



AGENDA

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, December 3, 2013 – 6:00 p.m.

Hillside Conference Room

CITY COUNCIL MEETING

Tuesday, December 3, 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

6:00 p.m. ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

ANNOUNCEMENT OF CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – *Pursuant to Government Code Section 54957*

Title: City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS – *Pursuant to Government Code Section 54957.6*

Agency Designated Representatives: City Council Subcommittee on City Manager Performance

Designated Employee: City Manager

ORAL COMMUNICATIONS FROM THE PUBLIC – *Comments limited to three minutes per person and to the item on this special meeting agenda only.*

RECESS INTO CLOSED SESSION

ADJOURN SPECIAL CITY COUNCIL – CLOSED SESSION

ROLL CALL

7:00 p.m. CONVENE CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF

MOMENT OF SILENCE – Mayor Lyman.

2. COUNCIL / STAFF COMMUNICATIONS (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

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

4. PRESENTATIONS**A. Proclamation Recognizing Dr. Randy Schekman upon the Award of the 2013 Nobel Prize in Physiology or Medicine**

Celebrating and commending Dr. Randy Schekman for the award of the 2013 Nobel Prize in Physiology or Medicine for his role in revealing the machinery that regulates the transport and secretion of proteins in cells and declaring December 10, 2013, Randy Schekman Day in the City of El Cerrito on which date King Carl XVI Gustaf of Sweden will confer the Nobel Medal, Diploma and Prize on Dr. Schekman.

B. El Cerrito Police Department Explorer Program – *Presented by Lieutenant Robert De La Campa.*

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5D**A. Minutes for Approval**

Approve the November 19, 2013 Special City Council Closed Session and Regular City Council meeting minutes.

B. Ordinance Amending Commission Rules and Repealing the Economic Development Board

Approve by title, waive further reading and adopt Ordinance 2013–06 amending Section 2.04.220 of the El Cerrito Municipal Code – Boards, Commissions and Committees and Repealing Section 2.04.290 Economic Development Board. *First reading November 5, 2013. Ayes – Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman; Noes – None; Absent – None.*

C. Federal Emergency Management Grant for the Purchase of Automatic Cardiac Compression Devices

Adopt a resolution which takes the following actions: 1) Authorizes the participation of the Fire Department in a Federal Emergency Management Agency (FEMA) grant for the purchase of three automatic compression devices (ACCD); 2) Approves the use of \$7,205 in matching funds which will come from the Fire Department budget; and 3) Authorizes payment of \$7,205 to purchase three ACCD's from Physio-Control, Inc.

D. First Quarter Investment Report

Receive and file the City's Quarterly Investment Report for the period ending September 30, 2013.

6. PUBLIC HEARINGS - None

7. POLICY MATTERS

A. City Council Reorganization

Annual election of City Council Officers.

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 Alternate.

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, December 17, 2013 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito, California.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us

- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL PROCLAMATION

Recognizing Dr. Randy Schekman upon the Award of his 2013 Nobel Prize in Physiology or Medicine and Declaring December 10, 2013 Randy Schekman Day

WHEREAS, Randy W. Schekman along with his wife, Nancy Walls, are 37 year residents of the City of El Cerrito; and

WHEREAS, Dr. Schekman obtained his PhD in 1974 under the supervision of Arthur Kornberg (Nobel Prize 1959), has won numerous awards for his scientific contributions to humanity and is a professor of cell and developmental biology at the University of California, Berkeley, is UC Berkeley's 22nd Nobel Laureate and the first at UC Berkeley to receive the prize in the area of physiology or medicine; and

WHEREAS, the Nobel Prize has been awarded to scientists who have made the most important discoveries for the benefit of mankind; and

WHEREAS, Dr. Schekman has won the 2013 Nobel Prize in Physiology or Medicine for his role in revealing the machinery that regulates the transport and secretion of proteins in cells. He shares the prize with James E. Rothman of Yale University and Thomas C. Südhof of Stanford University who as a group, have solved the mystery of how the cell organizes its transport system; and

WHEREAS, discoveries by Dr. Schekman about how yeast secrete proteins led directly to the success of the biotechnology industry, which was able to coax yeast to release useful protein drugs, such as insulin and human growth hormone illuminating the workings of a fundamental process in cell physiology; and

WHEREAS, these findings enabled the biotechnology industry to exploit the secretion system in yeast to create and release pharmaceutical products and industrial enzymes. Today, one-third of the insulin used worldwide by diabetics is produced by yeast, and the entire world's supply of the hepatitis B vaccine is from yeast.

NOW THEREFORE, the City Council of the City of El Cerrito hereby celebrates and commends Dr. Randy Schekman, for the award of the 2013 Nobel Prize in Physiology or Medicine for his role in revealing the machinery that regulates the transport and secretion of proteins in cells and declare December 10, 2013,

RANDY SCHEKMAN DAY

in the City of El Cerrito on which date King Carl XVI Gustaf of Sweden will confer the Nobel Medal, Diploma and Prize on Dr. Schekman.

Dated: December 3, 2013

Gregory B. Lyman, Mayor



El Cerrito Police Department Explorer Program

Presented by Lieutenant Robert De La Campa
City Council Presentation December 3, 2013



Exploring Overview



- ▶ **Law Enforcement Career Exploring** is open to young men and women 14 –21

- ▶ **Goals:**
 - Choose a career path within law enforcement
 - Challenge them to become responsible citizens



Exploring Overview



- ▶ Federal, Military, State, majority are local Police and Sheriffs Departments
- ▶ Supported by the National Sheriffs' Association and the International Association of Chiefs of Police.



ECPD Post 0705



The ECPD started an Explorer post in the Summer of 1983 but it phased out in the late '80's.

Program returned in 2003.



Explorer Activities



- ▶ Training Meeting every other week
- ▶ Annual Training Academy (One Week)
- ▶ Ride Alongs
- ▶ Public Outreach Programs (NNO, CPA, Tri City)



ECPD Explorer Activities



Administrative Tasks at PD

Wearing McGruff Suits

Role Playing during Police Training

Color Guard at Events

ECPD Scenario Training

Sobriety Checkpoints

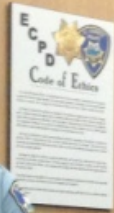
2013 Explorer Academy

- ▶ 5 days of training in true academy format



- ▶ Driving Simulators

2013 Explorer Academy



Defensive Tactics Training

013 Explorer Academy



Graduation Photo with Advisors

Tip an Explorer Fundraiser





Competitions – Brentwood & Paso
Robles

Paso Robles 2013



Hours of Participation

As of
December 1, 2013

1095 in direct service
to the PD and
Community



2,363.5 hours



El Cerrito Police Department Explorer Program

Presented by Lieutenant Robert De La Campa
City Council Presentation – December 2013

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION
Tuesday, November 19, 2013 – 6:00 p.m.
Hillside Conference Room

CITY COUNCIL MEETING
Tuesday, November 19, 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

6:00 p.m.

ROLL CALL

Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman all present.

