



AGENDA

SPECIAL CITY COUNCIL MEETING
Tuesday, January 17, 2012 – 6:40 p.m.
Hillside Conference Room

CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Tuesday, January 17, 2012 – 7:30 p.m.
City Council Chambers

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

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Rebecca Benassini

Councilmember/Agency Chair Ann Cheng
Councilmember Janet Abelson

6:40 p.m. ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING

ORAL COMMUNICATIONS FROM THE PUBLIC

Comments are limited to 3 minutes per person and to this special agenda only.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss scheduling of future interviews.

ROLL CALL

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

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG** – led by Councilmember Abelson.
- 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 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. PRESENTATION – None

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

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.

JOINT CITY COUNCIL/REDEVELOPMENT ITEM

A. Minutes for Approval

Approve the December 19, 2011 Special City Council and Concurrent City Council/Redevelopment Agency and January 3, 2012 Special City Council meeting minutes.

CITY COUNCIL ITEMS

B. Annual Review of Financial Policies

Adopt a resolution approving revised Comprehensive Financial Policies and Investment Policies and rescinding City Council Resolution No. 2011–05.

C. Change the Meeting Day and Time of City Council Meetings

Approve by title, waive any further reading and adopt an ordinance amending Sections 2.04.010 (“Meeting – Regular”) and 2.04.030 (“Meeting – Place”) of the El Cerrito Municipal Code to change and fix the day, time and place of City Council meetings. *First reading approved by unanimous vote on December 19, 2011.*

D. On-Call Transportation Engineering Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with two consultant firms, Whitlock & Weinberger Transportation, Inc. (W-Trans) and Fehr & Peers, for on-call transportation engineering services for periods of three years with options to extend for an additional two years.

E. Grant of Easement to East Bay Municipal Utility District

Adopt a resolution granting to East Bay Municipal Utility District (EBMUD) a non-exclusive easement and authorizing the City Manager to execute the Grant of Easement for a water main extension serving two new fire hydrants associated with the new Recycling Center project.

F. Agreement with More Lockers for the Purchase of Heavy Duty Plastic Lockers

Adopt a resolution authorizing the City Manager or his designee to enter into an agreement with

More Lockers for the purchase and shipping of seventy heavy duty plastic lockers for the men and women's locker rooms at the El Cerrito Swim Center.

G. Support Senate Bill 659 (Padilla) – Temporarily Postpone Dissolution of Redevelopment Agencies

At the request of Councilmember Abelson, authorize Mayor Jones to sign a letter supporting SB 659 to temporarily postpone the scheduled February 1, 2012 date to dissolve California's 425 redevelopment agencies.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

JOINT CITY COUNCIL AND REDEVELOPMENT ITEM

A. Actions Related to State Dissolution of the Redevelopment Agency

Staff is requesting the following actions of members of the Redevelopment Agency Board and the City Council, pursuant to legislation dissolving redevelopment agencies, enacted by the State on June 29, 2011 and ruled constitutional by the State Supreme Court on December 29, 2011:

- 1) Adopt a Redevelopment Agency resolution amending its Enforceable Obligation Payment Schedule previously approved on August 15, 2011, for publication and delivery to the County Auditor and required State agencies; and
- 2) Adopt a City Council resolution electing to retain the Redevelopment Agency's housing assets and functions upon its dissolution on February 1, 2012.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Councilmember Cheng Assignments: Association of Bay Area Governments (ABAG) General Assembly Delegate, Commission/Committee Rules Subcommittee, Financial Advisory Board, Human Relations Commission, League of California Cities East Bay Division Alternate, Redevelopment Agency Chair and West Contra Costa Transportation Advisory Committee Alternate.

B. Councilmember Abelson Assignments: Association of Bay Area Governments (ABAG) General Assembly Alternate, Committee on Aging, Contra Costa Transportation Authority, Environmental Quality Committee, League of California Cities East Bay Division Delegate and West Contra Costa Transportation Advisory Committee Delegate.

C. Councilmember Benassini Assignments: Arts and Culture Commission, Park and Recreation Commission, Redevelopment Agency Vice-Chair, and Tom Bates Regional Sports Field JPA Alternate.

D. Mayor Jones Assignments: Contra Costa County Mayors' Conference, Crime Prevention Committee, Design Review Board, Disaster Preparedness Council Delegate, Municipal Service Corporation Chair, Pension Board Chair, Temporary Permits Committee, Tom Bates Regional Sports Field JPA, Underground Utilities Committee, West County Integrated Waste Management Authority Alternate and West County Mayors' & Supervisors' Association.

E. Mayor Pro Tem Lyman Assignments: Commission/Committee Rules Subcommittee, Contra Costa County Mayors' Conference Alternate, Disaster Preparedness Council Alternate, Economic Development Board, Municipal Services Corporation Vice-Chair, Pension Board Alternate, Planning Commission, Tree Committee, West County Integrated Waste Management

Authority Delegate and West County Mayors' & Supervisors' Association Alternate.

9. ADJOURN CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING

The next City Council meeting is scheduled on February 6, 2012 at 7:30 p.m. The meeting will take place in the City Council Chambers at City Hall, 10890 San Pablo Avenue, El Cerrito.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. 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 seven 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.



Special City Council Meeting
6:40 p.m.

Date: January 17, 2012
To: Honorable Mayor and Members of the City Council
From: Cheryl Morse, City Clerk *CSM*
Subject: Commission Interviews

JANUARY 17 INTERVIEW SCHEDULE

Candidates listed below are scheduled for interview this evening:

6:40 p.m.	Dianne Brenner	[ACC 1 st and only]
6:55 p.m.	Seth Kaplan	[PRC 1 st and EQC 2 nd]
7:05 p.m.	Aurelia Schultz	[CSOC 1 st and only]
7:15 p.m.	Deliberation	

BACKGROUND

The City Council will interview candidates for the Arts & Culture Commission, Citizens Street Oversight Committee and Parks and Recreation Commission this evening. Additional interviews will need to be scheduled with the City Council for the February 6, 2012.

