



AGENDA

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, May 21, 2013 – 6:45 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, May 21, 2013 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Rebecca Benassini
Councilmember Mark Friedman

6:45 p.m. ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING

ANNOUNCEMENT OF CLOSED SESSION

Conference with Real Property Negotiators (*Pursuant to Government Code Section 54956.8*)

Property: A seven-acre privately owned parcel (APN 505-1420-148) that abuts the Hillside Natural Area.

Agency Negotiators: Scott Hanin, City Manager, Melanie Mintz, Interim Community Development Director

Negotiating Parties: Security Owners Corporation

Under Negotiation: Price and Terms

ORAL COMMUNICATIONS FROM THE PUBLIC

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 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.)*

Recognition of the Recycling and Environmental Resource Center's Receipt of the 2013 Association of Bay Area Governments (ABAG) Growing Smarter Together Award for Urban Design – *Presentation by Mayor Lyman and Melanie Mintz, Interim Community Development Director.*

3. ORAL COMMUNICATIONS FROM THE PUBLIC

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

4. PRESENTATIONS

A. Introduction of Bay Area Rapid Transit Director Rebecca Saltzman

Director Saltzman will discuss her vision for the future of BART.

B. Proclamation Recognizing Prospect Sierra's Green Ribbon Schools Award

Approve a proclamation recognizing and congratulating Prospect Sierra School on being one of the schools to win the Green Ribbon Schools Award and for having a positive impact on education with an emphasis on the environment and green advocacy.

C. Library Update – *Presentation by Barbara Flynn, County Librarian.*

Ms. Flynn will provide an update on the Library including the Library's Strategic Plan, Library Awards and its Centennial Celebration.

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

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

A. Minutes for Approval

Approve the following meeting minutes:

- 1) May 7, 2013 Special Joint City Council / West Contra Costa Unified School District Board of Education; and
- 2) Regular City Council.

B. On-Call Construction Management Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with two consultants firms, Bellecci & Associates, Inc. and Jacobs Engineering, Inc., in an amount not to exceed \$250,000 per year per consultant for on-call construction management services for periods of three years with options to extend for an additional two years.

C. Asian American and Pacific Islander Heritage Month Proclamation

At the request of Mayor Pro Tem Abelson, approve a proclamation proclaiming the month of May 2013 as Asian American and Pacific Islander Heritage Month in the City of El Cerrito

and invite everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

D. Proclamation Proclaiming June as Lesbian, Gay, Bisexual, Transgender Pride Month

At the request of Mayor Lyman and Mayor Pro Tem Abelson approve a proclamation proclaiming the month of June 2013 as Lesbian, Gay, Bisexual, Transgender Pride Month in the City of El Cerrito and invite everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further, recognize Pride Month by flying the rainbow flag at City Hall during the month of June.

6. PUBLIC HEARING

A. Confirming the Diagram and Levying an Assessment for Fiscal Year 2013-14 for Landscape and Lighting Assessment District No. 1988-1

Conduct a public hearing and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year 2013-14 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

B. Fiscal Year 2013-14 Storm Drain Annual Report and Fees

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2013-14 Storm Drain Annual Report and directing that storm drain fees be collected on the property tax rolls.

7. POLICY MATTERS

A. Extension of Eden Housing Exclusive Negotiating Rights Agreement with Eden Housing

Adopt a resolution authorizing the City Manager to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing, Inc. (Developer) for negotiating of a Disposition and Development Agreement (DDA) of an affordable housing project at 10848-10860 San Pablo Avenue to February 8, 2014.

B. Adoption of El Cerrito Climate Action Plan

Approve a resolution adopting the El Cerrito Climate Action Plan.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman Assignments: Commission/Committee Rules Subcommittee, Contra Costa County Mayors' Conference, Crime Prevention Committee, East Bay Green Corridor Principal, Human Relations Commission, Municipal Services Corporation Chair, Pension Trust Board Chair, Public Financing Authority Chair, San Pablo Avenue Area Specific Plan Committee, Successor Agency to the Former Redevelopment Agency Chair, Tree Committee, West Contra Costa Transportation Advisory Committee Alternate, West County Mayors' & Supervisors' Association and West County Integrated Waste Management Authority Delegate.

B. Mayor Pro Tem Abelson Assignments: Committee on Aging, Contra Costa County Mayors' Conference Alternate, Contra Costa Transportation Authority Board Chair, League of California Cities East Bay Division Delegate (also attends as the Council's Delegate to the Annual League Conference), Environmental Quality Committee, Municipal Services Corporation Vice-Chair, Pension Trust Board Vice-Chair, Successor Agency to the Former Redevelopment Agency Vice-Chair, West Contra Costa Transportation Advisory Committee Delegate and West County Mayors' & Supervisors' Association Alternate.

C. Councilmember Benassini Assignments: Association of Bay Area Governments General Assembly Delegate, Financial Advisory Board, Planning Commission, San Pablo Avenue Area Specific Plan Committee and Tom Bates Regional Sports Field Joint Powers Authority Delegate.

D. Councilmember Bridges Assignments: Tom Bates Regional Sports Field Joint Powers Authority Delegate and Design Review Board, Park and Recreation Commission.

E. Councilmember Friedman Assignments: Arts and Culture Commission, Association of Bay Area Governments General Assembly Alternate, Economic Development Board, Commission/Committee Rules Subcommittee, League of California Cities East Bay Division Alternate and West County Integrated Waste Management Authority Alternate.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next City Council meeting is Tuesday, June 4, 2013 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito, California.

- 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. 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.

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
Recognizing Prospect Sierra on Winning the Green Ribbon Schools
Award***

WHEREAS, Prospect Sierra is an independent K-8 school located in El Cerrito and was recently announced as one of the 64 U.S. Department of Education Green Ribbon Schools by the U.S. Secretary of Education; and

WHEREAS, the U.S. Department of Education Green Ribbon Schools recognition award honors schools that are exemplary in reducing environmental impact and costs; improving the health and wellness of students and staff; and providing effective environmental and sustainability education, which incorporates STEM, civic skills and green career pathways; and

WHEREAS, Prospect Sierra was the only California private school nominated for this award by State Superintendent Tom Torlakson. This is the second year of the Green Ribbon Schools Awards and Prospect Sierra shares the distinction with 54 public schools and 9 private schools from 29 states and the District of Columbia; and

WHEREAS, Prospect Sierra was nominated for their eco-literacy curriculum and student activity across grade levels in reducing environmental impacts. Such activities include, their 180-gallon rainwater harvesting system to serve the Avis garden, kindergarteners' support of the creek restoration project by annual tree-planting trips, and the student-led implementation of our school-wide waste reduction and composting system; and

WHEREAS, according to U.S. Secretary of Education, Arne Duncan, "Today's honorees are modeling a comprehensive approach to being green. They are demonstrating ways schools can simultaneously cut costs; improve health, performance, and equity; and provide an education geared toward the jobs of the future."

NOW THEREFORE, the City Council of the City of El Cerrito does hereby recognize and congratulate Prospect Sierra School on being one of the schools to win the Green Ribbon Schools Award and for having a positive impact in education with an emphasis on the environment and green advocacy.

Dated: May 21, 2013

Gregory B. Lyman, Mayor



MINUTES

SPECIAL JOINT EL CERRITO CITY COUNCIL – WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION MEETING

Tuesday, May 7, 2013 – 6:30 to 8:30 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall – City Council Chambers
10890 San Pablo Avenue, El Cerrito

Council Members	Board Members
Janet Abelson	Randall Enos
Rebecca Benassini	Todd A. Groves
Jan Bridges	Madeline Kronenberg
Mark Friedman	Elaine R. Merriweather
Greg Lyman	Charles T. Ramsey

ROLL CALL

Present: Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman
West Contra Costa Unified School District Board of Education Directors
Enos, Groves, Ramsey and President Kronenberg

Absent: Director Merriweather

6:30 p.m.

CONVENE SPECIAL JOINT CITY COUNCIL – WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION MEETING

Mayor Lyman convened the Special Joint City Council / West Contra Costa Unified School District Board of Education meeting at 6:31p.m.

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE** was led by Mayor Pro Tem Abelson.
- 2. WELCOME INTRODUCTIONS AND OPENING COMMENTS – Mayor Lyman and WCCUSD President Kronenberg**

President Kronenberg expressed her appreciation for the Joint meeting and noted that collaboration with cities has been an important activity this year.

Mayor Lyman thanked the School Board members for attending the meeting this evening, noted that the School District is an important contributor to the community and emphasized the importance of continuing dialogue.

3. DISCUSSION ITEMS

A. Description of New El Cerrito High School/City of El Cerrito Internship Program

Presenters: Sukari Beshears, Human Resources Manager, City of El Cerrito and Michael Aaronian, College Career Coordinator.

Director Ramsey suggested expanding the program to the City Attorney's Office.

Councilmember Benassini stated that Councilmembers would welcome any questions from students regarding what it is like to be a councilmember.

Director Enos stressed the importance of the role of the internship program in local government.

Mayor Lyman asked if there is a policy in place for returning students and whether the number of student interns could be expanded in the future.

Mayor Pro Tem Abelson stressed the importance of both agencies working together for the benefit of the students and providing a link for career development, exploration and an opportunity to succeed.

President Kronenberg expressed appreciation to Mr. Aaronian and Mayor Pro Tem Abelson for their efforts in initiating the internship program and noted the opportunities for collaboration and developing a model for a linked learning academy for public service among other cities within the School District and throughout California.

B. Update on Writer Coach Connection

Presenters: Robert Menzimer, Executive Director, Community Alliance for Education/Writer Coach Connection.

Kathleen Hallam, Portola Site Coordinator, stated that she is impressed with volunteers that the program has recruited and kept.

Matthew Burnham, Principal, Portola Middle School, spoke of the benefits of the Writer Coach Connection program and the importance of working with volunteers.

Ms. Yvette Soto, English Language Development teacher, stated that her students have benefited greatly from the Writer Coach Connection and thanked all of the volunteers that are involved in the program.

[Mayor Lyman recessed the Joint City Council / WCCUSD Board of Education meeting at 6:59 p.m. Mayor Lyman convened the regular City Council meeting at 7:00 p.m. and promptly adjourned the City Council meeting to after the adjournment of the Joint City Council/WCCUSD Board meeting. The Joint meeting reconvened at 7:02 p.m.]

Ms. Soto introduced four Portola Middle School students who each offered brief statements regarding the importance of the Writer Coach Connection and how the program has improved their writing.

David Luongo, Principal, El Cerrito High School, described the benefits that accrue from the community building inherent in the Writer Coach Connection program and also noted how the program helps students succeed.

Curt Douglas, El Cerrito High School English Department Chair, expressed his enthusiasm for the Writer Coach Connection program and how coaches serve the

unique needs of each student. Mr. Douglas also reported that the completion of writing assignments and the quality of written work has improved as a result of the program. Mr. Douglas introduced three high school students who each spoke about their own positive experience of the program and its tutors.

Councilmember Bridges asked how one can sign up to be a coach.

Director Groves stated potential coaches can sign up at writercoachconnection.org and encouraged all to become involved.

President Kronenberg applauded Mr. Groves' involvement in the program and stated that the program is a turnkey program in which the coach and student are supported thoroughly.

C. Update on Bond Program in El Cerrito

Fairmont Elementary School

Presenters: Magdy Abdullah, WCCUSD Engineering Officer, introduced Marcus Hibser of HY Architects, who provided an overview and update regarding the Fairmount Elementary School campus.

Director Ramsey confirmed with the District's architect that construction drawings could be out by the summer of 2015.

Mayor Lyman encouraged the School District to coordinate with the City's Tree Ordinance, particularly with respect to the Redwood Grove.

El Cerrito High Stadium Project

Kevin McQuarrie, Principal, WLC Architects, provided an update and overview of the stadium project at El Cerrito High School.

Director Ramsey asked which firm was performing the hazardous material analysis and review, particularly at the El Cerrito field. Director Ramsey also suggested that the light installation and its brightness be sensitive to impacts on the surrounding neighborhood.

Mayor Pro Tem Abelson confirmed with Mr. Abdullah that the site will be accessible and available to the general community for use and exercise after the school is closed.

Councilmember Benassini said she was happy to see the street view of the design from Ashbury Avenue and envision how the project will look to pedestrians.

Director Ramsey encouraged incorporation of a sustained maintenance agreement of 5-10 years into the contract documents.

Mayor Lyman asked Mr. Abdullah to describe the maintenance program in more detail and asked whether the public or businesses would be allowed to use the concession area and kitchen as a community resource for teaching and production.

Councilmember Bridges asked for clarification regarding the location and availability of restrooms for tennis court users.

Mayor Pro Tem Abelson asked for more clarification regarding use of the kitchen facility and whether it could be used for fundraising events.

Bruce Harter, Ph.D, WCCUSD Superintendent, stated that the community will have full use of the kitchen area just like all of the other high schools.

Future Portola Middle School located at Castro Elementary Campus

Mr. Hibser provided an overview of the future campus.

Director Ramsey asked for an explanation of the public noticing plan and how the residents can file any construction related concerns or complaints with the District and also asked that the public be informed about the construction timeline, process and administration.

Councilmember Benassini confirmed access points to Castro Park during construction.

Mayor Pro Tem Abelson asked about wheelchair access at the Portola site.

Mr. Abdullah identified www.wccusd\bondprogram.com as the public outreach website containing project updates. Mr. Abdullah provided a summary of renovation projects that have recently been completed or that are planned such as Harding Elementary School restrooms and waterproofing. Mr. Abdullah stated that the bond program has contributed \$285,631,200 to El Cerrito schools however this amount does not include the high school stadium or the new Fairmont campus.

Director Ramsey added that plans for Cameron School are underway and have not been ignored.

Steve Collins, Special Education Local Plan Area (SELPA) Director, explained that he represented a single district with a specialized local plan area. Mr. Collins updated the Council and Board on special education needs at Cameron School, an early intervention center, including expansion of the building.