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Mayor Lyman convened the Special City Council Meeting – Closed Session at 6:12 p.m.

ANNOUNCEMENT OF CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – *Pursuant to Government Code Section 54957*

Title: City Manager

B. CONFERENCE WITH LABOR NEGOTIATORS – *Pursuant to Government Code Section 54957.6*

Agency Designated Representatives: City Council Subcommittee on City Manager Performance

Designated Employee: City Manager

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

RECESSED INTO CLOSED SESSION at 6:13 p.m.

ADJOURNED SPECIAL CITY COUNCIL – CLOSED SESSION at 7:00 p.m.

ROLL CALL

Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor Lyman all present.

7:00 p.m.

CONVENE CITY COUNCIL MEETING

Mayor Lyman convened the Special City Council Meeting – Closed Session at 7:06 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF

MOMENT OF SILENCE was led by Councilmember Rebecca Benassini.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Lyman reported that the City Council had met in closed session prior to the this evening's regular City Council meeting to continue the City Manager's performance evaluation.

Mayor Pro Tem Abelson reported, that as Chair of the Contra Costa Transportation Authority, she participated in the grand opening of the fourth bore of the Caldicott Tunnel which is the second largest transportation tunnel in the United States. The event was extremely well attended.

Mayor Lyman announced that Assemblymember Nancy Skinner and Supervisor John Gioia and the NAACP are hosting a Town Hall meeting in El Cerrito on November 24 to talk about healthcare reform and *Covered California* at the St. Peters Christian Methodist Episcopal Church. On November 21, the West Contra Costa County Mayors and Supervisors Association (WCMA) will receive presentations on the pros and cons of Proposition 13 Reform. On December 19 Assemblymember Skinner will be talking to WCMA about issues associated with the dissolution of redevelopment. Both meetings will take place at El Cerrito City Hall.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, noted that there was an inaccuracy in the staff report for agenda item number 5(B) by pointing out that the City does not operate the stormwater system. Mr. Miller also informed the Council and public that the West County Wastewaters District (WCWD) recently passed a resolution censuring Director Battaglia, removing him from all standing and ad hoc committees and demanding his immediate resignation from the Board after he made unacceptable, mean spirited and racist remarks. Mr. Miller urged the Council to take action on agenda item number 5(B) by making it clear that the action is based on the professionalism of the WCWD staff who will be performing the work previously done by EBMUD, and in no way condones the remarks of Mr. Battaglia.

Liz Block, El Cerrito, spoke in support of Summit Schools and submitted a statement of *All of our Kids*, and called on the City Council to welcome Summit Schools into the community. Ms. Block noted that while the West Contra Costa Unified School District (WCCUSD) had denied Summit School's application, the County Board of Education approved it. Ms. Block stated that every child in the community deserves a quality education.

Jacqueline Majors, WCCUSD, distributed flyers for the El Cerrito High School update. Construction will begin in December. The anticipated completion date is Summer 2015.

4. PRESENTATIONS

A. KIDS for the BAY – *Presentation by Mandi Billinge, Executive Director/Founder, regarding the organization's Watershed Action Program and their work in El Cerrito schools which is co-sponsored by the City's Clean Water Program.*

Action: Received presentation.

B. Prosecution and Prevention of Crime in Contra Costa County – *Presentation by Mark Peterson, Contra Costa County District Attorney.*

Action: Received presentation.

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

Moved, seconded (Benassini/Friedman) and carried unanimously to approve Consent Calendar Item Nos. 5(A) and 5(C). Item No. 5(B) was removed from the Consent Calendar at the request of Mayor Pro Tem Abelson as indicated below.

A. Minutes for Approval

Approve the November 5, 2013 Special City Council Closed Session and Regular City Council meeting minutes.

Action: Approved minutes.

B. Stormwater Utility Area Agreement with Contra Costa Flood Control and Water Conservation District to Administer an Agreement with West County Wastewater District for El Cerrito's Inspection and Illicit Discharge Control Activities

Adopt a resolution approving the following actions: 1) Authorize the Contra Costa Flood Control and Water Conservation District to execute the Amended and Restated Contra Costa Clean Water Program Inspection Activities Agreement by and among the District, Central Contra Costa Sanitary District, Delta Diablo Sanitation District and West County Wastewater District; and 2) Authorize the City Manager to execute the Third Amendment to the Stormwater Utility Area Agreement (SUAA) and Clean Water Program Inspection Program Indemnification Agreement. *Exempt from CEQA.*

Action: Removed from the Consent Calendar by Mayor Pro Tem Abelson. Moved, seconded (Friedman/Abelson) and carried unanimously to adopt Resolution No. 2013–61.

C. Contract with West Coast Arborists for City Tree Pruning and Removal

Adopt a resolution authorizing the City Manager to amend the current City Tree Pruning and Removal Contract with West Coast Arborists (WCA) to increase the contract amount from \$25,000 to \$100,000 and time of completion from December 31, 2013 through June 30, 2014. *Exempt from CEQA.*

Action: Adopted Resolution No. 2013–62.

6. PUBLIC HEARINGS

A. Proposed Integrated Waste Management Fees and East Bay Sanitary Garbage & Green Waste Collection and Processing Rates – Effective January 1, 2014

1) Conduct a public hearing and upon conclusion adopt a resolution setting Integrated Waste Management (IWM) Fees, effective January 1, 2014; and

2) Conduct a public hearing and upon conclusion adopt a resolution setting maximum allowable East Bay Sanitary (EBS) garbage and green waste collection, disposal and processing rates, and stipulating a 15% EBS Franchise Fee, effective January 1, 2014.

Presenter: Garth Schultz, Operations and Environmental Services Manager, Public Works Department consolidated both public hearing items into one presentation.

INTEGRATED WASTE MANAGEMENT FEES

Mayor Lyman opened the public hearing. No speakers.

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

Action: Moved, seconded (Benassini/Friedman) and carried unanimously to adopt

Resolution No. 2013–63.

EAST BY SANITARY GARBAGE AND GREEN WASTE COLLECTION, DISPOSAL AND PROCESSING RATES

Mayor Lyman opened the public hearing. No speakers.

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

Action: Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Resolution No. 2013–64.

B. Building Code and Fire Code Ordinance Update

Conduct a public hearing and upon conclusion adopt Ordinance No. 2013–05, an ordinance of the City of El Cerrito amending Title 16 of the El Cerrito Municipal Code to adopt, with modifications to address unique local conditions, the 2013 Edition of the California Green Building Code, the 2013 Edition of the California Building Code (Based on the 2012 International Building Code), Volumes 1 and 2, including several appendices thereto, the 2013 California Fire Code (based on the 2012 International Fire Code), including all appendices thereto, the 2013 Edition of the California Administrative Code, the 2013 Edition of the California Residential Code (based on the 2012 International Residential Code) with some appendices, the 2013 California Plumbing Code (based on the 2012 Uniform Plumbing Code), the 2013 California Mechanical Code (based on the 2012 Uniform Mechanical Code), and the 2013 California Electrical Code (based on the 2011 National Electrical Code). *Exempt from CEQA. First Reading October 15, 2013. Approved by unanimous vote.*

Mayor Lyman opened the public hearing. No speakers.