ARTS & CULTURE COMMISSION (ACC)

There are two existing vacancies on this commission for terms ending January 1, 2013. Dianne Brenner has submitted an application and lists the Arts Commission as her first and only choice and is scheduled for an interview this evening. Robert Abele, interviewed on January 3, listed the Arts and Culture Commission as his third choice (EQC 1st, HRC 2nd). Additionally, Heidi Rand, Luis Zavala and Cristin Sethi have also submitted applications listing the ACC as their 1st choice and will be scheduled for interviews on February 6.

CITIZENS STREET OVERSIGHT COMMITTEE (CSOC)

There is one vacancy on this committee. Committee members Lynne Kessler and Al Miller completed their first term and were reappointed on January 3, 2012. Committee member Aurelia Schultz has completed an unexpired term ending on January 1, 2012 and is scheduled for interview this evening.

Special City Council Meeting Commission Applicant Interviews

PARKS AND RECREATION (PRC)

There is one vacancy for this Commission. Seth Kaplan's first term expires on January 1, 2012. Mr. Kaplan has submitted an application for reappointment and is scheduled for interview this evening; he has also listed the EQC as his 2nd choice. Michael Aaronian who was interviewed January 3, listed the Parks Commission as his second choice (CSC 1st and CPC 3rd).

Other Vacancies and Status

CIVIL SERVICE COMMISSION (CSC)

There are two vacancies on this commission. Michael Aaronian and Eric Luttrell's first term ended January 1, 2012. Mr. Aaronian, who was interviewed by the City Council on January 3 submitted an application listing the CSC as his 1st choice, PRC 2nd, and the CPC as his 3rd choice. Eric Luttrell, also interviewed on January 3, listed the CSC as his first and only choice. Kim Marlia, interviewed on January 3 listed this Commission as his 1st and only choice.

ECONOMIC DEVELOPMENT BOARD (EDB)

The Economic Development Board has three vacancies. Carla Hansen, who listed the EDB as her third choice, was interviewed December 19 and appointed by the City Council to the Planning Commission on January 3.

FINANCIAL ADVISORY BOARD (FAB)

One vacancy exists on this commission. Carla Hansen (PC 1st choice, FAB 2nd, and EDB 3rd) was interviewed on December 19 and appointed by the City Council to the Planning Commission on January 3.

Attachments:

1. Applicant Matrix
2. Candidate Applications
3. Interview questions for consideration
4. Current Vacancy and Appointment List

2011 Board and Commission Applicant Matrix – Updated 1/11/12

	Arts & Culture (2 Vacancies)	Citizens Street Oversight (3 Vacancies)	Civil Service Commission (2 Vacancies)	Committee on Aging (5 Vacancies)	Crime Prevention (10 Vacancies)	Design Review Board (1 Vacancy)	Economic Devt. Bd (3 Vacancies)	Environmental Quality (3 Vacancies)	Financial Advisory Board (1 Vacancy)	Human Relations (2 Vacancies)	Park and Recreation (1 Vacancy)	Planning Commission (2 Vacancies)	Tree Committee (15 Vacancies)	Interview Date	Appointed ?
Michael Aaronian ¹			1		3						2			01/03/12	
Robert Abele	3							1		2				01/03/12	HRC
Dianne Brenner	1													01/17/12	
Carla Hansen							3		2			1		12/19/11	PC
Seth Kaplan ²								2			1			01/17/12	
Lynne Kessler ³		1												01/03/12	CSOC
Christophe Laverne						1						2		12/19/11	DRB
Eric L. Luttrell ⁴			1											01/03/12	
Kim Marlia			1											01/03/12	
Cristin Sethi	1					3							2		
Al Miller		1												01/03/12	CSOC
Tim Pine												1		12/19/11	PC
Heidi Rand	1														
Aurelia Schultz ⁵		1												01/17/12	
Gabriel Quinto				2						1		3		01/03/12	HRC
Luis Zavala	1														

¹ Michael Aaronian – Eligible to serve a 2nd term on CSC

² Seth Kaplan – Eligible to serve a 2nd term on PRC

³ Lynne Kessler – Eligible to serve a 2nd term on CSOC

⁴ Eric Luttrell – Eligible to serve a 2nd term on CSC

⁵ Aurelia Schultz – Completed short expired term on CSOC. Eligible to serve a full term.



**January 17, 2012
Special City Council Meeting**

Commission Interviews – Attachments 2 & 3

Documents are also 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

2012 EL CERRITO BOARD AND COMMISSION APPOINTMENT LIST

Arts & Culture Commission (2 Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2013
_____	_____	1/1/2013

Citizens Street Oversight Committee (1 Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
Al Miller	1/3/12	1/1/2016
Lynne Kessler	1/3/12	1/1/2016
_____	_____	1/1/2016

Civil Service Commission (2 Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2016
_____	_____	1/1/2016

Design Review Board (No Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
Christophe Laverne	12/19/11	1/1/2016

Economic Development Board (3 Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2013
_____	_____	1/1/2016
_____	_____	1/1/2016

(Page two on back)

**Commission Interviews
Attachment 4**

Financial Advisory Board (1 Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2016

Human Relations Commission (No Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
Gabriel Quinto	1/3/12	1/1/2016
Robert Abele	1/3/12	1/1/2016

Parks & Recreation Commission (1 Vacancy)

NAME	DATE APPOINTED	TERM EXPIRATION
_____	_____	1/1/2016

Planning Commission (No Vacancies)

NAME	DATE APPOINTED	TERM EXPIRATION
Time Pine	12/19/11	1/1/2016
Carla Hansen	1/3/12	1/1/2016

Updated: January 10, 2012

EL CERRITO CITY COUNCIL EL CERRITO REDEVELOPMENT AGENCY

MINUTES

**SPECIAL CITY COUNCIL MEETING
Monday, December 19, 2011 – 6:45 p.m.
Hillside Conference Room**

**CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
Monday, December 19, 2011 – 7:30 p.m.
City Council Chambers**

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

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Rebecca Benassini

Agency Chair/Councilmember Ann Cheng
Councilmember Janet Abelson

6:45 p.m. ROLL CALL

Councilmembers Abelson, Benassini, Cheng, Lyman and Mayor Jones all present.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Jones convened the Special City Council meeting at 6:45 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – *No Comments*

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss scheduling of future interviews.