D. Report from Portola Disposition Subcommittee

Councilmember Benassini stated that the subcommittee is comprised of Mayor Lyman, herself and Directors Ramsey and Groves. Councilmember Benassini said the subcommittee is discussing the future temporary Portola Middle School campus that will be vacated by the School District once the Fairmont Elementary School kids are moved into their new building in approximately 2018. The Subcommittee met on April 29, 2013 to discuss the sloped part of the campus where demolition has taken place and future uses of the site, including a long term lease of the site by the City. The Subcommittee also discussed use of the lower site where the Portola Middle School is today including the plan to move the schools and children in the future.

Mayor Lyman said that public comment will be incorporated into the decision making process and that the final decision on future uses will determine what type of fundraising is needed.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, expressed how important it is for the two governing bodies to meet together and noted that both bodies are responsible to the same electorate. Mr. Miller also described how the El Cerrito High School site had been used historically and stressed the importance of having public access to the new facilities since the public paid for them through bond measures.

Robert Studdiford, El Cerrito, expressed his views and offered ideas regarding use of and access to the old Portola site and explained how open space benefits everyone in the community.

Tom Panas, El Cerrito, thanked the City and Board for the presentations this evening. Mr. Panas stated that a very large mosaic across from the office at Fairmont School is a treasured resource that is more than fifty years old and asked how it will be integrated into the new campus.

Dr. Harter stated that the District and the City had been meeting and said that both entities had come to a mutual agreement on how they will work together. Dr. Harter stated he was delighted to report about progress being made to make facilities available not only to groups but also individuals.

5. COMMENTS AND POSSIBLE DIRECTION FROM BOARD DIRECTORS AND CITY COUNCIL MEMBERS

Councilmember Friedman said he was encouraged by the history of collaboration between the School District and the City and that he was excited to see the plans for the new and renovated facilities. Councilmember Friedman also emphasized the need to make facilities available for use by the public whenever feasible.

Director Enos emphasized the need to continue to work together toward what students need.

Councilmember Bridges noted that it was helpful to receive an update on all the projects and thanked the speakers for their comments regarding the joint use agreement and described public comments about the history and difficulties of field users that the City's Park and Recreation Commission has received.

Councilmember Benassini echoed the need for a joint use agreement that will allow non-student athletes to value the playfields as much as student athletes and thanked the School District for reporting on all of the programs going on at the schools.

Director Groves thanked President Kronenberg and Mayor Pro Tem Abelson for bringing the Intern Stars program to life and said he is looking forward to seeing the program grow.

Mayor Pro Tem Abelson thanked everyone for the session and expressed appreciation for the opportunity to work together and thanked Director Ramsey in particular for requesting the joint meeting. The joint meeting provides an opportunity to work together in a constructive way.

Director Ramsey thanked everyone and stressed the importance of transparency and information sharing. Director Ramsey pointed out that the School Board will be voting to re-institute an elementary music program in El Cerrito through the theater school concept at its next meeting and also noted that El Cerrito had one of the largest parcel tax renewal and bond measure passage rates. Athletics will keep going, counseling services will continue and libraries will remain open. The Ivy League Connection is still vibrant. Director Ramsey congratulated and thanked voters in El Cerrito for all of their support.

Mayor Lyman thanked the Board for meeting with the City Council and stressed the importance of dialogue. Mayor Lyman emphasized the interrelationship between the two jurisdictions and thanked the School District on its follow through on the bond measures. Mayor Lyman stated that he looks forward to continuing a strong and growing relationship. He also thanked the School District for its continued support of school resource officers and the Morehouse Project and for creating a safe environment for youth.

President Kronenberg mentioned the District's strategic plan process and reported that there will be meeting in Pinole tomorrow and Kennedy on May 11. More information is posted at wccusd.net.

The public can provide input by attending meetings, by sending an email directly to any of the school board directors or Dr. Harter or by clicking on a strategic plan link located on the District's website. President Kronenberg noted that El Cerrito is a city that wants to see the success of its schools and promised that the strategic plan will be adhered to.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 3(A) Description of New El Cerrito High School/City of El Cerrito Internship Program

1. Powerpoint presentation – *Submitted by Sukari Beshears, Human Resources Manager*

Item No. 3(B) Update on Writer Coach Connection

2. Writer Coach Connection in El Cerrito – *Submitted by Robert Menzimer, Executive Director.*

Item No. 3(C) Update on Bond Program in El Cerrito

3. Community Update on Portola Middle School at Castro Project – *Submitted by Magdy Abdallah, West Contra Costa Unified School District.*
4. Powerpoint presentation – *Submitted by Bruce Harter, Superintendent, West Contra Costa Unified School District.*
5. Comments on Fairmont School Mosaic – *Submitted by Tom Panas, El Cerrito.*

6. ADJOURNED JOINT CITY COUNCIL/WCCUSD BOARD OF EDUCATION MEETING at 8:41 p.m.

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, May 7, 2013 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Rebecca Benassini
Councilmember Mark Friedman

ROLL CALL

Present: Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman.

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:00 p.m. and adjourned the meeting until after the conclusion of the special Joint City Council/West Contra Costa Unified School District Board of Education meeting.

The regular City Council meeting resumed at 8:47 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led earlier during the Special Joint City Council/West Contra Costa Unified School District Board of Education by Mayor Pro Tem Abelson.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Benassini invited all to participate in Bike to Work Day on May 9, 2013, the Stockton Avenue Art Stroll on May 10, the Citywide Garage Sale on May 11 and the Stege Sanitary District Centennial Celebration on May 18.

Mayor Lyman invited all to attend a free screening of the Healthcare Movie on May 18 and 22 at City Hall. On June 15 the El Cerrito Historical Society and Friends of the Cerrito Theater will sponsor a free film about historic movie theaters of the East Bay at the Cerrito Theater. The East Bay Municipal Utilities District (EBMUD) is leading a campaign entitled “Are you Earthquake Ready?” More information, particularly how much water to store, is available at www.ready.gov. On April 18, Mayor Lyman and Councilmember Benassini attended the Association of Bay Area Government’s (ABAG) General Assembly award luncheon. The City’s Recycling Center received the Urban Design Award. ABAG’s film about the Recycling Center will be shown at the May 21 City Council meeting. Mayor Lyman said everyone should be proud of city staff and the design-build team. The award is an acknowledgement of the beauty and functionality of the Recycling Center. Additionally, EBMUD is entertaining a rate increase of approximately 9% this year and 8% next year. It is

a Proposition 218 rate increase based on one vote per property and includes a majority protest process. Comments are due to EBMUD by June 11. A public hearing during the EBMUD regular meeting is scheduled on the same date.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Tom Panas, El Cerrito, stated his support for the Contra Costa Florist building and commented on the April 22 Eden Housing Environmental Impact Report scoping meeting. Mr. Panas said he presented a resolution to PMC and the project team on behalf of the Historical Society and is also working with members of the Japanese American Citizens League and will submit proposed mitigations to the City and PMC next week. Mr. Panas asked that advocates of the Contra Costa Florist Building, a historic resource, be at the table when mitigations are discussed. Mr. Panas also spoke in support of an historic resources ordinance and said he is hopeful that the City will adopt one during his lifetime.

Al Miller, El Cerrito, spoke about the history of the Stege Sanitary District and reminded everyone about the celebration of Stege's Centennial on May 18 from 1-4 p.m. at the Stege Office on Schmidt Lane. Mr. Miller also commented on the Writer Coach Connection and said another advantage of the program is that there are 108 volunteers who go into the schools and spend time there and can comment on what the schools need and how best to support them. Mr. Miller also urged everyone to see the Healthcare Movie.

Lisa Motoyama, representing Resources for Community Development (RCD) and the East Bay Housing Organizations (EBHO), thanked the City Council for its commitment to affordable housing and for supporting Consent Calendar Item No. 5(C), the Affordable Housing Week Proclamation. Ms. Motoyama stated that RCD is the developer of the Ohlone Gardens project, El Cerrito's next affordable housing development. It will serve fifty-five families. The City is collaborating with EBHO on a small grant EBHO received from MTC and the HUD Sustainable Regional Communities Grant Program. EBHO is partnering with El Cerrito to explore affordable housing policies and funding strategies post redevelopment including land value recapture and public benefit zoning. Ms. Motoyama urged the City Council to support Senate Bill 391, the California Homes and Jobs Act, which will create a permanent funding source for affordable housing in California.

4. PRESENTATIONS – None.

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

Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5F and 5H through 5L in one motion as indicated below. Consent Calendar Item No. 5G was removed from the Consent Calendar at the request of Councilmember Bridges and voted on separately as indicated below.

A. Minutes for Approval

Approve the April 16, 2013 Regular City Council meeting minutes.

Action: Approved minutes.

B. Second Reading of Measure A Swim Center Ordinance

(First Reading April 16, 2013. Vote: Unanimous)

Adopt Ordinance 2013-02 establishing the Measure A Swim Center Parcel Tax rates for FY 2013-14, equal to the approved FY 2012-13 rates of \$38.61 per single-family residential unit, \$29.73 per multifamily residential unit, and \$270.66 per acre of non-residential property.

Action: Adopted Ordinance No. 2013-02. *Effective June 6, 2013.*

C. Affordable Housing Week Proclamation

Approve a proclamation proclaiming the week of May 10 through 19, 2013 as Affordable Housing Week in the City of El Cerrito to raise awareness about the importance of affordable housing for families and communities and encouraging residents to participate in Affordable Housing Week activities and recognize how affordable housing can create better futures for families, individuals and communities.

Action: Approved proclamation.

D. Landscape and Lighting Assessment District No. 1988-1 Resolution of Intent to Order Improvements and Set the Date for the Public Hearing as May 21, 2013

Accept the Engineer's Report specifying assessments for the Landscaping and Lighting Assessment District and adopt a Resolution of Intention to Order Improvements pursuant to the Landscape and Lighting Act of 1972, and setting the time, date and place of the public hearing as May 21, 2013 at 7:00 p.m.

Action: Adopted Resolution No. 2013-19 and set the public hearing for May 21, 2013 at 7:00 p.m.

E. All-Way Stop at the Intersection of Colusa and Eureka Avenues

Adopt a resolution authorizing the Public Works Director/City Engineer to establish an all-way stop at the intersection of Colusa Avenue and Eureka Avenue.

Action: Adopted Resolution No. 2013-20.

F. Central Avenue & Liberty Street Streetscape Improvements Project, City Project No. C-3063-A, Federal Project No. CML – 5239 (020)

Adopt a resolution which will result in the following actions: 1) Approve plans for the Central Avenue and Liberty Street Streetscape Improvements Project; 2) Reject the bid from Sposeto Engineering, Inc. as non-responsive and accept all other bids; 3) Amend the Capital Improvement Program to appropriate an amount not to exceed \$100,000 of available Measure A Street Improvement Funds for the Central Avenue and Liberty Street Streetscape Improvements Project; and 4) Authorize the City Manager to award a contract, contingent on successful negotiations with McGuire and Hester Corporation (the lowest responsible bidder for the project) for a deductive change order after undergoing a value engineering process which is not inconsistent with the revised budget for the Central Avenue and Liberty Street Streetscape Improvements Project, City Project No. C-3063-A.

Action: Adopted Resolution No. 2013-21.

G. Reduced Summer City Council Meeting Schedule

Approve a recommendation to adopt a reduced City Council Meeting Schedule consisting of the third Tuesday in July, August and September 2013. This practice is consistent with the reduced schedule approved in the past twelve years. City Council meeting dates in July, August and September would be July 16, August 20 and September 17, 2013 with an additional request to keep the first Tuesday in July and September reserved for special meetings as needed.

Action: Removed from the Consent Calendar at the request of Councilmember Bridges. Councilmember Bridges stated that she will be absent from the August 20 meeting. Mayor Lyman announced that he will be absent from the July 16 meeting. Moved, seconded (Abelson/Bridges) and carried unanimously to approve the recommendation.

H. Support for Senate Bills 405 and 158 – Single Use Carry-Out Bag Legislation

Approve a recommendation authorizing Mayor Lyman to sign letters expressing the City Council's support of Senate Bill 405 (Padilla) and Assembly Bill 158 (Levine), regulating the distribution of single-use carryout bags; and direct the City Clerk to send the letters to

Senator Padilla and Assemblymember Levine and other appropriate legislators and legislative bodies.

Action: Approved recommendation.

I. Support for Senate Constitutional Amendment 7 (Wolk)

Approve a recommendation authorizing Mayor Lyman to sign a letter expressing the City Council's support for Senate Constitutional Amendment 7, legislation that would place a constitutional amendment on the ballot to lower the local vote threshold from the existing two-thirds vote to 55% for communities seeking to pass a library construction bond measure or a special tax measure for library operations; and direct the City Clerk to send the letter to the members of the Senate Committee on Governance and Finance.

Action: Approved recommendation.

J. Committee on Aging Appointment

Approve the Committee on Aging's recommendation to appoint Arlinda Babcock to the Committee on Aging, effective May 15, 2013.

Action: Approved recommendation.

K. Environmental Quality Committee Appointment

Approve the Environmental Quality Committee's recommendation to appoint Kevin Wildenberg to the Environmental Quality Committee, effective May 8, 2013.

Action: Approved recommendation.

L. Tree Committee Appointment

Approve the Tree Committee's recommendation to appoint Michael Charlton to the Tree Committee, effective May 13, 2013.

Action: Approved recommendation.

6. PUBLIC HEARING

Master Fee Schedule Revision for Fiscal Year 2013-14

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2013–14 Master Fee Schedule.

Presenter: Lori Treviño, Economic Development Manager.

Mayor Lyman opened the public hearing. No speakers.

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

Action: Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Resolution No. 2013–22, including a revised Master Fee Schedule which deletes the street closure permit-after hours fee from page four because it is a fee that the Police Department no longer uses.

7. POLICY MATTERS – None.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Mayor Lyman reported on his attendance at the East Bay League of California Cities meeting with Mayor Pro Tem Abelson on April 25, 2013 in which the attendees received a presentation by the East Bay Economic Development Alliance and the Contra Costa Council. Mayor Lyman also attended the Contra Costa Mayors Conference with Councilmember Benassini on May 2. Dan Borenstein spoke on the status of pension reform in California. The Mayors Conference action on the Plastic Bag Ban, specifically support for AB 128 and SB 405 was moved to the next Mayors Conference agenda to allow more time for each member

city to consider the item. Mayor Lyman stated that he is very supportive of this matter. Letters of nomination for open positions on the ABAG Board of Directors and the East Bay Economic Development Alliance, need to be in by May 22. There are eight open positions.

