



AGENDA

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, July 21, 2015 – 6:15 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, July 21, 2015 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
Councilmember Gabriel Quinto

6:15 p.m. ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

ORAL COMMUNICATIONS FROM THE PUBLIC – *Comments are limited to 3 minutes and to items on this special meeting agenda only.*

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9 of the California Government Code: One potential case.

RECESS INTO CLOSED SESSION

ADJOURN SPECIAL CITY COUNCIL MEETING – 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 Jan Bridges.*

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. Proclamation Honoring the Rosenberg Family – Presentation by Chris Jones, Recreation Director.

Approve a proclamation declaring the City Council's gratitude and appreciation for Marvin, Dorothy, Mary and Barr Rosenberg for their generous gift of open space and park land to the City of El Cerrito, its residents and visitors, for all time and reaffirming its commitment to use this property only according to the terms set forth in the Marvin Rosenberg Trust and Resolution No. 2003–108.

B. Contra Costa County Sheriff's West County Detention Facility – Presentation by Tom Chalk, Captain, Contra Costa County Sheriff's Office.

Receive a presentation regarding the Contra Costa County Sheriff's proposal to build a new 140,000 square foot, 418 bed facility at the West County Detention Facility located in the City of Richmond. Programming space will comprise 20,000 square feet of the proposed facility.

C. AC Transit Service Expansion Plan and Planned Outreach – Presentation by Robert Del Rosario, Director of Service Development.

Receive a presentation regarding specific improvements planned for the 72 bus line and other AC transit lines.

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

A. Minutes for Approval

Approve the June 23, 2015 Special City Council meeting minutes.

B. Agreement with St. Francis Electric for Street Light and Signal Maintenance Services

Adopt a resolution authorizing the City Manager to execute an agreement with St. Francis Electric for an annual cost not to exceed \$31,800 to provide street light and signal maintenance services for a period of three years, with an option to annually extend three years thereafter, effective August 1, 2015.

C. Tree Committee Appointment

Approve a Tree Committee recommendation to appoint Yan Linhart to the Tree Committee, effective August 10, 2015.

D. Crime Prevention Committee Appointment

Approve a Crime Prevention Committee recommendation to appoint Mollie Hazen to the Crime Prevention Committee, effective August 12, 2015.

E. Reauthorize and Increase Funding for the Older Americans Act 2015

At the request of the Committee on Aging, authorize Mayor Friedman to send a letter to the City's federal representatives urging support for the reauthorization and increased funding

for the Older Americans Act.

6. PUBLIC HEARINGS

A. Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems

Conduct a public hearing and upon conclusion, introduce by title, waive any further reading and approve an ordinance allowing expedited permitting procedures for small residential rooftop solar energy systems. *(Exempt from CEQA).*

B. Floodplain Management Ordinance

Conduct a public hearing and upon conclusion, introduce by title, waive any further reading and approve an ordinance updating the Floodplain Management Regulations. *(Exempt from CEQA).*

C. Fire Hazard Abatement

Staff requests the City Council: 1) Adopt a resolution declaring weeds, rubbish, litter or other flammable material on certain real property as identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26. *(Exempt from CEQA).*

7. POLICY MATTERS

A. Ordinance Establishing the Measure A Swim Center Parcel Tax Rates for Fiscal Year 2015-16

Introduce by title, waive any further reading and approve an ordinance establishing the Measure A Swim Center Parcel Tax rates for Fiscal Year 2015-16, at the maximum authorized rate of \$58.46 per single family residential unit, \$45.00 per multifamily residential unit, and \$410.00 per acre of non-residential property to address maintenance needs of the Swim Center facility and generate additional funds for future capital projects. *(Exempt from CEQA).*

B. Tax and Revenue Anticipation Notes

Adopt a resolution approving the borrowing of funds for Fiscal Year 2015-16 and the issuance and sale of 2015-16 tax and revenue anticipation notes, "TRAN." Incorporated into the resolution is the authorization of the City Manager to execute an agreement to sell the TRAN in an amount not-to-exceed \$5,000,000 and authorize staff to enter into agreements with NHA Advisors and Jones Hall, as bond counsel, to prepare and execute appropriate legal documents related to said financing.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regular City Council meeting is Tuesday, August 18, 2015 at 7:00 p.m. at City Hall, 10890 San Pablo Avenue, El Cerrito, California.

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 BILL

Agenda Item No. 4(A)

Date: July 21, 2015

To: El Cerrito City Council

From: Christopher Jones, Recreation Director

Subject: Proclamation in Recognition of Marvin, Dorothy, Mary, and Barr Rosenberg and the Donation of Open Space and Park Property to the City of El Cerrito by the Marvin Rosenberg Trust

ACTION REQUESTED

Approve a proclamation recognizing and showing gratitude for the donation of property on 945 King Drive to the City of El Cerrito by the Marvin Rosenberg Trust and acknowledging Marvin, Dorothy, Mary, and Barr Rosenberg for their roles in the donation.

BACKGROUND

On March 28, 2003, the City of El Cerrito was notified that the Marvin Rosenberg Trust had bequeathed six parcels of land (1.6 acres) consisting of five vacant lots and one lot containing a single family home to the City of El Cerrito. The property would be conveyed to the City upon the death of Marvin Rosenberg's second wife Mary Rosenberg or the relinquishment of her claim. The City Council authorized the City Manager to accept the property on October 20, 2003 with approval of Resolution 2003-108.

In the summer of 2013, Barr and Mary Rosenberg informed the City that Ms. Rosenberg had plans of moving back to her native England and that she wished to relinquish her lifetime rights to 945 King Drive upon moving so that the property transfer to the City could take place.

In accordance with City Council Resolution No. 2003-108, the City Manager directed staff to hire a title company to handle the transfer of property in late 2014. On April 9, 2015, escrow closed and Contra Costa County officially recorded the transfer from the Marvin Rosenberg Trust to the City of El Cerrito of 945 King Drive.

Barr and Mary Rosenberg offered the following remembrances of Marvin Rosenberg and life on 945 King Drive:

Around 1940, when the young Marvin Rosenberg moved to California and took up teaching appointments culminating in his appointment with UC Berkeley, he and his wife, Dorothy, chose to buy land in El Cerrito to set up their home.

Agenda Item No. 4(A)

Their house was only the third building on King Drive, and had a clear view over to the campus campanile. Soon after taking ownership of their home in 1950, it caught fire and was lost. In this period, prior to the building of Moeser Lane, the fire engines were not powerful enough to directly climb the hill and extinguish the flames. Marvin and Dorothy chose to rebuild their home and remain on King Drive. Their son Barr attended El Cerrito High School and, although he worked in Berkeley, Marvin lived on King Drive to the end of his life. El Cerrito was his home. It was here that he raised his son – and here, after Dorothy's death in 1969, that he proudly brought his second wife, Mary.

He loved the idea of owning and working his own special plot of land, and he spent much time and energy planning his garden, creating an area of forest, with a variety of native trees; an area of orchard (apples, pears, cherries, lemons, figs and loquats); and a large open space where he would sometimes invite his students for outdoor picnics and for the performance of some of their plays and dance programs. Out of a steep hillside, he labored to create a special place of his own. Looking out over the results of his labors towards the end of his life, he would often say, "I love this place" – and his deep affection was apparent in his hands-on knowledge of every plant and every flower in his garden.

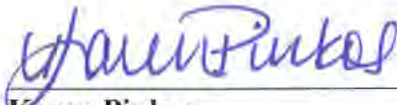
His son remembers how Marvin bought neighboring lots one by one as they became available, and how the land was leveled step by step to make level playing fields for family and friends. Marvin and Dorothy always appreciated the view from their study windows, and loved to share the beauty of the land and to have children playing outside. When purchasing the lot with access to Shevlin, Marvin was already imagining how that would enhance the land's usefulness as a public park. In his later years he found a new kind of appreciation for the view from his study, and allowed himself the time to gaze out the window in meditation.

His wife Mary remembers how he grew corn in his small vegetable patch – fenced off to protect it from the visiting deer – and how, when the water in the pan was ready and boiling, he would cut himself a fresh ear for his dinner: and how he experimented with growing grapes so he could entertain his students to a Greek style dinner with vine leaves. His zucchini (like his over-abundant tomatoes) were famous in the Drama Department: and at Mary's special request he imported gooseberry plants and grew butternut squash and asparagus. His bushes and flowering trees were planted with an eye to perspective and planned to blossom in sequence, so there was always something in bloom. He planted daffodil bulbs by the hundred and one of his favorite occupations was to sit and read while he moved the hose from plant to plant in hot weather. The white Himalayan rhododendron (fragrantissima) in his patio brought beauty and fragrance each spring and made coming home "special." A number of well-loved dogs served as guardians of the property and gave joy and companionship to all residents over the years.

Agenda Item No. 4(A)

It was always Marvin's hope that his garden should live beyond him and create a space for the people of El Cerrito to share and enjoy. As open space in cities becomes increasingly rare and precious, Barr and Mary were happy to encourage this dream and, although Marvin left the house and grounds to Mary as long as she chose to live there, when she decided to return to her native England, she and Barr were both happy to follow Marvin's wishes and hand it over to the City of El Cerrito as a public park and as a lasting memorial to Dorothy. We hope that the Dorothy Rosenberg Memorial Park will give pleasure to the citizens of El Cerrito in the years ahead, and that the city will cherish it as the open space that Marvin intended.

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachment:

1. Proclamation
2. Resolution No. 2003-108

EL CERRITO CITY COUNCIL PROCLAMATION

In Recognition of Marvin, Dorothy, Mary, and Barr Rosenberg for the donation of park and open space property to the City of El Cerrito

WHEREAS, through the efforts and generosity of Marvin, Dorothy, Mary, and Barr Rosenberg, the City of El Cerrito has received a donation of property to one day become the “Dorothy Rosenberg Memorial Park;” and

WHEREAS, Marvin Rosenberg and his first wife Dorothy moved into the original house at 945 King Drive in El Cerrito in 1940, took ownership of the house in 1950, remodeled it, lost it to a fire that arose from spontaneous combustion a few days before they planned to move back in after the remodeling, and nevertheless chose to stay on and build the house that now stands there; and gradually over the years purchased adjacent lots as they became available and leveled them out to create play fields for family and friends; and

WHEREAS, in 2003, the City of El Cerrito was notified that the Marvin Rosenberg Trust had bequeathed six parcels of land (1.6 acres) consisting of five vacant lots and one lot with a single family home to the City of El Cerrito. The property would be conveyed to the City upon the death of Marvin Rosenberg’s second wife Mary Rosenberg or the relinquishment of her claim. The City Council authorized the City Manager to accept the property on October 20, 2003 with approval of Resolution 2003-108; and

WHEREAS, Marvin Rosenberg was a professor emeritus of theater arts at the University of California, Berkeley and a renowned expert in the study of Shakespeare’s plays and performances who passed away in 2003; and

WHEREAS, Dorothy Rosenberg, a published poet, passed away in 1969; and

WHEREAS, Mary Rosenberg, a former faculty member at the University of Lancaster in England, long-time member of the El Cerrito Tennis Club, Friend of El Cerrito Library and supporter of the Contra Costa Civic Theater, returned to her native England and relinquished her lifetime rights to 945 King Drive in 2013; and

WHEREAS, Barr Rosenberg attended El Cerrito High School and enthusiastically supported Marvin's plans for acquiring property with the ultimate goal of creating a public park; and

WHEREAS, Marvin Rosenberg desired that his property would remain open space in perpetuity and one day become a public park named in honor of Dorothy and that his vision would be carried out by Mary and Barr Rosenberg; the property transfer to the City was officially recorded by Contra Costa County on April 9, 2015.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims its gratitude and appreciation for Marvin, Dorothy, Mary, and Barr Rosenberg for their generous gift of open space and park land to the City of El Cerrito, its residents and visitors, for all time and reaffirms its commitment to use this property only according to the terms set forth in the Marvin Rosenberg Trust and Resolution No. 2003-108.

Dated: July 21, 2015

Mark Friedman, Mayor

RESOLUTION 2003-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTIFICATE OF ACCEPTANCE AT THE TIME THAT THE PROPERTY IS CONVEYED TO THE CITY BY THE MARVIN ROSENBERG TRUST FOR A BEQUEST OF 1.547 ACRES OF PROPERTY LOCATED AT 945 KING DRIVE AND APPROVING THE CONVERSION OF THE PROPERTY INTO A PUBLIC PARK AND THE CONVERSION OF A SINGLE FAMILY HOME ON THE PROPERTY INTO A COMMUNITY FACILITY.

WHEREAS, On March 28, 2003 the City was notified that the Marvin Rosenberg Trust bequeathed of six parcels of land consisting of five vacant lots with extensive landscaping and one lot improved with a single-family home (Parcels 505-222-04, 505-222-011 though -015) to the City.

WHEREAS, The property will not be conveyed to the City until the death of Mary Rosenberg, who retains the right to live there for the rest of her life, and the City shall not have any immediate obligations to maintain the property as a park;

WHEREAS, To comply with federal tax requirements, the bequest requires the City to decide now whether it will accept the property;

WHEREAS, The City of El Cerrito is striving to reach a goal, as stated in General Plan Policy PR 1.3, of five acres of parks, recreation areas, and open space per 1,000 residents;

WHEREAS, The costs to the City of El Cerrito of maintaining this property will be minimal;

NOW, THEREFORE, BE IT RESOLVED: That the City Manager, or his designee, is authorized to execute a certificate of acceptance for the City of El Cerrito at the time that the property is conveyed to the City by the Trust in order to accept this land bequest subject to the following conditions of the bequest:

1. Use the property in perpetuity as a park to be known as the "Dorothy Rosenberg memorial Park"; and
2. Preserve the vacant portions of the property as open space in the form of a community park;
3. The existing home on the property may not be developed or leased for private residential use, although it may be used as a home for a park caretaker; and
4. Deed restrictions shall be placed on the Property imposing these restrictions.

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

* * * * *

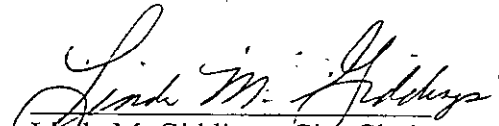
I CERTIFY that at a regular meeting on October 20, 2003, the City Council of the City of El Cerrito passed this resolution by the following vote:

AYES: COUNCILMEMBERS: Abelson, Brusatori, Moore, Potter, Friedman

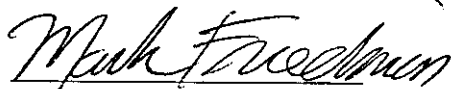
NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October 20, 2003.


Linda M. Giddings, City Clerk

APPROVED:


Mark Friedman, Mayor

West County Reentry and Mental Health Treatment Facility

Contra Costa County Office of the Sheriff

July 21st, 2015



Introduction

- **The purpose of today's presentation is to provide a brief overview of the County's proposed West County Reentry and Mental Health Treatment Facility.**
- **Topics covered during this presentation will include:**
 - **Overview of the SB 863 Funding Opportunity**
 - **Background of Current Situation**
 - **Details of the Proposed Facility**
 - **Role of the Stakeholders**

Senate Bill 863 Overview

- A construction financing program that provides up to \$500,000,000 in state lease-revenue bond financing to acquire, design, renovate, or construct adult local criminal justice facilities. Counties must provide 10% matching funds. However, in-kind contributions offset a portion of the County's cash requirement.
- 500,000,000
 - Large counties: \$240,000,000
 - Medium counties: \$160,000,000
 - Small counties: \$100,000,000
- Project Caps
 - Large: \$80,000,000 (Contra Costa County)
 - Medium: \$40,000,000
 - Small: \$20,000,000

Senate Bill 863 Overview

- **Funding consideration shall be given to counties that are seeking to replace compacted, outdated, or unsafe housing capacity.**
- **Funding consideration is given to counties that plan to provide adequate space for the provision of re-entry, program, and mental health treatment.**
- **Counties must demonstrate to the Board of State and Community Corrections that the construction of replacement cells will not add to the capacity of the County's Jail System.**
- **Funding is for construction only. It will not finance programming, treatment, or personnel.**

Overview of the County's Jail System

- The Office of the Sheriff's Correctional System is comprised of three detention facilities, and one custody alternative facility.



Martinez Detention Facility



West County Detention Facility



Marsh Creek Detention Facility

Demonstrated Need for a Reentry and Mental Health Treatment Facility

- **The largest segment of the incarcerated population in Contra Costa County consists of individuals who are required to be housed at the Martinez Detention Facility (MDF).**
- **The MDF was built in 1978 without adequate program space. It is outdated and overcrowded.**
- **Due to the outdated design of the MDF, there are very little educational, vocational, re-entry and mental health programs available to these individuals.**

Current Programs Offered at the MDF

- **Current Male Programs Offered at the MDF:**
- **Independent Study**
- **Religious Programs**
- **Library Cart (delivery only)**

Martinez Detention Facility Program Space



Martinez Detention Facility Program Space



Martinez Detention Facility Housing Unit



Current Programs Offered at the WCDF

- **Current Male Programs Offered at the WCDF:**

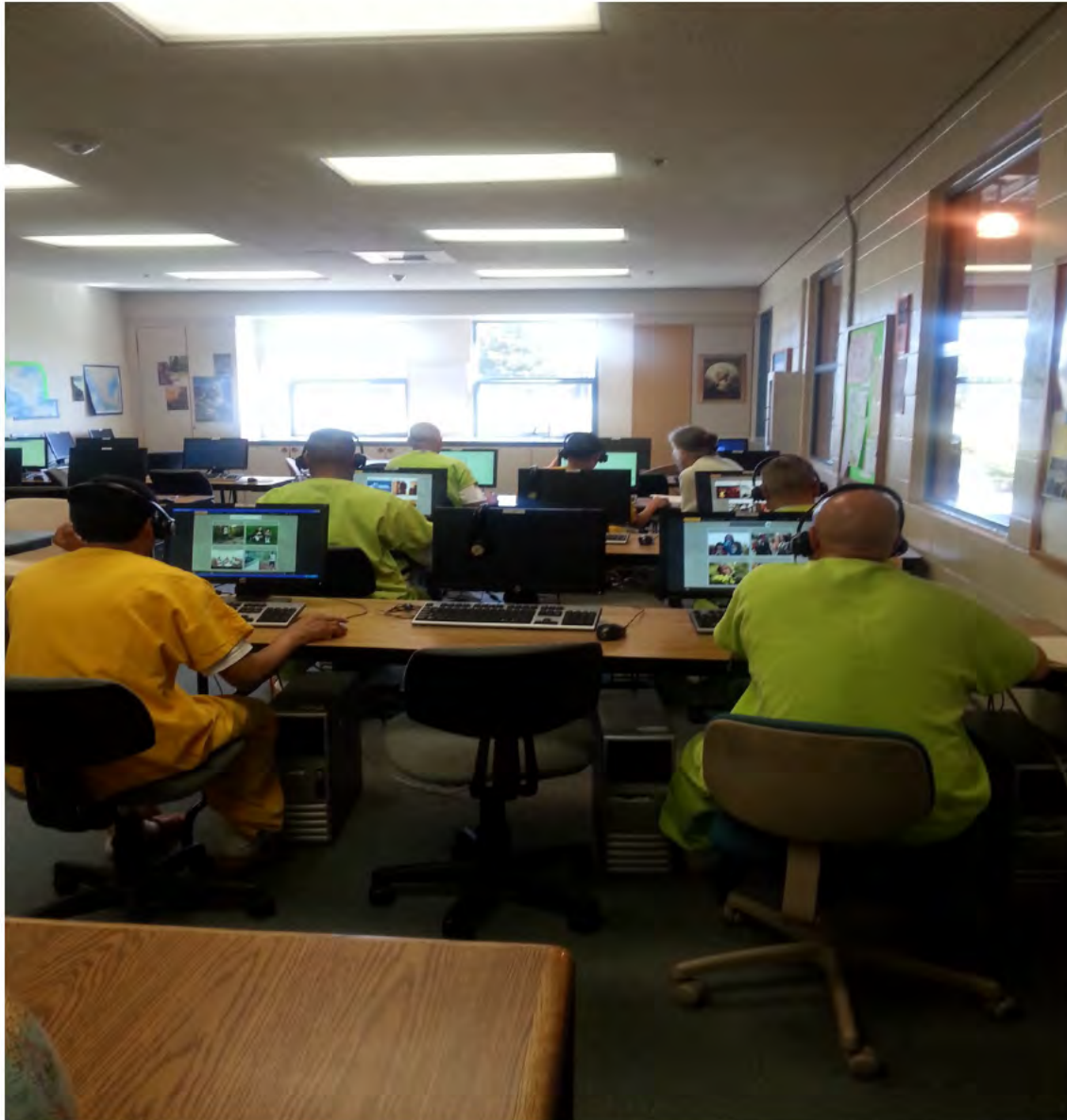
- **Adult Basic Education**
- **General Education Development**
- **High School Diploma**
- **Computer Applications and Web Design**
- **D.E.U.C.E**
- **ESL**
- **Independent Study**
- **Parenting Inside Out**
- **Religious Programs**
- **Library Program**
- **Narcotics Anonymous**
- **Alcoholics Anonymous**
- **Batterer's Workshop**
- **CBO Reentry Services**
- **AB109 Mentorship Program**



West County Detention Facility Programs



West County Detention Facility Programs



West County Detention Facility Campus



West County Detention Facility Campus



West County Detention Facility Campus



Preliminary Details of the Proposed Reentry and Treatment Facility

- **208 room secure housing unit. Includes dedicated mental health and reentry pods. Over 22,000 square feet of program and treatment space. Approximately 140,000 total square feet.**
- **The facility will consist of 7 individual pods built with group and individual program space. Additional separate vocational space, and a child contact visitation center will be included. An Office of Reentry and Rehabilitative Services will be established.**
- **Constructed within the secure perimeter of the WCDF, on an existing pad already designed for future expansion.**
- **The facility would open in late 2019.**

Programs and Mental Health Treatment to be Added in the New Facility

- Individual assessment based reentry programming with linkages to community providers
- Robust adult education classes (similar to those provided at WCDF)
- Substance abuse treatment
- Parenting classes and child visitation (Open to all WCDF)
- Expanded Behavioral Health Services:
 - Moral Recognition Therapy
 - Dialectical Behavioral Therapy
 - Seeking Safety for Adults
 - Guided Self-Change
 - Wellness Recovery Plans
 - Stress Management
 - Increased Discharge Planning
- Currently collaborating with reentry experts, mental health experts, and members of the community to develop detailed programmatic design. This includes a completely new Jail Needs Assessment.
- Additionally, a reentry workgroup comprised of current inmates has been formed.