Action: Conducted interviews. *[Appointments announced below]*

ROLL CALL

Councilmembers Abelson, Benassini, Cheng, Lyman and Mayor Jones all present.

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

Mayor Jones convened the Special City Council meeting at 7:38 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Cheng.
2. **COUNCIL / STAFF COMMUNICATIONS**

COUNCIL COMMUNICATIONS

Mayor Jones wished everyone a happy holiday season and asked that everyone think about this holiday season and reflect on those who are returning from service in Iraq and other service personnel and noted that they will not have to return to Iraq and are safe. Mayor Jones also asked all to reflect on and express appreciation for the tremendous sacrifice members of the military and their families have made and to remember those who continue to serve in war zones and conflict areas around the world.

Mayor Jones also reported that the City Council just completed a Special City Council meeting and announced the re-appointment of Tim Pine to the Planning Commission and the appointment of Christophe Laverne to the Design Review Board to terms concluding on January 1, 2016. Additional interviews will occur after the first of the year. Mayor Jones thanked Pinole-TV for their professional service in transmitting the meetings throughout the year and reminded all that City Hall will be closed during the holiday season from December 23, 2011 through January 2, 2012.

Councilmember Lyman reported that the Crime Prevention Committee is looking for members and encouraged El Cerrito residents to apply for service on the Crime Prevention Committee.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Al Miller, El Cerrito, reported on the cooperation and participation involved in this year's installation of the annual Sundar Shadi holiday display on Moeser Avenue. Mr. Miller invited all to view the display before it is dismantled on December 27. Mr. Miller also commented on the importance of remembering military personnel and their families. Mr. Miller stated, that as a twenty-six year veteran of the U.S. Navy, he is saddened by the way the Country welcomes its service men and women home from the wars. Mr. Miller stressed the importance of taking care of the many service men and women returning home, particularly those with severe brain injuries and amputations, who need ongoing care and treatment and to extend support to their families for the rest of their lives. These people gave and sacrificed so much for us that we, as Americans, need to stand by them and ensure that our government takes care of them.

David Gesinger, El Cerrito, (sensiblegreens@gmail.com) informed the City Council about the city solar bond process and described the benefits of the program.

Tom Panas, El Cerrito, reported that there are no sites in El Cerrito that are officially listed on the National Register of Historic Places or the California Register of Historic Places. Mr. Panas informed the City Council that he intends to formally nominate the following sites for official listing: 1) 1800 Elm Street (Windrush School); 2) 1715 Elm Street (the former Rodini property); 3) 1021 Navellier Street (the Portola Middle School site); and 4) 10848 San Pablo Avenue (the former Contra Costa Florist site). Mr. Panas also described the benefits to owners and the city upon designation.

4. **PRESENTATION** – None

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

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

JOINT CITY COUNCIL/REDEVELOPMENT ITEM

A. Minutes for Approval

Approve the December 5, 2011 Concurrent City Council/Redevelopment Agency meeting minutes.

Action: Approved minutes.

CITY COUNCIL ITEMS

B. Change the Meeting Day and Time of City Council Meetings

Introduce by title, waive any further reading and approve an ordinance amending Sections 2.04.010 (“Meeting – Regular”) and 2.04.030 (“Meeting – Place”) of the El Cerrito Municipal Code to change and fix the day, time and place of City Council meetings.

Action: Approved first reading of ordinance. *Second reading scheduled for January 17, 2012.*

C. Various Traffic & Parking Revisions

Adopt three separate resolutions authorizing the Public Works Director/City Engineer to:

1. Install stop signs on:
 - a. Ward Avenue at Pomona Avenue
 - b. Liberty Street at Schmidt Lane
 - c. Willow Street at Liberty Street
 - d. Junction Avenue at Knott Avenue
2. Modify the white, yellow, and green curb markings on Ashbury Avenue in front of Harding Elementary School located at 7230 Fairmount Avenue as shown on Exhibit A; and
3. Remove 23 feet of the white curb marking on the east side of San Pablo Avenue in front of St. John’s Church located at 11150 San Pablo Avenue.

Action: Adopted Resolution Nos. 2011–86, 2011–87 and 2011–88.

D. Agreement with Enterprise Fleet Management for Vehicle Lease

Adopt a resolution authorizing the City Manager or his designee to enter into an agreement with Enterprise Fleet Management for the lease of vehicles.

Action: Adopted Resolution Nos. 2011–89.

E. Support the Community Access Preservation Act (CAP Act, HR 1746)

At the request of Mayor Jones, authorize the Mayor to send a letter expressing the City Council’s support for the Community Access Preservation Act (HR 1746) to preserve and protect Public, Educational and Government (PEG) community access television stations.

Action: Adopted Resolution No. 2011–90.

6. **PUBLIC HEARINGS**

Proposed Integrated Waste Management Fees and East Bay Sanitary Commercial and Extra Residential Green Waste Collection and Processing Rates – Effective January 1, 2012

1. Conduct a public hearing and upon conclusion adopt a resolution fixing and setting rates for the Integrated Waste Management (IWM) fee, effective January 1, 2012 and reinstating the position of forklift operator.

Presenter: Garth Schultz, Environmental Analyst/Recycling Operations Manager.

Mayor Jones opened the public hearing. No speakers.

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

Action: Moved, seconded (Lyman/Cheng) and carried unanimously to adopt Resolution No. 2011–91.

2. Conduct a public hearing and upon conclusion adopt a resolution setting maximum allowable commercial green waste and extra residential green waste collection and disposal (processing) rates, effective January 1, 2012.

Presenter: Garth Schultz, Environmental Analyst/Recycling Operations Manager.

Mayor Jones opened the public hearing. No speakers.

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

Action: Moved, seconded (Cheng/Abelson) and carried unanimously to adopt Resolution No. 2011–92.