At the West County Mayors meeting the group discussed the effort to put forth unified candidates for regional appointments. Councilmember Friedman expressed interest in running for the East Bay Economic Alliance position. Mayor McLaughlin invited Mr. Friedman to attend the next West County Mayors meeting to introduce himself to the other West County Mayors. The West County Mayors also received a presentation on illegal hauling and dumping in the County. North Richmond and the unincorporated part of the County in particular, are affected by this activity. EBMUD also made presentations regarding earthquake preparedness and its proposed rate increase. Additionally, EBMUD is issuing an EIR regarding large diameter pipes that will be ripped up along Richmond Street, San Pablo Avenue and Barrett Avenue in an around El Cerrito. This is significant construction that may cause traffic issues. On May 18 the East Bay Regional Park District has planned a community trails/healthy walking challenge in Tilden Park to encourage everyone to get out and enjoy the trails and develop a healthy lifestyle. On May 1 the Human Relations Commission (HRC) met and continued its discussion on preparations for the 25th anniversary of the Martin Luther King Celebration and Parade. The Commission is asking for funds for the event and is also coordinating fund raising. HRC members also discussed waving of the Gay Pride flag during Gay Pride week.

B. Mayor Pro Tem Abelson noted that the Healthcare Movie that will be shown at City Hall on May 18 and 22 is sponsored by the Committee on Aging and encouraged all to attend.

C. Councilmember Benassini reported that she attended the ABAG General Assembly and was inspired by the stories of the work being done by other cities in the Bay Area and also enjoyed participating in the exchange of ideas. There were interesting presentations on projects from the cities of Fremont and Petaluma. The keynote speaker was Robert Reich, former U.S. Secretary of Labor and currently a professor at UC Berkeley. Mr. Reich spoke about various trends and how the One Bay Area Plan can help respond to those trends including an aging population and senior services, the diverging wage gap within the context of affordable housing, and also the need to prepare for Climate Change and reduce greenhouse gas emissions. Another speaker, a UC Berkeley professor, spoke about the interrelationship between how a city is built can influence how people interact and live.

D. Councilmember Bridges reported that the Design Review Board (DRB) met and considered conceptual design review for AT&T wireless facilities that will be placed in the public right-of-way at six different sites. There weren't too many comments. They are extensions on pre-existing PG&E poles. The project will return to the DRB as it moves through its process. On April 24 the Park and Recreation Commission met and approved the FY 2013-14 master fee schedule for the Recreation Department. It was also reported that there is a delay in the solar panel installation at the Community Center. At the time of the Park and Recreation Commission meeting there was no shared use agreement with the School District for local facilities however Councilmember Bridges recently learned that one was agreed upon prior to this evening's City Council meeting. Additionally, the Recreation Department recently launched an eNewsletter and Councilmember Bridges noted that there are 802 in the childcare program.

At the request of Councilmember Bridges, Christopher Jones, Recreation Director, reported that the Recreation Department informed the public through the eNewsletter and through written surveys in the office that the Department will implement a new schedule similar to

the hours maintained by City Hall beginning May 13. Most survey respondents were in favor of the schedule change or didn't care about the change. The Recreation Department will be closed alternate Fridays on the same Fridays that City Hall is closed.

E. Councilmember Friedman stated that the Stockton Avenue Art Stroll on May 10 will also be repeated in September.

SUPPLEMENTAL COMMUNICATIONS

Item No. 5(C) Affordable Housing Week Proclamation

1. EBHO Affordable Housing Week Event Calendar – *Submitted by Lisa Motoyama, RCD and EBHO.*
2. EBHO's Announcement of the 5th Annual State of Housing in the East Bay Symposium – *Submitted by Lisa Motoyama, RCD and EBHO.*

Item No. 6 Master Fee Schedule

3. Business License Tax Rate Correction – *Submitted by Lori Treviño, Economic Development Manager.*

Other:

4. Comments on the April 22, 2013 Eden Housing project Environmental Impact Report scoping meeting and historic resources ordinance – *Submitted by Tom Panas, El Cerrito.*

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:38 p.m.



AGENDA BILL

Agenda Item No.5(B)

Date: May 21, 2013
To: El Cerrito City Council
From: Yvetteh Ortiz, Engineering Manager
Jerry Bradshaw, Public Works Director/City Engineer
Subject: On-Call Construction Management – Additional Professional Services Agreements

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute professional services agreements with two consultant firms, Bellecci & Associates, Inc. and Jacobs Engineering, Inc., in an amount not to exceed \$250,000 per year per consultant for on-call construction management services for periods of three years with options to extend for an additional two years.

DISCUSSION

Staff sent Request for Qualifications (RFQ) to 25 firms in the fall of 2012 requesting Statements of Qualifications (SOQ) to provide on-call construction management services. This process is in compliance with Government Code Section 4526, which requires public agencies to select firms such as these on the basis of demonstrated competency and on professional qualifications. Staff received and evaluated the seven SOQs received. Five of the seven SOQs received high evaluation scores and were within ten percentage points of each other. At the time, staff anticipated an ample staggering of the construction of the several capital improvement projects and believed that with three firms under on-call agreements the City could ensure sufficient competitiveness in the proposal process. In December 2012, the City Council adopted Resolution No. 2012-92 approving professional services agreements with the top three firms.

As various projects progressed this previous winter and spring through the design and bidding phases, staff has come to determine that at one point in time this coming summer up to six projects will be under construction simultaneously. In addition, one of the prior selected firms (BKF, Inc.) is unable to provide construction services on two of the upcoming projects because of grant prohibitions that do not allow the firm furnishing the design to also provide the construction management services on that grant project. Another previously selected firm (Harrison Engineering, Inc.) has declined to propose on at least one of this summer's projects (Central Avenue and Liberty Street Streetscape Improvements) leaving just one current firm, (Harris and Associates, Inc.) available to offer a proposal on these services.

Agenda Item No. 5(B)

Staff recommends that in order to ensure competitive proposals (from a minimum of three qualified firms) on the upcoming projects, on-call services agreements should be awarded to the other two highly qualified firms that submitted SOQs last fall. The firms are Bellecci & Associates, Inc. and Jacobs Engineering, Inc. Both firms possess all the requested areas of expertise (such as traffic signals, streetscapes and rain gardens), have experience handling on-call services for municipalities, and are available to commence services immediately.

The contract is crafted as a master agreement, with specific scope of work and cost to be determined on an as-needed basis. The agreements have a not-to-exceed limit of \$250,000 per year and initial term of three years with the option to extend for up to two additional years. This time frame will allow the City and the respective consultants to develop significant relationships to better serve the City's residents. All firms have submitted billing rate sheets for the various skill levels and specific team members listed in their SOQs along with other charge conditions such as direct costs and mileage. These have been reviewed and agreed to by staff.

As needs arise, three to five of the firms will be asked to propose on the scope for an individual task. Once a proposal is agreed upon, the Public Works Director will issue a notice to proceed and work will begin.

FINANCIAL CONSIDERATIONS

The on-call agreements will have a not-to-exceed limit of \$250,000 per year. The agreed upon proposal for each task will be subject to funding available for that project or operational need. The fiscal controls are the various budgets for related projects and operations accounts.

Reviewed by:



Scott Hanin, City Manager

Attachment:

1. Accompanying Resolution

RESOLUTION 2013-XX

**RESOLUTION OF THE EL CERRITO CITY COUNCIL AUTHORIZING THE CITY MANAGER
TO EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH BELLECCI AND
ASSOCIATES, INC. AND JACOBS ENGINEERING, INC. FOR ON-CALL CONSTRUCTION
MANAGEMENT SERVICES**

WHEREAS, the City requires the services of consultant firms to perform construction management work for various projects in the City of El Cerrito; and

WHEREAS, Government Code Section 4526 requires the State and local agencies to select professional services firms such as these on the basis of demonstrated competency and on professional qualifications; and

WHEREAS, the City issued a Request for Qualifications to 25 firms for on-call construction management services; and

WHEREAS, Bellecci and Associates, Inc. and Jacobs Engineering, Inc. were selected from a field of seven proposing consultants, as qualified for the requested services.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby authorizes the City Manager to execute professional services agreements with two consultant firms, Bellecci and Associates, Inc. and Jacobs Engineering, Inc., for on-call construction management services for periods of three years with options to extend for an additional two years in an amount not to exceed \$250,000 per year per consultant.

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

I CERTIFY that at a regular meeting on May 21, 2013 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2013.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(C)

Date: May 21, 2013
To: El Cerrito City Council
From: Mayor Pro Tem Janet Abelson
Subject: Asian American and Pacific Islander Heritage Month

ACTION REQUESTED

At the request of Mayor Pro Tem Abelson approve a proclamation proclaiming the month of May 2013 as Asian American and Pacific Islander Heritage Month in the City of El Cerrito and inviting everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

BACKGROUND

In 1978 Congress passed a joint Congressional Resolution to commemorate Asian American Heritage Week during the first week of May. It was chosen because of two important and significant anniversaries that took place during this time: The arrival of the first Japanese immigrants in America on May 7, 1843 and the completion of the transcontinental railroad by many Chinese laborers, on May 10, 1869.

In 1990 Congress voted to expand the commemoration from one week to an entire month of celebration. In May 2009, President Obama officially proclaimed the month of May as “Asian American and Pacific Islander Heritage Month” in celebration of the culture, traditions, and history of Asian Americans and Pacific Islanders in the United States.

There are 26.7 million Asian Americans and Pacific Islanders in California. This is one of the fastest growing ethnic populations in the state. According to the 2010 census, Asian persons represented 27.2% of El Cerrito’s population.

Asian Americans and Pacific Islanders contribute many resources that enrich our social, economic and political fabric. Some of the many contributions range from housing and job services, to organizing local and grassroots campaigns for economic and political justice, to serving on boards and commissions for the city, creating wonderful music, dance, art, poetry, theater and film. Asian Americans and Pacific Islanders have been critical to keeping the diverse quality of life that has always been a part of El Cerrito.

FINANCIAL CONSIDERATIONS

None.

Attachment:

1. Proclamation

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
May 2013 is Asian American Month***

WHEREAS, the earliest Asian Americans immigrated to the United States in the 1800's and many Asian laborers contributed to the completion of the transcontinental railroad during the 1860s, and in the development of California's agricultural industry to this day; and

WHEREAS, Asian Americans and Pacific Islanders have played a critical role in the social, economic, and political development of California throughout its history; and

WHEREAS, Asian Americans and Pacific Islander immigrants have contributed greatly to California's economic success, rural growth and urban development; and

WHEREAS, Asian Americans and Pacific Islander entrepreneurs have led many of California's businesses to the pinnacle of their respective industries; and

WHEREAS, the 26.7 million Asian Americans and Pacific Islanders in California are one of the fastest growing ethnic populations in the country; and

WHEREAS, Asian Americans and Pacific Islanders represent 27.2 percent of El Cerrito's population, representing ancestries throughout Asia; and

WHEREAS, Asian Americans and Pacific Islanders will continue to be an important part of El Cerrito's cultural diversity and understanding; and

WHEREAS, Asian Americans and Pacific Islanders have a proud legacy of service and dedication to our community, our City, our State and our Country; and

WHEREAS, May has become a symbolic month in which Asian Americans and Pacific Islanders and supporters come together in various celebrations of culture, traditions and history.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims the month of May 2013 Asian American and Pacific Islander Heritage Month in the City of El Cerrito and invites everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

Dated: May 21, 2013

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. (5D)

Date: May 21, 2013

To: El Cerrito City Council

From: Mayor Lyman and Mayor Pro Tem Abelson

Subject: Support a Proclamation Recognizing June as Lesbian, Gay, Bisexual and Transgender Pride Month in the City of El Cerrito

ACTION REQUESTED

Approve a proclamation proclaiming the month of June 2013 as Lesbian, Gay, Bisexual and Transgender (LGBT) Pride Month in the City of El Cerrito and invite everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further recognize Pride Month by flying the rainbow flag at City Hall during the month of June.

BACKGROUND

El Cerrito has a diverse LGBT community and is committed to representing and supporting all members of the community in favor of tolerance, respect, and celebration.

June has become a symbolic month in which lesbians, gay men, bisexual people, Transgender, and supporters come together in various celebrations of pride and several cities across the United States traditionally recognize and celebrate June as LGBT Pride month.

The rainbow flag, also known as the LGBT pride flag or gay pride flag, has been used since the 1970's as a symbol of Lesbian, Gay, Bisexual, Transgender pride and LGBT social movements. Flying the rainbow flag at City Hall further signifies, symbolizes and celebrates the City's support for the great diversity of this City and LGBT visibility, dignity, and equality. During a recent discussion regarding the Human Relations Commission event budget, members of the Commission supported the City's purchase of a rainbow flag for the City to fly during the month of June. The Human Relations Commission develops positive human relations through education, encouragement of greater respect and understanding between people, their equal opportunity rights under the law and the recognition of the racial, ethnic, religious and cultural diversity of the El Cerrito community.

FINANCIAL CONSIDERATIONS

The flag will be paid for under the current budgeted appropriation level.

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
Recognizing June as LGBT Pride Month in the City of El Cerrito***

WHEREAS, the City of El Cerrito has a diverse Lesbian, Gay, Bisexual, Transgender (LGBT) community and is committed to supporting visibility, dignity and equity for all people in the community; and

WHEREAS, many of the residents, students, city employees, and business owners within the City of El Cerrito who contribute to the enrichment of our City are a part of the lesbian, gay, bisexual, transgender, and questioning community; and

WHEREAS, various advancements have been made with respect to equitable treatment of lesbians, gay men, bisexual, transgendered, and questioning persons throughout the nation, but there continues to be some opposition against people from this community and around the world making it important for cities like El Cerrito to stand up and show support for our residents who are affected; and

WHEREAS, several cities across the United States recognize and celebrate June as LGBT Pride Month; and

WHEREAS, June has become a symbolic month in which lesbians, gay men, bisexual people, Transgender, and supporters come together in various celebrations of pride; and

WHEREAS, the rainbow flag, also known as the LGBT pride flag or gay pride flag, has been used since the 1970's as a symbol of Lesbian, Gay, Bisexual, Transgender pride and LGBT social movements; and

WHEREAS, flying the rainbow flag at City Hall throughout the month of June further symbolizes the City's celebration of diversity and support for the Lesbian, Gay, Bisexual, Transgender community.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby declare the month of June as LGBT Pride month in the City of El Cerrito, and invites everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further, recognizes Pride Month by flying the rainbow flag at City Hall during the month of June.