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

Action: Moved, seconded (Bridges/Abelson) and carried unanimously to adopt Ordinance No. 2013–05.

C. Amend El Cerrito Municipal Code Chapter 11.64 - Bicycles

Conduct a public hearing upon conclusion, introduce by title, waive any further reading and approve an ordinance amending specified sections and repealing other sections within El Cerrito Municipal Code Chapter 11.64 – Bicycles. *Exempt from CEQA*

Presenter: Sylvia Moir, Police Chief.

Mayor Lyman opened the public hearing. No speakers.

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

Action: Moved, seconded (Friedman/Abelson) and carried unanimously to approve an ordinance amending El Cerrito Municipal Code Chapter 11.64 – Bicycles, as further amended by Councilmember Friedman to change the age of juveniles who can ride on sidewalks (except those in front of stores or businesses) from under 18 years of age to 16 in ECMC Section 11.64.040(B). Additional clarification was requested regarding the applicability of mountain biking in the open space area at Section 11.64.040(E) and, at Councilmember Benassini’s request to change the word “intend” to “intended” in Section 11.64.040(C) and provide additional information regarding the age change in Section 11.64.040(B). Councilmember Friedman also asked for a report back on the Police Department’s efforts in bicycle riding and safety education. *Second reading of the ordinance*

scheduled for December 17, 2013.

7. POLICY MATTERS

A. City Manager Employment Agreement Amendment

Adopt a resolution approving the First Amendment to the City Manager Employment Agreement between the City of El Cerrito and Scott Hanin.

Presenter: Sky Woodruff, City Attorney

Action: Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Resolution No. 2013–65.

B. Board, Commission and Committee Ordinance, Policy and Rules Revisions

Based on direction received from the City Council on October 15, 2013, the City Council Subcommittee on Commission Rules Revisions seeks additional discussion, direction and action this evening on regulations regarding quorums and the minimum number of members required to take action on the City's Boards, Commissions and Committees and proposes adoption of the following legislation:

- 1) Introduce by title, waive any further reading, and approve an ordinance amending Section 2.04.220 of the El Cerrito Municipal Code – Boards, Commissions and Committees and repealing Section 2.04.290 Economic Development Board;
- 2) Adopt a resolution establishing an Economic Development Committee;
- 3) Adopt a resolution revising the policy regarding Council and staff relations with City Commissions, Boards, Committees and Task Forces by modifying the role and reporting frequency of the Council Liaison; and
- 4) Adopt a resolution establishing a policy regarding appropriate positions to receive ethics training pursuant to Government Code Section 53235. The City Council designates each member of the Arts and Culture Commission, Design Review Board, Financial Advisory Board, Parks and Recreation Commission and the Planning Commission to complete AB 1234 Ethics Training.

Presenter: Mayor Lyman.

Speakers: Tom Panas, El Cerrito, stated that he is in favor of a simple majority of members present to establish a quorum.

Actions: 1) Moved, seconded (Friedman/Benassini) and carried unanimously to approve an ordinance amending Section 2.04.220 and repeal Section 2.04.290 of the El Cerrito Municipal Code as amended by Councilmember Friedman to include the Arts and Culture Commission in Section 2.04.220(5)(a) and as further amended on the floor to modify the language in this section to read as follows:

For boards and commissions, a quorum for the purpose of holding a meeting shall consist of a simple majority of the members then serving. A board or commission may act by an affirmative vote of a simple majority of a quorum. Notwithstanding the foregoing, a quorum for the purposes of holding a meeting of the Planning Commission, Design Review Board and the Arts and Culture Commission shall consist of simple majority of the members then serving, but not fewer than three members. Further, the Planning Commission, ~~or~~ Design Review Board, or the Arts and Culture Commission may act by an affirmative vote of a simple majority of a quorum but not less than three affirmative votes shall be required for the Planning Commission;

2) Moved, seconded (Abelson/Benassini) and carried unanimously to adopt Resolution No. 2013–65, creating a new Economic Development Committee;

3) Moved, seconded (Benassini/Abelson) and carried unanimously to adopt Resolution No. 2013–66, establishing a policy regarding the appropriate positions to receive Ethics Training pursuant to Government Code Section 53235; and

4) Moved, seconded (Benassini/Friedman; Ayes – Councilmembers Benassini, Bridges,

Friedman and Mayor Lyman; Noes – Mayor Pro Tem Abelson; Abstain – None) and carried to adopt Resolution No. 2013–67, revising a policy regarding Council and staff relations with City Commissions, Boards, Committees and Task Forces as amended at the request of Councilmember Abelson to revise language in Subsection 1(B) of the enacting clause of the resolution to state:

It is the policy of the City Council that a Liaison is ~~not~~ expected to attend the meetings of the Advisory Body to which the Liaison is assigned ~~more often than at~~ least once quarterly.

Additionally, Subsection 1(F) of the enacting clause of the resolution was moved to a new Section 3. COMMISSIONERS as a standalone provision and renumbered as Subsection 3(A) as follows:

SECTION 3. COMMISSIONERS

- A. To avoid any possibility of the appearance of or actual conflict of interest, unfairness, bias, prejudice or influence, individuals residing at the same address cannot serve on the Council and an advisory body, the same advisory body, or advisory bodies with overlapping subject-matter jurisdiction.

8. **COUNCIL ASSIGNMENTS/LIAISON REPORTS**

A. Mayor Lyman stated, in reporting on his attendance at the November 7 Contra Costa County Mayors Conference, that there are four national parks in the County – the Eugene O’Neil house in Danville, the John Muir house and park in Martinez, Rosie the Riveter in Richmond, and the Port Chicago Memorial located in an active military base in Concord. Port Chicago is open to the public on July 17 or by obtaining a military clearance. The monument memorializes the death of over 200 African American sailors that perished while placing munitions on ships during World War II. The event initiated the beginning of desegregation within the armed forces. Additionally, Contra Costa County District Two Supervisor Candace Anderson reported there are changes in Fire Chiefs county-wide. A study on fire services is forthcoming. There is also a search underway for the county librarian due to retirement. Supervisor Anderson also reported on Assembly Bill 109-Jail expansion for capacity, training and treatment. The Contra Costa Mayors also received notification of MTC grants that Mayor Lyman referred to the City Manager to assess. Mayor Lyman also attended the Crime Prevention Committee and the Human Relations Commission (HRC) meeting. The HRC is moving forward with the annual Martin Luther King, Jr. celebration and parade.

B. Mayor Pro Tem Abelson reported that she has been elected First Vice President of League of California Cities East Bay Division and recently attended the statewide League Leaders Training in which she worked on priorities for the League for the year. Mayor Pro Tem Abelson also attended the unveiling of a new sign in conjunction with the renaming ceremony for the East Shore State Park which has been renamed McLaughlin State Park in honor of Sylvia McLaughlin. The El Cerrito and Richmond firefighters and police officers held a breakfast event on November 15 to kick-off holiday fundraising and toy donations for needy families. It is a massive undertaking. Mayor Pro Tem encouraged everyone to participate in the El Cerrito and Richmond Fire and Police Toy Program once the barrels are set out for toy donations.