7. POLICY MATTERS

A. Confirming the Intent to Make the Opt-In Payment for the Voluntary Alternative Redevelopment Program

Adopt a resolution confirming the City Council’s intent to make the opt-in payment for the Voluntary Alternative Redevelopment Program (VARP) and its authorize staff to make the payment on January 15, 2012, contingent on the State Supreme Court ruling that the State’s abolition of redevelopment agencies and its establishment of the VARP are both constitutional.

Presenter: Lori Treviño, Redevelopment Manager.

Action: Moved, seconded (Abelson/Benassini) and carried unanimously to adopt Resolution No. 2011–93.

B. Annual City Council Liaison Reorganization and Appointments

Discuss City Council appointments to regional bodies and to local boards, commissions and committees and approve appointments for 2012.

Action: Appointments approved.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

A. Councilmember Cheng – *No report.*

B. Councilmember Abelson announced her election as Chair of the West Contra Costa Transportation Advisory Committee and announced the new officers of the Environmental Quality Committee as Emily Corwin, Chair and Mark Miner, Vice Chair.

C. Councilmember Benassini – *No report.*

D. Mayor Jones – *No report.*

E. Mayor Pro Tem Lyman reported that there will be a memorial tree planting on December 20 in memory of Don West, who is also a member of El Cerrito's Wall of Fame, at the memorial grove on Schmidt Lane.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

7(B) Annual City Council Liaison Reorganization and Appointments

1. Revised list eliminating special CCTA committee assignments for Councilmember Abelson – *Submitted by Cheryl Morse, City Clerk.*

Other

2. Communication regarding nomination of certain properties in El Cerrito for the National Register of Historic Places – *Submitted by Tom Panas, El Cerrito*

9. ADJOURNED CONCURRENT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING at 8:36 p.m.

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, January 3, 2012 – 7:00 p.m.

Hillside Conference Room

This meeting was not televised or webcast.

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Bill Jones – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Rebecca Benassini

Agency Chair/Councilmember Ann Cheng
Councilmember Janet Abelson

7:00 p.m. ROLL CALL

Councilmembers Abelson, Benassini, Cheng, Lyman and Mayor Jones all present.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Jones convened the Special City Council meeting at 7:04 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council will also consider its appointment to the Contra Costa Mosquito and Vector Control District.

Action: Interviews conducted. Mayor Jones announced the following appointments:

Citizens' Street Oversight Committee – Al Miller and Lynne Kessler re-appointed to terms concluding on January 1, 2016.

Human Relations Commission – Gabriel Quinto re-appointed and Robert Abele appointed to terms concluding January 1, 2016.

Planning Commission – Carla Hansen appointed to a term concluding January 1, 2016.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 9:15 p.m.



AGENDA BILL

Agenda Item No. 5(B)

Date: January 17, 2012
To: El Cerrito City Council
From: Mary Dodge, Administrative Services Director/City Treasurer
Subject: Annual Review of Financial Policies

ACTION REQUESTED

Adopt a City Council resolution approving revised Comprehensive Financial Policies and Investment Policies and rescinding City Council Resolution No. 2011-05.

BACKGROUND

Currently there is one City Council and one Redevelopment Agency policy relating to the City and Redevelopment Agency's finances that require annual review – the Comprehensive Financial Policy and the Investment Policy. Each year the policies are reviewed by city staff and the Financial Advisory Board (FAB). Any recommendations for change are brought to the City Council and Redevelopment Agency for review and consideration. The policies were last reviewed in February 2011. However, with the dissolution of the Redevelopment Agency scheduled for February 1, 2012, the proposed resolution pertains only to the City.

Financial Policy Changes

The policies were presented to the FAB at its October 25, 2011 and November 8, 2011 meetings. The FAB's recommendations are shown in "redline" form as Exhibits A and B to the attached resolution. In 2009 many changes were recommended for approval by the FAB in conjunction with the City Council and Redevelopment Agency Board's careful review of the general fund reserve requirements. Since 2009 there have been no policy changes regarding reserve requirements. Changes proposed this year are largely clarifying language within the policies and two substantive changes are recommended to Section 1 of the Comprehensive Financial Policy. Staff concurs with the recommended changes.

The FAB recommends adding provisions regarding cash flow monitoring and criteria regarding annexations in the Overview and Long Term Financial Planning Section of the Comprehensive Financial Policy. These recommendations do not require any new ongoing procedures but are intended to discuss financial areas previously unaddressed in the policy.

AGENDA BILL

Agenda Item No. 5(B)

FINANCIAL CONSIDERATIONS

These policies are intended to provide financial direction to staff and greater assurance to the City Council on the processes and procedures taken to assure financial responsibility of the City. A requirement to continue the annual review of these Financial Policies has been included in the proposed changes to ensure ongoing legislative review and consideration.

Reviewed by:

A handwritten signature in black ink, appearing to read 'Scott Hanin', is written over a horizontal line.

Scott Hanin
City Manager

Attachments:

1.City Resolution

Exhibit A - Comprehensive Financial Policy

Exhibit B - Investment Policy

RESOLUTION 2012-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO TO APPROVE REVISIONS TO THE CALENDAR YEAR 2012 COMPREHENSIVE FINANCIAL POLICY AND INVESTMENT POLICY

WHEREAS, the purpose of the Comprehensive Financial Policy and Investment Policy is to provide guidelines for operational and strategic decision making related to financial matters; and

WHEREAS, the Comprehensive Financial Policy and Investment Policy were last amended in February 2011 as a part of the annual review; and

WHEREAS, the Comprehensive Financial Policy and Investment Policy were reviewed by the Financial Advisory Board at the request of the City Council; and

WHEREAS, revisions to both policies as recommended by the Financial Advisory Board and further recommended by City staff are incorporated into Exhibit A – Comprehensive Financial Policy and Exhibit B – Investment Policy; and

WHEREAS, Resolution No. 2011-05 is hereby rescinded.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby approves the revised City of El Cerrito Comprehensive Financial Policy and Investment Policy for Calendar Year 2012 attached hereto as Exhibit A and Exhibit B and incorporated by reference.

