Feasibility Analysis no later than the end of January 2017 and present the Feasibility Analysis to their respective legislative bodies as soon as possible thereafter in order to obtain direction on whether to pursue a potential transit oriented development at the El Cerrito Plaza BART station.

IN WITNESS WHEREOF, the Participants have caused this Memorandum of Understanding to be effective with the approval of their authorized representatives on the dates indicated below.

CITY OF EL CERRITO

By_____

_____
Title

_____
Date

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

By_____

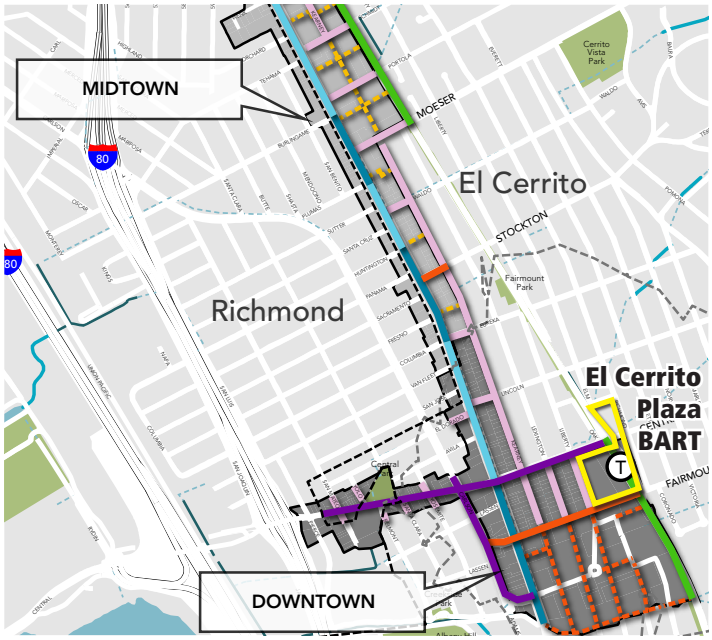
_____
Title

_____
Date

El Cerrito Plaza Transit-Oriented Development

Site Conditions and Zoning

Agenda Item No. 7
Attachment 3

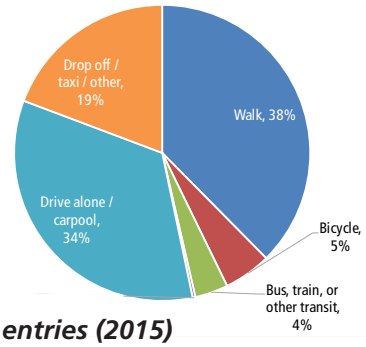


San Pablo Avenue Specific Plan (2014)

BART-owned property and development sites

El Cerrito Plaza BART Station Profile (2015)

- ~5,000 riders per day
  - 80% home-based
  - 20% non-home based
- Vehicle parking = 791 spaces
- Bus routes = 4
- Bus bay positions = 9



Mode of home-based entries (2015)

Site A (2.28 ac)

- General Plan = High density (outside San Pablo Ave. Specific Plan)
- Zoning = Transit Oriented Mixed Use (TOM)
  - » Max. F.A.R. = 2.0 (up to 3.0 with incentives)
  - » Min. residential density = 35 units / acre
  - » Max. residential density = 45 units / acre; up to 70 du / acre for housing for elderly and disabled
  - » Max height = 65' (with CU Permit)
- Parking
  - » Multi-family residential: Min. 0.75 spaces/unit
  - » Most commercial uses: Min. 1 space per 400 sf
  - » Community center: Min. 1 space per 4 fixed seats or per 50 square feet of main assembly area, whichever is greater. Each 24' of bench type seating is considered 1 seat. (reduce this number by 25% due to proximity to BART station)

Site B (2.77 ac) and C (1.63 ac)

- General Plan & Zoning = Transit-Oriented High Intensity Mixed Use (TOHIMU) as per San Pablo Avenue Specific Plan
  - » Min. height = 3 stories (res), 2 stories (commercial)
  - » Max. height = 65' (85' if an eligible affordable housing project)
- Parking
  - » Commercial: Max. 1 space per 1,000 sf (if over 3000 sf bldg)
  - » Residential: Max. 1 space per unit
- Fairmount Avenue Frontage ("Major Commercial Street")
  - » 200' maximum building length
  - » Min. 75% ground floor transparency
  - » Min. 50% shop front
- Central Avenue Frontage ("Gateway Street")
  - » Max. building length = 300'
  - » Ground floor transparency
    - » Nonresidential: Min. 50%
    - » Residential: Min. 30%
  - » Ground floor retail allowed

Transit-Oriented Development Policy

Adopted June 9, 2016

VISION

The San Francisco Bay Area Rapid Transit District (BART) is a steward of a large scale public investment. This includes real estate assets essential to BART's transit operations, and real estate assets that can be used to catalyze transit-oriented development in furtherance of BART's purpose and goals. BART leverages these opportunities by working in partnership with the communities it serves in order to implement the regional land use vision and achieve local and regional economic development goals. Strengthening the connections between people, places, and services enhances BART's value as a regional resource.