Dated: May 21, 2013

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 6(A)

Date: May 21, 2013
To: El Cerrito City Council
From: Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Public Hearing to Confirm the Diagram and to Levy the Assessment for FY 2013-14 for Landscape and Lighting Assessment District No. 1988-1

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for FY 2013-14 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

BACKGROUND AND ANALYSIS

On June 6, 1988, the City Council established Assessment District No. 1988-1 pursuant to the Landscape and Lighting Act of 1972. The purpose of this Landscape and Lighting Assessment District (LLAD) is to raise funds to support improvements and maintenance of the City's park areas, landscaping areas, and street lighting. Every year since 1988, this Assessment District has generated approximately \$771,000 to support LLAD activities.

In November 1996, the LLAD was approved by the voters and therefore complies with the provisions of Proposition 218. Any increase in the assessment fee level would be subject to Proposition 218's voter approval requirement.

In order to impose this annual assessment, the City Council must annually authorize an Engineer's Report to identify the costs, uses, and general benefits of those parcels within the Assessment District. As detailed in the Engineer's Report, the revenues are used for eligible activities including staff salaries and wages, streetlight maintenance, utility costs for the District, landscaping services, graffiti removal, and park maintenance.

The City Council authorized such a report on April 2, 2013 and contracted with the Engineer of Record, NBS Local Government Solutions (NBS) to prepare the report. NBS delivered to the City the Engineer's Report by the May 7, 2013 Council meeting. At the May 7, 2013 City Council meeting this public hearing was scheduled.

The City Council must accept the Engineer's Report and conduct a public hearing to hear comments on the imposition of these assessments in order for the assessment to be imposed. The City is also required to cause the notice of the public hearing to be published one time at least ten days prior to the hearing in a newspaper of general circulation. Such a notice was published in the *West County Times* on May 10, 2013.

Agenda Item No. 6(A)

The purpose of this public hearing is to confirm the diagram and the assessment, as appearing in the Engineer's Report. The procedures for conducting the public hearing and receiving protests are the same as for forming the District; however, there are no provisions for majority protest.

California Streets and Highways Code §22631 specifies the options available to the City Council, as follows:

If a majority protest has not been filed, the legislative body may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment.

FINANCIAL CONSIDERATIONS

Staff estimates that the current rate of assessment will generate approximately \$771,000 of revenue, which is included in the total revenue estimate for the City's FY 2013-14 budget. It should be noted that the expenditures eligible for funding by the LLAD exceed the amount received from this assessment by approximately \$528,000.

LEGAL CONSIDERATIONS

The provisions of the Landscape and Lighting Act of 1972 require that a public hearing be held prior to adopting a resolution levying the annual assessment.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution

RESOLUTION 2013-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CONFIRMING THE DIAGRAM AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2013-14 FOR THE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1988-1

WHEREAS, the City of El Cerrito, by Resolution No. 88-53 dated June 6, 1988, adopted Assessment District No. 1988-1 pursuant to the Landscape and Lighting Act of 1972; and

WHEREAS, the City of El Cerrito, by Resolution No. 2013-12 dated April 2, 2013, directed the filing of the Annual Report for Assessment District No. 1988-1; and

WHEREAS, the Engineer of Record, NBS Local Government Solutions prepared and, on May 7, 2013 filed said Annual Report; and

WHEREAS, the City of El Cerrito by Resolution No. 2013-19, dated May 7, 2013, reviewed and accepted said annual report and declared its intent to order improvements and provided notice of a public hearing to be held May 21, 2013, and notice of the hearing was given in the time and manner required by law; and

WHEREAS, in November 1996, the voters approved the Landscape and Lighting Assessment thereby complying with the provisions of Proposition 218; and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report, and the City Council has considered each protest.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the diagram and assessment as set forth in the Annual Report of the Engineer of Record is hereby confirmed and the assessment set forth therein for Fiscal Year 2013-14 is hereby levied.

BE IT FURTHER RESOLVED that this Resolution is adopted pursuant to California Streets and Highways Code §22631.

BE IT FURTHER RESOLVED that upon adoption of this resolution, the diagram and assessment, or a certified copy thereof is hereby directed to be filed with the County Auditor no later than August 10, 2013.

I CERTIFY that at the regular meeting on May 21, 2013 the El Cerrito City Council passed this resolution by the following vote:

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

Agenda Item No. 6A
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May ____, 2013.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 6(B)

Date: May 21, 2013
To: El Cerrito City Council
From: Lori Trevino, Economic Development Manager
Lisa Malek-Zadeh, Finance Director
Subject: Public Hearing regarding Fiscal Year 2013-14 Storm Drain Annual Report and method of collecting storm drain fees

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2013-14 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

BACKGROUND

In March 1993, the voters of the City of El Cerrito approved the issuance of \$6.3 million in revenue bonds for the reconstruction of the City's storm drain system. In June 1993, the City Council adopted Ordinance 93-4, which amends Title 4 (Revenue and Finance) of the El Cerrito Municipal Code by adding a new Chapter 4.44, providing for the imposition and collection of Storm Drain Fees to pay the debt service on the revenue bonds. Ordinance 93-4 set the Storm Drain Fee at \$58 for each single-family residential property and other amounts for other property types.

Ordinance 93-4 further provided that the Storm Drain Fees are to be collected on the property tax roll, based on amounts specified in an annual written report. Attachment 2 to this staff report is the FY 2013-14 Storm Drain Annual Report (Annual Report) which contains the description of each parcel of real property receiving storm drain services and the amount of the annual fee for each parcel. The engineering firm of NBS Local Government Solutions prepared the Annual Report.

The City must annually conduct a public hearing to consider the method of collecting the Storm Drain Fees. Notice of such a public hearing must be made at least twice within a two-week period, as specified in Government Code §6066, as follows:

Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

Agenda Item No. 6(B)

The City met this notification requirement by publishing the notice of public hearing in the *West County Times* on May 10, 2013 and May 17, 2013.

This hearing is not for consideration of the amounts of the Storm Drain Fees, which were already set by the City Council by adoption of Ordinance 93-4; however, the City Council may consider corrections to the use classification of properties in the Annual Report.

ANALYSIS

The City Council needs to determine whether a majority protest exists with respect to the method of collecting the Storm Drain Fees on the property tax roll. If the City Council finds that protests are made by a majority of the owners of the parcels of property described in the Annual Report, then the Annual Report shall not be adopted and the Storm Drain Fees shall be collected on behalf of the City by a publicly or privately owned utility. The City Council would be required to authorize negotiation of an agreement with such a utility.

The administrative costs of collecting the Storm Drain Fee through utility services are substantially higher than by using the property tax bill. Also, if collected through a utility, the Storm Drain Fees would not constitute a lien against any parcel or parcels of land, which would make delinquent collections far more cumbersome and costly.

The public hearing has a secondary purpose. Since the amount of the Storm Drain Fee is based on property use, it provides an opportunity for property owners to contest the fee amount based on the actual use of their property. The City Council may accordingly adjust the fee amount based on the property use.

The adoption of the Annual Report requires the same two-thirds vote as was required to enact Ordinance 93-4. If approved, the Annual Report must be filed with the County Auditor-Controller not later than August 10, 2013, per California Health and Safety Code §5474.4, as follows:

On or before the tenth day of August of each year following such final determination, the legislative body shall certify to the auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll.

FINANCIAL CONSIDERATIONS

The annual Storm Drain Fee will continue to be assessed at \$58 for each single-family residential unit. Such a rate is expected to generate annual revenues of approximately \$698,000. The City would apply those proceeds to the payment of debt service on the Storm Drain Revenue Bonds, consistent with the City's FY 2013-14 Budget.

LEGAL CONSIDERATIONS

California Health and Safety Code §5470 et seq. requires that a public hearing be held prior to adopting a resolution to accept the Annual Report and levying the annual Storm Drain Fees. The City has complied with the minimum public notice requirements.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. FY 2013-14 Storm Drain Annual Report

RESOLUTION 2013-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING THE FISCAL YEAR 2013-14 STORM DRAIN ANNUAL REPORT AND DIRECTING THAT STORM DRAIN FEES FOR FISCAL YEAR 2013-14 BE COLLECTED THROUGH THE PROPERTY TAX ROLLS

WHEREAS, the City of El Cerrito, by Ordinance 93-4, directed the filing of an annual report for the imposition and collection of storm drain fees; and

WHEREAS, the Engineering firm of NBS Local Government Solutions has prepared said Fiscal Year 2013-14 Storm Drain Annual Report (the "Annual Report"); and

WHEREAS, the City provided notice on May 10, 2013 and May 17, 2013 of a public hearing to be held by the City Council, with the notice of the hearing being given in the time and manner required by law; and

WHEREAS, at the public hearing the City Council afforded to every interested person an opportunity to make a protest to the Annual Report and the City Council has considered each protest.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby confirms the storm drain fees as set forth in the Annual Report, directs the collection of these fees through the property tax rolls, and directs the City Clerk to file the Annual Report or a certified copy thereof with the County Auditor-Controller not later than August 10, 2013.

I CERTIFY that at the regular meeting on May 21, 2013 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 May ___, 2013.

Cheryl Morse, City Clerk

APPROVED:

Greg Lyman, Mayor



City of El Cerrito

Storm Drain Reconstruction Project

Fiscal Year 2013/14

Main Office

32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516 Fax: 951.296.1998

Regional Office

870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 415.391.8439

CITY OF EL CERRITO
10890 San Pablo Avenue
El Cerrito, California 94530
Phone - (510) 215-4300
Fax - (510) 215-4319

CITY COUNCIL

Greg Lyman, Mayor

Janet Abelson, Mayor Pro Tem

Rebecca Benassini, Councilmember

Jan Bridges, Councilmember

Mark Friedman, Councilmember

CITY STAFF

Lisa K. Malek-Zadeh, Finance Director/City Treasurer

NBS

Tim Seufert, Client Services Director

Jason Roth, Financial Analyst

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	1-1
2. ASSESSMENTS	2-1
2.1. Method of Assessment.....	2-1
2.2. Collection of Fees and Charges	2-2
2.3. Annual Hearing	2-2
2.4. Notice	2-2
3. LIST OF CHARGES	3-1

1. EXECUTIVE SUMMARY

On March 2, 1993, the qualified voters of the City of El Cerrito (the "City") approved the issuance of revenue bonds, in an amount not to exceed \$6.3 million, to finance the first phase of the reconstruction of the City's storm drain system. The qualified voters also approved the repayment of those bonds through the imposition of an annual storm drain fee on property within the City.

Sections 5470, et seq. of the *California Health and Safety Code* authorizes cities to enact an ordinance, approved by a two-thirds vote of the members of the legislative body, establishing fees and charges for services and facilities furnished by the City in connection with its storm drain system. The proceeds of these fees and charges may be used only for the acquisition, construction, reconstruction, maintenance, and operation of its storm drain facilities, including the repayment of principal and interest on bonds issued to finance the construction or reconstruction of such facilities.

The storm drain fees and charges shall be used exclusively for the uses and purposes of the storm drain system and for the payment of interest and redemption, including premiums payable from the calling of bonds, for those bonds authorized by the qualified voters on March 2, 1993, and for the payment of interest and redemption, including premiums payable from the calling of bonds, for any other bonds for storm drain construction or reconstruction which may be authorized in the future, provided that such bonds are approved in the manner required by California law.

The authorized amounts and rates for storm drain fees and charges are as follows:

Classification	Rate
Single Family residential	\$58.00 per unit
Multi Family residential 2 through 20 units	43.50 per unit
Multi Family residential over 20 units	870.00 plus 29.00 for each unit over 20
Commercial/Industrial	870.00 per acre
Institutional (Churches, Schools, Fraternal and Service Organizations)	406.00 per acre
Golf Courses, Cemeteries, Vacant Land	11.60 per acre

The following table summarizes the annual levy by Classification of parcel:

Classification	Number of Parcels (1)	Levy Total
Single Family residential	7,501	\$440,154.00
Multi Family residential	621	120,234.00
Commercial/Industrial	259	102,975.78
Institutional (Churches, Schools, Fraternal and Service Organizations)	51	32,114.04
Golf Courses, Cemeteries, Vacant Land	216	2,394.82
Total:	8,648	\$697,872.64

(1) Includes parcels divided by City boundaries.

2. ASSESSMENTS

2.1. Method of Assessment

The number of Equivalent Residential Units ("ERUs") was determined for each parcel based upon an estimate of the impervious surface associated with the use of the property.

- 1) Single Family (detached) Residential ("SFR") parcels were assumed to have an average of 2,900 sq. ft. of impervious surface. Approximately 90% of the properties in the City are SFR. These parcels were assigned 1.0 ERU.
- 2) Multi Family dwelling unit complexes of up to 20 units were assigned 0.75 ERU (2,175 sq. ft) of impervious surface area per unit. Complexes of more than 20 units were assigned 15 ERU plus 0.5 ERU (1,450 sq. ft) for each unit over 20.
- 3) Commercial/Industrial uses were assigned 15 ERU (43,560/2,900 sq. ft.) of impervious surface area per acre.
- 4) Institutional uses such as Churches, Fraternal and Service Organizations were assigned 7.0 ERU (21,000 sq. ft.) of impervious surface area per acre based upon the Contra Costa County Report on Stormwater Utility Assessment dated March 1994 (County Report).
- 5) Golf courses, cemeteries, and other open spaces were assigned 0.2 ERU (580 sq. ft.) per acre based upon the County Report.

The storm drain fee for a parcel is calculated by multiplying the number of ERU assigned to such parcel by the rate per ERU. The rate for the 2013/14 Fiscal Year is \$58.00/ERU.