BE IT FURTHER RESOLVED, that Resolution No. 2011-05 is hereby rescinded.

I CERTIFY that at the regular meeting on January 17, 2012 the El Cerrito City Council passed this resolution by the following vote:

AYES: Councilmember

NOES: Councilmember

ABSENT: Councilmember

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor

CITY OF EL CERRITO

NUMBER: III 4

DATE: January 2012

CITY COUNCIL/~~REDEVELOPMENT AGENCY~~

AUTHORITY: City Council/
Agency Board

**SUBJECT: COMPREHENSIVE FINANCIAL
POLICY**

Resolution Nos. 2011-05

PURPOSE:

To establish a comprehensive set of financial policies for the City/Agency that will serve as a guideline for operational and strategic decision making related to financial matters.

POLICY:

The following financial policies are intended to establish a comprehensive set of guidelines for use by the City Council/Agency Board and staff on decision-making that has a fiscal impact. The goal is to maintain the City/Agency's financial stability in order to be able to continually adapt to local, regional and national economic changes. Such policies will allow the City/Agency to maintain and enhance a sound fiscal condition.

This financial policy will be reviewed annually by the Financial Advisory Board and any proposed revisions will be submitted to the City Council for their approval to ensure that it the policy remains current, and The City's comprehensive financial policies will be included as part utilized when preparing of the Annual Operating Budget. and The City's comprehensive financial policies shall be in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA).

1. OVERVIEW & LONG-TERM FINANCIAL PLANNING

- 1.1. The Ten-Year Financial Plan will be prepared at a minimum for the General Fund, Capital Improvements Program, and Integrated Waste Management and Redevelopment Agency. The City's Ten-Year Financial Plan is the long-term picture of the City's finances and will be updated annually as part of the annual budget process.

- 1.2. The City shall seek a balance in the overall revenue structure between more stable revenue sources (e.g. Property Tax and Utility Taxes) and economically sensitive revenue sources (e.g., Sales Tax).
- 1.3. The ~~City/Agency~~City shall develop and maintain methods for the evaluation of future development and major fiscal impacts on the City budget.
- 1.4. The ~~City/Agency~~City shall develop and implement a financial plan to address its funding needs for issues like deferred maintenance and unfunded liabilities.
- 1.5. The ~~City/Agency~~City shall address issues related to cash flow requirements and any short term borrowing requirements on a timely basis.
- ~~1.4.~~1.6. The ~~City/Agency~~City shall require any annexation agreements to have a long- term- beneficial financial impact on the City.

2. BUDGET POLICIES

- 2.1. The City Manager shall prepare a proposed annual budget to be reviewed by the Financial Advisory Board and presented to the ~~City Council/Agency Board~~City within all statutorily prescribed deadlines. The ~~City Council/Agency Board~~City will adopt the budget at a public hearing by June 30 of each year.
- 2.2. A Budget will be adopted by Resolution of the ~~City Council/Agency Board~~City annually, which will contain the budget amendment process, budget amendment authority, and spending authorities.

All departments are responsible for meeting the ~~City/Agency~~City's financial policy goals and ensuring the City's long-term financial health. Budget control is maintained at the fund level. The City Manager is authorized to transfer budgeted amounts within departments and within funds. In addition, amendments that are made to authorize spending of increased or new special purpose revenues may be approved by the City Manager. Budget modifications between funds or increases or decreases to a fund's overall budget must be approved by the City Council.

2.3.

It is the ~~City/Agency~~City's policy to adopt a balanced General Fund budget where operating revenue is equal to, or exceeds, operating expenditures. In the event a balanced budget is not adopted, due to a deliberate reduction of accumulated fund balance or if the cause of the imbalance is expected to last for no more than one year, as with the case of a one time settlement or large purchase, the planned use of reserves to balance the budget is permitted as long as the reserve is consistent with the amounts described in Section 3., General Fund Balance Reserve Policy.

- 2.4. The operating budget shall serve as the annual financial plan for the ~~City/Agency~~City. It shall serve as the ~~City/Agency~~City's management plan for implementing goals and objectives of the City Council, ~~Redevelopment Agency~~, City Manager and departments and will define service levels.
- 2.5. During the annual budget development process, the existing budget shall be examined to assure removal or reduction of any services or programs that should be eliminated or reduced in cost.
- 2.6. The annual review process shall include an assessment to determine if funds are available to operate and maintain proposed capital facilities and other public improvements.
- 2.7. Any year-end operating surpluses will revert to unappropriated balances for use in maintaining reserve levels set by policy and will be available for capital projects and/or one-time expenditures upon approval of the ~~City Council/Agency Board~~City.
- 2.8. Where practical, the ~~City/Agency~~City's annual budget will include performance measures of workload, efficiency, and effectiveness.
- 2.9. **Revenues:**
- 2.9.1. The ~~City/Agency~~City will estimate annual revenues using an objective, analytical process; specific assumptions will be documented and maintained. Budgeted revenues will be estimated conservatively using accepted standards and estimates provided by the state, other governmental agencies, and/or reliable economic forecasters when available.
- 2.9.2. Specific revenue sources will not be dedicated for specific purposes, unless required by law or Generally Accepted Accounting Principles (GAAP). All non-tax increment, non-restricted revenues will be deposited in the General Fund and appropriated through the budget process. ~~Tax Increment revenues will be deposited into the Redevelopment Agency Fund.~~
- 2.9.3.2.9.2. On-going revenues will fund on-going expenditures.
- 2.9.4.2.9.3. A diversified and stable revenue system will be maintained to the extent possible to protect programs from short-term fluctuations in any single revenue source.
- 2.10. **Appropriations:**
- 2.10.1. The ~~City/Agency~~City shall, to the extent possible, pay for current year expenditures with current year revenues. Where authorized activities or equipment remain incomplete and/or unpurchased, revenues and/or fund balance may be carried forward at the City Manager's direction to the next fiscal year to support such an activity/purchase.