Proposed Facility Location



Who Would be Housed in the Reentry and Treatment Facility

- If the facility were opened today, there would be approximately 383 individuals currently housed at the MDF who would qualify to be transferred to the new facility, including:
 - 200 Individuals requiring a varying degree of mental health treatment.
 - 183 individuals who could not be safely housed in a campus setting such as the WCDF (e.g., protective custody needs, gang affiliation, medical needs).
- Average length of stay is one month to a year.
- 2 housing units at the MDF will be shut down, and the rest of the cells will be single occupancy.

Preliminary Staffing Considerations

- **20 existing MDF Deputy Sheriff positions would be transferred to the proposed housing unit. The transfer would occur as a result of closing two housing units at the MDF.**
- **Existing WCDF staff will be leveraged to provide supervision, administrative, and operational support for the proposed housing unit.**
- **Six additional funded Deputy Sheriff and six Sheriff's Aide positions would be required for safety and supervision.**
- **Additional mental health clinicians, adult education staff, and medical staff will be required to expand services.**
- **Existing CBOs and FBOs will be provided greater access.**

Estimated Facility Cost

- **The proposed project is estimated to cost between 88 to 89 million. The State will provide 80 million for construction costs, and the County must provide a 10% cash match.**
- **In-kind costs such as land value, CEQA, administrative, and planning costs will offset a portion of the County's cash match requirement by approximately 3.5 to 4 million.**
- **Annual net operating costs of the facility are currently being analyzed to account for additional personnel, maintenance, and utilities.**
- **Funding for programs and personnel will be provided through the Sheriff's AB 109 budget, the general fund, Inmate Welfare Fund, and future grant opportunities.**

Role of the Stakeholders

- **A Jail to Communities Council will be established to create the framework for re-entry and mental health treatment services proposed for the new facility, the entire County Correctional System, and within the community.**

Conclusion

- **Contra Costa County has demonstrated an urgent and credible need for new housing unit replacement. The need was recognized over a decade ago.**
- **This is a room replacement project, designed to provide individuals returning to the community the re-entry programs and mental health treatment they desperately need.**
- **The proposed West County Reentry and Mental Health Treatment Facility will have a long term positive impact to our shared community.**
- **Questions?**

EL CERRITO CITY COUNCIL

MINUTES

**SPECIAL CONCURRENT CITY COUNCIL MEETING /
PUBLIC FINANCING AUTHORITY AND EMPLOYEE PENSION BOARD MEETING**
Tuesday, June 23, 2015 – 7:00 p.m.
City Council Chambers

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

Mark Friedman – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Jan Bridges

Councilmember Janet Abelson
Councilmember Gabriel Quinto

ROLL CALL

Councilmembers Abelson, Bridges, Lyman, Quinto and Mayor Friedman.

7:00 p.m.

CONVENE SPECIAL CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY AND EMPLOYEE PENSION BOARD MEETING

Mayor Friedman convened the Special Concurrent City Council / Public Financing Authority and Employee Pension Board Meeting at 7:00 p.m.

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF
MOMENT OF SILENCE** was led by Councilmember Janet Abelson.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Pro Tem Lyman stated that Marin Clean Energy (MCE) has developed a new web tool, <http://myenergytool.mcecleanenergy.com/> that can be used to measure the efficiency of one's house. The site also provides links to various grants related to energy efficiency and conservation measures.

Karen Pinkos, Assistant City Manager, reminded the community that the annual National Night Out Event is August 4, 2015. There is an online application on the City's website at www.el-cerrito.org that can assist residents who want to sign up to be a block party host and participate in the event. More information can be obtained by contacting Police Lieutenant De La Campa at 215-4448.

Mayor Friedman announced that the City Council will convene a study session in August to take a look at the minimum wage issue in El Cerrito that will include guest speakers and Contra Costa County Supervisor John Gioia. Supervisor Gioia is leading a Task Force in the County and is also looking at the issue city by city.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, expressed the following three concerns: 1) He is concerned with El Cerrito Police driving through his neighborhood and making the area unattractive; 2) He has received complaints from businesses that police response times are terrible when responding to individuals who hang out and beg for money; and 3) the existence of vacant buildings in El Cerrito due to high rents and high crime.

Ronnie Polonsky, El Cerrito, spoke in support of a minimum wage ordinance in El Cerrito that would also include a provision for small business owners so that they don't have to raise the minimum wage to the maximum rate that will be paid by the bigger businesses. Ms. Polonsky said she would hate to see small businesses stressed because they are trying to do the right thing for their workers.

Tom Panas, El Cerrito, introduced the City Council and public to a new model of the Castro Adobe as it appeared in 1860. The extraordinarily accurate model is the work of El Cerrito Historical Society Director Joann Rubio and Charlie Moran.

Denise Sangster, El Cerrito, expressed her appreciation for the El Cerrito Police Department, and also requested that the City Council work with the Planning Commission to look at short-term and Airbnb rentals and groups of unrelated individuals who rent homes in El Cerrito.

Carla Hansen, El Cerrito, El Cerrito Democratic Club President, stated that the Democratic Club is talking to business owners and community groups in the City about the minimum wage campaign in El Cerrito. Many have signed on as endorsers to the Democratic Club's resolution. The Democratic Club says it also hopes to make presentations to all of the City's Boards and Commissions.

Helen Dickey, El Cerrito, spoke in support of a minimum wage in El Cerrito and stated that enacting a minimum wage is a moral issue. Ms. Dickey asked the City Council to enact a minimum wage ordinance that is at least as generous as that enacted by the Richmond City Council.

Arlin Robins, El Cerrito, spoke in support of enacting a minimum wage ordinance in El Cerrito.

Al Miller, El Cerrito, reported that he enjoyed the honor of representing the National Association for the Advancement of Colored People (NAACP) on June 2, 2015 at the El Cerrito High Senior Award Night. The NAACP Scholarship Committee awarded \$1,000 scholarships to five El Cerrito High students. Mr. Miller also spoke in support of enacting a minimum wage ordinance in El Cerrito. Additionally, Mr. Miller commented on safety issues related to Ohlone Greenway crossings and suggested that staff go to each crossing and evaluate whether there is a viable sightline for safety reasons and perhaps enlist the biking community, runners and pedestrians to take part by adopting an intersection to make sure the sightlines are maintained.

Howdy Goudey, El Cerrito, stated that he is requesting how the City Council, as the policy making body who approved the 1715 Elm Street development project, will address or remedy flood hazards and stormwater deficiencies at the site including what has been asked of staff to help guide the City Council's decision. Mr. Goudey stated that there is potential liability for the city and that the project can still be improved.

Roger LaChance, El Cerrito, stated that several traffic accidents have occurred in his neighborhood on Richmond Street between Waldo and Stockton Avenues and suggested that

a speed hump be placed in the area to slow traffic.

4. PRESENTATIONS

Annual Sundar Shadi Garden Contest Awards Presentation – *Acknowledgement of contest winners and presentation of awards by Anna Frankfurt, President, El Cerrito Garden Club.*

Ms. Frankfurt stated that the criteria for this year's awards included drought tolerance, low water usage and requirements that gardens have to be visible from the street, that gardeners do their own maintenance and that winners need to be residents of the City but cannot be members of the Garden Club.

Action: Received presentation. The El Cerrito Garden Club announced the winners as: 1) Kathy Stuart, 1230 Contra Costa Drive; 2) Maureen Williams, 500 Balra Drive; and 3) 1400 Richmond Street.

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

Moved, seconded (Bridges/Abelson) and carried unanimously to approve Consent Calendar Item Nos. 5(A) through 5(E) in one motion as indicated below.

A. Minutes for Approval

Approve the June 2, 2015 Regular City Council meeting minutes.

Action: Approved minutes.

B. Agreements with Rubicon Enterprises, Inc. and New Image Landscape Company for Landscape Maintenance Services

Adopt a resolution authorizing the City Manager to execute the following agreements to provide landscape maintenance services for the City's parks, athletic fields, building grounds, street medians, streetscapes, pedestrian paths, and other public right of ways for a period of three years, with an option to annually extend either or both contracts for two years thereafter, effective July 1, 2015 and contingent upon adoption of the proposed update to the Biennial Budget for Fiscal Years 2014-15 & 2015-16 and, if necessary, successful negotiations with each contractor to amend the contract to be consistent with the budget: 1) Rubicon Enterprises Incorporated at an annual cost not to exceed \$98,600; and 2) New Image Landscape Company at an annual cost not to exceed \$117,400.

Action: Adopted Resolution No. 2015–45.

C. Amendments to City Classification Plan

Adopt resolutions amending the City's Classification Plan to:

1) Establish classifications for positions within the Aquatics Division, re-title and revise the class specification of Environmental Services Manager to Operations and Environmental Services Manager; and ratify the reclassification of Administrative Analyst III to Assistant to the City Manager; and

2) Establish the salaries and benefits for Aquatics Division personnel and establishing salary ranges as recommended.

Action: Adopted Resolution Nos. 2015–46 and 2015–47.

D. Environmental Quality Committee Appointment

Approve an Environmental Quality Committee recommendation to appoint Charles Hargrove to the Environmental Quality Committee, effective July 14, 2015.

Action: Approved recommendation.

E. Anza National Historic Trail Interpretive Sign and Banners

Adopt a resolution approving installation of Anza National Historic Trail Interpretive Sign and banners.

Action: Adopted Resolution No. 2015–48.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY /
EMPLOYEE PENSION BOARD ITEM

A. Approval of the City’s Fiscal Year 2015-16 Spending Authority by Fund for the City, Employee Pension Board and Public Financing Authority and Approve the Fiscal Year 2015-16 Annual Gann Appropriation Limit

Staff requests that the City Council approve the following actions:

- 1) Adopt a resolution authorizing Fiscal Year 2015-16 spending authority by fund for the City of El Cerrito;
- 2) Adopt a resolution authorizing Fiscal Year 2015-16 spending authority by fund for the El Cerrito Public Financing Authority;
- 3) Adopt a resolution authorizing Fiscal Year 2015-16 spending authority by fund for the El Cerrito Employee Pension Board; and
- 4) Adopt a resolution approving the calculation and establishing the Fiscal Year 2015-16 annual Gann Appropriation Limit.

Presenter: Lisa Malek-Zadeh, Finance Director.

Speakers: No speakers.

B. Financial Advisory Board Recommendations – Submitted by Peter Vranich, Chair, Financial Advisory Board.

The Financial Advisory Board (FAB) recommends adopting the City Manager’s updates to the Fiscal Year 2015-16 budget with the following changes: 1) Identify \$100,000 of savings among the list of proposed budget changes presented to the FAB on June 9, 2015 and allocate those savings of \$100,000 to the general fund reserve; and 2) Any unanticipated revenues in the General Fund over and above the Adopted Fiscal Year 2015-16 budget realized by December 31, 2015 not be committed until the FAB reviews and makes recommendations for the mid-year update.

Presenter: Peter Vranich, Chair, Financial Advisory Board.

Action: Moved seconded (Lyman/Bridges) and carried unanimously to adopt City Council Resolution No. 2015–49, an update to the second year of the biennial budget and spending limits across funds for Fiscal Year 2015-16.

Moved, seconded (Lyman/Bridges) and carried unanimously to adopt El Cerrito Public Financing Authority Resolution No. 2015–01 authorizing spending limits for Fiscal Year 2015–16.

Moved, seconded (Lyman/Bridges) and carried unanimously to adopt El Cerrito Employee Pension Board Resolution No. 2015–01 authorizing spending limits for Fiscal Year 2015–16.

Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2015–50 selecting the cost of living and population factors to be used in the calculation of the City’s appropriations limit for Fiscal Year 2015–16 and setting the appropriations limit at \$117,423,242.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Councilmember Abelson reported that she attended the League of California Cities (League) Administrative Policy Committee and Community Services Policy Committee meetings in April 2015. Both committees received a report on the status of various bills of interest to the League that are pending in the state legislature. Councilmember Abelson provided documentation to the City Clerk for dissemination to the City Council and public.

Mayor Pro Tem Lyman reported that MCE just adopted an energy efficiency plan that will be submitted to the California Public Utilities Commission (PUC). This ten year plan explains how MCE will increase efficiency throughout its service area and will include a request for funding. The PUC can provide funding of up to \$5,000,000 per year. Early adopters will get the greatest number of rebates. Mayor Pro Tem Lyman encouraged El Cerrito residents and businesses participating in MCE to pick up and review a copy of the plan and work with MCE to implement energy efficiency measures that are promoted by MCE in the business plan. Mayor Pro Tem Lyman also stated that he believes El Cerrito has one of the largest number of “Deep Green” enrollments of the MCE member cities but does not quite have the top percentage. However, El Cerrito has the lowest “opt-out” rates among the new cities that have joined MCE.

The West County Integrated Waste Management Authority (WCIWMA) has a new Executive Director beginning July 30. Stan Hack has twenty years of solid waste experience. At its last meeting, the WCIWMA approved a new budget for the next fiscal year and also discussed the disbursement of one-time funds. The WCIWMA has accumulated a large amount of money that the Authority Board is in the process of debating regarding use and/or disbursement. Although there are different methods of calculating a potential disbursement it could be potentially greater than half a million dollars for El Cerrito. The County is looking at becoming a voting member of the WCIWMA to represent unincorporated areas in WCIWMA service area.

9. ADJOURNED SPECIAL CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY / EMPLOYEE PENSION BOARD MEETING at 8:19 p.m. in memory of the victims of racially motivated violence and gun violence in Charleston, South Carolina.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7(A) Approval of the City’s Fiscal Year 2015-16 Spending Authority by Fund for the City, Employee Pension Board and Public Financing Authority and Approve the Fiscal Year 2015-16 Annual Gann Appropriation Limit

1. Powerpoint presentation – *Submitted by Lisa Malek-Zadeh, Finance Director.*

Other:

2. 2000 El Cerrito Plaza Site Plan with 1930’s Sanborn Map overlay showing actual location and orientation of the Castro Adobe – *Submitted by Tom Panas, El Cerrito.*
3. Administrative Services Policy Committee Bills of Interest 2015 – *Submitted by Councilmember Abelson.*
4. Community Services Policy Committee Bills of Interest 2015 – *Submitted by Councilmember Abelson.*
5. Homeless Bills – *Submitted by Councilmember Abelson.*



AGENDA BILL

Agenda Item No. 5(B)

Date: July 21, 2015

To: El Cerrito City Council

From: Melissa Tigbao, Senior Engineer/Engineering Manager
Maria Sanders, Interim Operations + Environmental Services Manager
Yvetteh Ortiz, Public Works Director/City Engineer

Subject: Approve Agreement with St. Francis Electric for Street Light and Signal Maintenance Services

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute an agreement with St. Francis Electric for an annual cost not to exceed \$31,800 to provide street light and signal maintenance services for a period of three years, with an option to annually extend three years thereafter, effective August 1, 2015.

BACKGROUND

The City is currently under an extended contract with Siemens Industry to provide street light and signal maintenance. The original contract was awarded to Republic ITS Inc. in February 2008 by Resolution 2008-04, after a public bidding process. Siemens bought Republic ITS in 2011 and retired the Republic name. The contract had been renewed annually thereafter. On May 12, 2015, the City's Public Works Department released a Request for Proposals (RFP) for qualified licensed electrical maintenance contractors to provide street light and signal maintenance and emergency response services for the City's street lights, traffic signal systems, safety lighting systems, and other electronic traffic control systems. The RFP specified providing routine preventative maintenance and emergency maintenance on various equipment, including (but not limited to) city owned street lights, lighting beneath BART track, park lighting, in-pavement flashers, speed feedback signs, City facility external lighting, and other related facilities. An important component of the RFP was the stipulation that all equipment in the respective systems be serviceable and in operation at all times, 24 hours a day, seven days a week. To ensure this continuous and uninterrupted operation of equipment, the RFP also specified that the Contractor must maintain a 24-hour on-call service. The selected Contractor must also furnish all necessary materials, equipment, labor, and incidentals as required, to perform such maintenance services.

As the City has completed several capital improvement projects, as well as coordinated with other public agencies on improvement projects, there is now more hardware and equipment that requires regular maintenance throughout the City. As such, the RFP was updated to include this new equipment.

The RFP was posted to the City's website on May 12, 2015. A notice inviting proposals was also emailed directly to 15 electrical contractors. The RFP requested proposals for services for an initial agreement term through June 30, 2018, with three possible annual extensions through June 30, 2021.

ANALYSIS

The City received three proposals from qualified companies by the June 2, 2015 due date. The proposals are summarized as follows:

Summary of 2015 Street Light and Signal Maintenance Proposals

1. St. Francis Electric, San Leandro	\$31,800
2. DC Electric Group, Cotati	\$46,575
3. Siemens Industry, San Rafael	\$55,120

Following receipt of proposals, a selection committee comprised of the Engineering Manager, Operations + Environmental Services Manager, and the Maintenance Superintendent met to evaluate the proposals and interview the three proposers. Proposals were evaluated based on demonstrated experience in municipal street light and signal maintenance, experience of key personnel, customer references, required licensing and certifications, and cost competitiveness.

All three firms provided cost competitive proposals for essentially the same services. St. Francis Electric provided the lowest pricing. The proposal provided by St. Francis Electric indicated that the firm could provide the City with all required services at a competitive rate. During interviews, staff was impressed with St. Francis Electric's personnel, including several senior level technicians as well as a licensed Traffic Engineer, which would provide extra value for the City. St. Francis Electric has also been providing similar services for the cities of Pleasanton, Burlingame, and Yuba City, all of whom provided good references. Based on the results of the RFP evaluation and in-person interviews with all three firms, staff is proposing St. Francis Electric be awarded a contract for \$31,800 to provide street light and signal maintenance services for the City's streetlights, traffic signal systems, safety light systems and other electronic traffic control systems, including (but not limited to) City-owned street lights, lighting beneath BART track, park lighting, in-pavement flashers, speed feedback signs, City facility external lighting, and other related facilities.

The cost of this contract will amount to \$31,800 per year and will be funded by allocations from the Gas Tax Fund (201) for Street Light and Signal Maintenance Services, as adopted in the Biennial Budget for FY 2014-15 and 2015-16.

STRATEGIC PLAN AND ENVIRONMENTAL CONSIDERATIONS

Engaging the street light and signal maintenance services of St. Francis Electric will provide the necessary levels of care for the City's street lights, traffic signal systems, safety lighting systems, and other electronic traffic control systems. This contract will ensure that the City's equipment and systems are maintained and in an operable and safe condition.

Approval of the proposed agreement is consistent with the following El Cerrito Strategic Plan Goal:

- Goal E – *Ensure the public's health and safety* through a thorough, efficient and comprehensive plan review, permitting and inspection process.

FINANCIAL CONSIDERATIONS

The cost of the street light and signal maintenance contract will be funded by allocations from the Gas Tax Fund (201) for Street Light and Signal Maintenance Services, in an amount not to exceed \$31,800.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the Resolution and found that legal considerations have been addressed. The final agreement will be reviewed by the City Attorney prior to execution.

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachment:

1. Resolution

RESOLUTION 2015-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ST. FRANCIS ELECTRIC FOR STREET LIGHT AND SIGNAL MAINTENANCE SERVICES FOR A PERIOD OF THREE YEARS EFFECTIVE AUGUST 1, 2015

WHEREAS the City of El Cerrito (City) is responsible for maintaining its street lights, traffic signal systems, safety lighting systems, and other electronic traffic control systems within the properties of the City; and

WHEREAS, on May 12, 2015 the City issued a Request For Proposals (RFP) for street light and signal maintenance services, which was posted to the City's website and directly provided to fifteen qualified electrical contractors; and

WHEREAS, the resulting contracts from this RFP will be for a term of three years with an option to annually extend these contracts for another three years; and

WHEREAS, the City received three proposals from qualified companies by the June 2, 2015 due date; and

WHEREAS, upon consideration of competitive pricing, performance of similar work in other cities, and the maintenance experience, licensing and certification of key personnel, the selection committee determined that the proposal received from St. Francis Electric best fits the needs of the City; and

WHEREAS, the annual cost for St. Francis Electric to provide street light and signal maintenance services is \$31,800; and

WHEREAS, funding of \$31,800 is budgeted by the Gas Tax Fund (201) for Street Light and Signal Maintenance Services.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Cerrito, that it hereby authorizes the City Manager to execute an agreement with St. Francis Electric in an amount not to exceed \$31,800 per year, to perform street light and signal maintenance services in the City of El Cerrito, effective August 1, 2015 for three years with an option to extend these contracts for an additional three years thereafter.

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

I CERTIFY that at a regular meeting on July 21, 2015 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 July XX, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor



AGENDA BILL

Agenda Item No. 5(C)

Date: July 21, 2015

To: El Cerrito City Council

From: Stephen Prée, Environmental Programs Manager/City Arborist
Maria Sanders, Interim Operations + Environmental Services Manager
Yvetteh Ortiz, Public Works Director/City Engineer

Subject: Tree Committee Appointment Recommendation

ACTION REQUESTED

Approve a Tree Committee recommendation to appoint Yan Linhart to the Tree Committee, effective August 10, 2015.

BACKGROUND

Yan B. Linhart has attended each of the regular monthly meetings of the Tree Committee since March 2015. He submitted an application to serve on the Tree Committee on June 1, 2015. The Tree Committee has become familiar with Dr. Linhart's contributions and perspective during open discussions at meetings and the committee voted unanimously at its June 8 meeting to recommend to the City Council that Dr. Linhart be appointed to serve as a member.

Dr. Linhart received his Ph.D. from the University of California, Berkeley and is Professor Emeritus of Biology at University of Colorado, Boulder. He has resided in El Cerrito for the past 5 years. He is a prolific research author, an Associate Editor of the Journal of the Society for Study of Evolution, a member of Review Panels, National Science Foundation, The Smithsonian Institution, and has also served as Associate Curator at the University of Colorado Museum. His experience as a biologist involves the study of trees in their natural environments and urban landscapes.