C. Councilmember Benassini reported that the Financial Advisory Board (FAB) met on November 12 and approved the investment policy and comprehensive financial policy that will come before the Council in the near future. A key change recommended by the FAB is to add a goal into the comprehensive financial policy that will state that the City will strive to maintain a minimum cash balance equal to fifteen days of operating budget.

D. Councilmember Bridges reported that the Design Review Board met on November 6 to review a conceptual design on the project located at 1715 Elm Street.

E. Councilmember Friedman reported that the Arts and Culture Commission approved the Arts and Culture Master Plan which will come before the City Council soon.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(A) KIDS for the BAY

1. KIDS for the BAY 2012-2013 School Year Annual Report – *Submitted by Mandi Billinge, Executive Director/Founder.*

Item No. 5(B) Stormwater Utility Area Agreement with Contra Costa Flood Control and Water Conservation District to Administer an Agreement with West County Wastewater District for El Cerrito's Inspection and Illicit Discharge Control Activities

2. Comments regarding censure of WCWD Director Leonard Battaglia and notation regarding action on Item No. 5(B) – *Submitted by Al Miller, El Cerrito.*

Other:

3. Summit Public Schools to Open First West County Campus: All Our Kids press release – *Submitted by Liz Block, El Cerrito.*

4. El Cerrito High School Stadium Update – *Submitted by Jacqueline Majors, WCCUSD.*

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:45 p.m. in memory of the loss of life and devastation resulting from Typhoon Haiyan in the Philippines and the recent series of tornadoes in the Midwest.

ORDINANCE NO. 2013-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING SECTION 2.04.220 OF THE EL CERRITO MUNICIPAL CODE, BOARDS, COMMISSIONS AND COMMITTEES AND REPEALING SECTION 2.04.290, ECONOMIC DEVELOPMENT BOARD

The City Council of the City of El Cerrito hereby ordains as follows:

SECTION 1. Section 2.04.220 of Title 2 of the El Cerrito Municipal Code is hereby amended to read as follows:

2.04.220 Boards, commissions and committees.

A. Boards, commissions and committees are appointed by the council to advise and to perform any duties determined by the council in one or more aspects of city government. City boards, commissions and committees are intended to provide a valuable service to the community by providing in-depth advice to the City Council on a variety of topics and assume some of the workload from Council to research issues or gather public input. Except as otherwise provided in state law, boards and commissions are directly responsible to the council and fill quasi-judicial roles. Commissions are made up of lay citizens, while boards are residents with special expertise. Committees sponsored by the city are intended to be working groups, do not fill quasi-judicial roles, and are established by council resolution. Appointment to boards and commissions shall be made only after:

1. Advertisement of the open position in a local paper;
2. Public interviews of selected applicants for the positions;
3. Appointment by a majority of the council.

B. Unless determined elsewhere in law, the boards and commissions shall be governed by or meet the following criteria:

1. Membership. The boards and commissions shall consist of seven members each, who shall be residents of the city, unless otherwise provided in this chapter or otherwise prescribed by state law or the ordinance or resolution establishing the board or commission or committee to represent a specified organization, agency, group, category or profession. A “member” shall be defined as a voting member of any board, commission or committee established by the City Council, notwithstanding the manner in which such voting member is appointed.

2. Appointments. The members shall be appointed by majority vote of the council. Members shall not be reappointed to the same board or commission for more than two consecutive full terms.

3. Term. Terms are four years, commencing on January-March 1st unless a

member is removed from office pursuant to the provisions of subsection (B)(4) of this section. Members appointed prior to March 1, 2014 with terms that commenced on January 1 will conclude their terms on January 1. The membership shall be divided ~~into~~ to achieve temporal distribution of terms. four, approximately equal groups, appointed in consecutive years. If a board member or commissioner fails to complete the term, the council appointment shall be for the remainder of the uncompleted term. Members are not eligible to serve on the same board or commission if they have served two consecutive full four-year terms.

4. Removal of Members.

a. Members of boards and commissions serve at the pleasure of the Council and may be removed by a majority vote of the entire council. It shall be presumed that any member who is absent for three consecutive regularly scheduled meetings without cause, or half the regular meetings in a calendar year, or who resides outside the city, has resigned. The staff liaison shall notify the City Clerk of a vacancy within five days after the staff liaison has determined that the vacancy exists. Within one week after receiving such notice from the ~~commission~~-staff liaison, the City Clerk shall notify any member whose appointment has automatically terminated and report to the Council that a vacancy exists and that an appointment should be made to fill the vacancy.

b. An absence shall be considered excused if either: (1) the member informs the staff liaison of his/her intended absence at least 24 hours prior to the scheduled time of the meeting; ~~or~~ or (2) such absence is due to unforeseeable and unavoidable circumstances and reported and explained in writing to the staff liaison prior to the next meeting of the board or commission. Excused absences for medical reasons shall not exceed a period of 120 calendar days.

c. Nothing contained in this section shall be deemed to limit the power of the City Council to remove any member of any City board, commission or committee at any time, with or without cause.

5. Quorum. ~~A quorum of the board or commission shall consist of a simple majority of the appointed members.~~

a. For boards and commissions, a quorum for the purpose of holding a meeting shall consist of a simple majority of the members then serving. A board or commission may act by an affirmative vote of a simple majority of a quorum. Notwithstanding the foregoing, a quorum for the purposes of holding a meeting of the Planning Commission, Design Review Board and Arts and Culture Commission shall consist of a simple majority of the members then serving, but not fewer than three members. Further, the Planning Commission, Design Review Board and Arts and Culture Commission may act by an affirmative vote of a simple majority of a quorum, but not less than three affirmative votes shall be required for the Planning Commission.

b. For committees, a quorum for the purpose of holding a meeting shall consist of a simple majority of the members then serving. Two members may conduct a meeting for the purpose of doing the work of a committee and allowing persons interested in becoming members to attend. Formal action of a committee shall require at least three members to be present at a meeting and a simple majority of affirmative votes of a quorum.

6. Officers. At the first meeting of each calendar year, the board or commission shall select its officers. The annual election of officers should occur during the month of April. These Officers shall be selected by a majority of the commission for a one-year term and consist of a chairperson (chair) and a vice chairperson. No boardmember, commissioner or committee member shall serve as chairperson for more than two consecutive years.

7. Conduct of Business. The conduct of board or commission business shall be by Sturgis Standard Code of Parliamentary Procedure, or by rules of procedure adopted by the board or commission. Failure to follow the applicable rules of procedure shall not invalidate an otherwise valid action of a board or commission.

8. Minutes. The staff liaison of the board or commission shall cause minutes to be prepared for the membership and presented at the following meeting for approval by the board or commission. Minutes shall be posted on the city's website within ten days of the board or commission's approval.