- 2.10.2. The ~~City/Agency~~City shall avoid budgetary procedures which rely on financial strategies that defer payment of current operating expenses to future years.
- 2.10.3. Department Heads are responsible for ensuring that department expenditures stay within the department's budgeted appropriation.
- 2.10.4. A ~~City Council/Agency Board~~City Resolution is necessary to increase any total fund appropriation where no corresponding revenue offset exists that is restricted for that purpose.
- 2.10.5. The City Manager may adjust appropriations among departments within a fund.

3. GENERAL FUND RESERVE POLICY

- 3.1. The purpose of the reserve policy is to set aside funds to insure against events that would adversely affect the financial condition of the City and jeopardize the continuation of necessary public services. The reserve is designed to provide adequate cash flow, protect bond ratings, and offset economic downturns and revenue shortfalls. The reserve is also available to provide for one-time funding in the event of an emergency situation such as a natural disaster or unanticipated liability.
- 3.2. It is a goal of the City to achieve a general fund annual operating reserve of 15%, with a minimum of 10%, of projected General Fund operating expenditures in each fiscal year. As part of the annual budget process, the City Council shall consider a Ten-Year Plan that attempts to maintain the minimum reserve balance of 15%. The City Council may adopt a deficit budget to deal with the uses discussed in Section 3.5 so long as the projected reserve does not go below 10% in any year of the Ten-Year Plan. Should the General Fund reserve fall below 10%, each budget year the City will adopt a plan to restore the reserve percentage to 10% within five years and 15% by the tenth year of the Ten-Year Plan.
- 3.3. The portion of the reserve below 10% should be utilized only for a financial emergency (as determined by the City Council), natural disaster or significant unanticipated liability. If this portion of the reserve is utilized for such an event, the Ten-Year Plan presented with the Annual Operating Budget must be developed so that the 10% base threshold is replenished within five years.
- 3.4. The unreserved fund balance in the Equipment Replacement Fund may be transferred to the General Fund only for a fiscal emergency where the current year revenues have decreased from the prior year or for one-time uses such as natural disasters or unforeseen liabilities.

- 3.5. The reserves between the 10% and 15% level are designed to be used by the City to deal with revenue fluctuations that arise as a result of changes in the economy and provide opportunities to maintain services and programs where funding may be difficult. Also, a portion of any operating reserve in excess of 10% of annual revenues resulting from the previous fiscal year's operations could be committed to capital improvement projects or used to retire existing debt, fund future liabilities or potential legislative actions, establish or replenish equipment replacement funds, and/or establish or replenish deferred maintenance funds as long as the amount is considered in the adopted Ten-Year Plan to achieve a balance of 15% within ten years.
- 3.6. One-time revenues will not be used to fund ongoing City programs. Any one-time revenue receipt during the fiscal year should be recognized and recorded in a "non-recurring revenue source" category. One-time revenue windfalls include: sales of city-owned real estate, CalPERS rebates, lump sum (net present value) savings from debt restructuring, litigation settlement, unexpected revenues, and other similar sources of revenue as designated by the City Council.

4. FINANCIAL REPORTING POLICIES

4.1. Accounting Standards:

- 4.1.1. The ~~City/Agency~~City's accounting and financial reporting systems shall be maintained in conformance with all state and federal laws, generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA). The City will make every attempt to implement all changes to governmental accounting practices at the earliest practicable time.

4.2. Annual Audit:

- 4.2.1. An annual audit will be performed by an independent public accounting firm with an audit opinion to be included with the ~~City/Agency~~City's published Comprehensive Annual Financial Report (CAFR). The CAFR will be submitted annually to the Government Finance Officers Association for peer review with the goal of continuing receipt of the Certificate of Achievement for Excellence in Financial Reporting.
- 4.2.2. The independent firm will be selected through a competitive bidding process at least once every five years. The contract may be for an initial period of three years with two additional one-year options at the City Council's discretion. The current firm may be allowed to participate in the bid process. The need for rotation of the audit staff or audit firm will be considered in the bid process. The ~~Finance-Administrative Services~~ Director will review the qualifications of prospective firms and make a

recommendation to the City Council. The audit contract will be awarded by the City Council.

5. OPERATIONAL MANAGEMENT POLICIES

5.1. The ~~City/Agency~~City shall endeavor to avoid committing to new spending for operating or capital improvement purposes until an analysis of all current and future cost implications relating to those programs and projects is completed.

5.2. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial health. Future service plans and program initiatives will be developed to reflect current policy directives, projected resources and future service requirements.

5.3. Departmental requests for increases in staffing will be thoroughly analyzed; only those that meet adopted program initiatives and policy directives will be considered. To the extent feasible, personnel cost reductions will be achieved through attrition.

5.4. User Fees and Charges and Development Impact Fees:

~~5.4.1. Where direct services to users can be measured, the City should use appropriate fees, charges or assessments rather than general tax funds. All non-enterprise user fees and charges will be examined or adjusted annually to determine the direct and indirect cost of service, recovery rate. Where direct services to users can be measured, the City shall consider use of appropriate fees, charges or assessments rather than general tax funds.~~

~~5.4.2.~~ 5.4.1. User fees and charges for specialized services shall be established at a level related to the cost of providing such service except where the City Council has determined there is a public benefit to subsidize the service with tax based revenue. The acceptable recovery rate and any associated changes to user fees and charges will be approved by the City Council following public review.

~~5.4.3.~~ 5.4.2. The City shall may identify the costs associated with new development as a basis for establishing development impact fees. but ~~The~~ the long-term benefit of the development to the ~~City/Agency~~City should be considered in establishing such fees.

5.5. Grant Management:

5.5.1. The City shall actively pursue federal, state and other grant opportunities when deemed appropriate. Before accepting any grant, the City shall thoroughly consider the implications in terms of ongoing obligations that will be required in connection with acceptance of said grant and present that report for approval ~~from~~ by the City Council.

5.5.2. The term of Grant funded positions for programs should be clearly identified and presented to the City Council for approval. It is mandatory to disclose if General Fund revenues will be needed to fund a position during or after the Grant or program expires.