The following table shows a breakdown of Classification of parcels by County Use Code and the associated rates for Fiscal Year 2013/14:

Classification	County Use Code (1)	ERU (2)	Rates
Single Family residential	11, 12, 13, 14, 15, 19, 29, 89	1.0	\$58.00 per unit
Multi Family residential 2 through 20 units	21, 22, 23, 24, 25, 26, 27, 28	0.75*n	43.50 per unit
Multi Family residential over 20 units	21, 22, 23, 24, 25, 26, 27, 28	15.0 + 0.5*m	870.00 + 29.00 for each unit over 20
Commercial/Industrial	31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 46, 47, 48, 49, 53, 85	15.0*A	870.00 per acre
Institutional (Churches, Schools, Fraternal and Service Organizations)	70, 71, 72, 75, 76	7.0*A	406.00 per acre
Golf Courses, Cemeteries, Vacant Land	10, 17, 18, 20, 30, 37, 38, 50, 63, 74, 78, 81	0.2*A	11.60 per acre

(1) Use Code 79 is assigned to Government Owned, and is not charged

(2) n = number of residential units up to 20

m = number of residential units over 20

A = acreage, per Contra Costa County Assessor or City Estimate

2.2. Collection of Fees and Charges

The storm drain fees and charges shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the City's general taxes.

The City Council shall have prepared each year, prior to the commencement of the fiscal year, a written report which shall be filed with the City. The report shall contain a description of each parcel of real property receiving storm drain services and the amount of the annual fee and charge for each parcel. This charge shall be computed in conformity with the fees and charges prescribed in the report.

2.3. Annual Hearing

Each year, prior to the commencement of the fiscal year, the City Council shall hold a public hearing at which the Council shall hear and consider all objections and protests, if any, to the written report. The City Council may continue the hearing from time to time. If the City Council finds that protest is made by the owners of a majority of the parcels of property described in the report, then the report shall not be adopted. In the event of such majority protest, the storm drain fees and charges shall be collected with the rates for any other publicly or privately owned public utility through agreement with such utility. If collected in this manner, the storm drain fees and charges shall not constitute a lien against any parcel or parcels of land.

2.4. Notice

Notice of the filing of the report and of the time and place of hearing thereon, shall be published once a week for two consecutive weeks prior to the hearing, in a newspaper of general circulation printed, published or distributed in the City.



May 21, 2013
Regular City Council Meeting

Agenda Item No. 6(B)
Storm Drain Fees
Attachment 2 – Engineers Report – Assessor Rolls

Documents 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. 7(A)

Date: May 21, 2013
To: El Cerrito City Council
From: Hilde Myall, Housing Program Manager
Subject: Approval of an Extension to the Exclusive Negotiating Rights Agreement with Eden Housing Inc. for City Housing Property at 10848 and 10860 San Pablo Avenue

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to extend the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing Inc. (Developer) for negotiation of a Disposition and Development Agreement (DDA) of an affordable housing project (Project) at 10848-10860 San Pablo Avenue to February 8, 2014.

BACKGROUND

Through a developer solicitation process, on October 18, 2010 the El Cerrito Redevelopment Agency Board (Agency Board) selected Eden Housing, Inc. as Developer for the property at 10848 and 10860 San Pablo Avenue (Property) and authorized the Executive Director to negotiate an ENRA. The Property was originally purchased, pursuant to Agency Board Resolution No. 576, in 2009 for the purpose of increasing, improving and preserving the community's supply of affordable housing.

On February 22, 2011, the Agency Board adopted Resolution No. 605 authorizing the Agency's Executive Director to execute the ENRA with Eden Housing, Inc. for the negotiation of a DDA for the development of an affordable residential mixed-use project on the Property. The ENRA was executed on March 8, 2011.

On March 7, 2011, the Agency Board adopted Resolution No. 606 authorizing the execution of a predevelopment loan agreement for \$350,000 from the Low and Moderate Income Housing Fund with Eden Housing Inc. for the Project (the "Housing Loan").

On March 22, 2011, pursuant to Agency Board Resolution No. 613 and City Council Resolution No. 2011-24, the Property was conveyed to the City through a Property Conveyance Agreement. The ENRA was assigned to the City through the Property Conveyance Agreement.

On January 17, 2012, the City Council adopted Resolution No. 2012-04 to retain the housing assets and functions previously performed by the Redevelopment Agency and becoming the housing successor to the El Cerrito Redevelopment Agency. Pursuant to

Agenda Item No. 7(A)

Assembly Bill x1 26 (Dissolution Act), the Redevelopment Agency was dissolved as of February 1, 2012. Upon dissolution, all housing assets, less the unencumbered housing balance, and obligations of the former Agency were transferred to the City as housing successor.

In March 2012, as permitted pursuant to Section 1.2 of the ENRA, the City Manager extended the negotiating period of the ENRA by 90 days.

On May 15, 2012, the City Council adopted Resolution No. 2012-35 extending the Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing through June 8, 2013. Extension of the ENRA allowed the City time to resolve the property asset transfer issues related to the dissolution of the former Redevelopment Agency. Pursuant to the Dissolution Act, the City of El Cerrito submitted a Housing Assets Transfer Form to the California Department of Finance (DOF). In September 2012, the City received a letter from the DOF indicating that they had reviewed the Housing Assets Transfer Form and did not object to any assets or transfers of assets. Relying upon that approval and discussions with reputable title companies, the Developer has indicated that they are sufficiently comfortable with the condition of title for the Property to proceed with entitlements work for the project.

ANALYSIS

The ENRA establishes procedures and standards for the negotiation of the DDA including achievement of certain predevelopment tasks to determine the feasibility of the development. The ENRA does not obligate either party to acquire or convey any property, grant the developer the right, entitlement or environmental approvals to develop the property, or obligate the parties to undertake any activities or costs, except for the preliminary analysis and negotiations contemplated in the ENRA. Negotiation of an ENRA does not commit the Agency to award funds nor to pay any cost incurred by the developer in preparing the submittal or in negotiating the ENRA.

Current Development Proposal

Eden Housing's original proposal was for a mixed-use residential development consisting of approximately 64 rental units affordable to very low- and low-income senior households and approximately 4,650 square feet of commercial space for the Samuel Merritt College Clinic and a small retail space.

After extensive input from staff, completion of an additional historic resource evaluation, several community meetings and a conceptual review with the City's Design Review Board, the Developer prepared a revised design and submitted a revised proposal in December 2011 to the City's Housing and Planning divisions.

The revised proposal is for a mixed-use residential development consisting of approximately 63 rental units (62 affordable units for seniors and 1 manager's unit), approximately 1,780 square feet of commercial space for the Samuel Merritt College Clinic, approximately 1,000 square feet of retail space, and retaining as a historic cultural resource the Mabuchi Florist Shop, which is the small stone-faced structure facing San Pablo Avenue.

Financing

Since the execution of the Housing Loan in March 2011, Eden has drawn on \$40,000 of the loan for architectural services and environmental analyses. The loan agreement permits the Developer to access an additional \$60,000 prior to execution of a DDA to pay for entitlement-related costs. The City's Housing Fund does not currently have the funds available to disburse further loan proceeds under the loan. The undisbursed loan balance is claimed on the Successor Agency Recognized Obligation Payment Schedule (ROPS) and the Successor Agency is seeking approval from the State Department of Finance to collect those funds from the County's Property Tax Trust Fund.

Entitlements and Environmental Review

Currently, the Developer is proceeding with environmental review and entitlements-related work. In February 2013, Eden Housing submitted the fees required by the City to prepare the documentation required by the California Environmental Quality Act ("CEQA") for consideration of approval of project entitlements and the DDA.

After conducting a request for proposals process, City Planning Division staff has retained an environmental consultant for CEQA environmental review. The City intends to prepare an Environmental Impact Report (EIR) for the project. In accordance with CEQA guidelines, the City has prepared a Notice of Preparation to provide responsible agencies and other interested parties with sufficient information describing the proposal and its potential environmental effects.

As specified by the CEQA guidelines, this Notice of Preparation was circulated for a 30-day review period ending May 13, 2013. On Monday, April 22, 2013, during the Notice of Preparation period, the City Planning Division held a scoping meeting for the purpose of soliciting public input as to the appropriate scope and content of the EIR.

Requested ENRA Extension

With the successful resolution of the property title issues related to the Dissolution Act, the Developer has been proactive in resuming entitlements and environmental review work for the Project. Staff recommends that Eden Housing has made satisfactory progress under the ENRA to merit an extension. The requested extension will allow time for the negotiation of the DDA, and completion of environmental review and design and planning work associated with entitlements that is currently underway. Staff will return to the City Council upon negotiation of a DDA and completion of CEQA for the project for consideration of the DDA.

The estimated timeframe for completion of environmental review, the entitlement process and DDA negotiations is approximately 6 to 9 months. Staff anticipates bringing these items forward for Design Review Board, Planning Commission and City Council consideration in Fall 2013. The Developer intends to apply in December 2013 for federal housing funds from Contra Costa County and is seeking to have project approvals in place at that time.

ENVIRONMENTAL REVIEW

The extension of the ENRA does not constitute a project pursuant to the California Environmental Quality Act (CEQA) and does not commit the City to proceed with the development at this phase.

FINANCIAL CONSIDERATIONS

The financial impact of this item is neutral as the proposed City Council action does not commit funds nor obligate the City to commit funds in the future.

LEGAL CONSIDERATIONS

The Counsel to the City as housing successor has reviewed this report and the attachments.

Reviewed by:

_____

Scott Hanin, City Manager

Attachments:

1. Resolution Authorizing the Extension of the
Exclusion Negotiating Rights Agreement
2. Exclusive Negotiating Rights Agreement between
the Agency and Eden Housing, Inc.
3. Draft Letter Agreement Extending the Exclusive
Negotiating Rights Agreement to February 8, 2014

RESOLUTION NO. 2013-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AS HOUSING SUCCESSOR TO THE EL CERRITO REDEVELOPMENT AGENCY (THE "CITY") AUTHORIZING THE CITY MANAGER TO EXTEND THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH EDEN HOUSING, INC. FOR NEGOTIATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT FOR THE PROPERTY AT 10860 AND 10848 SAN PABLO AVENUE

WHEREAS, the former El Cerrito Redevelopment Agency (the "Agency") and City of El Cerrito have encouraged redevelopment in specific portions of the El Cerrito Redevelopment Project Area in accordance with the goals and objectives of the City of El Cerrito Redevelopment Plan as amended; and

WHEREAS, the Agency acquired 10860 and 10848 San Pablo Avenue (the "Property") for the purposes of increasing, improving and preserving the community's supply of low- and moderate-income housing and, in part, used Housing Fund monies to purchase the Property pursuant to California Health and Safety Code §33334.2; and

WHEREAS, the Agency issued a request for qualifications and proposals from developers to solicit interest in redeveloping the Property as a residential mixed-use development including affordable housing consistent with California Health and Safety Code §33334.2 and the City of El Cerrito General Plan; and

WHEREAS, the Agency Board, after reviewing the submitted proposals determined that Eden Housing, Inc.'s proposal most closely met the Agency's goals for development of the Property and is the most qualified developer of those who submitted proposals; and

WHEREAS, the Agency Board adopted Resolution No. 600 on October 18, 2010 designating Eden Housing, Inc. as the selected developer (the "Developer") for the Property with the goal of negotiating a Disposition and Development Agreement (the "DDA") for the development of the Property; and

WHEREAS, the Agency Board adopted Resolution No. 605 on February 22, 2011 authorizing the Executive Director to execute an Exclusive Negotiating Rights Agreement with the Developer for negotiation of a DDA (the "ENRA"); and

WHEREAS, the Agency executed an ENRA with the Developer on March 8, 2011; and

WHEREAS, the Developer seeks to acquire the Property and develop a mixed-use residential development consisting of approximately 63 rental units affordable to very low- and low-income households including commercial space for the Samuel Merritt College Clinic, a retail space and preservation of the historic florist shop located on the Property (Development); and

WHEREAS, the Agency provided a loan (Loan) from the Low and Moderate Income Housing Fund to the Developer for predevelopment expenses related to the Development for the purposes of increasing, improving and preserving the community's supply of low- and moderate-income housing pursuant to California Health and Safety Code §33334.2; and

WHEREAS, the Agency and the City have entered into a Property Conveyance Agreement conveying the Property to the City and wherein the City assumed the Agency's rights and obligations under the ENRA to cause development of the Property consistent with the Redevelopment Plan and the Property's intended use for the purposes of developing affordable housing units; and

WHEREAS, the City adopted Resolution No. 2012-04 on January 17, 2012 electing to retain the housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law and becoming the housing successor to the El Cerrito Redevelopment Agency; and

WHEREAS, the Agency was dissolved effective February 1, 2012 pursuant to the State Budget bill ABX1 26 (the "Dissolution Act") and all housing assets, less the unencumbered housing balance, and obligations of the former Agency were transferred to the City as housing successor by operation of law; and

WHEREAS, the City adopted Resolution No. 2012-35 extending the negotiating period of the Exclusive Negotiating Rights Agreement to June 8, 2013; and

WHEREAS, the City Council desires to extend the negotiating period of the Exclusive Negotiating Rights Agreement to January 8, 2014 subject to the Developer's written consent to such extension; and whereas an extension of the ENRA also extends the Right of Entry between the Developer and the City dated March 8, 2011 for the Property.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council finds that the above recitals are accurate.
2. The City Council hereby authorizes and directs the City Manager to prepare and execute an extension of the Exclusive Negotiating Rights Agreement to January 8, 2014 on behalf of the City as housing successor, and related documents and to take such other actions as are appropriate to effectuate the purposes of this Resolution.
3. Nothing in this Resolution shall affect the City's policy discretion in granting or denying any potentially necessary Planning Approvals or other entitlements.
4. This Resolution shall become effective immediately upon its adoption.

I CERTIFY that at the regular meeting on May 21, 2013, the City Council of the City of El Cerrito passed this resolution by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

IN WITNESS of this action, I have hereunto set my hand and affixed the official Seal of said City, this ____ day of May, 2013.