9. Staff assistance. The city staff shall provide appropriate notice to the members of the agenda for each meeting, and shall provide to the members the draft minutes of the previous meeting for their approval. Each board or commission shall have access to all information possessed by the city concerning its agenda items. The City Manager will provide for staff assistance at the meetings of the various boards and commissions.

10. Meetings. Unless otherwise provided, the boards and commissions shall meet at least monthly, on a regularly scheduled basis, in a public meeting room and shall be subject to the Ralph M. Brown Act, Government Code Section 54950 et seq.

C. Committees shall be governed by the same criteria as boards and commissions unless otherwise prescribed by council resolution.

SECTION 2. Section 2.04.290 "Economic Development Board": of Title 2 of the El Cerrito Municipal Code is hereby repealed in its entirety. Members of the Economic Development Board at the time that this ordinance becomes effective shall be members of the Economic Development Committee, and their terms shall be set by the resolution establishing the Economic Development Committee.

~~2.04.290 Economic Development Board.~~

Agenda Item No. 5(B)

- ~~A. There shall be an economic development board consisting of seven members who shall be either residents of the city or own or operate businesses in the city. Persons appointed because of the ownership or operation of businesses in the city do not have to be city residents. The economic development board shall have the powers and duties stated below, and such others as the council shall decide:~~
- ~~1. To advise the council on economic development matters, including budget, staffing levels, policies, selection criteria, project financial feasibility and suitability and investment of resources into proposed projects;~~
 - ~~2. To make recommendations on the annual economic development work plan, including its priorities and evaluation measures;~~
 - ~~3. To oversee the work of subcommittees established to concentrate on creating plans for high priority areas;~~
 - ~~4. To provide input to other city boards and commissions on economic development matters;~~
 - ~~5. To review progress toward achieving the annual work plan goals and long range economic development goals;~~
 - ~~6. To encourage community involvement in economic development; and~~
 - ~~7. With the advice and consent of the city council, to form a resource council of business and community members who are available to provide assistance on an ad hoc basis.~~
- ~~B. It is essential that this economic development board contain persons who are business owners and operators in the city based both on the expertise of such persons on economic development matters and because such persons will best represent the interests of other business owners and operators in the city. As a result, the economic development board shall contain at least two members who are business owners and operators, one of whom shall be the president of the El Cerrito Chamber of Commerce or his or her designee, in order that business interests are adequately represented on the board. The president of the Chamber of Commerce or his or her designee shall remain a member of the board during his or her tenure as chamber president and upon the installation of a new president, that person or his or her designee shall succeed to membership on the board. Pursuant to Section 18707.4 of the Rules and Regulations promulgated by the Fair Political Practices Commission, as amended, the ownership or operation of business interests by members of the economic development commission shall not be deemed a disqualifying material financial interest for conflict of interest purposes.~~
- ~~C. Terms for Initial Members. In order to achieve the requirements of Section 2.04.220B3 of the municipal code, that membership be divided into four~~

~~approximately equal groups, appointed in consecutive years, the council shall appoint some of the new members of the economic development board to less than four year terms in order to provide for a staggered system of appointments for future board members.~~

- D. ~~The board shall hold regular business meetings no less than quarterly, with the minimum attendance of such being no less than three in one calendar year. Additional "on-call" special meetings may be called that are project specific, and can be called by the staff liaison in conjunction with the chair, with the attendance requirement for these "on-call" meetings being that no member shall miss more than three of these meetings in a calendar year.~~

SECTION 3. If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 4. This Ordinance shall take effect and be enforced thirty (30) days after the date of its adoption, and prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

First read at a regular meeting of the City Council on the 19th day of November, 2013, and passed by the following vote:

AYES: Councilmembers Abelson, Benassini, Bridges, Friedman and Mayor
Lyman
NOES: None
ABSENT: None

Adopted and ordered published at a regular meeting of the City Council held on the _____, _____, 2013, and passed by the following vote:

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

APPROVED:

Gregory B. Lyman, Mayor

ATTEST:

Cheryl Morse, City Clerk

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2013–XX of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the ____day of_____, 2013; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _____ day of _____, 2013.



AGENDA BILL

Agenda Item No. 5(C)

Date: December 3, 2013
To: El Cerrito City Council
From: Lance Maples, Fire Chief
Subject: Federal Emergency Management Grant for the Purchase of Automatic Cardiac Compression Devices

ACTION REQUESTED

Staff requests that the City Council adopt a resolution taking the following actions:

- 1) Authorize the participation of the Fire Department in a Federal Emergency Management Agency (FEMA) grant for the purchase of three automatic cardiac compression devices (ACCD).
- 2) Approve the use of \$7,205 in matching funds which will come from the Fire Department budget; and
- 3) Authorize payment of \$7,205 to purchase three ACCD's from Physio- Control, Inc.

BACKGROUND

On January 20, 2009, the El Cerrito Fire Department (ECFD) placed an automatic chest compression device on Engine 71. This device was provided by the Contra Costa County Emergency Medical Services (CCC EMS) as part of a nationwide study to evaluate field effectiveness. Engine 71 was selected by CCC EMS based on data that indicated a high number of cardiac arrest cases in Contra Costa County had occurred in Engine 71's response area. Prior to implementation, all El Cerrito Fire Department (ECFD) personnel received training and became certified to operate the ACCD. During the evaluation period of the study, ECFD personnel utilized the ACCD on several cardiac arrest patients. One of those incidents occurred on February 2, 2010, when a 16-year old El Cerrito High School basketball player, who had just been removed from the game, sat down to rest on the bench, collapsed and went into cardiac arrest. The shocked crowd witnessed ECFD paramedics utilizing both basic and advanced life support equipment, including the ACCD to save this young man. There is no doubt in the minds of those that responded to this incident that had such a device not been timely and effectively utilized, the outcome may not have been so positive. As a result of employing this device, the young man not only survived, but has recovered with no physical or neurological damage resulting from his cardiac arrest.

ANALYSIS

During the evaluation process of the nationwide study, ECFD concluded that there was an application for ACCDs on all engines. Moreover, as part of the ACCD evaluation, CCC EMS shared the statistical results of the evaluation process with participating agencies. The results are as follows:

- For all cardiac arrests, Return of Spontaneous Circulation (ROSC) was 25% with manual compressions and 34% with the ACCD.
- For witnessed arrest, ROSC increased from 37% to 48%.
- For those patients who met Utstein criteria (patients who had a witness arrest and were in ventricular fibrillation) ROSC increased by 15%, from 54% to 69%.
- In 2010, from January 1 to September 13, survival to discharge statistics showed significant improvement. Of the forty-nine patients where an ACCD was used seven were discharged home for a 14.3% survival rate.
- Of the Utstein patients survival to discharge was 40% with the ACCD and 10.2% with manual compressions.

Studies have proven that the use of ACCDs is safe, effective and highly reliable. ACCDs are designed to ensure effective, quality compressions, minimize pauses during CPR so compressions can continue while other procedures such as defibrillation are being done, and provide an added level of safety for ECFD when it is not performing manual CPR during transport.