5.5.3. Grant funding will be considered to leverage City funds. Inconsistent and/or fluctuating grants should not be used to fund ongoing programs. Programs financed with grant monies will be budgeted in separate cost centers, and the service program will be adjusted to reflect the level of available funding. In the event of reduced grant funding, City resources may be substituted only after all program priorities and alternatives are considered.

5.5.4. The cost of ~~a~~All externally mandated services for which funding is available shall be ~~fully costed out~~evaluated, including overhead, to allow for complete reimbursement of expenses.

5.6. Revenue Collection Policy:

5.6.1. The ~~City/Agency~~City will pursue revenue collection and auditing to assure that monies due the ~~City/Agency~~City are accurately received in a timely manner.

5.6.2. The City will seek reimbursement from the appropriate agency for State and Federal mandated costs whenever possible.

5.6.3. The City will centralize accounts receivable/collection activities so that all receivables are handled consistently.

5.6.4. Accounts receivable management and diligent oversight of collections from all revenue sources are imperative. Sound financial management principles include the establishment of an allowance for doubtful accounts. ~~Efforts should~~shall be made to pursue the timely collection of delinquent accounts. When such accounts are deemed uncollectible, they will be written-off from the financial statements in accordance with established policies.

6. FINANCIAL MANAGEMENT POLICIES

6.1. Staff shall keep ~~City Council/Agency Board~~City apprised of financial opportunities available and shall develop appropriate recommendations.

6.2. All requests for ~~City Council/Agency Board~~City action shall include an analysis of the immediate and future fiscal impact of such action. No appropriation for new or expanded programs or staffing levels shall be approved without identifying the amount and source of available funds.

6.3. All externally mandated services for which funding is available shall be charged to allow for complete reimbursement of expenses including overhead.

6.4. Cash Management Investment:

6.4.1. Cash and investment programs will be maintained in accordance with California Government Code Section 53600 et seq. and the

City/AgencyCity's adopted investment policy and will ensure that proper controls and safeguards are maintained. Pursuant to the Investment Policy, the Financial Advisory Board, at least annually, ~~will~~ reviews, and the City Council /Redevelopment Agency~~will~~ affirms, a detailed investment policy.

6.4.2. Reports on the investment portfolio and cash position will be developed and presented to the Financial Advisory Board and the City Council/Redevelopment AgencyCity Council in conformity with the California Government Code.

6.4.3. Funds will be managed in a prudent and diligent manner with emphasis on safety, liquidity, and yield, in that order.

7. CAPITAL IMPROVEMENT PROJECT POLICIES

7.1. A Ten-year Capital Improvement Plan will be developed and updated annually, including anticipated funding sources. Capital improvement projects are defined as infrastructure or equipment purchases or construction which result in a capitalized asset and have a useful (depreciable) life of two years or more.

7.2. ~~The~~Each Capital Improvement Project will identify, where applicable, current operating maintenance costs and funding streams available to repair and/or replace deteriorating infrastructure and to avoid significant unfunded liabilities.

7.3. The City will develop and implement a post-implementation evaluation of its infrastructures condition on a specified periodic basis, estimating the remaining useful life, and projecting replacement costs.

7.4. The City shall actively pursue outside funding sources for all Capital Improvement Projects. Outside funding sources, such as grants, shall be used to finance only those Capital Improvement Projects that are consistent with the Ten-year Capital Improvement Project~~Plan~~ and/or local governmental priorities, and whose operating and maintenance costs will be included in future operating budget forecasts.

7.5. Capital improvement lifecycle costs will be coordinated with the development of the Operating Budget. Future operating, maintenance and replacement costs associated with new capital improvements will be forecasted, matched to available revenue sources, and included in the Operating Budget. Capital project contract awards will include a fiscal impact statement disclosing the expected operating impact of the project and when such cost is expected to occur.

7.6. The City/AgencyCity must carefully seek and analyze the appropriate type of financing instrument appropriate for financing capital projects. Several options may be available – general obligation debt, fee-supported debt, fund

reserves, tax increment, etc. All debt financing mechanisms shall be carefully considered and analyzed for fiscal benefit and cost effectiveness. Long-term borrowing shall be restricted to projects too large to be financed from current revenues (pay-as-you-go). Where possible, special assessment, revenue or other self-supporting bonds shall be used in lieu of general obligation bonds.

8. DEBT MANAGEMENT POLICIES

8.1. Issuance of Debt:

8.1.1. The City/AgencyCity will not use long-term debt to pay for on-going operations. The use of bonds, certificates of participation or capital leases will only be considered for significant capital and infrastructure improvements.

8.1.2. New debt issues, and refinancing of existing debt, must be analyzed for compatibility within the City/AgencyCity's overall financial planning within the Ten-Year Financial Plan. The review shall include, but not be limited to, cash flow analysis and the maintenance of the City/AgencyCity's bond rating. Annual debt service shall not produce an adverse impact upon future operations.

8.1.3. Debt financing should not exceed the useful life of the infrastructure improvement with the average (weighted) bond maturities at or below twenty years.

8.1.4. Total debt will not exceed two percent (2%) of the total assessed value of property in the City and General Fund Debt Service will not exceed 5% of operational appropriations.

8.2. Credit Rating:

8.2.1. The City/AgencyCity will seek to maintain and, if possible, improve its current bond rating(s) in order to minimize costs and preserve access to credit.

8.2.2. It is the City/AgencyCity's goal to acquire an AAA/Aaa credit rating from all three major rating agencies. The City/AgencyCity may pay the bond insurance which is considered as part of the rating, however, the rating agency will evaluate the structure of the bond to validate the bond rating. The factors that contribute to a high rating include the City/AgencyCity's financial management practices, low debt levels, budgetary and fiscal controls, and accountability. To support this policy, the City/AgencyCity will continue to maintain its position of full financial disclosure and proactive fiscal planning.

9. EQUIPMENT REPLACEMENT FUND

9.1. The City shall maintain a dedicated fund to provide for replacement of vehicles and certain equipment. Unreserved fund balance will be available for transfer to the General Fund only in the event of a fiscal emergency as described in Section 3.4.