If the Council approves this recommendation, the number of Committee members will be seven out of a total possible membership of fifteen, as established by Council.

STRATEGIC PLAN CONSIDERATIONS

The work of the Tree Committee helps the City realize the following goals of the El Cerrito Strategic Plan:

- Goal C to "Deepen a sense of place and community identity"
- Goal F to "Foster environmental sustainability citywide"

As stated in Resolution No. 2007-96, the Tree Committee's enabling resolution, the Committee was established to assist the City in the "stewardship of its urban forest, including establishing a citywide commitment to a healthy, growing forest, and creating a coordinated, high quality forestry management program."

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Yan Linhart Application



July 21, 2015
Regular City Council Meeting

Agenda Item No. 5(C)
Attachment 1 – Yan Linhart Application

Hardcopies are available for review at:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito, CA
(510) 215-4305

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA



AGENDA BILL

Agenda Item No. 5(D)

Date: July 21, 2015
To: El Cerrito City Council
From: Edwin Jacala, Police Detective
Subject: Crime Prevention Committee Appointment

ACTION REQUESTED

Approve a Crime Prevention Committee recommendation to appoint Mollie Hazen to the Crime Prevention Committee, effective August 12, 2015.

BACKGROUND

Mollie Hazen recently submitted an application to join the Crime Prevention Committee. Ms. Hazen regularly attends the monthly Crime Prevention Committee meetings and has attended every meeting since May 2015, three meetings in all. The Crime Prevention Committee members voted unanimously during the regularly scheduled July 8, 2015 meeting to recommend to the City Council that Ms. Hazen be appointed to the Crime Prevention Committee.

Ms. Hazen is a self-employed professional photographer, curator, and writer. She previously served on the same committee from 2003-2011. Ms. Hazen is civic minded and regularly attends City Council Meetings. She has served as a neighborhood watch coordinator and as a National Night-Out co-chair. Ms. Hazen has demonstrated her commitment to the Crime Prevention Committee through her participation in the meetings and her strong interest in crime prevention and safety awareness.

If the Council approves this recommendation, the number of Committee members will be 5 out of a possible membership total of 15, as established by Resolution 2001-105.

Reviewed by:

Karen Pinkos
Assistant City Manager

Attachment:

1. Hazen application



July 21, 2015
Regular City Council Meeting

Agenda Item No. 5(D)
Attachment 1 – Mollie Hazen Application

Hardcopies are available for review at:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito, CA
(510) 215-4305

and

The El Cerrito Library
6510 Stockton Avenue
El Cerrito, CA



July 21, 2015

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Building
Washington, D.C. 20510

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Building
Washington, D.C. 20510

The Honorable Mark DeSaulnier
United States Congress
327 Cannon House Office Building
Washington, D.C. 20515

RE: Reauthorize and increase funding for the Older Americans Act 2015

Dear Congressman DeSaulnier and Senators Feinstein and Boxer :

Upon the recommendation of El Cerrito's Committee on Aging and on behalf of the El Cerrito City Council I am writing you in support of reauthorizing and increasing funding for the Older Americans Act.

Seniors in El Cerrito and across the nation will be negatively impacted if these funds are eliminated. As of 2010 El Cerrito's senior population of 65 years and over was 17.9%, and by 2030 El Cerrito could see over 25% of the city's population being seniors. Nationally the senior population of 65 and older is 13%, and by 2030 will be 18%. Delaying or preventing more costly institutional services helps people remain in their homes, the setting of choice for most. Yet current funding leaves many needs unmet, increasing reliance on more expensive medical and institutional care.

The Older Americans Act provides critical services to millions of frail seniors – many of whom are homebound. Crucial services such as home delivered and congregate meals, family caregiver support, in-home assistance, preventive health services, transportation, job training, protection from abuse, and other supportive services help about 11 million older adults stay as independent as possible. In Fiscal Year 2014, Older Americans Act federal funding was \$1.88 billion. Funding has been relatively flat over the past decade, failing to keep up with inflation and demand from a rapidly expanding older population. While funding in FY 2014 was roughly the same as it was in FY 2004, the age 65 and older population grew by approximately 30 percent. From 2004 to 2020, this population is projected to grow by more than 55 percent.

Funding supplied by the Older Americans Act plays a key role in delaying or preventing more costly institutional services and helps seniors remain in their homes. More funding, not less, is needed to keep pace with the growing senior population. Let us ensure that some of our most vulnerable and valuable citizens remain connected to society and enjoy as high a quality of life as possible.

Sincerely,

Mark Friedman, Mayor
City of El Cerrito

Agenda Item No. 5(E)
Attachment

July 21, 2015

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Barbara Boxer
United States Senate
112 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mark DeSaulnier
United States Congress
327 Cannon House Office Building
Washington, D.C. 20515

RE: Reauthorize and increase funding for the Older Americans Act 2015

Dear: Senator Feinstein, Senator Boxer and Congressman DeSaulnier:

This year we celebrate the 50th anniversary of the passage of the Older Americans Act (OAA) of 1965. This law was enacted to help provide the most vulnerable of seniors in our country with necessary services to help them remain healthy and secure in their homes. The Older Americans Act provides funding for many services that serve our frail seniors to help them stay independent. These services include the preparation and delivery of meals, job training, senior centers, caregiver, caregiver support, transportation, health promotion, benefits enrollment and much more. The Older Americans Act expired in 2011 and is now long overdue for reauthorization. In addition, the Older Americans Act funding needs to be restored to help the 3 million people who currently benefit from it. The El Cerrito Committee on Aging has recommended to the El Cerrito City Council that the Council urge Congress to step forward to update and renew its commitment to American seniors to protect these programs and those they serve.

With our highest regards,

Shirley Cressey
Chair
Committee on Aging
City of El Cerrito

Mark Guthrie
Legislation
Committee on Aging
City of El Cerrito



AGENDA BILL

Agenda Item No. 6(A)

Date: July 21, 2015
To: El Cerrito City Council
From: Mark Soltes, Building Official
Margaret Kavanaugh- Lynch, Development Services Manager
Subject: Ordinance Allowing Expedited Permitting Procedures for Small Residential Rooftop Solar Energy Systems

ACTION REQUESTED

Conduct a public hearing and upon conclusion, introduce by title, waive any further reading and approve an ordinance allowing expedited permitting procedures for small residential rooftop solar energy systems.

BACKGROUND/ANALYSIS

Section 65850.5(a) of the California Government Code provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) of the California Government Code requires that, on or before September 30, 2015, every city, county, or city and county must adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

The City currently reviews small residential rooftop solar energy systems by allowing applications to be submitted in person or by facsimile with a fifteen (15) day review period. This timeframe includes a pre-inspection of each residence in order to ensure the electrical service and the roof framing are adequate to support solar panels. To adhere to the new state law and expedite the overall process, the City will now require a checklist to be completed by applicants to verify that the pre-existing conditions are adequate to support the new solar energy systems. The City is also committing to give small residential rooftop solar energy systems expedited plan check status, thus making sure that they are reviewed and returned to the applicant with either corrections or approved in five business days. With implementation of the new permit software upgrades approved for Fiscal Year 2015-16, the City will soon be able to accept electronic submittals and payments of permits, expanding the ability of the City to more efficiently serve the community.

Staff recommends that the City Council adopt an ordinance mandated by CA. Govt. Code Section 65850.5(g) (1). The attached ordinance codifies the requirements of Section 65850.5(g)(1), such as accepting and approving applications electronically, directing the City's Building Official to develop a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review, and authorizing the Building Official to administratively approve such applications.

STRATEGIC PLAN CONSIDERATIONS

Expediting permitting procedures for small residential rooftop solar energy systems fulfills the following City of El Cerrito Strategic Plan goals:

Goal A: *Deliver exemplary government service* by further expediting the review and inspection process in a uniform and easy to understand manner.

Goal F: *Foster environmental sustainability citywide* by supporting a city-wide effort to add small residential rooftop solar systems to every interested residence in the city. These actions are anticipated to further incentivize the utilization of small residential rooftop solar systems, consistent with the City's Climate Action Plan.

ENVIRONMENTAL CONSIDERATIONS

The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

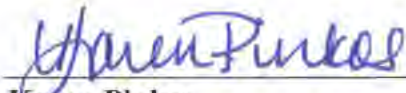
FINANCIAL CONSIDERATIONS

The cost of building permits for small residential rooftop solar systems was increased this fiscal year from approximately \$100.00 to \$330.00. All expenses related to this action are recovered through this fee increase. In addition, approving the ordinance will achieve consistency with the Fiscal Year 2015-16 Adopted Budget, which included a significant upgrade in the City's permitting software.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Ordinance

ORDINANCE 2015-XX

AN ORDINANCE OF THE CITY OF EL CERRITO ADDING SECTION 16.03.065 TO THE EL CERRITO MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

SECTION 1. RECITALS

- A. California Government Code Section 65850.5(a) provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems; and
- B. California Government Code Section 65850.5(g)(1) provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance, consistent with the goals and intent of subdivision (a) of Section 65850.5, that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- C. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code Section 65850.5 and Civil Code Section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

SECTION 2. MUNICIPAL CODE AMENDMENT

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN THAT TITLE 16 OF THE EL CERRITO MUNICIPAL CODE IS AMENDED TO ADD A NEW SECTION 16.03.065 TO READ AS FOLLOWS:

16.03.065 – Chapter 1, Section R116 added - Small Residential Rooftop Solar Energy System Review Process.

- A. The following words and phrases as used in this section are defined as follows:

“Electronic submittal” means the utilization of one or more of the following:

- 1. E-mail,
- 2. Internet,
- 3. Facsimile.

“Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the City of El Cerrito.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop a modified version of the eligibility checklist from the 2014 California Solar Permitting Guidebook to conform to the City of El Cerrito’s unique climactic, geological, seismological, or topographical conditions and adopt such checklist. The checklist shall be published on the city’s public website.

D. An applicant for a small residential rooftop solar energy system shall submit a permit application and associated documentation to the City’s building division. The application may be submitted by personal, mailed, or electronic submittal (when developed and available) together with any required permit processing and inspection fees.

E. Prior to submitting an application, the applicant shall:

1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
2. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system, the main panel make and type, including existing line, load, ground and bonding wiring as well as main panel

and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads and accept new electrical connections.

F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

G. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

H. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

SECTION 3. SEVERABILITY. If any section, subsection, phrase, or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect thirty days after passage thereof.

SECTION 5. PUBLICATION. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on July 21, 2015 and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on August x, 2015 and passed by the following vote:

AYES: Councilmembers

NOES: Councilmembers
ABSENT: Councilmembers

APPROVED:

Mark Friedman, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX, 2015.

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2015-XX of the City of El Cerrito, that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the ___ day of August 2015; and that said ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this
day of August, 2015.

Cheryl Morse, City Clerk



AGENDA BILL

Agenda Item No. 6(B)

Date: July 21, 2015
To: El Cerrito City Council
From: Mark Soltes, Building Official
Margaret Kavanaugh- Lynch, Development Services Manager
Subject: Floodplain Management Ordinance

ACTION REQUESTED

Conduct a public hearing and upon conclusion, introduce by title, waive any further reading and approve an ordinance updating the Floodplain Management Regulations.

BACKGROUND/ANALYSIS

The Federal Emergency Management Agency (FEMA) periodically updates their Flood Insurance Rate Maps (FIRMs). One such update has recently occurred and as a condition of continued eligibility in the National Flood Insurance program, the City of El Cerrito is required to adopt Floodplain Management Regulations that meet the standard of paragraph 60.3 (c) of the National Flood Insurance Program (NFIP) regulations. The local office of FEMA has identified that the City's current floodplain ordinance does not meet this standard. FEMA provided a model ordinance and suggested additional text to facilitate compliance. The City used the ordinance provided as a template and added some of the additional clarifying text to facilitate its implementation. These clarifications include:

1. Section 8.35.050.B.3, base flood elevations "shall" be determined by using one of two methods from the FEMA 265 publication.
2. In definitions, section 8.35.030.39, the standard "market value" definition is replaced with one that mandates specific requirements for determining market value.
3. Section 8.35.050.B.10 is added to specify non-conversion of enclosed areas below the lowest floor.

The flood hazard area of the City of El Cerrito is subject to periodic inundation which can result in loss of life and property as well as health and safety hazards, which adversely affect the public health, safety, and general welfare. In order to accomplish its purposes, this ordinance includes regulations to:

- A. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction
- B. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters
- C. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas

It should be noted that although FEMA has updated the maps, the properties identified to be within the flood hazard area in the City of El Cerrito has not changed and no additional properties have been included in this update.

STRATEGIC PLAN CONSIDERATIONS

Updating the City's Floodplain Ordinance fulfills the Strategic Plan's Goal A: Deliver exemplary government service. This update will minimize public and private losses due to flood conditions in specific areas by enacting legally enforceable regulations which will be applied uniformly throughout the community to all publicly and privately owned land within flood area.

ENVIRONMENTAL CONSIDERATIONS

The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code Sections 65302, 65560, and 65800. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

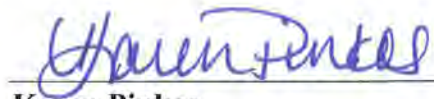
FINANCIAL CONSIDERATIONS

There is no anticipated fiscal impact as the costs would be recovered through existing building permit fees.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Proposed Floodplain Management Ordinance
2. Map of Flood Area in El Cerrito
3. List of Property Owners in Flood Area
4. NFIP 63 Regulations

ORDINANCE 2015-XX

AN ORDINANCE OF THE CITY OF EL CERRITO REPEALING EL CERRITO MUNICIPAL CODE CHAPTER 8.35, FLOOD HAZARD AREAS AND REPLACING IT BY ADDING AND ADOPTING EL CERRITO MUNICIPAL CODE CHAPTER 8.35, FLOODPLAIN MANAGEMENT

SECTION 1. RECITALS

- A. The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City Council of the City of El Cerrito does hereby adopt the following floodplain management regulations.
- B. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically Government Code section 65850.5 and Civil Code section 714. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

SECTION 2. FINDINGS OF FACT

- A. The flood hazard areas of the City of El Cerrito are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

SECTION 3. MUNICIPAL CODE AMENDMENT

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS FOLLOWS:

- A. CHAPTER 8.35 FLOOD HAZARD AREAS is hereby repealed.
- B. CHAPTER 8.35, FLOODPLAIN MANAGEMENT is added to Title 8 of the El Cerrito Municipal Code to read in full as follows:

Chapter 8.35 FLOODPLAIN MANAGEMENT

Sections:	8.35.010	Applicability.
	8.35.020	Relationship to other restrictions.
	8.35.030	Definitions.
	8.35.040	General Provisions.
	8.35.050	Administration.
	8.35.060	Provisions for flood hazard reduction.
	8.35.070	Variance procedure.
	8.35.080	Obstructing natural drains.

8.35.010 Applicability.

The existing floodplain management area within the city is that identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, City of El Cerrito, Contra Costa County, California" dated September 30, 2015, and all subsequent revisions and amendments, with an accompanying flood insurance rate map. This flood insurance study is adopted by reference and declared to be a part of this chapter. It is on file in the city's offices. Other flood hazard areas may be created pursuant to applicable law.

8.35.020 Relationship To Other Restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. Where this chapter and another city ordinance conflict or overlap, whichever imposes the more stringent requirements shall prevail.

8.35.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

1. A zone - see Special flood hazard area
2. Accessory structure means a structure that is either:
 - a. Solely for the parking of no more than 2 cars; or
 - b. A small, low cost shed for limited storage, less than 150 square feet and \$1,500 in value.
3. Accessory use means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.
4. Alluvial fan means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.
5. Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.
6. Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

7. Area of shallow flooding means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
8. Area of special flood hazard - See "Special flood hazard area."
9. Base flood means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.
10. Base flood elevation (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
11. Basement means any area of the building having its floor subgrade - i.e., below ground level - on all sides.
12. Building - see "Structure".
13. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
14. Encroachment means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.
15. Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 1, 1977.
16. Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
17. Flood, flooding, or flood water means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
 - b. The condition resulting from flood-related erosion.
18. Flood Boundary and Floodway Map (FBFM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.
19. Flood Insurance Rate Map (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
20. Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
21. Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source - see "Flooding."

22. Floodplain Administrator is the community official designated by title to administer and enforce the floodplain management regulations.
23. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
24. Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.
25. Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.
26. Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."
27. Floodway fringe is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.
28. Fraud and victimization as related to Section 8.35.070 of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the El Cerrito City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one-hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.
29. Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.
30. Governing body is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.
31. Hardship as related to Section 8.35.070 of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The El Cerrito City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the

- alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
32. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
 33. Historic structure means any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.
 34. Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.
 35. Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.
 36. Lowest floor means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).
 - a. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 1. The flood openings standard in Section 8.35.060 A.3.c;
 2. The anchoring standards in Section 8.35.060 A.1
 3. The construction materials and methods standards in Section 8.35.060.A.2 and
 4. The standards for utilities in Section 8.35.060.B
 - b. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.
 37. Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
 38. Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
 39. Market value in the City of El Cerrito shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost by the amount of depreciation which has accrued since the structure was constructed.

- a. The cost of replacement of the structure shall be based on the square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
 - b. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of obsolescence.
 - c. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.
40. Mean sea level means for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
41. New construction, for floodplain management purposes, means structures for which the "start of construction" commenced on or after June 1, 1977, and includes any subsequent improvements to such structures.
42. New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after June 1, 1977.
43. Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.
44. One-hundred-year flood or "100-year flood" - see "Base flood."
45. Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.
46. Public safety and nuisance as related to Section 8.35.070 of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
47. Recreational vehicle means a vehicle which is:
- a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
48. Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

49. Remedy a violation means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.
50. Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
51. Sheet flow area - see "Area of shallow flooding."
52. Special flood hazard area (SFHA) means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
53. Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
54. Structure means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.
55. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
56. Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."
57. Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
58. Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other

certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

59. Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
60. Watercourse means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

8.35.040 General Provisions

- A. Lands to which this ordinance applies.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of El Cerrito.

- B. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the “Flood Insurance Study (FIS) for Contra Costa County, California and Incorporated Areas” dated September 30, 2015, with accompanying Flood Insurance Rate Maps (FIRM’s) and Flood Boundary and Floodway Maps (FBFM’s), dated June 1, 1977, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the El Cerrito City Council by the Floodplain Administrator. The study, FIRM’s and FBFM’s are on file at The City of El Cerrito, Community Development Department, 10890 San Pablo Avenue, El Cerrito, CA 94530.

- C. Compliance.

1. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the El Cerrito City Council from taking such lawful action as is necessary to prevent or remedy any violation.
2. In the event of an emergency, the city engineer may enter upon any property and remove any obstruction in any natural drain or floodplain.

D. Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation.

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and disclaimer of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the El Cerrito City Council, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

G. Severability.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

8.35.050- Administration

A. Designation of the floodplain administrator.

The Building Official is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

B. Duties and Responsibilities of the floodplain administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

1. Permit Review

Review all development permits to determine:

- a. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
- b. All other required state and federal permits have been obtained;
- c. The site is reasonably safe from flooding;
- d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of El Cerrito; and
- e. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

2. Development of Substantial Improvement and Substantial Damage Procedures.

- a. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
- b. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

3. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 8.35.040.B, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 8.35.060.

NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

4. Notification of Other Agencies.

a. Alteration or relocation of a watercourse:

1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
2. Submit evidence of such notification to the Federal Emergency Management Agency; and
3. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

b. Base Flood Elevation changes due to physical alterations:

1. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
2. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

c. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

5. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

- a. Certification required by Section Section 8.35.060.3.a and Section 8.35.060.D (lowest floor elevations);
- b. Certification required by Section 8.35.060.A.3.b (elevation or floodproofing of nonresidential structures);
- c. Certification required by Sections 8.35.060.A.3.c (wet floodproofing standard);
- d. Certification of elevation required by Section 8.35.060.C.1.c. (subdivisions and other proposed development standards); and
- e. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

6. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 8.35.050.D.

7. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 8.35.040.C.

8. Biennial Report.

Complete and submit Biennial Report to FEMA.

9. Planning.

Assure community's General Plan is consistent with floodplain management objectives herein.

10. Non-conversion of enclosed areas below the lowest floor.

To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

- a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;
- b. Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the City of El Cerrito. The agreement shall be recorded with the Contra Costa County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
- c. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

C. Development Permit.

1. A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 8.35.040.B. Application for a development permit shall be made on forms furnished by the City of El Cerrito. The applicant shall provide the following minimum information:
2. Plans in duplicate, drawn to scale, showing:
 - a. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
 - b. Proposed locations of water supply, sanitary sewer, and other utilities;
 - c. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
 - d. Location of the regulatory floodway when applicable;
 - e. Base flood elevation information as specified in Section 8.35.040.B or Section 8.35.050.B.3;
 - f. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
 - g. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 8.35.060.A.3.b. of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
3. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 8.35.060.A.3.b.
4. For a crawl-space foundation, location and total net area of foundation openings as required in Section 8.35.060.A.3.c of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.

5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
6. All appropriate certifications listed in Section 8.35.050.B.5 of this ordinance.

D. Appeals.

The City Council of the City of El Cerrito shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

8.35.060 - Provisions for flood hazard reduction

A. Standards of construction

In all areas of special flood hazards the following standards are required:

1. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

- a. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
- b. Using methods and practices that minimize flood damage;
- c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
- d. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

3. Elevation and Floodproofing.

a. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

1. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
2. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 4 feet above the highest adjacent grade if no depth number is specified.

3. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 8.35.050.B.3.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

b. Nonresidential construction.

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 8.35.060.A.3.a or:

1. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 8.35.060.A.3.a, so that the structure is watertight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered civil engineer or architect that the standards of Section 8.35.060.A.3.b.1&2 are satisfied. Such certification shall be provided to the Floodplain Administrator.

c. Flood openings.

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

1. For non-engineered openings:
 - a. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade;
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and
 - d. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
2. Be certified by a registered civil engineer or architect.

- d. Manufactured homes. See Section 8.35.060.D
 - e. Garages and low cost accessory structures.
 - 1. Attached garages.
 - a. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 8.35.060.3.C. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 8.35.060.A.2
 - b. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
 - 2. Detached garages and accessory structures.
 - a. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 2, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - 1. Use of the accessory structure must be limited to parking or limited storage;
 - 2. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - 3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - 4. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - 5. The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 8.35.060.A.3.c.
 - b. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 8.35.060.
- B. Standards for utilities.
- 1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - a. Infiltration of flood waters into the systems; and
 - b. Discharge from the systems into flood waters.
 - 2. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.
 - 3.