Cheryl Morse, City Clerk

Approved:

Gregory B. Lyman, Mayor

EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT

This Exclusive Negotiating Rights Agreement (this "Agreement") is entered into as of this 8 day of March, 2011 (the "Effective Date"), by and between the El Cerrito Redevelopment Agency (the "Agency"), and Eden Housing, Inc., a California nonprofit public benefit corporation ("Developer").

RECITALS

A. The Agency is responsible for the implementation of the El Cerrito Redevelopment Plan (the "Redevelopment Plan") to redevelop the El Cerrito Redevelopment Project Area (the "Project Area") consistent with the policies and standards of the General Plan of the City of El Cerrito (the "City"). The goals of the Redevelopment Plan include, but are not limited to, the alleviation of blighting conditions, the stimulation of economic development, the creation of job opportunities and the creation of housing opportunities that serve the full spectrum of households in the City in the Project Area. Amongst the goals of the Redevelopment Plan is the revitalization of the Civic Center/Midtown area which is located within the Project Area. Revitalization of the Civic Center/Midtown area entails the provision of affordable housing, meeting the community's housing needs, supporting mixed-use development appropriate to the area's Transit Oriented Mixed-Use zoning and the incorporation of a civic or community-serving use such as a senior center.

B. The Agency acquired 10860 and 10848 San Pablo Avenue (the "Property") located in the Civic Center/Midtown area for the purposes of increasing, improving and preserving the community's supply of low and moderate income housing and, in part, used Housing Fund monies to purchase the Property pursuant to California Health and Safety Code Section 33334.2.

C. The Agency issued a request for qualification and proposals (RFQ/P) from housing developers to solicit interest in redeveloping the Property as a residential mixed-use development including affordable housing consistent with California Health and Safety Code Section 33334.2 and the City of El Cerrito General Plan.

D. In connection with the RFQ/P, the Developer submitted a response dated June 21, 2010 (the "Developer Response"), setting forth a development proposal described in Exhibit A. The Developer Response includes sixty-four (64) rental units to be developed by Developer. The rental units proposed in the Developer Response consist of two (2) studio apartments, sixty (60) one-bedroom apartments and two (2) two-bedroom apartments, one (1) of which will be utilized as a management unit. The Developer Response also provides for up to four thousand six hundred fifty (4,650) square feet of commercial space. The Developer Response proposes using two thousand four hundred (2,400) square feet of the commercial space for a health clinic. The remaining two thousand two hundred fifty (2,250) square feet are proposed as neighborhood-serving retail or professional office flex space.

E. The Agency, after reviewing all the submitted proposals, determined that the Developer's proposal most closely meets the Agency's goals for development of the property, and the Developer is the most qualified developer of those who submitted proposals.

F. Based on a review of the Developer's Proposal, the Agency directed Agency staff to negotiate with the Developer to achieve the completion of the Development.

G. The Agency and the Developer desire to seek to negotiate the terms of a Disposition and Development Agreement ("DDA") which would provide for the development of a project consistent with Developer Response ("Development").

H. Completion of the Development will assist in ameliorating blighting influences in the El Cerrito Redevelopment Project Area, will serve as a catalyst for redevelopment throughout the Project Area and will provide necessary, affordable housing for seniors at affordable housing costs pursuant to California Health and Safety Code Section 33334.2.

I. The purpose of this Agreement is to establish procedures and standards for the negotiation by the Agency and the Developer of the DDA. As more fully set forth in Section 3.1 below, the parties acknowledge and agree that this Agreement in itself does not obligate either party to acquire or convey any property, does not grant the Developer the right to develop the Development, and does not obligate the parties to undertake any activities or costs, except for the preliminary analysis and negotiations contemplated by this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties mutually agree as follows:

ARTICLE 1. EXCLUSIVE NEGOTIATIONS RIGHT

Section 1.1 Good Faith Negotiations. The Agency and the Developer shall negotiate diligently and in good faith, during the Negotiating Period described in Section 1.2, the terms of the DDA. The RFP and the Developer Response shall serve as a guide in the negotiation of the DDA, although the parties acknowledge that review of additional information and further discussion may lead to refinement and revision of the development concepts and business terms set forth in the RFP, and the Developer Response. During the Negotiating Period, the parties shall use good faith efforts to accomplish the respective tasks outlined in Article 2 to facilitate the negotiation of a mutually satisfactory DDA.

Among the issues to be addressed in the negotiations are: the terms of any Agency financial assistance; preconditions for conveyance of Property; the development schedule for the

Development; financing of the Development by the Developer; management of the Development; design and aesthetic considerations of the Development; and similar matters.

Section 1.2 Negotiating Period. The negotiating period (the "Negotiating Period") under this Agreement shall be one (1) year, commencing on the Effective Date, subject to extension by mutual agreement of the parties in writing. The Negotiating Period may be extended on the Agency's behalf for up to ninety (90) days by the Executive Director of the Agency if, in the Executive Director's judgment, sufficient progress toward a mutually acceptable DDA has been made during the initial one (1) year negotiating period to merit such extension. If, pursuant to Section 2.8, the City determines that an Environmental Impact Report is required, the Negotiating Period shall be automatically extended for an additional one hundred eighty (180) days beyond the initial one year period.

If the DDA has not been executed by the Agency and the Developer by the expiration of the Negotiating Period (as the Negotiating Period may be extended by operation of the preceding paragraph), then this Agreement shall terminate and neither party shall have any further rights or obligations under this Agreement. If the DDA is executed by the Agency and the Developer, then upon such execution, this Agreement shall terminate, and all rights and obligations of the parties shall be as set forth in the executed DDA.

Section 1.3 Exclusive Negotiations. During the Negotiating Period (as such Negotiating Period may be extended by operation of Section 1.2), the Agency shall not negotiate with any entity, other than the Developer, regarding the development of the Property.

Section 1.4 Good Faith Deposit. In consideration for this Agreement, the Developer has, prior to execution of this Agreement by the Agency, provided to the Agency a cash deposit of Twenty Five Thousand Dollars (\$25,000) (the "Good Faith Deposit"). During the term of this Agreement, the Agency may (but shall not be required to) invest the Good Faith Deposit for purposes of earning interest thereon. The Good Faith Deposit is in addition to any fees the Developer may be required to pay the City or the Agency for processing of applications including the fees required for the preparation of CEQA documents.

The Agency may from time to time deduct funds from the Good Faith Deposit to pay the costs and consulting fees actually and reasonably incurred and documented by the Agency in connection with preparing and implementing this Agreement. Within fifteen (15) days after deducting funds from the Good Faith Deposit for such purposes, the Agency shall deliver to the Developer a statement describing the amount deducted and the costs and expenses being paid with such amount.

If this Agreement is terminated without execution of a DDA for any reason other than the Developer's breach of its obligations pursuant to this Agreement, then the Good Faith Deposit and any interest earned thereon shall be refunded promptly to the Developer, except that the Agency may retain the amount of costs and consulting fees actually and reasonably incurred and documented by the Agency in connection with preparing and implementing this Agreement.

If this Agreement is terminated by the Agency due to a breach of the Developer's obligations pursuant to this Agreement, the Good Faith Deposit and any interest earned thereon shall be retained by the Agency, as more fully provided in Section 3.7.

If performance of this Agreement results in execution of a DDA, the disposition of the Good Faith Deposit and any interest earned thereon shall be as set forth in the DDA.

Section 1.5 Identification of Developer Representative. The Developer's representatives to negotiate the DDA with the Agency are Linda Mandolini, Andrea Papanastassiou and Katie Lamont. Communications from the Agency to the Developer under this Agreement shall be transmitted in accordance with the provisions of Section 3.2.

ARTICLE 2. NEGOTIATION TASKS

Section 2.1 Overview. To facilitate negotiation of the DDA, the parties shall use reasonable good faith efforts to accomplish the tasks set forth in this Article 2 in a timeframe that will support negotiation and execution of a mutually acceptable DDA prior to the expiration of the Negotiating Period.

Section 2.2 Site and Architectural Plans. No later than sixty (60) days after the execution of this Agreement, the Developer shall prepare and submit to the Agency a proposed site plan and architectural drawings identifying the location, general configuration, and proposed design characteristics of the Development to the extent such site plan has changed since the Developer submitted the Developer Proposal. Thereafter, the parties shall consider appropriate refinements and modifications to such site plan and drawings, and for that purpose shall: (a) participate in a process which is mutually developed and agreed to by the Agency, the City and the Developer, to obtain and consider community input regarding the design of the Development; and (b) conduct discussions with appropriate City representatives regarding the site plan and drawings and the procedures for submittal and processing of an application for land use entitlements for the Development should a DDA be executed and become effective.

Section 2.3 Financing and Costs of Development. No later than ninety (90) days after the execution of this Agreement, the Developer shall provide the Agency with a detailed financial analysis for the Development containing, among other matters, a sources and uses for the Development, development budget and operating proforma setting forth the costs and revenues associated with developing and operating the Development. In the event that the sources and uses indicate that there is a gap in the available sources, the Developer shall identify the amount of the gap. Upon submission of the financial analysis, the Agency and the Developer shall meet to discuss possible options for filling any identified gap.

Section 2.4 Schedule of Performance. No later than ninety (90) days after execution of this Agreement, the Developer shall provide the Agency with a proposed detailed schedule of performance for the Development which shall include, but not be limited to: (a) the dates for obtaining land use entitlements and financing commitments for the Development, (b) the date for

the submittal of construction plans to the City, (c) the date for obtaining financing commitments; (d) the date for satisfaction of all preconditions to conveyance, (e) the date for close of escrow on the Development Site, and (f) the dates for the commencement and completion of construction of the Development.

Section 2.5 Due Diligence Regarding Physical Condition and Title. During the Negotiating Period, the Developer and the Agency shall conduct any and all investigations they deem necessary to negotiate the terms to be contained in the DDA.

Section 2.6 Reports. Unless otherwise waived by the receiving party, each party shall provide the other with copies of all reports, studies, analyses, correspondence and similar documents (but excluding detailed property appraisals, summary appraisals only need to be provided, and confidential or proprietary information) prepared or commissioned by each party with respect to this Agreement and the Development, promptly upon their completion.

Section 2.7 Organizational Documents. Prior to the execution of a DDA, if the Developer intends to form a limited partnership or other entity to undertake the development of the Property, the Developer shall provide the Agency with copies of articles of incorporation, operating agreements or other organizational documents for any such entity.

Section 2.8 Entitlements and Environmental Review. The Developer shall be required to apply for any permits and approvals necessary for the Development in accordance with the City's standard application process and shall be subject to all of the City's normal fees for any required approvals. Upon receipt of the necessary applications for the required entitlements, the City or the Agency shall initiate the preparation of any environmental documentation required by the California Environmental Quality Act ("CEQA") for consideration of approval of the entitlements and DDA; provided, that nothing in this Agreement shall be construed to compel the Agency or the City to approve or make any particular findings with respect to such CEQA documentation or the entitlements. The Developer shall pay the City or the Agency for all costs associated with the preparation of the CEQA document. The Developer shall provide such information about the Development as may be required to enable the Agency or the City to prepare or cause preparation and consideration of any CEQA-required document, and shall otherwise generally cooperate with the Agency to complete this task. In addition, the Developer shall pay to the City or the Agency, as applicable, the standard City CEQA processing fee.

Section 2.9 Section 33433 Report. The Agency shall prepare the necessary documentation pursuant to Section 33433(a)(2)(B) of the California Health and Safety Code to be submitted to the Agency Board and the City Council of the City of El Cerrito in conjunction with the Agency's and the City's consideration of any DDA that is prepared under this Agreement.

Section 2.10 Progress Reports. From time to time as reasonably agreed upon by the parties, each party shall make written progress reports via electronic mail, facsimile or regular mail advising the other party on studies being made and matters being evaluated by the reporting party with respect to this Agreement and the Development.

ARTICLE 3.
GENERAL PROVISIONS

Section 3.1 Limitation on Effect of Agreement. This Agreement shall not obligate either the Agency or the Developer to enter into the DDA. By execution of this Agreement, the Agency is not committing itself to or agreeing to undertake acquisition, disposition, or exercise of control over any property. Execution of this Agreement by the Agency is merely an agreement to conduct a period of exclusive negotiations in accordance with the terms hereof, reserving for subsequent Agency and City Council action the final discretion and approval regarding the execution of any DDA and all proceedings and decisions in connection therewith. Any DDA resulting from negotiations pursuant to this Agreement shall become effective only if and after such DDA has been considered and approved by the Agency Board and, if required by law, the City Council of the City, following conduct of all legally required procedures, and executed by duly authorized representatives of the Agency and the Developer. Until and unless the DDA is signed by the Developer, approved by the Agency Board, and executed by the Agency, no agreement drafts, actions, deliverables or communications arising from the performance of this Agreement shall impose any legally binding obligation on either party to enter into or support entering into the DDA or be used as evidence of any oral or implied agreement by either party to enter into any other legally binding document.

Section 3.2 Notices. Formal notices, demands and communications between the Agency and the Developer shall be sufficiently given if, and shall not be deemed given unless, dispatched by certified mail, postage prepaid, return receipt requested, or sent by express delivery or overnight courier service, to the office of the parties shown as follows, or such other address as the parties may designate in writing from time to time:

Agency: El Cerrito Redevelopment Agency
10890 San Pablo Avenue
El Cerrito, CA 94530-2323
Attention: Executive Director

Developer: Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541
Attention: Executive Director

Such written notices, demands and communications shall be effective on the date shown on the delivery receipt as the date delivered or the date on which delivery was refused.

Section 3.3 Costs and Expenses. Each party shall be responsible for its own costs and expenses in connection with any activities and negotiations undertaken in connection with this Agreement, and the performance of each party's obligations under this Agreement.

Section 3.4 No Commissions. Neither party shall be liable for any real estate commissions or brokerage fees that may arise from this Agreement or any DDA resulting from

this Agreement. The parties represent and warrant that they have not engaged any brokers, agents or finders in connection with this transaction. The Developer shall defend and hold the Agency harmless from any claims by any broker, agent or finder retained by the Developer. The Agency shall defend and hold the Developer harmless from any claims by any broker, agent or finder retained by the Agency.

Section 3.5 Defaults and Remedies.