GOALS

A. Complete Communities. Partner to ensure BART contributes to neighborhood/district vitality, creating places offering a mix of uses and incomes.

B. Sustainable Communities Strategy. Lead in the delivery of the region's land use and transportation vision to achieve quality of life, economic, and greenhouse gas reduction goals.

C. Ridership. Increase BART ridership, particularly in locations and times when the system has capacity to grow.

D. Value Creation and Value Capture. Enhance the stability of BART's financial base by capturing the value of transit, and reinvesting in the program to maximize TOD goals.

E. Transportation Choice. Leverage land use and urban design to encourage non-auto transportation choices both on and off BART property, through enhanced walkability and bikeability, and seamless transit connectivity.

F. Affordability. Serve households of all income levels by linking housing affordability with access to opportunity.

STRATEGIES

A. Manage Resources Strategically to Support Transit-Oriented Development

1. Develop a 4-Year Work Plan to assess how staff and financial activities toward TOD will be most fruitful. Identify BART staffing priorities and assignments to promote TOD on and around District property, including contributions to efforts such as planning and development, community engagement, funding and financing strategies.
2. Favor long-term ground leases of no more than 66 years, rather than sale of property, as the standard disposition strategy for joint development projects, except in cases where alternative approaches are required to achieve specific development objectives or where other strategies would generate greater financial return to the District.
3. Solicit proposals for transit-oriented development in localities that have an adopted plan allowing for transit-supportive land uses as defined in the TOD Guidelines. Utilize a competitive selection process, but ensure the solicitation process considers property assembly with adjacent land owners for optimal TOD.
4. Revisit the Transit-Oriented Development Policy every 10 years.

B. Support Transit-Oriented Districts

1. Proactively support local jurisdictions in creating station area plans and land use policies that: a) encourage transit-supportive, mixed-use development on and around station properties, b) enhance the value of BART land, and c) enhance the performance of the BART system as a whole.

2. Form partnerships with public agencies, developers and landowners, community development organizations, finance entities, and consider strategic land acquisition to help build TOD both on and off BART property.

3. For BART system expansion, ensure that transit-oriented development and value capture opportunities are explicitly accounted for in major investments such as the location of new station sites, design and construction of station facilities, and acquisition of new properties.

C. Increase Sustainable Transportation Choices using Best Practices in Land Use and Urban Design

1. Utilize BART's TOD Guidelines to ensure future development and investments seamlessly connect BART stations with surrounding communities.

2. Ensure that combined TOD/parking/access improvements on and around each BART station encourage net new BART ridership, utilizing corridor-level, shared, and off-site approaches to parking replacement as appropriate. Following the aspirational Station Access Policy place types, use the following guidelines to replace current BART parking as follows when developing BART property with TOD: strive for no or limited parking replacement at "Urban with Parking" Stations; and use the access model to maximize revenue to BART from development and ridership when determining a parking replacement strategy at all station types.

3. Utilize strategies including mixed-use development, transportation demand management, and pedestrian-friendly urban design to encourage reverse-commute, off-peak, and non-work trips on BART and other modes of non-auto transportation, thereby reducing greenhouse gas emissions.

D. Enhance Benefits of TOD through Investment in the Program

1. Evaluate the financial performance of proposed projects based on sound financial parameters and the ability to generate transit ridership, fare revenue, lease payments, parking revenues, grant resources, other financial participation, and/or cost savings. Consider the opportunity cost to the District of delaying or accelerating development opportunities.

2. Use a variety of financing and governance mechanisms, including joint powers authorities, assessment districts, improvement districts, and lease credits to achieve station area TOD objectives.

3. As appropriate, and in consideration of District-wide financial needs, reinvest revenues from the sale and lease of BART land into the TOD Program, informed by the priorities identified in the 4-Year Work Plan.

E. Invest Equitably

1. Increase scale of development at and near BART stations through catalytic investments in TOD, to help address the regional shortfall in meeting housing and other sustainable growth needs.

2. Implement BART's adopted Affordable Housing Policy, and aim for a District-wide target of 30 percent of all units to be affordable, with a priority to very low (<50% AMI), low (51-80% AMI) and/or transit-dependent populations.

3. Ensure the 4-Year Work Plan addresses how BART will achieve its affordable housing goals.