On average, the ECFD responds to and treats fourteen cardiac arrest patients with cardiac etiology per year. The benefits provided by the purchase and use of ACCDs will also be shared by the members of ECFD, automatic-aid communities and mutual-aid communities.

Based on the attached July 10, 2013 letter from Contra Costa County EMS Medical Director Dr. Joseph Barger, in which he states the minimal requirements for automatic chest compression devices, staff is recommending the purchase of "LUCAS" brand devices that meet these requirements. LUCAS devices are only available through Physio-Control, Inc., and therefore staff is recommending this as a sole-source purchase. Staff has secured a quote (Attachment 3) and is confident that these prices are appropriate. Because of the FEMA grant timeline, staff has also confirmed that this quote is good through the end of the calendar year.

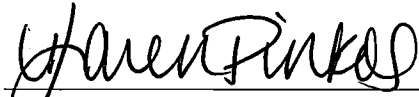
FINANCIAL CONSIDERATIONS

The total purchase price for the three automatic chest compression devices and associated supplemental equipment is \$72,041.96. A 10% match of local agency funds is required for the City to participate in the purchase. Matching funds totaling \$7,205 will be paid by utilizing current budgeted funds approved in the adopted Fiscal Year 2013-14 budget.

LEGAL CONSIDERATIONS

As previously discussed, the purchase of these ACCDs are recommended to be sole-sourced, consistent with applicable state law and the City's procurement policy. Approval of this action will ensure that the purchasing process is completed within the time frame required by FEMA.

Reviewed by:

A handwritten signature in black ink, appearing to read "Karen Pinkos", written over a horizontal line.

Karen Pinkos, Assistant City Manager

Attachments:

1. Proposed Resolution
2. July 10, 2013 Letter from Dr. Barger
3. Physio-Control Invoice

RESOLUTION 2013-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE PARTICIPATION IN A FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) GRANT AND APPROVING THE USE OF \$7,205 COMPRISING A 10% FUND MATCH FOR THE \$72,041.96 PURCHASE OF AUTOMATIC CHEST COMPRESSION DEVICES (ACCD) AND ASSOCIATED EQUIPMENT FROM PHYSIO-CONTROL, INC.

WHEREAS, since 2009, the El Cerrito Fire Department has been using an ACCD received by Contra Costa County Emergency Medical Services for its participation in a nationwide survey; data indicates positive results; and

WHEREAS, the City Council recognizes the need to expand the use of ACCDs by placing these devices on all front line fire apparatus covering all response areas; and

WHEREAS, the Fire Department secured a FEMA Grant for \$65,338; and

WHEREAS, the cost for the ACCDs totals \$72,041.96 of which the City is required to contribute 10% in matching funds; and

WHEREAS, matching funds of \$7,205 were approved in the adopted FY 2013-14 Fire Department budget.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City's participation in a FEMA grant and approves the use of \$7,205 in matching funds from the Fire Department medical budget for the purchase of three ACCDs and associated equipment from Physio-Control, Inc.

BE IT FURTHER RESOLVED that the Fire Department is authorized to proceed with the sole-source purchase of this equipment from Physio-Control, Inc. due to its unique nature as allowed under the City's purchasing guidelines.

I CERTIFY that at the regular meeting on December 3, 2013, the El Cerrito City Council passed this resolution by the following vote:

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

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

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR

PAT FROST
EMS DIRECTOR

JOSEPH BARGER, M.D.
MEDICAL DIRECTOR



Agenda Item No. 5(C)
Attachment 2

CONTRA COSTA
EMERGENCY
MEDICAL SERVICES

1340 Arnold Drive, Suite 126
Martinez, California
94553-1631
Ph (925) 646-4690
Fax (925) 646-4379

July 10, 2013

David Gibson
Training Chief, El Cerrito Fire Department
10900 San Pablo Avenue
El Cerrito, CA 94530

Chief Gibson,

In response to your inquiry about medical concerns and specifications regarding automated CPR devices, I want to outline what I believe are the most important factors to consider in these devices.

Automated CPR devices should replicate manual CPR as much as possible. The compression rate and depth of compression are the most important issues. A rate of at least 100 is recommended by the American Heart Association, and research is showing that rates outside of the range of 100-120 are associated with poorer outcomes. A device that can deliver compression depth of 2 inches is also important. Currently, out of the available compression devices, the LUCAS device does deliver compressions compliant with those standards, whereas the Auto-Pulse device does not (compression rate is fixed at 80).

As most are aware, there is not definitive evidence that these devices improve survival, although many studies have shown improvement in return of spontaneous circulation. It is my belief, however, that use of these machines will assist in providing CPR superior to manual CPR because the provision of consistent uninterrupted CPR (a challenge due to provider fatigue and interruptions with manual CPR) will be enhanced. Improved survival is likely when the best CPR is provided.

This device also valuable in my estimation with regard to cases in which CPR needs to be maintained during movement of patients, either prior to, during, or after transport, providing both superior compressions and enhanced safety for providers involved in patient care. I believe they are a valuable addition to first-responder EMS equipment.

Please don't hesitate to contact me if you have any further questions.

Sincerely,

Joseph Barger, MD
EMS Medical Director, Contra Costa County





Agenda Item No. 5(C)
Attachment 3

Physio-Control, Inc.
11811 Willows Road NE
P.O. Box 97023
Redmond, WA 98073-9723 U.S.A
www.physio-control.com
tel 800.442.1142
fax 800.732.0956

To: Chief Dave Gibson
El Cerrito Fire Department
10900 San Pablo Ave
EL CERRITO, CA 94530
Phone: (510) 527-6875
dgibson@ci.el-cerrito.ca.us

Quote#: 1-268679501

Rev#: 1

Quote Date: 07/16/2013

Sales Consultant: Jennifer Hughes
800-442-1142 x 72436

FOB: Redmond, WA

Terms: All quotes subject to credit approval and
the following terms & conditions