(a) Default. Failure by either party to negotiate in good faith as provided in this Agreement or to deliver any documents or information in a timely manner as required in this Agreement shall constitute an event of default hereunder. The non-defaulting party shall give written notice of a default to the defaulting party, specifying the nature of the default and the required action to cure the default. If a default remains uncured ten (10) days after receipt by the defaulting party of such notice, the non-defaulting party may exercise the remedies set forth in subsection (b).

(b) Remedies. In the event of an uncured default by a party, the non-defaulting party's sole remedy shall be to terminate this Agreement. Following such termination, neither party shall have any further right, remedy or obligation under this Agreement, except as set forth in Section 3.4, except that if the default is the result of a Developer default, the Agency shall be entitled to retain the Good Faith Deposit.

Section 3.6 Attorneys' Fees. The prevailing party in any action to enforce this Agreement shall be entitled to recover attorneys' fees and costs from the other party.

Section 3.7 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

Section 3.8 Entire Agreement. This Agreement constitutes the entire agreement of the parties regarding the subject matters of this Agreement.

Section 3.9 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement.

Section 3.10 Assignment. Neither party shall transfer or assign any or all of its rights or obligations hereunder except with the prior written consent of the other party, which consent shall be granted or withheld in the other party's good faith discretion, and any such attempted transfer or assignment without the prior written consent of Agency shall be void.

Section 3.11 No Third Party Beneficiaries. This Agreement is made and entered into solely for the benefit of the Agency and the Developer and no other person shall have any right of action under or by reason of this Agreement.

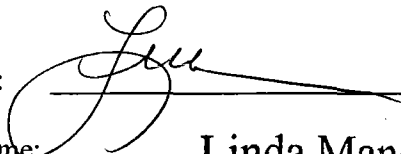
Section 3.12 Actions By The Agency. Whenever this Agreement calls for or permits the approval, consent, authorization or waiver of the Agency, the approval, consent,

authorization, or waiver of the Agency Executive Director shall constitute the approval, consent, authorization or waiver of the Agency without further action of the Agency Board.

IN WITNESS WHEREOF, this Agreement has been executed, in triplicate, by the parties on the date first above written.

DEVELOPER:

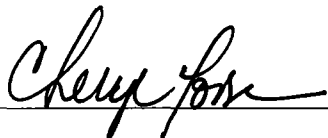
EDEN HOUSING, INC., a California nonprofit
public benefit corporation

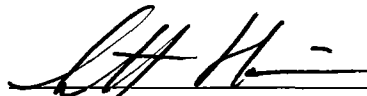
By: 
Name: Linda Mandolini
Its: Executive Director

AGENCY:

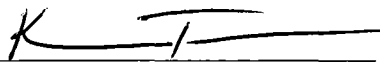
ATTEST:

EL CERRITO REDEVELOPMENT AGENCY, a
public body, corporate and politic

By: 

By: 
Name: Scott Hanin
Its: Executive Director

APPROVED AS TO FORM:

By: 
Agency Special Counsel



_____, 2013

Ms. Linda Mandolini
Executive Director
Eden Housing, Inc.
22645 Grand Street
Hayward, CA 94541

Re: Extension of Exclusive Negotiation Rights Agreement for 10848 & 10860 San Pablo Avenue, El Cerrito

Dear Ms. Mandolini:

This letter agreement (“ENRA Letter Agreement”) is to extend by mutual consent the Negotiating Period of the Exclusive Negotiating Rights Agreement (the “Agreement”) dated March 8, 2011 between Eden Housing, Inc. and the City of El Cerrito, as successor to the the El Cerrito Redevelopment Agency for the property located at 10848 and 10860 San Pablo Avenue, El Cerrito (the “Property”). On March 22, 2011, the former El Cerrito Redevelopment Agency assigned its rights and obligations with respect to the Agreement to the City of El Cerrito. Pursuant to Section 1.2 of the Agreement, the parties may extend the initial Negotiating Period of the Agreement by providing written consent. The City of El Cerrito hereby agrees, subject to the written consent provided herein by the Executive Director of Eden Housing, Inc., to extend the Negotiating Period of the Agreement to February 8, 2014.

This letter agreement also extends the Right of Entry between Eden Housing Inc. and the City of El Cerrito as the successor to the El Cerrito Redevelopment Agency dated March 8, 2011 for the Property.

IN WITNESS WHEREOF, this Agreement has been executed, in triplicate, by the parties on the date first above written.

EDEN HOUSING, INC., a California nonprofit
public benefit corporation

CITY OF EL CERRITO, a public body,
corporate and politic

By: _____

Linda Mandolini
Executive Director

By: _____

Scott Hanin
City Manager

cc: Hilde Myall, City of El Cerrito
Karen Tiedemann, Goldfarb & Lipman
Woody Karp, Eden Housing, Inc.



AGENDA BILL

Agenda Item No. 7(B)

Date: May 21, 2013

To: El Cerrito City Council

From: Maria Sanders, Environmental Analyst
Melanie Mintz, Community Development Interim Director

Subject: Adoption of El Cerrito Climate Action Plan

ACTIONS REQUESTED

Approve a resolution adopting the El Cerrito Climate Action Plan.

BACKGROUND

Since 2006, the El Cerrito City Council has consistently supported local, regional and state initiatives to cut the pollution that causes global warming and climate change. The following Council resolutions laid the groundwork for developing a local Climate Action Plan (CAP):

- Resolution 2006-61 endorsed the U.S. Mayors Climate Protection Agreement, in which local governments agree to take greenhouse gas (GHG) reduction measures, including the development of a Climate Action Plan;
- Resolution 2006-93 endorsed the reduction targets of the California Global Warming Solutions Act (AB 32); and
- Resolution 2011-12 adopted GHG emission reduction targets of 15% below 2005 levels by the year 2020 and 30% below 2005 levels by 2035 for both municipal operations and the El Cerrito community.

Development of the CAP started in 2010 and has been informed by input from the public, City Council, and City staff. The City administered a survey in 2010 of 450 residents,¹ held three public workshops in late 2010 to brainstorm GHG reduction strategies,² and held another workshop in 2012 to review the final set of strategies. In addition, staff provided numerous updates at publicly noticed meetings of both the City Council and the Environmental Quality Committee (EQC). The draft Climate Action Plan was released for public review in February 2013, the results of which are discussed in this Agenda Bill.

¹ See CAP, Vol.2, Appendix L, *Climate Action Survey Results*.

² See CAP, Vol.2, Appendix M, *Public Workshop Notes*.

DISCUSSION

CAP Elements: The purpose of the CAP is to provide a roadmap for the City in pursuing both community-wide and municipal reductions in GHG emissions. Development of the CAP is based on a methodology advanced by ICLEI Local Governments for Sustainability and further refined by the Bay Area Air Quality Management District (BAAQMD). This methodology investigates the potential of reducing local GHG emissions from transportation, energy consumption, water use, and waste generation at the local level. The CAP models GHG emissions from both community and municipal sources using the baseline year of 2005 and projects the growth in these emissions under a Business-As-Usual (BAU) scenario and under a Reduction Targets Scenario (see *CAP Chapter 2, El Cerrito's Greenhouse Gas Emissions*).

The CAP also identifies potential reductions in emissions from actions taken at both the community and municipal levels (see *Chapter 3, Community Climate Action Strategies* and *Chapter 4, Municipal Climate Action Strategies*). Under each emissions source, the CAP outlines and quantifies carbon dioxide (CO₂) reductions from a number of goals, objectives and strategies that will help achieve the reduction targets set by City Council. The areas of action are summarized below:

- **Transportation:** Land Use, Community Development and Transportation measures to reduce the vehicle miles traveled in El Cerrito by encouraging higher-density, transit-oriented development; making pedestrian- and bicycle-friendly infrastructure improvements; promoting urban greening; and offering trip reduction programs.
- **Energy and Water:** Resource conservation measures designed to achieve greater energy efficiency, water efficiency, and renewable energy in existing and new buildings through education, incentives, and ordinances.
- **Waste:** Waste reduction and recycling measures to increase participation in waste reduction programs and to expand recycling opportunities at the Recycling and Environmental Resource Center. Also included under this section is development of a *Zero-Waste 2035 Plan*.
- **Municipal Operations:** Cross-sector measures to reduce GHG emissions from municipal operations, particularly those associated with transportation, energy and water use, procurement, and waste generation in municipal operations.

A comprehensive list of all goals, objectives and strategies is contained in *CAP Volume 2, Appendix G, Summary of Goals, Objectives and Strategies and Consistency with General Plan*.

Many of these strategies are already being advanced by the City as part of its overall efforts towards creating a more livable, safe and sustainable community. New policies, programs, or projects proposed in the CAP would be further investigated, planned and implemented after the CAP is adopted. As appropriate, each will go through its own processes of public review, adoption, funding and implementation.

In addition, as discussed in *Chapter 6, Implementation*, El Cerrito's progress towards meeting these targets will be monitored over time. Through this monitoring process, CAP implementation will be reexamined as part of an adaptive management approach that will take into account updated information, changing policy, and advancements in technology.

Qualified Climate Action Plans under CEQA: In 2007, Senate Bill 97 required GHG emissions to be analyzed under CEQA. The California Resources Agency (CRA) developed guidelines for evaluating GHG emissions from development projects. These guidelines provided jurisdictions with the option to develop "Qualified" Climate Action Plans that could be used as tiering documents for the purpose of streamlining the analysis of GHG emissions under CEQA. While the City's CAP contains all the elements required under the CRA guidelines, staff determined that the cost of maintaining a Qualified CAP outweighed the benefits of allowing developments to streamline this one relatively inexpensive aspect of CEQA analysis. Staff's determination took into account that the City is in the process of completing the San Pablo Avenue Specific Plan and will be updating its General Plan. These documents will incorporate the goals of the Climate Action Plan and will be developed to be more comprehensive as tiering documents.

CAP Public Review Process: The City released the draft CAP and related environmental documents on February 12, 2013 and held 2 meetings to outline the elements of the CAP and to receive public comment. The City Council also received an informational presentation on the contents of the draft CAP on February 19, 2012. The public comment period lasted 32 days and was closed on March 15, 2013. The draft CAP and related environmental documents were also circulated to the State Clearinghouse and to the Bay Area Air Quality Management District (BAAQMD).

Staff revised the CAP based on comments received during the public comment period. The revised CAP was considered by both the EQC and the Planning Commission during their regular meetings on April 9 and April 10, respectively. Both bodies took formal action recommending approval of the CAP by the City Council.

Public Comments Received: During the public comment period, 26 members of the public provided either verbal or written comments on the draft CAP. A large majority of comments received were positive. Several comments focused on whether the reduction targets set by City Council were aggressive enough. One commenter questioned the validity of the science behind global warming and the reality of a changing climate, and was therefore against the development of a Climate Action Plan. Most comments were suggestions for additional strategies to be included in the CAP. Most of the suggested strategies were either included in the CAP as an already identified measure (e.g., streamline and create permitting incentives to encourage home weatherization) or as a possible avenue of implementation under an already identified measure. For instance, one comment suggested "providing incentives for solar," which, depending on available resources, could be an element of the Go Solar strategy under Objective EW-3.1,

“Develop and implement a strategy to facilitate greater adoption of solar and renewable energy use in the residential and commercial sectors.”

A smaller set of comments were added as new strategies to the CAP under existing CAP goals and objectives. These strategies were added because they were consistent with results of the public workshops held thus far for the CAP, consistent with the overall scope and methodology of the CAP, and consistent with the CAP goal and objective under which they were added. Finally, some suggestions were not included in the CAP because they were either outside the scope of the CAP (i.e., did not have an obvious greenhouse gas emissions reduction benefit), were never aired during the public input process, or were inconsistent with the City’s current General Plan or other goals in the CAP. Attached is a summary of public comments, including a list of changes incorporated into the final CAP.

FINANCIAL CONSIDERATIONS

There are no financial obligations associated with adoption of the CAP. However, implementation of the CAP does have associated costs. Much of the CAP will be implemented by existing staff and through existing programs and practices and/or outside resources. If and when additional City funds are necessary for a specific project or program to be implemented, financial considerations will be discussed and City Council authorization will be sought at that time.

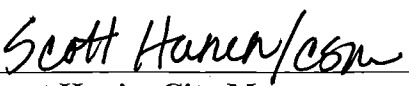
It should be noted that there are many factors that will mitigate CAP implementation costs, since climate protection activities are often implemented in the course of completing other actions. For instance, most measures intended to reduce vehicle miles traveled, such as Transit-Oriented Development and improved pedestrian amenities, are goals already advanced in the *General Plan* and other related plans and policies, and thus their implementation would not be solely to reduce emissions. Other emissions reduction measures, such as those that result in increased energy, water, and fuel efficiencies, can be very cost effective and result in long-term cost savings. Finally, there are sources of state and federal funding available for programs and projects that reduce greenhouse gases. Staff will pursue such funding to advance the implementation of the CAP.

LEGAL CONSIDERATIONS

Pursuant to CEQA, the City prepared an Initial Study (IS). The Initial Study did not identify any significant environmental impacts presented by the CAP and a Negative Declaration (ND) was prepared. Both the CAP and the IS/ND were reviewed by the City Attorney. A Notice of Intent to adopt a Negative Declaration was posted on February 14, 2013. The Negative Declaration was also filed with the State Clearinghouse at the California Office of Planning and Research.