C. Standards for subdivisions and other proposed development.

1. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:
 - a. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
 - b. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
 - c. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 1. Lowest floor elevation.
 2. Pad elevation.
 3. Lowest adjacent grade.
2. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.
3. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for manufactured homes.

1. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - a. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation,

collapse, and lateral movement.

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 8.35.060.D.1 will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:
 - a. Lowest floor of the manufactured home is at or above the base flood elevation; or
 - b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

E. Standards for Recreational Vehicles.

- A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
 1. Be on the site for fewer than 180 consecutive days; or
 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 3. Meet the permit requirements of Section 8.35.050 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 8.35.060.D.1.

8.35.070- Variance procedure

A. Nature of Variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would

create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the El Cerrito City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Conditions for variances.

1. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 8.35.050 and 8.35.060 of this ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
2. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 8.35.030 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the El Cerrito City Council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the El Cerrito City Council believes will both provide relief and preserve the integrity of the local ordinance.
5. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:
6. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

7. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Contra Costa County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
8. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

C. Appeal Board

1. In passing upon requests for variances, the El Cerrito City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:
 - a. Danger that materials may be swept onto other lands to the injury of others;
 - b. Danger of life and property due to flooding or erosion damage;
 - c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
 - d. Importance of the services provided by the proposed facility to the community;
 - e. Necessity to the facility of a waterfront location, where applicable;
 - f. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. Compatibility of the proposed use with existing and anticipated development;
 - h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. Safety of access to the property in time of flood for ordinary and emergency vehicles;
 - j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
 - k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.
2. Variances shall only be issued upon a:
 - a. Showing of good and sufficient cause;
 - a. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
 - b. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create

a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

3. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 8.35.070.C.1 – 4 are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.
4. Upon consideration of the factors of Section 8.35.070.B.1 and the purposes of this ordinance, the El Cerrito City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

8.35.080 Obstructing natural drains.

It is unlawful for any person, firm or corporation to fill, to obliterate, to obstruct or to permit the obstruction of, by natural or artificial means, or to interfere with any natural drain.

- A. Any structure, wall, bulkhead, culvert, drain, dam or obstruction, natural or artificial, hereafter constructed, erected, maintained or permitted to exist in violation of any of the provisions of this chapter, and any structure, wall, bulkhead, culvert, drain, dam or obstruction, natural or artificial, heretofore permitted to exist, or erected and constructed in such manner or of such material that the same does now, or will hereafter, obstruct the flow of any natural watercourse, natural drain or floodplain in the city, shall constitute a nuisance.
- B. Within the area having special flood hazards, the laws concerning land use, and other measures designed to reduce flood losses, shall take precedence over any conflicting laws.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect thirty days after passage thereof.

SECTION 5. PUBLICATION. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on July 21, 2015 and passed by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on August x, 2015 and passed by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

APPROVED:

Mark Friedman, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX, 2015.

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2015-XX of the City of El Cerrito, that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the ___ day of August 2015; and that said ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this
day of August, 2015.

Cheryl Morse, City Clerk

122°18'45"

6040000 FT

37°54'22.5"



Map Projection:
Universal Transverse Mercator Zone 10N; North
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet



37°52'30"
122°16'52.5"



NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP

CONTRA COSTA COUNTY,
CALIFORNIA
and Incorporated Areas

PANEL 243 OF 602



Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CONTRA COSTA COUNTY	060025	0243	G
EL CERRITO, CITY OF	065027	0243	G
RICHMOND, CITY OF	060035	0243	G

VERSION NUMBER

2.3.2.0

MAP NUMBER

06013C0243G

MAP REVISED

SEPTEMBER 30, 2015

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

List of Assessor Parcel Numbers
And Property Owners

Agenda Bill No. x
Attachment 3

APN	LastName	FirstName	Address	City	State	ZipCode
510-036-021	[REDACTED]	[REDACTED]	1426 ELM ST	EL CERRITO	CA	94530-2202
510-022-024	[REDACTED]	[REDACTED]	5826 CENTRAL AVE	EL CERRITO	CA	94530-3412
510-036-012	[REDACTED]	[REDACTED]	6770 GLEN MAWR AVE	EL CERRITO	CA	94530-1940
510-022-029	[REDACTED]	[REDACTED]	1768 GANGES AVE	EL CERRITO	CA	94530-1960
510-036-013	[REDACTED]	[REDACTED]	1328 SCOTT ST	EL CERRITO	CA	94530-2460
510-036-015	[REDACTED]	[REDACTED]	8527 TERRACE DR	EL CERRITO	CA	94530-2720
510-036-020	[REDACTED]	[REDACTED]	30 LAM CT	KENSINGTON	CA	94707-1050
510-021-023	[REDACTED]	[REDACTED]	PO BOX 7790	KENSINGTON	CA	94707-0790
510-021-019	[REDACTED]	[REDACTED]	936 REGAL RD	BERKELEY	CA	94708-1429
510-021-020	[REDACTED]	[REDACTED]	272 LIMERICK WAY	VACAVILLE	CA	95688-9382
510-021-026	[REDACTED]	[REDACTED]	627 SPOKANE AVE	ALBANY	CA	94706-1408
510-036-019	[REDACTED]	[REDACTED]	5743 CENTRAL AVE	EL CERRITO	CA	94530-3409
510-036-018	[REDACTED]	[REDACTED]	5749 CENTRAL AVE	EL CERRITO	CA	94530-3409
510-036-004	[REDACTED]	[REDACTED]	6020 SKYLINE BLVD	OAKLAND	CA	94611-1045
510-036-003	[REDACTED]	[REDACTED]	220 THRESHER DR	VALLEJO	CA	94591-7815
510-036-022	[REDACTED]	[REDACTED]	512 BARNES WAY	RODEO	CA	94572-1502
510-036-023	[REDACTED]	[REDACTED]	5804 AVILA ST	EL CERRITO	CA	94530-3403
510-021-006	[REDACTED]	[REDACTED]	1328 SCOTT ST	EL CERRITO	CA	94530-2460
510-021-005	[REDACTED]	[REDACTED]	3225 SANTA CLARA AVE APT 4	EL CERRITO	CA	94530-3846
510-021-025	[REDACTED]	[REDACTED]	6400 MORAGA AVE # 8	PIEDMONT	CA	94611-2824
510-023-001	[REDACTED]	[REDACTED]	7157 CUTTING BLVD	EL CERRITO	CA	94530-1823
510-022-022	[REDACTED]	[REDACTED]	107 27TH AVE	SAN FRANCISCO	CA	94121-1033
510-021-021	[REDACTED]	[REDACTED]	PO BOX 3287	SAN RAFAEL	CA	94912-3287
510-022-004	[REDACTED]	[REDACTED]	PO BOX 32204	OAKLAND	CA	94604-3504
510-022-007	[REDACTED]	[REDACTED]	3217 YOSEMITE AVE	EL CERRITO	CA	94530-3916
510-036-011	[REDACTED]	[REDACTED]	6770 GLEN MAWR AVE	EL CERRITO	CA	94530-1940
510-022-027	[REDACTED]	[REDACTED]	519 MADISON ST	ALBANY	CA	94706-1116
510-022-028	[REDACTED]	[REDACTED]	1130 ARLINGTON BLVD	EL CERRITO	CA	94530-2561
510-022-008	[REDACTED]	[REDACTED]	415 BELOIT AVE	KENSINGTON	CA	94708-1147
510-036-014	[REDACTED]	[REDACTED]	8527 TERRACE DR	EL CERRITO	CA	94530-2720
510-022-018	[REDACTED]	[REDACTED]	409 N 21ST ST	SAN JOSE	CA	95112-1748
510-022-017	[REDACTED]	[REDACTED]	523 TALBOT AVE	ALBANY	CA	94706-1305
510-022-025	[REDACTED]	[REDACTED]	3527 MT DIABLO BLVD	LAFAYETTE	CA	94549-3815

List of Assessor Parcel Numbers
And Property Owners

Agenda Bill No. x
Attachment 3

510-020-002	[REDACTED]	[REDACTED]	152 ASHBURY AVE	EL CERRITO	CA	94530-4111
510-021-024	[REDACTED]	[REDACTED]	20650 VIA AUGUSTO	YORBA LINDA	CA	92887-3102
510-020-003	[REDACTED]	[REDACTED]	3247 BELMONT AVE	EL CERRITO	CA	94530-3804
510-020-004	[REDACTED]	[REDACTED]	2590 DAVIDSONVILLE RD	GAMBRILLS	MD	21054-2110
510-020-005	[REDACTED]	[REDACTED]	3267 BELMONT AVE	EL CERRITO	CA	94530-3804
510-020-007	[REDACTED]	[REDACTED]	31092 HERSEY WAY	HAYWARD	CA	94544-7536
510-020-006	[REDACTED]	[REDACTED]	5645 SAN DIEGO ST	EL CERRITO	CA	94530-3814
510-021-030	[REDACTED]	[REDACTED]	3250 BELMONT AVE APT 4	EL CERRITO	CA	94530-3830
510-021-008	[REDACTED]	[REDACTED]	1780 MANOR CIR	EL CERRITO	CA	94530-1915
510-021-009	[REDACTED]	[REDACTED]	1410 ELM ST	EL CERRITO	CA	94530-2202
510-023-014	[REDACTED]	[REDACTED]	21 WINDSOR AVE	KENSINGTON	CA	94708-1040
510-023-012	[REDACTED]	[REDACTED]	2937 INNISBROOK WAY	DUBLIN	CA	94568-1178
510-023-011	[REDACTED]	[REDACTED]	1361 SUMMIT PARK CT	EL CERRITO	CA	94530-2590
510-023-010	[REDACTED]	[REDACTED]	PO BOX 10143	OAKLAND	CA	94610-0143
510-023-009	[REDACTED]	[REDACTED]	5917 SAN DIEGO ST	EL CERRITO	CA	94530-3914
510-023-006	[REDACTED]	[REDACTED]	3223 CARLSON BLVD	EL CERRITO	CA	94530-3906
510-023-008	[REDACTED]	[REDACTED]	PO BOX 173	FAIRFIELD	CA	94533-0173
510-028-003	[REDACTED]	[REDACTED]	5722 COLUMBIA AVE	RICHMOND	CA	94804-5632
510-020-001	[REDACTED]	[REDACTED]	3221 E RUBY HILL DR	PLEASANTON	CA	94566-2128
510-022-014	[REDACTED]	[REDACTED]	5815 SAN DIEGO ST	EL CERRITO	CA	94530-3818
510-027-002	[REDACTED]	[REDACTED]	925 ENSENADA AVE	BERKELEY	CA	94707-2205
510-021-012	[REDACTED]	[REDACTED]	3270 BELMONT AVE	EL CERRITO	CA	94530-3828
510-025-004	[REDACTED]	[REDACTED]	PO BOX 5469	RICHMOND	CA	94805-0469
510-026-001	[REDACTED]	[REDACTED]	2847 DAPPLEGRAY LN	WALNUT CREEK	CA	94596-6632
510-021-011	[REDACTED]	[REDACTED]	129 HUNTINGTON CT	MOUNTAIN VIEW	CA	94043-5278
510-022-016	[REDACTED]	[REDACTED]	3246 SANTA CLARA AVE # 3250	EL CERRITO	CA	94530-3821
510-022-015	[REDACTED]	[REDACTED]	1331 WASHINGTON AVE	ALBANY	CA	94706-1838
510-026-002	[REDACTED]	[REDACTED]	1029 PAGE ST	BERKELEY	CA	94710-1523
510-026-003	[REDACTED]	[REDACTED]	5720 SAN DIEGO ST	EL CERRITO	CA	94530-3817
510-026-005	[REDACTED]	[REDACTED]	21353 OAK PARK LN	ANDERSON	CA	96007-9761
510-026-006	[REDACTED]	[REDACTED]	PO BOX 985	EL CERRITO	CA	94530-0985
510-025-015	[REDACTED]	[REDACTED]	2672 SIMAS AVE	PINOLE	CA	94564-1240
510-025-005	[REDACTED]	[REDACTED]	8611 LAMBRECHT CT	EL CERRITO	CA	94530-2551
510-025-010	[REDACTED]	[REDACTED]	45 WILDING LN	OAKLAND	CA	94618-2235

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510-026-015	██████	██████	667 VINCENTE AVE	BERKELEY	CA	94707-1523
510-026-008	████	██████████	300 BERRY ST UNIT 117	SAN FRANCISCO	CA	94158-1595
510-026-010	██████	██████████	16 PENNY LN	FAIRFAX	CA	94930-1319
510-026-020		██████████████████	4101 WISEMAN BLVD	SAN ANTONIO	TX	78251-4200
510-011-001	██	██████	3409 BELMONT AVE APT 2	EL CERRITO	CA	94530-3800
510-026-018	████	██████	3250 BELMONT AVE APT 4	EL CERRITO	CA	94530-3830
510-012-009	██████	██████████	5712 LASSEN ST	EL CERRITO	CA	94530-3811
510-021-022	██████	██████	1328 SCOTT ST	EL CERRITO	CA	94530-2460
510-026-004	████	██████	5724 SAN DIEGO ST	EL CERRITO	CA	94530-3817
510-021-027	██████	████	553 COLUSA AVE	EL CERRITO	CA	94530-3328
510-012-007	████	██████	3408 BELMONT AVE	EL CERRITO	CA	94530-3809
510-021-010	████	██████	1410 ELM ST	EL CERRITO	CA	94530-2202
510-026-019	██	██████████████	5227 SACRAMENTO AVE	RICHMOND	CA	94804-5427
510-027-001	████	██████████	1326 RIFLE RANGE RD	EL CERRITO	CA	94530-2505
510-012-008	██████	██████	PO BOX 1865	HAYDEN	ID	83835-1865
510-026-007	████	██████	107 27TH AVE	SAN FRANCISCO	CA	94121-1033
510-025-013	████	██████	8611 LAMBRECHT CT	EL CERRITO	CA	94530-2551
510-026-021	██████████	██████	3334 BELMONT AVE	EL CERRITO	CA	94530-3856
510-011-003	██████	██████████	5950 GOLDEN GATE AVE	SAN PABLO	CA	94806-4127
510-012-004	██████	██████████	3428 BELMONT AVE	EL CERRITO	CA	94530-3809
510-011-004	██████	██████████	3421 BELMONT AVE	EL CERRITO	CA	94530-3808
510-012-005	████	████	642 GLORIETTA BLVD	LAFAYETTE	CA	94549-3405
510-011-005	████	██████	PO BOX 1865	HAYDEN	ID	83835-1865
510-011-006	██████████	██████	3429 BELMONT AVE	EL CERRITO	CA	94530-3808
510-028-018	████	██████	941 SPRUCE ST	BERKELEY	CA	94707-2424
510-027-005	██████	██████████	5826 SAN DIEGO ST	EL CERRITO	CA	94530-3819
510-027-006	████	██████	PO BOX 1865	HAYDEN	ID	83835-1865
510-027-004	██	██████	5820 SAN DIEGO ST	EL CERRITO	CA	94530-3819
510-027-007	████	██████	3272 GLORIA TER	LAFAYETTE	CA	94549-2035
510-028-019		██████████████████████████	1314 WRIGHT AVE UNIT A	RICHMOND	CA	94804-3740
510-028-004	████	██	895 SOLANO AVE	ALBANY	CA	94706-1549
510-028-005	██████	██████████	3319 CARLSON BLVD	EL CERRITO	CA	94530-3908
510-028-015		██████████████████████████	1563 SOLANO AVE # 888	BERKELEY	CA	94707-2116
510-028-006	████	██████	130 POMONA AVE	EL CERRITO	CA	94530-4137

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510-027-018	[REDACTED]	[REDACTED]	1531 SHATTUCK AVE APT 303	BERKELEY	CA	94709-1511
510-027-009	[REDACTED]	[REDACTED]	3320 YOSEMITE AVE	EL CERRITO	CA	94530-3931
510-028-007		[REDACTED]	PO BOX 187	EL CERRITO	CA	94530-0187
510-012-006	[REDACTED]	[REDACTED]	PO BOX 173	FAIRFIELD	CA	94533-0173
510-027-019	[REDACTED]	[REDACTED]	5110 MCCLINTOCK AVE	TEMPLE CITY	CA	91780-3556
510-027-017		[REDACTED]	PO BOX 10143	OAKLAND	CA	94610-0143
510-026-009	[REDACTED]	[REDACTED]	3337 SANTA CLARA AVE	EL CERRITO	CA	94530-3822
510-027-016	[REDACTED]	[REDACTED]	3336 SANTA CLARA AVE	EL CERRITO	CA	94530-3823
510-026-014	[REDACTED]	[REDACTED]	5152 VALLEY VIEW RD	EL SOBRANTE	CA	94803-2503
510-027-008	[REDACTED]	[REDACTED]	3319 YOSEMITE AVE	EL CERRITO	CA	94530-3918
510-022-026	[REDACTED]	[REDACTED]	1308 ACTON ST	BERKELEY	CA	94706-2502
510-027-011	[REDACTED]	[REDACTED]	6487 CONLON AVE	EL CERRITO	CA	94530-1612
510-027-012	[REDACTED]	[REDACTED]	1107 POLK ST	SAN FRANCISCO	CA	94109-5512
510-028-014	[REDACTED]	[REDACTED]	3344 YOSEMITE AVE	EL CERRITO	CA	94530-3919
510-028-012	[REDACTED]	[REDACTED]	3360 YOSEMITE AVE	EL CERRITO	CA	94530-3919
510-028-008	[REDACTED]	[REDACTED]	916 SAN PABLO AVE UNIT C	ALBANY	CA	94706-2059
510-028-016	[REDACTED]	[REDACTED]	3343 CARLSON BLVD	EL CERRITO	CA	94530-3908
510-026-011	[REDACTED]	[REDACTED]	8656 THORS BAY RD	EL CERRITO	CA	94530-2570
510-028-011	[REDACTED]	[REDACTED]	1504 DOUGLAS DR	EL CERRITO	CA	94530-2008
510-025-014	[REDACTED]	[REDACTED]	3825 HIGH ST # 2	OAKLAND	CA	94619-2151
510-027-010	[REDACTED]	[REDACTED]	1015 KEY ROUTE BLVD	ALBANY	CA	94706-2321
510-013-007	[REDACTED]	[REDACTED]	20174 GLENWOOD DR	CASTRO VALLEY	CA	94552-5221
510-013-006	[REDACTED]	[REDACTED]	1723 JULIAN CT	EL CERRITO	CA	94530-2009
510-012-013	[REDACTED]	[REDACTED]	1377 CAMPUS DR	BERKELEY	CA	94708-2003
510-012-014	[REDACTED]	[REDACTED]	5432 LOCUST ST	KANSAS CITY	MO	64110-2444
510-013-022	[REDACTED]	[REDACTED]	3419 YOSEMITE AVE	EL CERRITO	CA	94530-3920
510-013-019	[REDACTED]	[REDACTED]	3419 YOSEMITE AVE	EL CERRITO	CA	94530-3920
510-013-005	[REDACTED]	[REDACTED]	33 WILDWOOD PL	EL CERRITO	CA	94530-2048
510-013-004	[REDACTED]	[REDACTED]	3434 SANTA CLARA AVE	EL CERRITO	CA	94530-3825
510-013-016	[REDACTED]	[REDACTED]	3451 YOSEMITE AVE APT C	EL CERRITO	CA	94530-3933
510-012-020	[REDACTED]	[REDACTED]	680 HILLDALE AVE	BERKELEY	CA	94708-1316
510-012-021	[REDACTED]	[REDACTED]	3415 SANTA CLARA AVE	EL CERRITO	CA	94530-3824
510-014-011	[REDACTED]	[REDACTED]	3420 YOSEMITE AVE	EL CERRITO	CA	94530-3921
510-014-016	[REDACTED]	[REDACTED]	5726 SOLANO AVE	RICHMOND	CA	94805-1535

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510-014-029	[REDACTED]	[REDACTED]	5510 SACRAMENTO AVE	RICHMOND	CA	94804-5604
510-014-007	[REDACTED]	[REDACTED]	3432 YOSEMITE AVE	EL CERRITO	CA	94530-3921
510-014-013	[REDACTED]	[REDACTED]	5900 LASSEN ST	EL CERRITO	CA	94530-3913
510-027-020	[REDACTED]	[REDACTED]	5819 LASSEN ST	EL CERRITO	CA	94530-3812
510-027-021	[REDACTED]	[REDACTED]	5819 LASSEN ST	EL CERRITO	CA	94530-3812
510-013-009	[REDACTED]	[REDACTED]	2701 DOVERTON SQ	MOUNTAIN VIEW	CA	94040-4481
510-013-010	[REDACTED]	[REDACTED]	PO BOX 1535	WILDOMAR	CA	92595-1535
510-027-013	[REDACTED]	[REDACTED]	3353 YOSEMITE AVE	EL CERRITO	CA	94530-3918
510-027-014	[REDACTED]	[REDACTED]	5819 LASSEN ST	EL CERRITO	CA	94530-3812
510-013-011	[REDACTED]	[REDACTED]	24 GREENSIDE WAY	SAN RAFAEL	CA	94901-1527
510-014-012	[REDACTED]	[REDACTED]	1136 WESTMORELAND CIR	WALNUT CREEK	CA	94596-6335
510-014-026	[REDACTED]	[REDACTED]	20174 GLENWOOD DR	CASTRO VALLEY	CA	94552-5221
510-014-005	[REDACTED]	[REDACTED]	532 SEAVIEW DR	EL CERRITO	CA	94530-3351
510-014-010	[REDACTED]	[REDACTED]	3420 YOSEMITE AVE	EL CERRITO	CA	94530-3921
510-014-027	[REDACTED]	[REDACTED]	3799 MT DIABLO BLVD	LAFAYETTE	CA	94549-3545
510-012-015	[REDACTED]	[REDACTED]	1005 RICHMOND ST	EL CERRITO	CA	94530-2615
510-012-019		EL CERRITO CITY OF	10890 SAN PABLO AVE	EL CERRITO	CA	94530-2321
510-011-011		EL CERRITO CITY OF	10890 SAN PABLO AVE	EL CERRITO	CA	94530-2321
510-014-031	[REDACTED]	[REDACTED]	89 DAVIS RD	ORINDA	CA	94563-3031
510-014-020	[REDACTED]	[REDACTED]	3445 CARLSON BLVD	EL CERRITO	CA	94530-3909
510-013-015	[REDACTED]	[REDACTED]	3451 YOSEMITE AVE APT C	EL CERRITO	CA	94530-3933
510-014-006	[REDACTED]	[REDACTED]	3440 YOSEMITE AVE	EL CERRITO	CA	94530-3921
510-028-020		SUNSET VIEW CEMETERY	PO BOX 187	EL CERRITO	CA	94530-0187
510-014-014	[REDACTED]	[REDACTED]	1009 CONTRA COSTA DR	EL CERRITO	CA	94530-2709
510-013-003	[REDACTED]	[REDACTED]	360 GRAND AVE 145	EL CERRITO	CA	94530
510-014-015		[REDACTED]	5726 SOLANO AVE	RICHMOND	CA	94805-1535
510-013-021		EL CERRITO CITY OF	10890 SAN PABLO AVE	EL CERRITO	CA	94530-2321
510-013-017	[REDACTED]	[REDACTED]	1784 MANOR CIR	EL CERRITO	CA	94530-1915
510-013-018	[REDACTED]	[REDACTED]	PO BOX 751	EL CERRITO	CA	94530-0751
510-014-004	[REDACTED]	[REDACTED]	3462 YOSEMITE AVE	EL CERRITO	CA	94530-3921
510-014-025	[REDACTED]	[REDACTED]	975 ARLINGTON BLVD	EL CERRITO	CA	94530-2703
510-014-001	[REDACTED]	[REDACTED]	975 ARLINGTON BLVD	EL CERRITO	CA	94530-2703

TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE
CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND
SECURITY

PART 60 CRITERIA FOR LAND MANAGEMENT AND USE--Table of Contents

Subpart A Requirements for Flood Plain Management Regulations

Sec. 60.3 Flood plain management criteria for flood-prone areas.