Contract: None

Exp Date: 10/14/2013

Line	Catalog # / Description	Qty	Price	Unit Disc	Trade-In	Unit Price	Ext Total
1	99576-000024 - LUCAS 2, 2.1 Chest Compression System Includes LUCAS 2 unit with Back Plate, Carrying Bag, Two (2) Patient Straps, Stabilization Strap, 3 Suction Cups, 1 Rechargeable Battery and Instructions for Use. One year warranty.	3	\$14,495.00	\$0.00	\$0.00	\$14,495.00	\$43,485.00
2	11576-000060 - LUCAS 2 BATTERY CHARGER,MAINS PLUG,US-CAN-JP	3	\$1,034.00	\$155.10	\$0.00	\$878.90	\$2,636.70
3	11576-000040 - LUCAS 2 BATTERY 4-PACK	1	\$2,343.00	\$351.45	\$0.00	\$1,991.55	\$1,991.55
4	11576-000055 - LUCAS 2 POWER SUPPLY WITH CORD,REDEL,US	3	\$329.00	\$49.35	\$0.00	\$279.65	\$838.95
5	11576-000048 - LUCAS 2 CAR CABLE 12V	3	\$122.00	\$18.30	\$0.00	\$103.70	\$311.10
6	11576-000037 - LUCAS STABILIZATION STRAP YELLOW 4-PACK	1	\$329.00	\$49.35	\$0.00	\$279.65	\$279.65
7	11576-000051 - LUCAS PATIENT STRAPS PAIR 3-PACK	1	\$249.00	\$37.35	\$0.00	\$211.65	\$211.65
8	11576-000038 - LUCAS 2 CARRYING BAG	1	\$302.00	\$45.30	\$0.00	\$256.70	\$256.70
9	11576-000047 - LUCAS 2 SUCTION CUP DISPOSABLE 12-PACK	1	\$472.00	\$70.80	\$0.00	\$401.20	\$401.20
10	11576-000070 - LUCAS 2 BUMPER, PAIR	3	\$36.00	\$5.40	\$0.00	\$30.60	\$91.80
11	LUONS-R&I4 - LUCAS 2 Point of Sale Service Agreement - 4 Yr On Site, Repair and Inspect. Contracts with 4 and 5 year terms must be paid in full up front.	3	\$5,146.00	\$0.00	\$0.00	\$5,146.00	\$15,438.00
12	50999-000117 - ZONE TRAVEL CHARGE: ZONE 1	4	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Quote#: 1-268679501
 Rev#: 1
 Quote Date: 07/16/2013

Quote Products (continued)

Line	Catalog # / Description	Qty	Price	Unit Disc	Trade-In	Unit Price	Ext Total																																
SUB TOTAL							\$65,942.30																																
ESTIMATED TAX							\$6,099.66																																
ESTIMATED SHIPPING & HANDLING							\$0.00																																
GRAND TOTAL							\$72,041.96																																
<table border="1"> <tr> <td colspan="8">Pricing Summary Totals</td></tr> <tr> <td colspan="7">List Price:</td><td>\$67,181.00</td></tr> <tr> <td colspan="7">Cash Discounts:</td><td>- \$1,238.70</td></tr> <tr> <td colspan="7">Tax + S&H:</td><td>+ \$6,099.66</td></tr> </table>								Pricing Summary Totals								List Price:							\$67,181.00	Cash Discounts:							- \$1,238.70	Tax + S&H:							+ \$6,099.66
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Tax + S&H:							+ \$6,099.66																																
GRAND TOTAL FOR THIS QUOTE							\$72,041.96																																

**TO PLACE AN ORDER, PLEASE FAX A COPY OF THE QUOTE AND PURCHASE ORDER TO:
 # 800-732-0956, ATTN: REP SUPPORT**

PHYSIO-CONTROL, INC. REQUIRES WRITTEN VERIFICATION OF THIS ORDER. A PURCHASE ORDER IS REQUIRED ON ALL ORDERS \$10,000 OR GREATER BEFORE APPLICABLE FREIGHT AND TAXES. THE UNDERSIGNED IS AUTHORIZED TO ACCEPT THIS ORDER IN ACCORDANCE WITH THE TERMS AND PRICES DENOTED HEREIN. SIGN TO THE RIGHT:

CUSTOMER APPROVAL (AUTHORIZED SIGNATURE)

 NAME

 TITLE

 DATE

Ref. Code: JS/14031301/1-28C7X3

Notes:

Taxes, shipping and handling fees are estimates only and are subject to change at the time of order. Shipping and handling applies to ground transport only. Physio-Control will assess a \$10 handling fee on any order less than \$200.00.

Above pricing valid only if all items in quote are purchased (optional items not required).

To receive a trade-in credit, Buyer agrees to return the trade-in device(s) within 30 days of receipt of the replacement device(s) to Physio-Control's place of business or to an authorized Physio-Control representative. Physio-Control will provide instructions for returning the device(s) and will pay for the associated shipping cost.

In the event that trade-in device(s) are not received by Physio-Control within the 30-day window, Buyer acknowledges that this quote shall constitute a purchase order and agrees to be invoiced for the amount of the trade-in discount. Invoice shall be payable upon receipt.

Items listed above at no charge are included as part of a package discount that involves the purchase of a bundle of items. Buyer is solely responsible for appropriately allocating the discount extended on the bundle when fulfilling any reporting obligations it might have.

If Buyer is ordering service, Buyer affirms reading and accepts the terms of the Physio-Control, Inc. Technical Service Support Agreement which is available from your sales representative or <http://www.physio-control.com/uploadedFiles/products/service-plans/TechnicalServiceAgreement.pdf>

TERMS OF SALE

General Terms

Physio-Control, Inc.'s acceptance of the Buyer's order is expressly conditioned on product availability and the Buyer's assent to the terms set forth in this document and its attachments. Physio-Control, Inc. agrees to furnish the goods and services ordered by the Buyer only on these terms, and the Buyer's acceptance of any portion of the goods and services covered by this document shall confirm their acceptance by the Buyer. These terms constitute the complete agreement between the parties and they shall govern any conflicting or ambiguous terms on the Buyer's purchase order or on other documents submitted to Physio-Control, Inc. by the Buyer. These terms may only be revised or amended by a written agreement signed by an authorized representative of both parties.

Pricing

Unless otherwise indicated in this document, prices of goods and services covered by this document shall be Physio-Control, Inc. standard prices in effect at the time of delivery. Prices do not include freight insurance, freight forwarding fees, taxes, duties, import or export permit fees, or any other similar charge of any kind applicable to the goods and services covered by this document. Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services covered by this document unless Physio-Control, Inc. receives a copy of a valid exemption certificate prior to delivery. Please forward your tax exemption certificate to the Physio-Control, Inc. Tax Department P.O. Box 97006, Redmond, Washington 98073-9706.

Payment

Unless otherwise indicated in this document or otherwise confirmed by Physio-Control, Inc. in writing, payment for goods and services supplied by Physio-Control, Inc. shall be subject to the following terms:

- Domestic (USA) Sales - Upon approval of credit by Physio-Control, Inc., 100% of invoice due thirty (30) days after invoice date.
- International Sales - Sight draft or acceptable (confirmed) irrevocable letter of credit.

Physio-Control, Inc. may change the terms of payment at any time prior to delivery by providing written notice to the Buyer.

Delivery

Unless otherwise indicated in this document, delivery shall be FOB Physio-Control, Inc. point of shipment and title and risk of loss shall pass to the Buyer at that point. Partial deliveries may be made and partial invoices shall be permitted and shall become due in accordance with the payment terms. In the absence of shipping instructions from the Buyer, Physio-Control, Inc. will obtain transportation on the Buyer's behalf and for the Buyer's account.

Delays

Delivery dates are approximate. Physio-Control, Inc. will not be liable for any loss or damage of any kind due to delays in delivery or non-delivery resulting from any cause beyond its reasonable control, including but not limited to, acts of God, labor disputes, the requirements of any governmental authority, war, civil unrest, terrorist acts, delays in manufacture, obtaining any required license or permit, and Physio-Control, Inc. inability to obtain goods from its usual sources. Any such delay shall not be considered a breach of Physio-Control, Inc. and the Buyer's agreement and the delivery dates shall be extended for the length of such delay.