Public comment on the environmental documents also closed on March 15, 2013. Staff did not receive any public comments resulting from the circulation of the Draft Initial Study/Negative Declaration. At its April 10, 2013 meeting, the Planning Commission passed Resolution PC13-06, adopting the Final Negative Declaration for the CAP.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Final El Cerrito Climate Action Plan
3. Summary of Public Comment and Responses

RESOLUTION 2013-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
ADOPTING THE EL CERRITO CLIMATE ACTION PLAN

WHEREAS, there is a scientific consensus, as established by the Intergovernmental Panel on Climate Change and confirmed by the National Academy of Sciences, that the continued buildup of anthropogenic greenhouse gases in the atmosphere threatens the stability of the global climate; and

WHEREAS, there are significant long-term risks to the economy and the environment of the United States, California, and the City of El Cerrito from the climatic disruptions that are projected to result from increased greenhouse gas concentrations; and

WHEREAS, the City of El Cerrito has adopted resolutions supporting state and local actions to reduce greenhouse gas emissions, including Resolution 2006-61 endorsing the U.S. Mayors Climate Protection Agreement and Resolution 2006-93 endorsing the reduction targets of the California Global Warming Solutions Act (AB 32); and

WHEREAS, local governments greatly influence their community's greenhouse gas emissions by providing leadership and by exercising key powers over land-use, transportation infrastructure, building construction, and waste management; and

WHEREAS, local government actions to reduce greenhouse gas emissions provide multiple local benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for City government, its businesses, and its citizens; and

WHEREAS, the City of El Cerrito adopted Resolution 2008-33 accepting El Cerrito's 2005 baseline greenhouse gas emissions inventory and directing staff to develop a Climate Action Plan; and

WHEREAS, the City of El Cerrito adopted Resolution 2011-12 adopting the following greenhouse gas emissions reduction targets for the El Cerrito community and its own city operations of 15% below 2005 emissions levels by 2020 and 30% below 2005 levels by 2035; and

WHEREAS, the El Cerrito Climate Action Plan has been drafted in order to guide implementation of the greenhouse gas emissions targets adopted by City Council; and

WHEREAS, the City administered a survey involving 450 residents and conducted four public meetings as part of the development of the Climate Action Plan; and

WHEREAS, the Environmental Quality Committee held two public meetings to receive public comment on the draft Climate Action Plan and, on April 9, 2013, passed a motion recommending City Council adoption of the Climate Action Plan; and

WHEREAS, a Negative Declaration was prepared and duly noticed for the Climate Action Plan pursuant to the California Environmental Quality Act, and the Planning Commission passed Resolution PC13-06 adopting the Negative Declaration and recommending City Council adoption of the Climate Action Plan on April 10, 2013.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby adopts the El Cerrito Climate Action Plan, herein attached as Exhibit A to this resolution and incorporated by reference.

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

I CERTIFY that at a regular meeting on May 21, 2013 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on _____, 2013.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



May 21, 2013
Regular City Council Meeting

Agenda Item No. 7(B) - Climate Action Plan Adoption

Attachment 2 – Final Plan and Appendices are available for review on the City’s website:

[Download document](#) (excluding appendices) - large PDF

Or, download by section: (all PDF)

[Executive Summary](#) (and table of contents)

[Chapter 1: Climate Change in Context](#)

[Chapter 2: El Cerrito's Greenhouse Gas Emissions](#)

[Chapter 3: Community Climate Action Strategies](#)

[Chapter 4: Municipal Climate Action Strategies](#)

[Chapter 5: Personal Climate Action](#)

[Chapter 6: Implementation](#)

[Appendices](#)

Hardcopies of the report and appendices 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

Attachment 3
El Cerrito Draft Climate Action Plan
Public Comment and Responses
April 9, 2013

Summary of Changes Made to the *Climate Action Plan*

Based on public comment received during the public review period of February 12 through March 15, 2013, the following have been included in the Final Climate Action Plan.

Executive Summary

Page IX: Footnote added to define green house gas emissions:

“Gases that trap heat in the atmosphere are called greenhouse gases. While there are many natural sources of greenhouse gases, the burning of fossil fuels- such as coal, natural gas, and oil - is a common man-made source of greenhouse gases.”

Page IX: Footnote added to describe Assembly Bill 32:

“AB 32, signed by Governor Schwarzenegger in 2006, requires California to reduce statewide GHG emissions to 1990 levels by 2020.”

Chapter 1: Climate Change in Context

Page 3: Footnote added to define “tiering”:

“Tiering under CEQA typically refers to the analysis of broad environmental issues associated with development under a plan, program, or ordinance in a program EIR and the subsequent preparation of more narrowly focused individual project EIRs.”

Page 8: Existing footnote added to text to emphasize consumer cost savings. Error in cost savings corrected:

“In 2005, El Cerritos spent approximately \$48.6 million on energy, fuel, water, and waste disposal. If each household reduced their use of these commodities just 15%, they would have another \$700 per year of disposable income.”

Chapter 2: El Cerrito’s GHG Emissions

Page 16: Statistics for “Population” and “Tons CO₂e per Capita” added to Figure 2.5 “GHG Forecast and Reduction Targets.”

Chapter 3: Community Climate Action Strategies

Land Use, Transportation, and Community Development

Page 21: Underlined text added to list of “Climate Actions Since 2005”:

"Worked with El Cerrito Trail Trekkers towards restoring the City's network of public paths and trails."

- Page 26: To make more legible, *Figure 3.1, Del Norte BART Station* repeated in larger form to *Appendix K: Home Location of BART Riders by Mode.*
- Page 27: Underlined text added to strategy under Objective SC-2.1:
"Link the City's main commercial nodes through a network of open space, public art, and other cultural, historic amenities that encourage people to linger longer."
- Page 28: Underlined text added to Objective SC-2.2:
"Enhance neighborhood-serving commercial nodes and encourage the development of commercial spaces in mixed-use areas that can better serve the daily needs of residents, businesses, and people who work in El Cerrito."
- Page 30: Underlined text added to strategy under Objective SC-3.2:
"Develop a wayfinding signage program to promote use of pedestrian trails and stairs, including as a way to improve pedestrian access to schools and transit."
- Page 30: Underlined text added under Objective SC-3.3:
"The Ohlone Greenway Master Plan, adopted in 2009, sets forth the vision of how the Ohlone Greenway will evolve and develop over time, provides design guidelines, and prioritizes public improvements to maximize the public's safety, use, and enjoyment of this major pedestrian and bicycle path connecting the entire length of the City."
- Page 31: Underlined text added to Objective SC-3.4:
"Expand and improve the City's transit, bicycle, pedestrian, and zero-emissions vehicle infrastructure."
"The City received funding in 2012 to update the Bicycle and Pedestrian Circulation Plan (Bike/Ped Plan), which is anticipated to be complete in 2014. During the community input process for the CAP, participants provided the following suggestions for improving El Cerrito's bicycle and pedestrian infrastructure, which will be reviewed as part of the Bike/Ped Plan update:"
- Underlined text added to descriptor under Objective SC-3.4:
"Develop strategies for facilitating greater bike/ pedestrian connections between transit facilities along San Pablo Avenue and the hillside neighborhoods, such as encouraging casual carpool sites, an electric "zoo train" or funicular on major east-west corridors, such as Moeser Avenue."

Underlined text added to strategy under Objective SC-3.4:

"Work in conjunction with regional efforts to support the development of electric vehicle charging stations in appropriate locations throughout El Cerrito."

Page 32: Underlined text added to Objective SC-3.5:

"Collaborate with the West Contra Costa Transportation Advisory Committee (WCCTAC), BART, AC Transit, WestCAT, major employers, and schools to support improvements and greater access to transit facilities throughout El Cerrito."

Underlined text added and strikethrough text deleted to strategies under Objective SC-3.5:

"Seek grant opportunities to implement improvements identified in the West County Transportation Enhancement and Transit Wayfinding Projects and to fund pilot projects that increase access to transit."

"Work with WCCTAC, 511 Contra Costa, employers, shopping centers, and schools in El Cerrito and nearby communities (such as Berkeley National Lab's new Richmond Field Campus) to develop commuter trip reduction programs to decrease single-occupant vehicle use in El Cerrito's transit, commercial, and educational centers. ~~parking in and around the BART stations in El Cerrito.~~"

"Identify and help mitigate barriers, such as lack of access to high speed broadband in business centers, to employers being able to use high tech solutions, such as video conferencing, to cut down on business travel."

Page 35: Underlined text added to Objective SC-4.2:

"Promote Bay-Friendly tree planting and landscaping, and the creation of green and open space that is attractive and helps restore natural processes, sequester carbon, clean storm water, conserve resources, and connect citizens to El Cerrito's natural environment."

Underlined text added as a strategy under Objective SC-4.2:

"Seek funding to increase the urban forest through a variety of programs, including a street tree planting and stewardship program."

Page 36: Underlined text added as a strategy under Objective SC-5.2:

"Promote organized hiking events to increase use and awareness of the City's pedestrian paths and trail network."

Chapter 3: Community Climate Action Strategies

Energy and Water

Page 46: Underlined text added as strategies under Objective EW-4.2:

"Seek grant opportunities to provide incentives for water conservation strategies."

“Work with East Bay Municipal Utility District to bring recycled water to El Cerrito.”

Chapter 3: Municipal Climate Action Strategies

Page 56: Underlined text added to descriptor under Municipal Goal #1:
“In addition, City employee commutes to and from work, resulting in a significant amount of vehicle miles traveled (VMT), are the 3rd largest source of GHG emissions associated with municipal operations.”

Appendices:

Pages 32-50 Updated “Appendix G: Summary of Goals, Objectives, and Strategies” to include all changes to strategies and objectives described above.

Page 63: Added “Appendix K: Home Location of BART Riders by Mode”

Response to Other Public Comments Received

Comment	Response
General	
Are the GHG emission reduction targets ambitious enough given the scale of the problem?	These reduction targets were adopted by the City Council in 2011 and can be revised by Council. Due to El Cerrito’s residential nature where the majority of emissions come from 10’s of 1,000’s of individual decision makers, these targets are ambitious. Instead of focusing on a relatively few large sources, El Cerrito’s success in reaching these targets will need to come from the many small, aggregated actions taken by its residents and businesses, which will require significant education and outreach.
Do we have enough buffer identified in the Plan to achieve our reduction targets if all the strategies are not fully implemented?	During the monitoring process, we will be able to monitor progress towards the reduction targets. During updates to the Plan, new actions can be added, especially as new funding, programs and technologies become available.
The CAP should have a more explicit implementation timeline and indicators or metrics that the City and public can use to measure progress over time.	Given the changing nature of funding opportunities and access to resources and programs that can help implement the CAP, prioritization of actions for implementation is more appropriate as part of the annual CAP Implementation Report, as discussed in the “Monitoring and Continuous Improvement” section of <i>Chapter 6, Implementation</i>. The City is currently developing progress indicators in conjunction with the STAR (Sustainability Tools for Assessing and Rating) Communities Index, a national consensus-based framework for gauging the sustainability and livability of US communities. Climate, energy, transportation, and community health indicators are being developed as part of this process.

The premise of developing a Climate Action Plan is faulty because human caused climate change and global warming is a lie.	The CAP was developed as part of a long-term, open public process that has engaged hundreds of citizens, the vast majority of whom believe, when surveyed, that climate change is a serious problem requiring action.
The CAP should include actions responding to sea level rise, wildfire, structural fire, public health, and include other “adaptations” to make El Cerrito more resilient to the impacts of climate change.	While there is a discussion of the effects of climate change on El Cerrito (beginning on page 5) and a preliminary list of issues and strategies (page 52), “adaptation” planning is beyond the scope of the current CAP. Because adaptation planning intersects with infrastructure improvements and emergency preparedness, it should be undertaken in conjunction with updating the General Plan and the Local Hazards Mitigation Plan.
Land Use, Transportation, and Community Development	
<i>Increase Allowable Densities Not Just Along San Pablo Avenue:</i> Several comments suggested also increasing allowable densities beyond the San Pablo Avenue Corridor and also allowing more neighborhood serving businesses in neighborhoods.	These suggestions were not included for the primary reason that the CAP should not be inconsistent with the El Cerrito General Plan, which currently seeks to preserve the existing nature of residential neighborhoods. The more appropriate time to consider these suggestions is during an update to the General Plan.
The CAP should add historic preservation as a way to ensure that El Cerrito retains its sense of place to increase pedestrian activity.	While historic preservation may be a place making strategy, it is not explicitly a GHG reduction strategy and was therefore outside the scope of the CAP.
Energy and Water	
<i>Provide Incentives for Energy and Water Savings:</i> Multiple comments requested the City provide incentives for home energy reports and the installation of resource conserving technologies such as solar electric and hot water systems, rain barrels, laundry-to-garden gray water kits, and energy efficiency upgrades.	These suggestions were not explicitly incorporated into the CAP because they fall under existing strategies as possible program elements in the design of any of the public outreach and education programs. Availability of any incentives would be contingent on assistance from available outside resources, such as grants.
<i>Develop ordinances requiring energy performance reports and/or energy efficiency improvements at time-of-sale or lease:</i> Multiple comments suggested the development of ordinances that would require either disclosure or improvements at Time-of-Sale for both residential and	These approaches are investigated as possible avenues of action under “EW-1.3: Utilize existing points of interaction with the City to encourage and/or require cost-effective energy and water efficiency improvements.” However, as stated on page 39, participants in the CAP public workshops preferred education and incentives to reach our goals, with the option of using a more regulatory approach at later phases, if voluntary measures fell short. For commercial properties, disclosure of the energy

commercial property.	performance of a building at time-of-sale or lease is already mandate by Assembly Bill 1103, see page 41 of the CAP.
Allow retroactive rewards/ incentives back to 2005 for upgrades and reductions.	Most, if not all, incentive programs are designed to encourage new participation. Incentives for energy and water efficiency will most likely be available through grants or utility funds, which explicitly prohibit retroactive rewards.
Ban leaf-blowers and other tools using fossil-fuel powered 2-stroke engines.	Fuel consumption and emissions from this type of equipment is not easily measured or monitored and was not included in the CAP's baseline inventory. In addition, such a ban was never discussed during the CAP public input process. It is therefore currently not included as a GHG reduction measure. However, in future updates of the CAP or through policy making outside the CAP, regulation of these sources of pollution could be investigated by the City. As is the case with the development of any policy item, a ban would need to go through its own planning and public review process.
Waste	
Require landlords to provide GHG and recycling information to tenants.	It is mandatory in California for all multi-family buildings with more than 5 units to provide recycling services. As part of implementing that law, the City has conducted outreach to the owners and managers of these properties and has provided recycling information.
Provide incentives to homeowners, tenants, landlords, and trash company to support infrequent smaller trash loads.	The Franchise Agreement with East Bay Sanitary, Company - and the rates it charges to homeowners, tenants and landlords – currently provides incentives to support infrequent collection of small trash containers. The City Council has given policy direction to maintain the current incentive structure in the future.
Provide a Tool-Lending Library	This could be a possible avenue of implementation as part of the Zero-Waste Plan mentioned on page 51 and would be investigated as part of that strategy.