The Administrator will provide the data upon which flood plain management regulations shall be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Administrator, they shall apply. The symbols defining such special flood hazard designations are set forth in Sec. 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements

shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including

data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under Sec. 59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Administrator for the allowance of basements in accordance with Sec. 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the

community's FIRM (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under Sec. 59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

- (i) Outside of a manufactured home park or subdivision,
- (ii) In a new manufactured home park or subdivision,
- (iii) In an expansion to an existing manufactured home park or subdivision, or
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred ``substantial damage'' as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new

construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Sec. 60.3(c)(3)(ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a)(1) through (a)(4)(i) and (b)(5) through (b)(9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of Sec. 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established

under the provisions of Sec. 65.12, and receives the approval of the Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for ``manufactured homes'' in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of Sec. 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of Sec. 65.12, and receives the approval of the Administrator.

(e) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under Sec. 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4) (i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used

shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred ``substantial damage'' as the result of a flood, meet the standards of paragraphs (e)(2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c)(12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b)(1) and (e)(2) through (7) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) and (d)(1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in Sec. 59.1 in accordance with the eligibility procedures under Sec. 65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c)(1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c)(1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a)(3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a)(5)(i) and (ii) of this section require the standards of paragraphs (c)(1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c)(1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.



AGENDA BILL

Agenda Item No. 6(C)

Date: July 21, 2015
To: El Cerrito City Council
From: Michael J. Bond, Fire Marshal
Lance J. Maples, Fire Chief
Subject: Fire Hazard Abatement Public Hearing

ACTION REQUESTED

- 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property as identified in the attached resolution constitutes a public nuisance.
- 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

BACKGROUND

One of the lessons learned from the Oakland/Berkeley Hills Fire in October 1991 was that El Cerrito needed a comprehensive citywide program to reduce hill area fire hazards. The "fire storm" in the Oakland/Berkeley Hills was in fact an urban conflagration, fueled by vegetation among homes and large acreage properties that was driven by seasonally strong dry winds from the east. The fire destroyed over 3,000 dwellings. At the time of the Oakland/Berkeley Hills Fire, El Cerrito faced similar fire hazard conditions in its hill area. The City Council was determined to reduce those fire hazards by all reasonable means.

El Cerrito's comprehensive fire hazard reduction program focused upon reducing fire hazards in four areas: (1) on City property, (2) on property owned by other agencies (3) large landowners, and (4) on residential property. The City began a comprehensive planning process to reduce fire hazards on City property, other agencies' properties, and large landholders. These property owners were approached about reducing fire hazards on their properties. Prior efforts at fire hazard reduction on private residential property relied on voluntary compliance by the owners. The City Council concluded that stronger measures were necessary to enforce the laws regarding abatement of fire hazards on residential private property.

The fire hazard abatement program is designed to reduce fire hazards on a large number of private properties during the spring and early summer months. A process of advance notice and hearings for property owners is coupled with a public education program

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involving the promulgation of standards for vegetation management in residents' yards and vacant lots.

This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard. Most property owners voluntarily abate these hazards without Fire Department involvement. Ideally, 100% of the property owners would do so. We anticipate that a small number of owners are content to have the City do the work and place the costs on their tax bill.

Over the past 20 years, the City's annual fire hazard abatement program has been very successful in reducing fire hazards throughout the hill neighborhoods of El Cerrito. What started in 1992 as a program with over \$40,000 worth of abatement actions has been transformed into a program that required only two abatement actions in 2014. All but four of the property owners voluntarily complied and cleared their own fire hazards last year. Indeed, this program has become a model program which other fire jurisdictions have borrowed from.

ANALYSIS

In May of this year, the Fire Department conducted citywide fire hazard inspections of all properties. The inspections began May 5 and were conducted through May 14, 2015. As a result of the primary inspections, a list of properties containing public nuisances was generated, which continues to be amended as additional properties are identified. On June 1, 2015, the properties determined to be in violation of El Cerrito Municipal Code Chapter 16.26 were notified in writing of the hazards on their property and to abate hazardous conditions and the El Cerrito vegetation management standards were included (Attachments 1, 2, & 3). In addition, these property owners were sent a letter informing them of the time, date and location of the upcoming City Council meeting and informed that their properties would be declared a public nuisance and abatement would be ordered (Attachment 4). A second round of inspections was conducted July 8 through July 20, 2015 and only those properties that were not voluntarily abated with the first notice are contained within the Master Abatement List, Exhibit A to the proposed Resolution.

This public hearing is the next step in the process to eliminate hazards on the private properties that were identified as a public nuisance and have not voluntarily abated said violations. In order to achieve full compliance, staff recommends that the City Council declare the properties to be a public nuisance and direct the City Manager or his designee to abate such public nuisance conditions. Actual City-ordered abatement of fire hazards occurs only after all efforts at providing notice, information, and a public hearing have failed to induce voluntary compliance by the property owner.

The Fire Hazard Abatement process, under the direction of the Fire Department, should proceed according to El Cerrito Municipal Code Chapter 16.26, which specifies the following:

1. The Fire Department determines that hazards must be abated. Pursuant to these code sections, "hazards" are defined as weeds, rubbish, litter, or other flammable

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materials which create a fire hazard or are otherwise noxious or dangerous and which exist on specific parcels of property within the City.

2. The Fire Department shall post notice on each property or send notice by mail that the El Cerrito Fire Department has determined the existence of a public nuisance which must be abated and that a hearing will be held to consider any objections prior to the Council declaring the properties to be a public nuisance and ordering the City Manager or his designee to perform abatement.
3. At the July 21, 2015 City Council meeting, the City Council shall first adopt a resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance (Attachment 5).
4. At the same hearing, but after adoption of the first resolution, the City Council shall hear and consider all objections to declaration of public nuisances or the procedures proposed for abatement of the same. After the hearing, the Council shall adopt a resolution Overriding Objections by Property Owners and Ordering the City Manager or His Designee to Abate Certain Public Nuisances Pursuant to Chapter 16.26 (Attachment 6).
5. At the conclusion of the July 21, 2015 hearing, a second and final notice shall be sent to each property owner prior to abatement (Attachment 7). This notice will order the immediate abatement of nuisance conditions. This notice will clearly state that if nuisance conditions are ignored, the City shall cause abatement and costs for removal will be assessed against the property as a lien and special assessment. It will also indicate that if the conditions are voluntarily abated, the property shall be removed from the process.
6. If the nuisance is not abated between July 22, 2015 and August 16, 2015, prior to the arrival of the hazard abatement crew, the City of El Cerrito shall cause the weeds, rubbish, refuse, and other flammable material to be removed and shall keep an account of the cost of abatement for each parcel of land where such work is performed.
7. At the September 15, 2015 City Council Meeting the City Manager or his designee shall submit to the City Council for confirmation an itemized written report showing the cost of abatement work performed. A copy of this report shall be posted for at least ten days prior to its submission to the City Council. Each property owner upon whose property abatement work was performed shall be sent written notice by mail of a hearing by the City Council to consider the cost of abatement work performed on their property.
8. At the City Council Meeting on September 15, 2015, the City Council shall receive and consider the written staff report on abatement actions taken by the City and shall hear any objections from the property owners liable to be assessed for the abatement. The City Council may modify or amend the resolution by motion and vote on the resolution if deemed appropriate and then confirm the report by motion or resolution.

9. After City Council confirmation of the report, a certified copy of the report shall be filed with the county auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

FINANCIAL CONSIDERATIONS

The abatement program will be administered by Fire Department staff with minimum costs expended for printing and mailing. Abatement work will be completed by City maintenance staff or private contract labor as appropriate. Program costs will be recovered through the special assessment and lien process.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the process. The Fire Hazard Abatement Program is exempt from California Environmental Quality Act (CEQA) pursuant to Sections 15304 and 15308 of the CEQA Guidelines. Therefore, no further CEQA review is required.

Reviewed by:



Karen Pinkos

Assistant City Manager

Attachments:

1. June 1, 2015 Letter from Fire Marshal
2. Notice of Non-Compliant (Inspection Form)
3. Vegetation Management Standards
4. June 1, 2015 Notice to Destroy Weeds and Remove Rubbish, Refuse, and Other Flammable Material
5. Resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance
6. Resolution Overriding Objections by Property Owners and Ordering the City Manager or his Designee to Abate Certain Public Nuisances Pursuant to Chapter 16.26
7. July 22, 2015 Notice to Destroy Weeds and Remove Rubbish, Refuse, and Other Flammable Material

EL CERRITO FIRE DEPARTMENT

10900 San Pablo Avenue

El Cerrito, CA 94530

(510) 215-4450

FAX (510) 232-4917

June 1, 2015

Dear El Cerrito Property Owner:

We are approaching the season of our highest fire danger when the grass, weeds, refuse, brush and other vegetation dry out and become highly flammable. After several dry winters, the grass and brush is extremely dry and will create a severe fire hazard. To reduce the fire danger on private property, the Fire Department is beginning its annual Fire Hazard Abatement Program. We have inspected your property and found that it does not comply with the Vegetation Management Standards set forth in the El Cerrito Municipal Code 8.020. You are being contacted now so that you may remove those fire hazard conditions found on your property.

Beginning **July 8, 2015**, the Fire Department will be conducting a re-inspection of your property to evaluate if it meets our vegetation management standards. If your property meets the standards you will be removed from our list of non-compliant properties and will not be subject to further abatement actions.

Please find the enclosed legal notice explaining the City's fire hazard abatement program and advising you of the upcoming public hearing. **Please read this notice carefully.** In general, the Fire Department is concerned with removing refuse, dry and/or dead vegetation that is easily ignitable and capable of burning structures and endangering lives.

The enclosed guidelines provide a general explanation of the vegetation clearing and maintenance standards to be followed. For most private lots and yards these guidelines provide straightforward instructions on what actions you, the property owner, should take to remove the fire hazards. On the other hand, certain lots and yards are more difficult to assess. If you would like your property inspected by our Fire Prevention Officer, Captain Chris Renshaw, at no cost, he can identify your specific fire hazards and provide you with the information needed to meet our standards. We urge you to call the Fire Prevention office at (510) 215-4457 with any questions about clearing or maintaining your property or to schedule an inspection.

Thank you for your cooperation in making El Cerrito a fire safe community.

Sincerely,

Michael J Bond

Michael J. Bond

Fire Marshal



EL CERRITO FIRE DEPARTMENT
KENSINGTON FIRE PROTECTION DISTRICT

Agenda Item No. 6(C)
Attachment 2



10900 San Pablo Avenue, El Cerrito, Ca. 94530 (510)215-4450

Fire Hazard Abatement Inspection

Owner/Tenant _____ Site Address _____ City _____ State _____ Zip Code _____

Legal Property Owner _____ Mailing Address _____ City _____ State _____ Zip Code _____

YOUR PROPERTY IS NOT IN COMPLIANCE WITH THE FIRE CODE.

YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS:

FIRE BREAK (ELIMINATE)

Within 30' of a structure

- _____ 1. Eliminate hazardous vegetation
- _____ 2. Maintain ornamental landscaping
- _____ 3. Remove dead wood overhanging structures
- _____ 4. Mature Trees: Remove limbs 10' from ground
- _____ 5. Small Trees: Remove limbs 1/3 distance from ground
- _____ 6. Provide 10' clearance from chimney
- _____ 7. Clear Roof of combustible debris

COMMENTS:

FUEL BREAK (REDUCE)

30' - 100' from structure

- _____ 8. Cut and maintain dry grass/weeds - 6"
- _____ 9. Clean and maintain haz. vegetation - 18"
- _____ 10. Clear 10' from roadside

Both Fire Break & Fuel Break Requirements:

- _____ 11. Dispose of cut vegetation and debris
- _____ 12. Remove vines, loose papery bark, and dead branches
- _____ 13. Install 1/2" screen covering on chimney and stovepipes

FIELD			
OFFICE			
OFFICE			
TOTAL			

Inspector Date

City of El Cerrito Fire Hazard Reduction Program

I. INTRODUCTION

A. Purpose of Vegetation Management Standards

Along with California's growth of population and expanding development, urban housing has intermixed with wildland areas. California communities have experienced devastating fire loss because of the severity of fires which occur in this intermix area. In these areas the risk of conflagration is increased further by homeowners who create uncontrolled landscaping of native and non-native plants on their properties. Thousands of homes are threatened by fire every year in California largely because of this heavy vegetation fuel load very near structures.

The City of El Cerrito contains wildland intermix areas which increase the community's risk of loss from devastating fire. These areas have been identified by the California Department of Forestry (CDF) and the El Cerrito Fire Department as Very High Fire Hazard Severity (VHFHS) Zones. As specified by State Law AB 337, property owners within these zones must take special precautions with their property, including vegetation management, to reduce the risk of fire.

The buildup of unmanaged vegetation, whether native or non-native, steep hillsides with canyons, draws, and periods of extremely hot, dry weather all combine to create in El Cerrito the potential for catastrophic fire behavior such as occurred in the Oakland/Berkeley Hills Fire of October 1991. Catastrophic fires can destroy large numbers of homes, threaten public safety and severely damage the natural areas which contribute to our high quality of living.

A key goal of local community fire protection planning is to reduce the level of fire hazards in El Cerrito's wildland intermix areas, designated as VHFHS Zones. While it is not possible to eliminate all threats of catastrophic wildfire, fire hazards can be reduced to acceptable levels and still allow a "green" El Cerrito.

Vegetation management planning in the VHFHS Zone focuses on areas where fire poses the greatest risk to life and property. There are three specific goals of the program:

1. Keep all fires small. Small fires generally are cooler than large fires and are more easily extinguished.
2. Limit the speed with which any fire will grow. Fires need fuel to burn; if fuel is available, fires will continue to grow rapidly. Fuel must be limited or made unavailable to spreading fire.
3. Make it more difficult for fires to ignite and spread. Small fires can ignite progressively larger fuels. Small fuels are like kindling and are easily ignited. Reducing and separating kindling fuels from larger fuels reduces sources for ignition and the potential for fire spread.

Fires will continue to be a part of California urban living. By implementing vegetation management standards, El Cerrito residents can significantly reduce the potential a small fire will grow into a catastrophic event involving one or more structures. The primary method of stopping fire spread is by increasing separation distances between combustible fuels. An important component of reducing the community's fire risk requires vegetation management to be practiced by property owners.

B. Fire Safe Vegetation Management Concepts

There are three basic methods employed to manage vegetation fuels: firebreaks, fuel breaks and ornamental landscaping. A firebreak eliminates all flammable vegetation and combustible growth. Appropriate ornamental landscaping is acceptable in this area. A fuel break reduces the fuel mass of

flammable vegetation and combustible growth, thereby limiting the intensity of fire and slowing its rate of spread. Ornamental landscaping provides a yard or garden with decorative fire resistive plants that are irrigated, maintained and arranged to be aesthetically pleasing, functionally useful and enhance fire safety. Refer to the definitions listed for these terms.

Within VHFHS Zones, structures are to be protected from wildfire by creating firebreaks immediately surrounding structures and fuel breaks further out from structures. Within 30 feet of a structure a firebreak should be created which contains well-irrigated, maintained and appropriately spaced ornamental landscaping with fire resistant plants. All flammable vegetation and combustible growth in this area immediately surrounding a structure should be eliminated. This creates a safety margin of defensible space so that wildfire can be stopped before it reaches a structure.

A fuel break should be created from 30 feet to 100 feet from structures located within the VHFHS Zones. The heightened risk of wildfire within the VHFHS Zones makes it necessary to provide an added safety margin of defensible space for all structures and a fuel break will provide this extra protection. Fuel breaks are meant to reduce fire hazardous vegetation and maintain it to specified heights and arrangements, limiting fire intensity and impeding fire spread. The purpose of the fuel break is to deny any fire entering it sufficient fuel to sustain fire intensity and speed. By the time it reaches the firebreak area containing ornamental landscaping nearer the structure, the now low-intensity fire should be stopped easily by the firebreak surrounding the structure.

Ornamental landscaping with fire resistant plants is encouraged as a long term approach to maintain yard and garden vegetation in a fire safe manner. Landscaping with healthy, appropriately irrigated plants and ground cover provides a permanent reduction of the fire hazard adjacent to structures when such landscaping is maintained at regular intervals. Ornamental landscaping can enhance a firebreak by inhibiting the growth of weeds, grass, brush and similar fire hazardous vegetation. A list of fire resistant and highly flammable plants is available from the Fire Department.

C. Process

No person shall be prosecuted criminally under the provisions of Section 8.30.040 of the El Cerrito Municipal Code until that person has received written notice of how that property violates these standards and until that person has had the reasonable opportunity to meet with City staff concerning the procedures set forth in Chapter 8.34 or Chapter 16.26 of the El Cerrito Municipal Code. Civil procedures for fire hazard abatement include providing the property owner with (1) written notice on how the property violates these guidelines, (2) reasonable opportunity to meet with City staff to discuss this matter and (3) opportunity to be heard before the City Council.

II. FIRE HAZARD REDUCTION GUIDELINES

Many factors combine to create a fire hazard on any specific property. It is difficult to single out a specific vegetation species or configuration to declare it either fire hazardous or completely fire safe in all situations. The Fire Department has developed guidelines conforming to State Law and National Fire Protection Standards which address most situations found on private property within El Cerrito. Please read these guidelines along with the accompanying glossary. If you are still unsure of how to proceed please call the Fire Department and we will work with you to develop a fire hazard reduction plan for your property.

A. Hazard Zones

Portions of the City of El Cerrito lie adjacent or near to large wildland areas containing steep slopes and naturally growing trees, brush and grasses. Every year under certain critical weather conditions, the neighborhoods near these wildland areas are at heightened risk of seasonal wildfire sweeping into the City and burning homes. These areas at heightened risk of wildfire have been designated as Very High Fire Hazard Severity (VHFHS) Zones. The rest of the City faces a lesser risk of wildfire.

Fire hazard reduction measures common to the entire City are required on both vacant and developed lots:

1. Property owners must ensure that all vegetation, native or non-native, shall be maintained so as not to constitute a fire hazard.
2. Property owners must maintain their property either by ornamental landscaping or by establishing a fuel break along the property line and adjacent to structures. For properties within the VHFHS Zones, there are additional requirements for firebreaks within 30 feet of structures and fuel breaks from 30 to 100 feet.
3. Property owners are responsible for clearance and maintenance of their own property only. Property owners will be required, however, to create fuel breaks on their property to protect neighboring structures. Dimensions of fuel breaks will depend on the proximity of neighboring structures and on whether the properties are within VHFHS Zones.
4. All brush, weeds, grass and fire hazardous vegetation within 10 feet of any usable road surface, public way or combustible fence shall be maintained in a non-hazardous condition with a fuel break.
5. Property owners must maintain their property free from all nuisances, including debris, garbage, rubbish and trash, hazardous materials, junk and noxious growth.

B. Ornamental Landscaping

Ornamental landscaping is encouraged throughout the City of El Cerrito to enhance fire safety. Ornamental landscaping consists of decorative plants growing within a tended garden or yard which are well watered, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control.

With the VHFHS Zones, ornamental landscaping in the 30 foot firebreak adjacent to structures must meet the following requirements:

1. Ornamental landscaping shall be maintained free of dead wood and litter, and trimmed of small twigs and branches at least two (2) feet or 1/3 of their height from the ground, whichever is less.
2. Ornamental landscaping must be healthy, pruned, adequately irrigated and regularly maintained so that plants and the area beneath them are free from dead or dying material.
3. Single specimen trees must be trimmed and maintained.
4. Ground cover may be used as part of ornamental landscaping provided it is kept green, free of dead wood and litter, and at a height so that they do not form a means of rapidly transmitting fire from native growth (located outside the firebreak) to any building or structure.

C. Vegetation Management Standards

Vegetation management standards exist for the entire City, including areas designated as VHFHS Zones. Refer to the glossary (Section III) for a definition of terms used in these standards.