Inspections and Returns

Claims by the Buyer for damage to or shortages of goods delivered shall be made within thirty (30) days after shipment by providing Physio-Control, Inc. with written notice of any deficiency. Payment is not contingent upon immediate correction of any deficiencies and Physio-Control, Inc. prior approval is required before the return of any goods to Physio-Control, Inc. Physio-Control, Inc. reserves the right to charge a 15% restocking fee for returns. The Physio-Control Returned Product Policy is located at http://www.physio-control.com/uploadedFiles/support/ReturnPolicy_3308529_A.pdf.

Service Terms

All device service will be governed by the Physio-Control, Inc. Technical Services Support Agreement which is available from your sales representative or <http://www.physio-control.com/uploadedFiles/products/service-plans/TechnicalServiceAgreement.pdf>. All devices that are not under Physio-Control Limited Warranty or a current Technical Service Support Agreement must be inspected and repaired (if necessary) to meet original specifications at then-current list prices prior to being covered under a Technical Service Support Agreement. If Buyer is ordering service, Buyer affirms reading and accepts the terms of the Technical Service Support Agreement.

Warranty

Physio-Control, Inc. warrants its products in accordance with the terms of the standard Physio-Control, Inc. product warranty applicable to the product to be supplied. Physio-Control, Inc. warrants services and replacement parts provided in performing such services against defects in accordance with the terms of the Physio-Control, Inc. service warranty set forth in the Technical Service Support Agreement. The remedies provided under such warranties shall be the Buyer's sole and exclusive remedies. Physio-Control, Inc. makes no other warranties, express or implied, including, without limitation, NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND IN NO EVENT SHALL PHYSIO-CONTROL, INC. BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR OTHER DAMAGES.

Patent & Indemnity

Upon receipt of prompt notice from the Buyer and with the Buyer's authority and assistance, Physio-Control, Inc. agrees to defend, indemnify and hold the Buyer harmless against any claim that the Physio-Control, Inc. products covered by this document directly infringe any United States of America patent.

Miscellaneous

a) The Buyer agrees that products purchased hereunder will not be reshipped or resold to any persons or places prohibited by the laws of the United States of America. b) Through the purchase of Physio-Control, Inc. products, the Buyer does not acquire any interest in any tooling, drawings, design information, computer programming, patents or copyrighted or confidential information related to said products, and the Buyer expressly agrees not to reverse engineer or decompile such products or related software and information. c) The rights and obligations of Physio-Control, Inc. and the Buyer related to the purchase and sale of products and services described in this document shall be governed by the laws of the State of Washington, United States of America. All costs and expenses incurred by the prevailing party related to enforcement of its rights under this document, including reasonable attorneys fees, shall be reimbursed by the other party.



AGENDA BILL

Agenda Item No. 5(D)

Date: December 3, 2013
To: El Cerrito City Council
From: Geoff Thomas, Finance Manger
Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Quarterly Investment Report For Period Ending September 30, 2013

ACTION REQUESTED

Receive and file the City's Quarterly Investment Report for the period ending September 30, 2013.

QUARTERLY INVESTMENT REPORT REVIEW

The Quarterly Investment Report for July 2013 through September 2013 shows that the City's investments had a par value of \$1,783,495 as of September 30, 2013. A decrease of \$570,239 from last quarter is due to use of \$535,616 of the Solar Capital Lease proceeds to continue the project and the use of \$38,823 in excess reserves towards the Swim Center's debt service payment in September, offset by interest earnings.

The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$2,698 is invested in the pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF); \$440,797 is held in money market funds; and \$1,340,000 is invested in agency debt investments.

FINANCIAL CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and maximum efficiency of the City's cash management system. The ultimate goal is to enhance the City's economic condition while protecting the funds at all times. The City's investments comply with the "Authorized Investments" section of the Investment Policy.

Reviewed by:

Karen Pinkos, Assistant City Manager

Attachment:

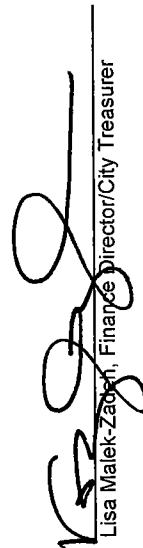
1. City of El Cerrito Quarterly Investment Report For Period Ending September 30, 2013

City of El Cerrito

Quarterly Investment Report For the Period Ending September 30, 2013

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	LAIF	CA State Treasurer	\$2,697.89	\$2,697.89	0.26%	N/A	100.00	\$2,697.89
Solar Project Financing	Prime Money Market	Deutsche Bank Prime Money Market	Deutsche Bank	\$248,369.14	\$248,369.14	0.01%	N/A	100.00	\$248,369.14
Swim Center Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$185,334.68	\$185,334.68	0.01%	N/A	100.00	\$185,334.68
City Hall Debt Fund	Blackrock Institutional Money Market Fed Natl Mtg Assn	Union Bank/Blackrock Liquidity Union Bank/ FNMA	Union Bank of CA Union Bank of CA	\$3,589.04 \$600,000.00	\$3,589.04 \$600,000.00	0.01% 0.625%	N/A 9/26/2017	100.00 99.78	\$3,589.04 \$598,686.00
Street Improvement Fund	Blackrock Institutional Money Market Fed Natl Mtg Assn	Union Bank/Blackrock Liquidity Union Bank/ FNMA	Union Bank of CA Union Bank of CA	\$3,504.45 \$740,000.00	\$3,504.45 \$740,000.00	0.01% 0.625%	N/A 9/26/2017	100.00 99.78	\$3,504.45 \$738,379.40
TOTALS, as of September 30, 2013				\$1,783,495.20	\$1,783,495.20				\$1,780,560.60

I certify that this report is in compliance with the City of El Cerrito Investment Policy and that there are adequate funds available to meet the next six months of estimated expenditures as required by the California Government Code 53646.


Lisa Malek-Zadani, Finance Director/City Treasurer



Agenda Item No. 7(A)

ELECTION OF CITY COUNCIL AND REDEVELOPMENT AGENCY OFFICERS

Adopted: November 19, 1990

Revised: July 7, 1997

In order to fairly rotate the offices of Mayor and Mayor Pro Tem of the City Council and Chair and Vice-Chair of the Redevelopment Agency among the five members of the Council and Agency, this policy is established.

CITY COUNCIL

A newly elected council member, who is not an incumbent, will serve a minimum of one year on the Council before qualifying to serve as Mayor.

Mayor Pro Tem will replace the outgoing Mayor.

Mayor Pro Tem will be the council member who has received the highest number of votes, compared to the other council members elected at the same time. This process continues until all council members elected in the same year have served as mayor.

An appointed council member shall join the rotation only after first being elected.

Newly elected and re-elected council members are added onto the existing order of rotation in the order of the number of votes received, from the highest number of votes to the lowest.

A council member may decline to serve as Mayor Pro Tem. This will drop the council member back one position in the rotation.

This format will be followed except in unusual or exceptional cases. The Council has the ultimate discretion to elect or not elect any council member for any office.