1. **Properties within VHFHS Zones:**

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- a. Firebreaks must be created and maintained in areas within 30 feet of any occupied dwelling.
 - b. Fuel Breaks must be created and maintained in areas extending from 30 to 100 feet surrounding any structure.
 - c. Fuel Breaks must be created and maintained on vacant lots 30 feet wide along the property line and 100 feet from neighboring structures.
2. **Properties outside VHFHS Zones:**
- a. Fuel Breaks must be created and maintained in areas within 30 feet of any structure.
 - b. Fuel Breaks must be created and maintained on vacant lots to be 10 feet wide along the property line.
3. **Vegetation Management Standards for Firebreaks:**
- a. All flammable vegetation or combustible growth must be removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire.
 - b. Adequately irrigated and maintained ornamental landscaping is not flammable vegetation or combustible growth, and is encouraged within a firebreak.
 - c. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
 - d. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
 - e. All roof surfaces shall be maintained free of substantial accumulations of needles, twigs and any other combustible matter.
 - f. All cut vegetation and debris must be disposed of either by hauling and dumping in a lawful manner, or by chipping and dispersing over the property in a manner and to a height which will not constitute a fire hazard.
 - g. Chipped materials which are spread on the ground shall be of a size no greater than 1 inch by 1 inch by 3 inches.
4. **Vegetation Management Standards for Fuel Breaks:**
- a. Maintain ornamental landscaping in yards.
 - b. All fire hazardous vegetation with the exception of weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.
 - c. All weeds and grass shall be cleared and maintained at a height no greater than 6 inches above the ground.
 - d. Remove from trees all vines, loose papery bark and dead branches.

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- e. All cut vegetation and debris must be disposed of either by hauling and dumping in a lawful manner, or by chipping and dispersing over the property in a manner and to a height which will not constitute a fire hazard.
- f. Chipped materials which are spread on the ground shall be of a size no greater than 1 inch by 1 inch by 3 inches.

5. **Additional Considerations for Vegetation Management:**

- a. The Fire Hazard Abatement Program is intended to promote community fire safety by reducing the combustible vegetation fuel mass on private properties. Clearing vegetation by heavy construction methods, such as grading, discing, trenching or dozing shall require special permits from the City. **Disposal by burning is not permitted.**
- b. Any parcel where slope stability will be threatened by removal of plants may be exempt from treatment requirements or subject to alternate treatments. The property owner must submit a report documenting the probability of slope failure due to vegetation removal, prepared by a licensed civil, geotechnical or soils engineer. The report shall propose alternative treatment methods to address fire hazards. The report will be reviewed by city staff. Review and acceptance by the City of alternative treatment will supersede other requirements.
- c. Any parcel or lot which includes plant or animal species that are rare, endangered or of special concern may qualify for alternative plant treatment and spacing requirements. The property owner must submit a report from a qualified resource biologist or landscape architect describing the species, actions required to preserve its environmental value, and proposed alternative measures to address fire hazards. The report will be reviewed by the City. Review and acceptance by the City of alternative treatment will supersede other requirements.

D. Planting Considerations

Any plant will burn if the conditions are right. Some plants are considered to be extremely flammable while other plants are considered to have some resistance to fire. Verifiable tests of fire exposure characteristics for all specific ornamental landscaping plants are not available.

The best available plant information is contained in a publication available from EBMUD entitled "Firescape: Landscaping to Reduce Fire Hazard". A list of plants with some fire-resistance and plants considered highly flammable is available from the Fire Department.

At the base of trees and shrubs, replace flammable vegetation with bark, mulch, rock, gravel or low-growing or more fire-resistant ground covers. This cover reduces the fire danger and minimizes weeds.

Avoid placing medium-sized shrubs beneath trees or taller shrubs. By breaking up the available fuel mass in ornamental landscaping, a fire will be kept at lower intensity, flame lengths will be shorter and fire will be less likely to form a continuous line or front.

E. Structural Fire Safety

The City's roofing and vegetation management standards are designed to reduce the amount of airborne burning material, limiting fire spread. Once a fire starts, it is often accelerated by wind-borne burning material. Burning embers or brands are the main source of fire spread in mixed urban-wildland areas. The roof of a house is most vulnerable to this type of ignition. Spark arresters with a maximum of ½" openings in the mesh are required over the outlet of every chimney. Class A is the top rating for fire

resistive roofing, followed by Classes B and C. The City of El Cerrito requires that all roofing be Class B or better, and wood shake shingle roofing materials are prohibited in new construction or replacement of more than 50% of the roof.

III. GLOSSARY OF TERMS

The following terms are used to describe the vegetation management standards in California State Law and in the City of El Cerrito's Fire Hazard Reduction Program.

Very High Fire Hazard Severity (VHFHS) Zones: Any geographic area designated per Government Code Section 51178 to contain the type and condition of vegetation, topography, weather and structure density to potentially increase the possibility of wildland conflagration fires. As a community adjacent to extensive wildland areas, the City of El Cerrito contains several VHFHS zones. A map of these zones is available from the Fire Department. Fire hazard reduction standards are more extensive for properties located within VHFHS zones.

Defensible space: A concept in landscape design for homes which provides a band of managed vegetation around a home that slows movement of fire by reducing or denying fuel and provides a space for firefighters to take a stand to protect the house.

Fire resistant plants: A relative term used to describe plants that are "more resistant" or "less resistant" than other plants to fire. Given enough heat, all vegetation will burn. Yet plants in fact differ in how fast they burn, how high a flame they produce and their ability to survive fire. Fire resistance is enhanced by higher amounts of moisture within twigs and foliage. Fire-resistant plants can lose this quality altogether if not properly maintained and irrigated. A partial list of fire resistant and highly flammable plants is available from EBMUD and the El Cerrito Fire Department.

Fire hazardous vegetation: Plants which can burn easily because they generate dry undergrowth, contain flammable oils or produce significant quantities of dead or dying material. Hazardous vegetation is fuel which must be removed or strictly maintained so as not to constitute a fire hazard by igniting easily and then contributing to rapid fire spread. Seasonally dry grass, weeds, brush, and unmaintained and unirrigated trees and ornamental vegetation are examples of fire hazardous vegetation. Properly chipped, mulched and disbursed material does not constitute fire hazardous vegetation. Fire hazardous vegetation is also known as **flammable vegetation and combustible growth**.

Ornamental landscaping: Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

Firebreak: An area in which all flammable vegetation or combustible growth is removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire. Ornamental landscaping is permissible within a firebreak as long as it is adequately irrigated, maintained and spaced so as not to provide a means of rapidly transmitting fire. Compare to **fuel break**.

Fuel break: An area in which all flammable vegetation or combustible growth is reduced and cleared away according to established standards, thereby limiting the mass and arrangement of fire hazardous vegetation fuels which can rapidly transmit fire. Appropriate ornamental landscaping is permissible within a fuel break. Fuel reduction standards for fuel breaks limit the height of certain vegetation (brush, native shrubs, weeds and grasses). Remove from trees any fuels which can ladder fire into the canopies, and provide adequate spacing between remaining plants. Compare to **firebreak**.

EL CERRITO FIRE DEPARTMENT

10900 San Pablo Avenue

El Cerrito, CA 94530

(510) 215-4450

FAX (510) 232-4917

June 1, 2015

To: [OWNER NAME]
[OWNER ADDRESS], [OWNER CITY] [OWNER STATE] [OWNER ZIP]
Re: [SITE ADDRESS], [SITE CITY]. [SITE STATE], [SITE ZIP]
Parcel Number: [SITE APN]

**NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND OTHER FLAMMABLE MATERIAL**

Notice is hereby given that on the **1st day of June, 2015** the El Cerrito Fire Department has determined your property in the City of El Cerrito, designated above by address and parcel number, is in violation of Chapter 8.020 of the El Cerrito Municipal Code because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

You are hereby ordered to abate these public nuisance conditions by removing the weeds, rubbish, refuse and other flammable material. Otherwise, the City will abate these nuisance conditions and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment. These removal costs shall then be collected at the time and in the manner of ordinary municipal taxes. Reference is hereby made to the resolution for further particulars.

If you have any objections to a declaration of your property as a public nuisance or to the proposed removal of the weeds, rubbish, refuse and other flammable material from your property by the City, you are hereby notified of and may attend this meeting of the City Council of the City of El Cerrito to be held on **July 21, 2015 at 7:00 p.m. in the Council Chambers located in the El Cerrito City Hall, 10890 San Pablo Avenue**. At this meeting, your objections will be heard and given due consideration.

At the conclusion of this meeting, the City Council may declare the conditions on your property to be a public nuisance and may order the City Manager or designee to abate the public nuisance condition on your property. The City shall perform this removal either through its own staff or through private contract sometime between **August 17, 2015 and August 28, 2015**. It is impossible to predict what it will cost the City to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded \$5,000 per parcel for those parcels with severe nuisance conditions.

If you have any questions, contact the El Cerrito Fire Prevention office at 10900 San Pablo Avenue. The phone number is (510) 215-4457.

Michael J Bond

Michael J. Bond, Fire Marshal

RESOLUTION NO. 2015 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DECLARING THAT WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON CERTAIN REAL PROPERTY CONSTITUTES A PUBLIC NUISANCE

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39560-39588, the City Council shall adopt this resolution declaring that certain real property within the City constitutes a public nuisance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the following properties identified on Exhibit A, attached hereto, are declared to be public nuisances pursuant to El Cerrito Municipal Code Section 16.26.160.

BE IT FURTHER RESOLVED that on this same date of July 21, 2015 at 7:00 in the City of El Cerrito, the City Council shall hold a hearing at which owners of the real property identified in Exhibit A hereto may object to the designation of their properties as public nuisances and object to the abatement actions proposed by the City.

I CERTIFY that at a regular meeting on July 21, 2015 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 July __, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address	Property Owner
501-060-018	2319 TULARE AVE	[REDACTED]
500-120-017	2630 MONTE VISTA AVE	[REDACTED]
500-180-005	2670 TAMALPAIS AVE	[REDACTED]
501-322-004	6524 KNOTT AVE	[REDACTED]
500-360-010	5621 LUDWIG AVE	[REDACTED]
505-422-008	1518 MADERA CT	[REDACTED]
505-422-004	1515 MADERA CT	[REDACTED]
505-421-028	1548 MADERA CIR	[REDACTED]
505-421-029	1552 MADERA CIR	[REDACTED]
505-421-011	1626 JULIAN DR	[REDACTED]
501-110-017	7140 CUTTING BLVD	[REDACTED]
502-290-009	1518 RICHMOND ST	[REDACTED]
505-403-001	7628 POTRERO AVE	[REDACTED]
502-310-013	7019 GLADYS AVE	[REDACTED]
505-212-005	1012 KING DR	[REDACTED]
505-203-012	1108 KING DR	[REDACTED]
505-351-018	1101 ARLINGTON BLVD	[REDACTED]
503-311-017	835 GALVIN DR	[REDACTED]
503-260-025	860 ASHBURY AVE	[REDACTED]
503-233-015	10534 SAN PABLO AVE	[REDACTED]
503-233-007	KEARNEY ST	[REDACTED]
503-233-032	KEARNEY ST	[REDACTED]
503-241-011	907 RICHMOND ST	[REDACTED]
503-202-012	6823 MOESER LN	[REDACTED]
503-311-023	7573 TERRACE DR	[REDACTED]
510-042-019	5619 EL DORADO AVE	[REDACTED]
510-036-004	5826 AVILA ST	[REDACTED]
504-061-005	543 NORVELL ST	[REDACTED]
504-292-025	144 CARMEL AVE	[REDACTED]
504-292-017	118 CARMEL AVE	[REDACTED]
501-160-002	6010 JORDAN AVE	[REDACTED]
503-234-005	836 LEXINGTON AVE # 838	[REDACTED]
573-132-030	8441 WILDCAT DR	[REDACTED]
573-132-027	8425 WILDCAT DR	[REDACTED]
573-132-026	8421 WILDCAT DR	[REDACTED]
573-132-025	8415 WILDCAT DR	[REDACTED]
573-132-024	8411 WILDCAT DR	[REDACTED]
573-132-023	8407 WILDCAT DR	[REDACTED]

EXHIBIT A (Page 2)

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address	Property Owner
504-372-020	421 COLUSA AVE	[REDACTED]
504-414-004	520 VILLAGE DR	[REDACTED]
503-411-006	602 LIBERTY ST	[REDACTED]

RESOLUTION NO. 2015 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO OVERRIDING OBJECTIONS BY PROPERTY OWNERS AND ORDERING THE CITY MANAGER OR HIS DESIGNEE TO ABATE CERTAIN PUBLIC NUISANCES PURSUANT TO CHAPTER 16.26

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, on July 21, 2015, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588, the City Council adopted Resolution 2015-__ declaring that certain real property within the City constitutes a public nuisance; and

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides that notice shall be sent to owners of the real property declared a nuisance pursuant to Resolution 2015-__ providing those owners with the following: description of the nuisance; explanation of how the nuisance must be abated; explanation that if the nuisance is not abated; the City shall abate the public nuisance and the cost of abatement shall be assessed against the property as a special assessment; and informing the owners that the City Council shall hold a hearing at a certain date, time, and place at which the owners may present objections to the designation of their properties as public nuisances or to the proposed abatement of the nuisance; and

WHEREAS, on June 1, 2015, the City Fire Department sent written notice to those property owners describing the weeds, rubbish, refuse, or other flammable material that presented a fire hazard and public nuisance; explaining that the Fire Department had determined a public nuisance that must be removed; informing the owners that if they did not abate between July 8 and July 20, 2015, the City Council would hold a hearing on July 21, 2015 at which the owners could present objections to the declaration of the nuisance or the proposed abatement measures and further explained the City could abate the nuisance and collect the costs as an assessment on the property; and

WHEREAS, on July 21, 2015, the City Council adopted Resolution 2015-XX confirming the nuisance declarations of the City Fire Department and declaring a public nuisances on certain real property pursuant to Chapter 16.26; and

WHEREAS, El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588 provide that after adoption of a resolution declaring a public nuisance and notice to affected property owners of the Council's hearing of objections, the Council may overrule any objections and order the City Manager or his designee to abate the public nuisances.

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

Agenda Item No. 6(C)

Attachment 6

it overrides any objections by owners of that certain real property on which public nuisances were declared in Exhibit A to Resolution 2015 - __ (adopted on the same date herewith).

BE IT FURTHER RESOLVED that the City Manager and his or her designee is hereby ordered to abate the public nuisances by having the weeds, rubbish, refuse, dirt, or other fire hazard or noxious or dangerous materials removed.

BE IT FURTHER RESOLVED that pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39574, the City Manager or his designee shall keep an account of the cost of abatement for each parcel of land on which work is performed. The City Manager or designee shall then prepare an itemized written report to be presented to the City Council so that, after the notice and hearing during the City Council meeting of September 15, 2015 these abatement costs can be confirmed as a special assessment against those parcels.

I CERTIFY that at a regular meeting on July 21, 2015 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 July __, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

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501-322-004	6524 KNOTT AVE	[REDACTED]
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505-422-008	1518 MADERA CT	[REDACTED]
505-422-004	1515 MADERA CT	[REDACTED]
505-421-028	1548 MADERA CIR	[REDACTED]
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505-421-011	1626 JULIAN DR	[REDACTED]
501-110-017	7140 CUTTING BLVD	[REDACTED]
502-290-009	1518 RICHMOND ST	[REDACTED]
505-403-001	7628 POTRERO AVE	[REDACTED]
502-310-013	7019 GLADYS AVE	[REDACTED]
505-212-005	1012 KING DR	[REDACTED]
505-203-012	1108 KING DR	[REDACTED]
505-351-018	1101 ARLINGTON BLVD	[REDACTED]
503-311-017	835 GALVIN DR	[REDACTED]
503-260-025	860 ASHBURY AVE	[REDACTED]
503-233-015	10534 SAN PABLO AVE	[REDACTED]
503-233-007	KEARNEY ST	[REDACTED]
503-233-032	KEARNEY ST	[REDACTED]
503-241-011	907 RICHMOND ST	[REDACTED]
503-202-012	6823 MOESER LN	[REDACTED]
503-311-023	7573 TERRACE DR	[REDACTED]
510-042-019	5619 EL DORADO AVE	[REDACTED]
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504-292-017	118 CARMEL AVE	[REDACTED]
501-160-002	6010 JORDAN AVE	[REDACTED]
503-234-005	836 LEXINGTON AVE # 838	[REDACTED]
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573-132-026	8421 WILDCAT DR	[REDACTED]
573-132-025	8415 WILDCAT DR	[REDACTED]
573-132-024	8411 WILDCAT DR	[REDACTED]
573-132-023	8407 WILDCAT DR	[REDACTED]

EXHIBIT A (Page 2)

El Cerrito
List of Real Property Constituting Public Nuisances

<u>APN</u>	<u>Street Address</u>	<u>Property Owner</u>
504-372-020	421 COLUSA AVE	[REDACTED]
504-414-004	520 VILLAGE DR	[REDACTED]
503-411-006	602 LIBERTY ST	[REDACTED]

CITY OF EL CERRITO
10900 San Pablo Avenue
El Cerrito, CA 94530
(510) 215-4450
FAX (510) 232-4917

July 22, 2015

To: [OWNER NAME]
[OWNER ADDRESS], [OWNER CITY] [OWNER STATE] [OWNER ZIP]
Re: [SITE ADDRESS], [SITE CITY], [SITE STATE], [SITE ZIP]
Parcel Number: [SITE APN]

**NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND OTHER FLAMMABLE MATERIAL**

On **July 21st, 2015** the El Cerrito City Council declared that your property in the City of El Cerrito, designated above by address and parcel number, constitutes a public nuisance because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

A previous notice was sent to you informing you of the July 21st, 2015 hearing and further informing you of your obligation to remove the weeds, rubbish, refuse and other flammable material from your property. **If you do not immediately abate these nuisance conditions, the City will do so and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment.** These removal costs shall then be collected in the time and in the manner of ordinary municipal taxes.

You will not receive any further notices from the City prior to this removal. The City shall perform this removal either through its own staff or through private contract sometime between **August 17th, 2015 and August 28th, 2015.** It is impossible to predict what it will cost the City to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded \$5,000 per parcel for those parcels with severe nuisance conditions.

The City Council will conduct a public hearing on **September 15, 2015** to confirm the cost of the abatement work performed on your property. The meeting will be held in the **El Cerrito City Council Chambers at 10890 San Pablo Avenue in El Cerrito at 7:00 p.m.** During this public hearing you will be given the opportunity to voice objections regarding the report and the assessment of the abatement costs for your property. At this hearing you will also be given the opportunity to object, protest and/or present evidence to support your arguments.

If you have any questions, contact the El Cerrito Fire Department at 10900 San Pablo Avenue. The phone number is (510) 215-4450.

Michael J Bond

Michael J. Bond
Fire Marshal



AGENDA BILL

Agenda Item No. 7(A)

Date: July 21, 2015
To: El Cerrito City Council
From: Christopher Jones, Recreation Director
Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Ordinance Establishing the Measure A Swim Center Parcel Tax Rates for FY 2015-16

ACTION REQUESTED

Introduce by title, waive any further reading, and approve an ordinance establishing the Measure A Swim Center Parcel Tax rates for FY 2015-16, at the maximum authorized rate of \$58.46 per single-family residential unit, \$45.00 per multifamily residential unit, and \$410.00 per acre of non-residential property to address maintenance needs of the Swim Center facility and generate additional funds for future capital projects.

BACKGROUND

The El Cerrito Swim Center is a much loved focal point of the community that contributes to the quality of life and health and safety for thousands of residents and non-residents alike. The original Swim Center, built in 1962, had gradually deteriorated to a state of being unsafe and barely functional. On March 7, 2000, the voters of El Cerrito approved a special tax for the purpose of renovating and reconstructing the El Cerrito Swim Center, rehabilitation of Canyon Trail Clubhouse, and completion of access and restroom renovations at Harding, Huber, and Poinsett Park Clubhouses.

The special tax approved by the voters established a maximum rate authorized per single-family residential unit, multi-family residential unit, and acre of non-residential property and expires in 2020. Each fiscal year, the City Council may amend Section 4.56 of the El Cerrito Municipal Code and set rates for the special tax at levels lower than the maximum rates, if the Council determines it is in the public interest to do so. If the City Council does not adopt an amending ordinance, the special tax shall be imposed at the maximum rates approved by the voters in 2000.

On June 17, 2002, the City Council and El Cerrito Public Financing Authority (PFA) approved the issuance of Lease Revenue Bonds totaling \$4.6 million and an associated lease agreement for the reconstruction of the Swim Center facility. Each year since the bond issuance, the Council has reviewed the revenue capacity of the Measure A rates, and has set the rates below the voter-approved maximum of \$58.46 per single-family residential unit, \$45 per multi-family residential unit, and \$410 per acre of non-residential property. The pool reconstruction project was completed in early 2004. For FY 2004-05, the special tax rates were reduced and set at \$38.61 per single-family residential unit, \$29.73 per multi-family residential unit, and \$270.66 per acre of non-

Agenda Item No. 7(A)

residential property. These rates represented the minimum levies needed to meet the requirements of the bond issuance at that time. They have remained the same through FY 2014-15, generating about \$441,000 annually.

On June 4, 2007, the City Council voted to authorize the use of surplus funds generated from the Measure A Swim Center Parcel Tax for capital projects at the Swim Center. Since this time, several projects have been completed including the installation of the Splash Park, the purchase of new heaters, landscape improvements, and energy efficiency upgrades such as the installation of a variable speed drive (smart pump) and installation of LED lights throughout the Swim Center. Surplus funds are also being used to pay for the Swim Center's portion of the Solar Lease Debt Service.

At the May 19, 2015 City Council meeting, the Council directed staff to evaluate the amount of additional funds that would be generated to fund capital improvements by returning the special tax rates of Measure A to the voter-authorized limits. It was further requested that the Park and Recreation Commission discuss the option of setting the rate at the maximum and form a recommendation. On June 24, 2015, the Park and Recreation Commission voted (4-0-1) to recommend to the City Council that the Measure A Tax Rate be increased to be in line with what was passed by the voters in 2000.

ANALYSIS

The City Council has kept the rates at the same level since 2004 since the amount of revenue generated was sufficient to cover debt service and designated capital projects. The facility is now almost 12 years old, and staff has continuously reviewed the maintenance and capital needs to ensure that the entire Swim Center is safe, functional, and useful, as intended by Measure A. It should be noted that in 2001, the budget for the design and construction of the Swim Center was capped by the City Council at a conceptual cost estimate amount, rather than the actual cost necessary to do the entire project optimally while still within the amount approved by voters. This has had an impact on the maintenance of the equipment and infrastructure than otherwise would have been the case if a more realistic budget estimate had been initially utilized to design and build the project.

The City has engaged Knorr Systems, Inc., the City's Swim Center consultant and capital maintenance contractor, to prepare a Reserve Capital Analysis to identify future capital needs for major pool equipment and infrastructure (Attachment 2). The report finds that additional funds will be required to complete the necessary renovation and reconstruction in the next several years to prevent deterioration of the facilities and address the need for modernization. The analysis is summarized in **Table 1**:

Table 1
RESERVE CAPITAL ANALYSIS SUMMARY

Facility	5 Year Expenses	10 Year Expenses	15 Year Expenses	Total
Competition Pool	\$120,720.00	\$115,250.00	\$158,350.00	\$394,320.00
Recreational Pool	\$138,920.00	\$90,250.00	\$54,250.00	\$283,420.00
Splash Park	\$47,500.00	\$6,250.00	\$52,750.00	\$106,500.00
Pool Deck	\$124,000.00	\$600,000.00	\$0.00	\$724,000.00
Year Period Totals	\$431,140.00	\$811,750.00	\$265,350.00	\$1,508,240.00

Areas not covered by the Knorr Systems Reserve Capital Analysis, including the locker rooms and other infrastructure that is part of the facility, will require more extensive analysis that cannot be performed until after the busy summer season. However, staff has generated expense estimates for these areas, summarized by **Table 2**, based on past experience and consultations with general contractors:

Table 2

Projects	Estimated Cost
Locker Rooms	
Women's Drain Repair	\$90,000.00
Women's Radiant Heating	50,000.00
All Trench Drain Frame Replacements	5,000.00
Roof Work	10,000.00
Fence Replacement	10,000.00
Painting	20,000.00
Pool Tile Replacement	7,000.00
Turf Removal and Paver Installation	8,000.00
Stucco replacement on Buildings	30,000.00
New Sinks and Shower Towers	20,000.00
Landscape Improvements	10,000.00
Total	\$260,000.00

An immediate need is the excavation and replacement of a collapsed drain pipe in the Women's Locker Room. It is becoming increasingly difficult to ensure proper drainage where a large section of the floor slopes for water to drain. The drain has been scoped and it has been determined that a section of pipe underneath the floor requires replacement. The metal frames around the trench drains in all of the locker rooms are failing and rusting, causing the drain covers to be uneven with the floor. These drains need to be removed and replaced to minimize safety hazards. Additionally, the radiant heating in the Women's Locker Room has failed repeatedly despite several repairs made by the City's HVAC technician. Not only does the radiant heating provide comfort to those using the locker room but more importantly, it increases safety by causing water to evaporate more quickly and minimizes potential trips and falls. Further, the roofs on two of the Swim Center's buildings require attention. On one building, a patch is needed to seal off an area where the old pool heaters' stacks were located; on another, the skylights need to be properly sealed to prevent leaking.

Agenda Item No. 7(A)

Other needs include: the replacement of an original wood and metal wire fence that is now decayed and rusty and prone to causing splinters, painting throughout the facility, pool tile replacement, replacing turf with pavers in a small lawn area that does not drain well and is mostly shaded, addressing cracked stucco on Swim Center buildings, and replacement of sinks and shower towers that have been discontinued and require parts that are difficult and costly to obtain. Additional funding could be also used for landscape improvements in the Swim Center parking lot and planting boxes, as well as allow the City to take advantage of any future technological improvements that would decrease the Swim Center's carbon footprint, such as solar water heating, and decrease operational and maintenance costs to the General Fund.

Based on the current and future needs of the Swim Center, staff has determined that additional revenue is necessary for the ability to begin work on the identified capital projects, ensuring that the facility remains safe, functional, and useful to patrons well into the future. If the Measure A rates were set at the maximum authorized by voters, the additional revenue generated each fiscal year would be used for permissible work on the Swim Center and other voter authorized facilities, or to set aside funds for permissible improvements needed in the out years. Repairs would be prioritized based on urgency as determined by the consultant report, as well as the amount of funding available in the Measure A Fund each fiscal year. As the Swim Center ages, capital costs will only continue to rise; without additional funding from Measure A to handle these needs, funding would likely be required from the General Fund. Considering Measure A will sunset in five years, staff believes that planning now for how to provide funding for future repairs is critical.

FINANCIAL CONSIDERATIONS

The voter-approved maximum rates are \$58.46 per single-family residential unit, \$45 per multi-family residential unit, and \$410 per acre of non-residential property, and would generate approximately \$668,000. This results in approximately \$227,000 of additional annual revenue. Staff recommends that these rates be maintained until the Measure sunsets in 2020. It should be noted that Section 4.56.060 of the El Cerrito Municipal Code provides for full or partial postponement or reimbursement of the payment of this special tax to qualifying senior citizen, blind or disabled property owners based primarily on income guidelines established by the State of California.

Table 3 summarizes the current vs. maximum levies by classification of parcel:

Table 3

Classification	Number of Parcels	Levy Total Minimum* (Current)	Levy Total Maximum* (Voter-Approved)
Single Family residential	7,497	\$293,011.26	\$443,652.94
Multi-Family residential	620	95,968.44	145,260.00
Non-residential	292	52,185.81	79,215.70
Non-taxable	390	0	0
Total:	8,799	\$441,165.51	\$668,128.64

*Total amount may vary slightly due to rounding adjustments

Agenda Item No. 7(A)

Section 3.05(b) of the lease agreement between the Public Financing Authority and the City specifies that the Measure A rate be set such that a minimum 110% of the annual debt service be raised. The debt service payments due in FY 2015-16 on the refinanced bonds total approximately \$363,000 and are covered on the assessed amount. This would not be affected by an increase in the rates. Additionally, \$50,912.00 is used for the Swim Center's portion of the Solar Lease Debt Service.

Costs associated with the Measure A Fund also include the Contra Costa County Auditor-Controller retaining approximately \$12,000 from Measure A revenues collected for its administration and revenue collection efforts. The City incurs about \$5,000 in annual administrative costs, including the payment of trustee fees, the maintenance of financial records, the production of continuing disclosure documents related to the bonds, and the preparation of audited financial statements. Maintaining the current Measure A rates will only generate enough revenue to meet these minimum funding requirements. Table 5 shows the amount of funding that would be available for capital improvements at the Swim Center after accounting for debt service and other expenses.

Table 5

Special Tax Rate Options	Revenue Generated	Debt Service/ Other Expenses	Available Capital Funding
Minimum (Current) Rate	\$441,165.51	(\$430,912.00)	\$10,253.51
Maximum (Approved) Rate	\$668,128.64	(\$430,912.00)	\$237,216.64

The current fund balance in the Measure A Fund that can be devoted to capital improvements is \$435,000, with \$150,000 currently earmarked in the City's Capital Improvement Plan (CIP) for Canyon Trail Clubhouse rehabilitation. Staff expects to bring the Canyon Trail project to the City Council for approval this fiscal year. If approved, the available fund balance for improvements at the El Cerrito Swim Center will be \$190,000 (including current amount identified in the CIP). **Table 6** summarizes the available fund balance, maximum rate revenue, and identified expenditures as assumed through the sunset of Measure A in 2020.

Table 6

Budgetary Category	Budget Amount
Estimated Fund Balance*	\$190,000.00
Maximum Rate Revenue - 5 years	\$1,135,000.00
Reserve Capital Analysis Expenses	(\$1,508,240.00)
Other Identified Expenses	(\$260,000.00)
Contingency/Future Desirable Projects - 20%	(\$353,648.00)
Remaining Fund Balance	(\$796,888.00)
<i>*Net of FY 14-15 expenses, excluding CIP budget for Canyon Trail Clubhouse</i>	

STRATEGIC PLAN CONSIDERATIONS

Increasing funding for capital improvements and renovations of the El Cerrito Swim Center is in line with all of Strategic Plan Goals and many specific and identified strategies:

- Goal A: Deliver exemplary government services
 - Increase productivity and efficiency by utilizing data-driven analysis to ensure appropriate resource allocation.
 - Maintain emphasis on providing excellent customer service.
- Goal B: Achieve long-term financial sustainability
 - Continue to pursue opportunities for new funding, including outside grants.
 - Develop a financial plan to address ongoing and deferred maintenance of facilities and infrastructure.
- Goal C: Deepen a sense of place and community identity
- Goal D: Develop and rehabilitate public facilities as community focal points
 - Develop a financial plan to address ongoing and deferred maintenance of facilities and infrastructure.
 - Continue the facilities assessment to prioritize and strategize investment.
- Goal E: Ensure the public's health and safety
- Goal F: Foster environmental sustainability citywide
 - Make municipal operations more resource efficient and environmentally friendly.

LEGAL CONSIDERATIONS

NBS Local Government Solutions, the Engineer for the parcel tax rates, must complete their analysis and submit their report to the Contra Costa County Auditor-Controller's Office by mid-August so that the County may include the City's Parcel Tax in the property tax bills. Should the City Council decide to set the rates differently from those recommended by staff, an urgency ordinance (requiring a four-fifths affirmative vote) would need to be passed by the Council in order to meet this deadline.

Reviewed by:



Karen Pinkos, Assistant City Manager

Attachments:

1. Ordinance 2015-XX
2. Reserve Capital Analysis by Knorr Systems

ORDINANCE NO. 2015-XX

AN ORDINANCE OF THE CITY OF EL CERRITO SETTING TAX RATES BEGINNING FISCAL YEAR 2015-16 FOR THE SPECIAL TAX IMPOSED PURSUANT TO CHAPTER 4.56 OF THE EL CERRITO MUNICIPAL CODE

WHEREAS, Chapter 4.56 of the El Cerrito Municipal Code provides for a special tax (the “Special Tax”) for the purpose of renovating and reconstructing the El Cerrito Swim Center (the “Swim Center”), rehabilitating the Canyon Trails Clubhouse, and performing access and restroom renovations to the Harding, Huber, and Poinsett Park Clubhouses (collectively, the “Authorized Improvements”); and

WHEREAS, the Special Tax was approved by the voters at the March 7, 2000 election as Measure A and includes a maximum rate authorized per single-family residential unit, multi-family residential unit, and acre of non-residential property (the “Maximum Rates”); and

WHEREAS, each fiscal year, the City Council may amend Section 4.56 of the El Cerrito Municipal Code to reflect the lower rates if it determines that it is in the public interest to do so, or else the Maximum Rates will be levied; and

WHEREAS, since 2004-05, Special Tax rates have been set at the minimum level necessary to service the debt issued to finance the initial reconstruction and renovation of the Swim Center. The Swim Center is now 12 years old, and 10 years have passed since the initial renovations; and

WHEREAS, at its May 19, 2015, meeting, the City Council asked for analysis of the need for improvements to the Swim Center and the Special Tax rates that would be necessary to fund any needed improvements. Staff provided the City Council with a report at its July 21, 2015 meeting; and

WHEREAS, the City Council has determined that the Swim Center is in need of additional renovation to fulfill the objectives of the City’s voters in approving the Special Tax. As a result, to meet the continuing debt obligations and fund the additional renovations immediately or through the establishment of reserves, the City must set the Special Tax rates at the maximums authorized by the voters.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The above recitals are hereby declared to be true and correct findings of the City of El Cerrito.

SECTION 2. Section 4.56.020 (B) of the El Cerrito Municipal Code is hereby amended to read as follows (additions in underline; deletions in ~~striketrough~~):

B. ~~For Beginning~~ Fiscal Year ~~2014-15~~ 2015-16, the Special Tax imposed pursuant to Chapter 4.56 of the El Cerrito Municipal Code shall be imposed in the amount

of ~~\$58.46~~ ~~\$38.61~~ per single family residential unit, ~~\$45.00~~ ~~\$29.73~~ per multifamily residential unit, and ~~\$410.00~~ ~~\$270.66~~ per acre of non-residential property. ~~Thereafter,~~
~~Unless~~ the Council adopts a further amending ordinance, the Special Tax shall be imposed at the Maximum Rate for each type of property.

SECTION 3. It is the intent of the City Council that, if any tax imposed under this Ordinance is for any reason held to be unconstitutional or contrary to state law, the tax which would have been imposed had this ordinance not been adopted shall remain effective.

SECTION 4. The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines". This ordinance imposes a tax that can be used only for renovation and reconstruction of the El Cerrito Swim Center, but it is not a commitment to any particular project at this time. As such, under CEQA Guidelines section 15378(b)(4), the ordinance is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

THE FOREGOING ORDINANCE was introduced and first read at a regular meeting of the El Cerrito City Council on July 21, 2015, and approved by the following vote on July 21, 2015:

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

APPROVED:

Mark Friedman, Mayor

ATTEST:

Cheryl Morse, City Clerk

RESERVE CAPITAL ANALYSIS SUMMARY				
ASSOCIATION:	City of El Cerrito		EQUIPMENT COMMISSIONING DATE:	December 2003
SITE:	El Cerrito Swim Center		DATE:	
Facility	5 Year Expenses	10 Year Expenses	15 Year Expenses	Total/Facility
Competition Pool	\$120,720.00	\$115,250.00	\$158,350.00	\$394,320.00
Recreational Pool	\$138,920.00	\$90,250.00	\$54,250.00	\$283,420.00
Splash Park	\$47,500.00	\$6,250.00	\$52,750.00	\$106,500.00
Pool Deck	\$124,000.00	\$600,000.00	\$0.00	\$724,000.00
Year Period Totals	\$431,140.00	\$811,750.00	\$265,350.00	\$1,508,240.00

PREPARED BY:
George A. Olinger
Regional Director of Technical Service, AFO Instructor
Knorr Systems Inc.

RESERVE CAPITAL ANALYSIS

ASSOCIATION:	City of El Cerrito			EQUIPMENT COMMISSIONING DATE:					December 2003
SITE:	El Cerrito Swim Center			PROPERTY TURNOVER DATE:					
COMPETITION POOL									
EQUIPMENT	QTY	MFG / MODEL	SERIAL #	REPLACEMENT MODEL	AGE OF ORIGINAL	LIFE EXPECTANCY	REMAINING LIFE (AVG)	CONDITION	TOTAL REPLACEMENT COST (Equipment, Freight, Sales Tax & Installation)
Filter System	1	US Filter/43-25-3B	USF-0889, 0886, 0887	EKO-42-250-3	12 years	20 years	8 years	Good	\$84,000.00
Heating System	1	Lochinvar/XPN1502	A14H00259150	XPN1502	1 year	10-15 years	11.5 years	Excellent	\$97,900.00
Circulating Pump	1	Paco/10N-50957-140001-2872EE	2235201	10N-50957-140001-2872EE	12 years	10-15 years	3 years	Good	\$11,000.00
Strainer Basket	1	Mermade FO Series/10" x 5"or6"		Mermade FO Series/10" x 5"or6"	12 years	15-20 years	5.5 years	Good - Average	\$6,500.00
Check Valve	1	Tyco/MBC12-5081-SF 10"		Tyco/MBC12-5081-SF 10"	12 years	10 years	0 years	Good - Average	\$2,000.00
Valves	3	10" Ashai Gear Operated		10" Ashai Gear Operated	5-12 years	10-15 years	7.5 years	Average-Poor	\$10,000.00
VFD	1	H2O Technologies-SPCS025FD8	2008131	SPCS025FD8	6 years	10 years	4 years	Good - Average	\$27,000.00
Chemical Controller	1	Strantrol/System 6	1207	BECSys7 w/ BECSysFIP	12 years	10-15 years	3 years	Good-Average	\$20,270.00
Chlorine Pump	2	Stenner/85M5	011215KC0000396, 011215KC0000395	Stenner 85M5	1 year	3-5 years	3 years	Excellent	\$1,500.00
CO2 Feed	1	EKO3 pH-MTS		EKO3 pH-MTS	7 years	10-15 years	5.5 years	Good	\$4,500.00
CO2 Storage	2	Taylor Wharton/TCM600	757-005-EE2, 757-001-EE2	Taylor Wharton/Novo600	7 years	10-15 years	5.5 years	Good	\$8,000.00
Acid Pump	1	Stenner/85M5	011215KC0000399	Stenner 85M5	1 year	3-5 years	3 years	Excellent	\$750.00
Pool Covers	1	T-Star		T-Star	3 years	5-7 Years	3 years	Average	\$16,200.00
Plaster Condition	1				12 years		0 years	Average-Poor	\$42,000.00
								Total	\$331,620.00
								Within 5 Yr Total*	\$120,720.00
								Within 10 Yr Total*	\$115,250.00
								Within 15 Yr Total*	\$158,350.00
* Some items are double or triple counted depending on life expectancy. Note: averages were used in remaining life expectancy, some items may need to be replaced sooner than estimated.									
RECREATIONAL POOL									
EQUIPMENT	QTY	MFG / MODEL	SERIAL #	REPLACEMENT MODEL	AGE OF ORIGINAL	LIFE EXPECTANCY	REMAINING LIFE (AVG)	CONDITION	TOTAL REPLACEMENT COST (Equipment, Freight, Sales Tax & Installation)
Filter System	1	US Filter/43-15-2B	USF-0888, 0890	EKO-42-150-2	12 years	20 years	8 years	Good	\$56,000.00
Heating System	1	Lochinvar/XPN801	A14H00283683	XPN802	1 year	10-15 years	11.5 years	Excellent	\$47,900.00

RESERVE CAPITAL ANALYSIS

ASSOCIATION:	City of El Cerrito			EQUIPMENT COMMISSIONING DATE:					December 2003
SITE:	El Cerrito Swim Center			PROPERTY TURNOVER DATE:					
Circulating Pump	1	Paco/10N-40957-140001-2852EE	2235101	10N-40957-140001-2852EE	12 years	10-15 years	3 years	Good	\$9,600.00
Strainer Basket	1	Mermade FO Series/8" x 5"		Mermade FO Series/8" x 5"	12 years	15-20 years	5.5 years	Good - Average	\$5,000.00
Check Valve	1	Tyco/MBC12-5081-SF 8"		Tyco/MBC12-5081-SF 8"	12 years	10 years	0 years	Good - Average	\$1,500.00
Valves	3	8" Ashai Butterfly Valve		8" Ashai Butterfly Valve	5-12 years	10-15 years	7.5 years	Average-Poor	\$9,000.00
VFD	1	H2O Technologies-SPCS020FD8	2008130	SPCS020FD8	6 years	10 years	4 years	Good - Average	\$27,500.00
Chemical Controller	1	Stranrol/System 6	1204	BECSys7 w/ BECSysFIP	12 years	10-15 years	3 years	Good-Average	\$20,270.00
Chlorine Pump	2	Stenner/85M5	011215KC0000397, 011215KC0000398	Stenner 85M5	1 year	3-5 years	2 years	Excellent	\$1,500.00
CO2 Feed	1	EKO3 pH-MTS		EKO3 pH-MTS	7 years	10-15 years	5.5 years	Good	\$4,500.00
Acid Pump	1	Stenner/85M5	121814000330839	Stenner 85M5	1 year	3-5 years	2 years	Excellent	\$750.00
Slide Pump	1	Paco/10N-50123-1A0001-2823EE	2235301	10N-50123-1A0001-2823EE	12 years	10-15 years	3 years	Good	\$14,500.00
Strainer Basket	1	Mermade FO Series/8" x 5"		Mermade FO Series/8" x 5"	12 years	15-20 years	5.5 years	Good - Average	\$5,000.00
Check Valve	1	Tyco/MBC12-5081-SF 8"		Tyco/MBC12-5081-SF 8"	12 years	10 years	0 years	Good - Average	\$1,500.00
Valves	2	8" Ashai Butterfly Valve		8" Ashai Butterfly Valve	5-12 years	10-15 years	7.5 years	Average-Poor	\$6,500.00
Dew Drop Pump	1	PacFab CMK-50 347940	03-888108-4	Pentair CMK-50	12 years	10-15 years	3 years	Good - Average	\$8,300.00
Check Valve	1	Tyco/MBC12-5081-SF 6"		Tyco/MBC12-5081-SF 6"	12 years	10 years	0 years	Good - Average	\$1,500.00
Valves	2	6" Ashai Butterfly Valve		6" Ashai Butterfly Valve	5-12 years	10-15 years	7.5 years	Average-Poor	\$2,000.00
Pool Covers	1	T-Star		T-Star	3 years	5-7 Years	3 years	Average	\$13,000.00
Plaster Condition	1				12 years		0 years	Average-Poor	\$39,000.00
								Total	\$274,820.00
								Within 5 Yr Total*	\$138,920.00
								Within 10 Yr Total*	\$90,250.00
								Within 15 Yr Total*	\$54,250.00
* Some items are double or triple counted depending on life expectancy. Note: averages were used in remaining life expectancy, some items may need to be replaced sooner than estimated.									

SPLASH PARK									
EQUIPMENT	QTY	MFG / MODEL	SERIAL #	REPLACEMENT MODEL	AGE OF ORIGINAL	LIFE EXPECTANCY	REMAINING LIFE (AVG)	CONDITION	TOTAL REPLACEMENT COST (Equipment, Freight, Sales Tax & Installation)
Filter System	2	Pentair TR-140C	0116307090021M, 01161471000042	Pentair TR-140C	5 years	5-10 years	2.5 years	Good-Average	\$2,100.00
Filter Pump	1	Pentair WFK-12	03961001500007L	Pentair WFK-12	5 years	5-10 years	2.5 years	Good	\$4,000.00
Spray Pad Control Panel	1	WaterPlay/Turnkey Controls Model E 18	E18N0073	WaterPlay/Turnkey Controls Model E-18	5 years	10 years	5 years	Good	\$8,000.00

RESERVE CAPITAL ANALYSIS

ASSOCIATION:	City of El Cerrito			EQUIPMENT COMMISSIONING DATE:					December 2003
SITE:	El Cerrito Swim Center			PROPERTY TURNOVER DATE:					
Feature Pump	1	Pentair EQ500	0370214100002V	Pentair EQ500	5 years	5-10 years	2.5 years	Good	\$7,200.00
Check Valve	1	Centerline Series 800 4"		Centerline Series 800 4"	2 years	10 years	8 years	Excellent-Good	\$1,000.00
UV System	1	ETS/SP-25-6V	18583E	ETS/ECF-210-4V	5 years	5-10 years	2.5 years	Good	\$33,000.00
Chemical Controller	1	BECS Technologies/BECSys3	1100166003332	BECS Technologies/BECSys3	5 years	10-15 years	7.5 years	Excellent-Good	\$5,250.00
Chlorine Pump	1	Stenner 45M5	11300933793	Stenner 45M5	5 years	3-5 years	0 years	Good	\$600.00
Acid Pump	1	Stenner 45M5	5101010107	Stenner 45M5	5 years	3-5 years	0 years	Good	\$600.00
Control Panel	1	WaterPlay E-18 Putting Green			5 years	25 years	20 years	Good	TBD



AGENDA BILL

Agenda Item No. 7(B)

Date: July 21, 2015
To: El Cerrito City Council
From: Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Tax and Revenue Anticipation Notes - Short Term Cash Flow Financing

ACTION REQUESTED

Adopt a Resolution approving the borrowing of funds for Fiscal Year 2015-16 and the issuance and sale of 2015-16 tax and revenue anticipation notes ("TRAN").

Incorporated into the resolution is the authorization of the City Manager to execute an agreement to sell the TRAN in an amount not-to-exceed \$5,000,000 and authorize staff to enter into agreements with NHA Advisors (NHA) and Jones Hall, as bond counsel, to prepare and execute appropriate legal documents related to said financing.

BACKGROUND

Each year, many public agencies that depend on property tax revenues collected through the county experience decreases in general fund cash balances while waiting for property tax installments in December or early January of each fiscal year. As part of managing cash flows and meeting monthly obligations, many public agencies will issue short-term notes known as a tax revenue anticipation note (TRAN). A TRAN provides the necessary cash to cover expenses while waiting for the larger property tax receipts to transfer to the City.

The City has issued a TRAN each of the last three years to meet cash flow deficits and has projected a similar cash flow shortfall in the fall of 2015 which will require a TRAN in order to bridge the cash flow gap between current fund balances and the receipt of property tax revenues in December 2015.

The City has previously issued its TRAN and sold it to Westamerica Bancorporation and the City's financial advisor, NHA Advisors, has negotiated to have the same bank purchase the 2015-16 TRAN at very competitive rates and terms that will meet the cash flow needs of the City. By selling the TRAN directly to a single investor, the City avoids the costs associated with rating agencies, disclosure counsel, and underwriting firms. Based on a financial analysis performed by the NHA, the all-in cost of the TRAN will be lowest through the sale directly to Westamerica Bancorporation.

CHANGES FOR 2015

Effective July 1, 2014, the Securities and Exchange Commission (“SEC”) and the Municipal Securities Rulemaking Board (“MSRB”) issued new regulations governing public agencies’ issuance of debt (including a TRAN). The regulations establish new rules for municipal advisors, underwriters, and other financial institutions involved in public finance.

A key rule is the requirement that any public agency entering into a direct financing with a financial institution (i.e. Westamerica Bancorporation) is required to engage a placement agent as the intermediary. The City’s financial advisor is obligated to represent the City (as a fiduciary) and a secondary party must be designated to represent the investor/buyer of the TRAN. This role is served by a party known as a Placement Agent. The legal definition of the placement agent is as follows:

A municipal securities or broker dealer acting as agent who places a new issue of municipal securities directly with investors on behalf of the issuer.

The financial impact of including a placement agent is relatively small, approximately \$1,250, as a result of the pre-existing relationship between the City and Westamerica.

ANALYSIS

City staff developed a financial model during FY 2014-15 to examine the City’s fund balances, monthly revenue and expenditure projections and anticipated cash flow deficits. As part of this analysis, in partnership with the City’s financial advisor, NHA, it was determined that the projected FY 2015-16 revenues and expenditure timing would create monthly deficits in the first half of the fiscal year and therefore would require the issuance of another TRAN.

Based on the financial markets and preliminary pricing, it is recommended that the City issue the TRAN and sell directly to Westamerica Bancorporation with terms as follows:

- Principal Amount - \$5,000,000
- Interest Rate – 1.50%
- Final Maturity – July 14, 2016

FINANCIAL CONSIDERATIONS

The City is working with NHA and Jones Hall to draft the financial documentation necessary to execute and complete the financing in late July. The total interest on the TRAN over the fiscal year is anticipated to be approximately \$72,000. While the interest rate is the same as the prior year, the total cost is higher. The City’s 2014-15 TRAN was not issued until late September, resulting in a term just over 9 months. The 2015-16 TRAN is being issued in late July and payable in mid-July 2016, about an 11.5 month term. The longer term slightly increases the cost, but provides the City with a more favorable repayment date.

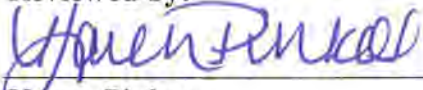
Financing fees are similar to prior years and are budgeted at \$37,000. A breakdown of these costs is included below.

Role	Firm	Amount
Financial Advisor	NHA Advisors	\$20,000
Bond Counsel	Jones Hall	10,000
Bank Counsel	Sheppard Mullin Richter & Hampton	3,500
Placement Agent	Southwest Securities	1,250
CDIAC	State of California	150
Miscellaneous	Contingency	2,100
Total:		\$37,000

LEGAL CONSIDERATIONS

The City Attorney has reviewed the terms proposed and will approve the final documents including the issuance of an attorney's letter in regards to the form as required documentation for the TRAN.

Reviewed by:



Karen Pinkos

Assistant City Manager

Attachment:

1. Resolution

RESOLUTION NO. 2015-X

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING
THE BORROWING OF FUNDS FOR FISCAL YEAR 2015-16 AND THE ISSUANCE AND
SALE OF 2015-16 TAX AND REVENUE ANTICIPATION NOTES

WHEREAS, pursuant to Article 7.6 (commencing with section 53850) of Chapter 4 of Part 1 of Division 2 of Title 5 of the California Government Code (the "Law"), this City Council (the "Council") has found and determined that moneys are needed for the requirements of the City, a municipal corporation and general law city duly organized and existing under the laws of the State of California, to satisfy obligations payable from the General Fund of the City (the "General Fund"), and that it is necessary that said sum be borrowed for such purpose at this time by the issuance of temporary notes therefor in anticipation of the receipt of taxes, income, revenue, cash receipts and other moneys to be received by the City for the General Fund during or allocable to the fiscal year of the City beginning July 1, 2015 and ending June 30, 2016 ("Fiscal Year 2015-16"); and

NOW THEREFORE, BE IT RESOLVED that the Council of the City of El Cerrito approves the following:

Section 1. Limitation on Maximum Amount. The principal amount of notes issued pursuant hereto, when added to the interest payable thereon, shall not exceed eighty-five percent (85%) of the estimated amount of the uncollected taxes, income, revenue, cash receipts and other moneys of the City for the General Fund attributable to Fiscal Year 2015-16, and available for the payment of said notes and the interest thereon (as hereinafter provided).

Section 2. Authorization and Terms of Notes. Solely for the purpose of anticipating taxes, income, revenue, cash receipts and other moneys to be received by the City for the General Fund during or allocable to Fiscal Year 2015-16, and not pursuant to any common plan of financing, the City hereby determines to and shall borrow the principal amount of not-to-exceed Five Million Dollars (\$5,000,000) by the issuance of temporary notes under the Law, designated "City of El Cerrito, California 2015-16 Tax and Revenue Anticipation Notes" (the "Notes"). The Notes shall be dated the date of initial delivery, shall mature (without option of prior redemption) no later than thirteen months after their date of issuance, and shall bear interest, payable at maturity and computed on a 30-day month/360-day year basis, at a rate not in excess of one and one-half percent (1.5%) per annum. Both the principal of and interest on the Notes shall be payable in lawful money of the United States of America, as described below.

Section 3. Form of Notes. The Notes shall be issued in fully registered form, without coupons, and shall be substantially in the form and substance set forth in Exhibit A attached hereto and by reference incorporated herein, the blanks in said form to be filled in with appropriate words and figures. The Notes shall be numbered from 1 consecutively upward in order of issuance, shall be in the denomination of \$5,000 each or any integral multiple thereof.

Section 4. Use of Proceeds. The proceeds of the sale of the Notes shall be deposited in a segregated account in the General Fund and used and expended by the City for any purpose for which it is authorized to expend funds from the General Fund.

Section 5. Security. The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the City for the General Fund for Fiscal Year 2015-16. As security for the payment of the principal of and interest on the Notes the City hereby pledges the first “unrestricted moneys” (as hereinafter defined) to be received by the City as follows: (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of February, 2016; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2016; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2016 (such pledged amounts being hereinafter called the “Pledged Revenues”). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues. To the extent not so paid from the Pledged Revenues, the Notes shall be paid from any other moneys of the City lawfully available therefor. In the event that there are insufficient “unrestricted moneys” received by the City to permit the deposit into the Special Account (as hereinafter defined) of the full amount of the Pledged Revenues to be deposited in any month by the last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the Notes and interest thereon. The term “unrestricted moneys” shall mean taxes, income, revenue, cash receipts, and other moneys intended as receipts for the General Fund for Fiscal Year 2015-16 and which are generally available for the payment of current expenses and other obligations of the City.

Section 6. Special Account. There is hereby created, within the General Fund, a special account to be designated the “2015-16 Tax and Revenue Anticipation Note Special Account” (the “Special Account”) and applied as directed in this Resolution. Any money placed in the Special Account shall be for the benefit of the owners of the Notes and, until the Notes and all interest thereon are paid or until provision has been made for the payment of the Notes at maturity with interest to maturity, the moneys in the Special Account shall be applied solely for the purposes for which the Special Account is created.

During the months of February, May, and June 2016, the City shall deposit all Pledged Revenues in the Special Account. On the maturity date of the Notes, the City shall use the moneys in the Special Account to pay the principal of and interest on the Notes at maturity and to the extent said moneys are insufficient therefor an amount of moneys from the General Fund which will enable payment of the full principal of and interest on the Notes at maturity. Any moneys remaining in the Special Account after the Notes and the interest thereon have been paid, or provision for such payment has been made, shall be transferred to the General Fund.

Section 7. Deposit and Investment of Special Account. All moneys held by the City in the Special Account, if not invested, shall be held in time or demand deposits as public funds and shall be secured at all times by bonds or other obligations which are authorized by law as security for public deposits, of a market value at least equal to the amount required by law.

Moneys in the Special Account shall, to the greatest extent possible, be invested by the City directly, or through an investment agreement, in investments as permitted by the laws of the State of California as now in effect and as hereafter amended, and the proceeds of any such investments shall be deposited in the Special Account.

Section 8. Execution of Notes. The Mayor of the City, the City Manager, or the Finance Director (each an "Authorized Officer") is hereby authorized to execute the Notes by manual or facsimile signature, and the City Clerk of the City is hereby authorized to countersign the same by manual or facsimile signature (although at least one of such signatures shall be manual) and to affix the seal of the City thereto by facsimile impression thereof, and said officers are hereby authorized to cause the blank spaces thereof to be filled in as may be appropriate.

Section 9. Transfer of Notes. Whenever any Note or Notes shall be surrendered for transfer, the City shall execute and the Paying Agent shall authenticate and deliver a new Note or Notes, for like aggregate principal amount.

Section 10. Exchange of Notes. Any Note may be exchanged at the office of the City Clerk for a like aggregate principal amount of Notes of authorized denominations and of the same maturity.

Section 11. Note Register. The City shall keep or cause to be kept sufficient books for the registration and transfer of the Notes and the City Clerk shall register or transfer or cause to be registered or transferred, on said books, Notes as herein before provided.

Section 12. Temporary Notes. The Notes may be initially issued in temporary form exchangeable for definitive Notes when ready for delivery. The temporary Notes may be printed, lithographed or typewritten, shall be of such denominations as may be determined by the City, and may contain such reference to any of the provisions of this Resolution as may be appropriate. Every temporary Note shall be executed by the City upon the same conditions and in substantially the same manner as the definitive Notes. If the City issues temporary Notes it will execute and furnish definitive Notes without delay, and thereupon the temporary Notes may be surrendered, for cancellation, in exchange therefor at the office of the City Clerk and the City Clerk shall deliver in exchange for such temporary Notes an equal aggregate principal amount of definitive Notes of authorized denominations. Until so exchanged, the temporary Notes shall be entitled to the same benefits pursuant to this Resolution as definitive Notes executed and delivered hereunder.

Section 13. Notes Mutilated, Lost, Destroyed or Stolen. If any Note shall become mutilated the City, at the expense of the owner of said Note, shall execute and deliver a new Note of like maturity and principal amount in exchange and substitution for the Note so mutilated, but only upon surrender to the City Clerk of the Note so mutilated. Every mutilated Note so surrendered to the City Clerk shall be canceled and delivered to, or upon the order of, the City. If any Note shall be lost, destroyed or stolen, evidence of such loss, destruction or theft may be submitted to the City and, if such evidence be satisfactory to the City and indemnity satisfactory to it shall be given, the City, at the expense of the owner, shall execute and deliver a new Note of like maturity and principal amount in lieu of and in substitution for the Note so lost,

destroyed or stolen. The City may require payment of a sum not exceeding the actual cost of preparing each new Note issued under this Section 13 and of the expenses which may be incurred by the City in the premises. Any Note issued under the provisions of this Section 13 in lieu of any Note alleged to be lost, destroyed or stolen shall constitute an original additional contractual obligation on the part of the City whether or not the Note so alleged to be lost, destroyed or stolen be at any time enforceable by anyone, and shall be equally and proportionately entitled to the benefits of this Resolution with all other Notes issued pursuant to this Resolution.

Section 14. Covenants and Warranties. It is hereby covenanted and warranted by the City that all representations and recitals contained in this Resolution are true and correct, and that the City and its appropriate officials have duly taken all proceedings necessary to be taken by them, and will take any additional proceedings necessary to be taken by them, for the prompt collection and enforcement of the taxes, income, revenue, cash receipts and other moneys pledged hereunder in accordance with law and for carrying out the provisions of this Resolution.

Section 15. Tax Covenants.

(a) *No Arbitrage*. The City shall not take, nor permit nor suffer to be taken any action with respect to the proceeds of the Notes which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date of issuance of the Notes (the "Closing Date") would have caused the Notes to be "arbitrage bonds" within the meaning of section 148 of the Internal Revenue Code of 1986 (the "Code").

(b) *Rebate Requirement*. The City shall take any and all actions necessary to assure compliance with section 148(f) of the Code, relating to the rebate of excess investment earnings, if any, to the federal government.

(c) *Private Activity Note Limitation*. The City shall assure that proceeds of the Notes are not so used as to cause the Notes to satisfy the private business tests of section 141(b) of the Code.

(d) *Private Loan Financing Limitation*. The City shall assure that proceeds of the Notes are not so used as to cause the Notes to satisfy the private loan financing test of section 141(c) of the Code.

(e) *Federal Guarantee Prohibition*. The City shall not take any action or permit or suffer any action to be taken if the result of the same would be to cause any of the Notes to be "federally guaranteed" within the meaning of section 149(b) of the Code.

(f) *Maintenance of Tax-Exemption*. The City shall take all actions necessary to assure the exclusion of interest on the Notes from the gross income of the owners of the Notes to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the Closing Date.

Section 16. Sale of Notes. The Finance Director is hereby authorized to direct the Municipal Advisor to work with a private placement agent identified by the Finance Director, Bond Counsel (defined below) and the Municipal Advisor (defined below) to negotiate a private placement of the Notes with Westamerica Bank (or another purchaser identified by the Finance Director). If applicable, an Authorized Officer is hereby authorized to cause Bond Counsel to prepare and to execute and deliver a Note Purchase Agreement with Westamerica Bank (or such other purchaser identified by the Finance Director) in such form as an Authorized Officer shall approve, such approval to be conclusively evidenced by his or her execution and delivery thereof.

An Authorized Officer is further authorized to determine the maximum principal amount of Notes not to exceed Five Million Dollars (\$5,000,000) and the maximum interest rate on the Notes not to exceed one and one-half percent (1.5%) per annum.

Section 17. Engagement of Professional Services. The City hereby approves the engagement of NHA Advisors as Municipal Advisor and Jones Hall, A Professional Law Corporation, as Bond Counsel to the City in connection with the issuance and sale of the Notes. The Finance Director is authorized to identify and retain a private placement agent. An Authorized Officer is hereby directed and authorized to negotiate and execute agreements with Bond Counsel, the Municipal Advisor and the private placement agent.

Section 18. Preparation of Notes; Official Action. Bond Counsel is directed to cause suitable Notes to be prepared showing the interest rate determined in accordance with the manner of sale of the Notes, to procure their execution by the proper officers, and to cause the Notes to be delivered when so executed to the purchaser upon the receipt of the purchase price by the City.

An Authorized Officer is further authorized and directed to make, execute and deliver such certificates, agreements and other closing documents as are necessary to consummate the transactions contemplated by this Resolution.

Section 19. Effective Date. This Resolution shall take effect upon its adoption.

I CERTIFY that at the regular meeting on July 21, 2015 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on July 21, 2015.

Cheryl Morse, City Clerk

APPROVED:

Mark Friedman, Mayor

EXHIBIT A
FORM OF NOTE

No. 1

*****\$_____*****

CITY OF EL CERRITO, CALIFORNIA
2015-16 TAX AND REVENUE ANTICIPATION NOTE

INTEREST RATE: MATURITY DATE: ISSUE DATE: CUSIP:
 % _____, 2016 _____, 2015

REGISTERED OWNER: [_____]

PRINCIPAL SUM: ***** _____ DOLLARS*****

The CITY OF EL CERRITO, a municipal corporation, duly organized and existing under and by virtue of the Constitution and laws of the State of California (the "City"), for value received hereby promises to pay to the Registered Owner stated above, or registered assigns (the "Owner"), on the Maturity Date stated above, the Principal Sum stated above, in lawful money of the United States of America, and to pay interest thereon in like lawful money at the rate per annum stated above, payable on the Maturity Date stated above, calculated on the basis of 360-day year composed of twelve 30-day months. Both the principal of and interest on this Note shall be payable at maturity to the Owner.

It is hereby certified, recited and declared that this Note is one of an authorized issue of Notes in the aggregate principal amount of _____ Dollars (\$_____), all of like tenor, issued pursuant to the provisions of Resolution No. _____ of the City Council of the City duly passed and adopted on _____, 2015 (the "Resolution"), and pursuant to Article 7.6 (commencing with section 53850) of Chapter 4, Part 1, Division 2, Title 5, of the California Government Code, and that all things, conditions and acts required to exist, happen and be performed precedent to and in the issuance of the Notes exist, have happened and have been performed in regular and due time, form and manner as required by law, and that this Note, together with all other indebtedness and obligations of the City, does not exceed any limit prescribed by the Constitution or statutes of the State of California.

The principal amount of the Notes, together with the interest thereon, shall be payable from taxes, income, revenue, cash receipts and other moneys which are received by the City for the General Fund of the City for Fiscal Year 2015-16. As security for the payment of the

principal of and interest on the Notes the City has pledged the first “unrestricted moneys” (as hereinafter defined) to be received by the City as follows: (a) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of January, 2016; (b) an amount equal to fifty percent (50%) of the principal amount of the Notes in the month of May, 2016; and (c) an amount sufficient to pay interest as due on the Notes at their maturity, in the month of June, 2016 (such pledged amounts being hereinafter called the “Pledged Revenues”). The principal of the Notes and the interest thereon shall constitute a first lien and charge thereon and shall be payable from the Pledged Revenues. To the extent not so paid from the Pledged Revenues, the Notes shall be paid from any other moneys of the City lawfully available therefor. In the event that there are insufficient “unrestricted moneys” received by the City to permit the deposit into the Special Account (as hereinafter defined) of the full amount of the Pledged Revenues to be deposited in any month by the last business day of such month, then the amount of any deficiency shall be satisfied and made up from any other moneys of the City lawfully available for the repayment of the Notes and interest thereon. The term “unrestricted moneys” shall mean taxes, income, revenue, cash receipts, and other moneys intended as receipts for the General Fund of the City for Fiscal Year 2015-16 and which are generally available for the payment of current expenses and other obligations of the City.

The Notes are issuable as fully registered Notes, without coupons, in denominations of \$5,000 and any integral multiple thereof. Subject to the limitations and conditions as provided in the Resolution, Notes may be exchanged for a like aggregate principal amount of Notes of other authorized denominations and of the same maturity.

The Notes are not subject to redemption prior to maturity.

This Note is transferable by the Owner hereof, but only under the circumstances, in the manner and subject to the limitations provided in the Resolution. Upon registration of such transfer a new Note or Notes, of authorized denomination or denominations, for the same aggregate principal amount and of the same maturity will be issued to the transferee in exchange herefor.

The City may treat the Owner hereof as the absolute owner hereof for all purposes, and the City shall not be affected by any notice to the contrary.

[Unless this Note is presented by an authorized representative of The Depository Trust Company to the issuer or its agent for registration of transfer, exchange or payment, and any certificate issued is registered in the name of _____ or such other name as requested by an authorized representative of The Depository Trust Company and any payment is made to _____, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL since the registered owner hereof, _____ has an interest herein.]

IN WITNESS WHEREOF, the City of El Cerrito has caused this Note to be executed by the City Manager and countersigned by the City Clerk of the City, all as of the Issue Date stated above.

CITY OF EL CERRITO

By: _____

[S E A L]

Countersigned:

City Clerk

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Note, shall be construed as though they were written out in full according to applicable laws or regulations:

TEN COM --	as tenants in common	UNIF GIFT MIN ACT
TEN ENT --	as tenants by the entireties	____ Custodian
JT TEN --	as joint tenants with	____ Minor
	right of survivorship and	Under Uniform Gifts to Minc
	not as tenants in	Act
	common	____
		(State)

ADDITIONAL ABBREVIATIONS MAY ALSO BE USED
THOUGH NOT IN THE LIST ABOVE

ASSIGNMENT

For value received, the undersigned do(es) hereby sell, assign and transfer unto

(Name, Address and Tax Identification or Social Security Number of Assignee)

the within Note and do(es) hereby irrevocably constitute and appoint

_____,
attorney, to transfer the same on the registration books of the City with full power of substitution
in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by an eligible guarantor

NOTICE: The signature on this Assignment must correspond with the name(s) as written on the face of the within Note in every particular without alteration or enlargement or any change whatsoever.

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