9.2. Vehicle replacement will be accomplished through the use of an amortization methodology structure. The rates will be revised annually to ensure that charges to operating departments are sufficient for operation and replacement of vehicles and other capital equipment. Replacement costs will be based upon equipment lifecycle and anticipated inflation.

10. ENTERPRISE FUNDS

10.1. All Enterprise Funds user fees will be examined annually to ensure that they recover all direct and indirect costs of service, provide for capital improvements and maintenance, and maintain adequate reserves.

10.2. Rate increases shall be approved by the City Council following formal noticing and a public hearing. Rate adjustments will be based on the projected expenditures in the Ten-Year Financial plan.

**CITY OF EL CERRITO AND
~~EL CERRITO REDEVELOPMENT AGENCY~~
2012 INVESTMENT POLICY
~~FY 2010-11~~**

1.0 POLICY

It is the policy of the City of El Cerrito ("City") and ~~the El Cerrito Redevelopment Agency ("Agency", which with the City shall be referred to herein collectively as the "City")~~ to invest public funds in a manner which provides for safety of principal while providing sufficient liquidity to cover the City's short and long term needs while generating the appropriate yield. All investment activity will conform to the California Government Code, Sections 53601 through 53659.

In accordance with Section 53646 of the California Government Code, the Treasurer may annually render to the City Council a statement of investment policy and the policy will have been previously reviewed by the Financial Advisory Board.

2.0 SCOPE

This investment policy applies to all financial assets of the City and ~~Agency~~ as accounted for in the City of El Cerrito's Comprehensive Annual Financial Report. Policy statements included in this document focus on the City's pooled funds, but will also apply to all other funds under the Treasurer's control unless specifically exempted by statute or ordinance. This policy includes, but is not limited to the following funds:

- a. General Fund
- b. Enterprise Funds
- c. Capital Project Funds
- d. Debt Service Funds
- e. Special Revenue Funds
- f. Internal Service Funds
- g. Trust and Agency Funds
- h. Retirement Agency Funds
- i. Any new funds created by the City Council

This policy specifically exempts any City ~~or Agency~~ bond proceeds in the possession of a trustee or fiscal agent. These bond proceeds shall be invested in accordance with the requirements and restrictions outlined in the bond documents. This policy does not apply to any lending program of the City or the Agency.

3.0 PRUDENCE

All persons authorized to make investment decisions for the City of El Cerrito are trustees and therefore fiduciaries subject to the **prudent person** rule.

The standard of prudence to be used by City of El Cerrito fiduciaries is the "Prudent Investor" Standard found in the California Government Code Section 53600.3, ~~and shall be applied in the context of managing the overall portfolio.~~

The fiduciaries are, the City Manager, City Treasurer and City Council, acting within the intent and scope of the Investment Policy and other written procedures, and exercising due diligence, shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported to the City Council in a timely manner and the fiduciaries take appropriate action ~~is taken~~ to control adverse developments.

4.0 OBJECTIVE

The objective of the investment portfolio is to meet the City's short and long-term cash flow needs. To achieve this objective, the portfolio will be structured to provide, in priority order, safety of principal, liquidity and return on investment.

4.1 Safety

Safety of principal is the foremost objective of the City of El Cerrito. All investments of the City shall be undertaken in a manner that ensures the preservation of capital, ~~in the overall portfolio.~~ Each investment transaction shall seek to ensure that capital losses are avoided, whether from issuer default, broker/dealer default, or erosion of market value. The City shall seek to preserve principal by mitigating the two types of risk: credit risk and market risk.

4.1.1 Credit Risk

Credit risk is the risk of loss due to failure of the issuer to repay an obligation and shall be mitigated by investing in only ~~the highest quality~~ high quality credits investments and by diversifying the investment portfolio so that the failure of any one issuer would not unduly jeopardize the City's fiscal status.

4.1.2 Market Risk

Market risk is the risk of market value fluctuations due to overall changes in the general level of interest rates and shall be mitigated by structuring the portfolio so that securities mature at the same time major expenditures occur, eliminating the need to sell securities prior to their maturity. The taking of short positions, that is, selling securities the City does not own is prohibited. It is

explicitly recognized herein, however, that in a diversified portfolio, occasional measured losses are inevitable and must be considered within the context of overall investment return.

4.2 Liquidity

The City's investment portfolio will be structured to provide sufficient liquidity to meet the operating requirements of the City of El Cerrito. The City of El Cerrito will attempt to match its investments with anticipated cash flow requirements whenever possible. The maximum maturity of any one security, unless otherwise restricted by the California Government Code, is limited to five years. The portfolio's weighted average maturity shall be limited to three years.

4.3 Return on Investment

State law requires that the objective of return on investment be subordinate to the objectives of safety and liquidity. Employees should also seek the best return on investments while satisfying the concerns of safety and liquidity. Therefore, the Treasurer shall seek to achieve a return on the funds under ~~their~~ City control throughout all economic cycles, taking into consideration the City of El Cerrito's investment risk constraints and cash flow requirements.

5.0 DELEGATION OF AUTHORITY

Pursuant to Section 53601 of the California Government Code, the City Council as the legislative body of the City of El Cerrito has primary responsibility for the investment of all funds in the City treasury. As authorized under Section 53607 of the California Government Code, the City Council hereby delegates its authority to invest or reinvest the funds of the City, and to sell or exchange securities so purchased, to the City Treasurer who shall assume full responsibility for all such transactions until such time as this delegation of authority may be revoked by the City Council. In the City Treasurer's absence the City Manager is authorized to perform any ~~required~~ such transactions.

5.1 Investment Procedures

The City Treasurer shall establish written investment policy procedures for the operation of the investment program consistent with this policy. The procedures should include reference to safekeeping, wire transfer agreements, banking service contracts and collateral/depository agreements.

6.0 ETHICS AND CONFLICT OF INTEREST

Elected officials, officers and employees of the City who make investment decisions will refrain from any activity that could conflict with the proper

execution of the investment program or which could impair their ability to make impartial investment decisions. Employee actions will be in accordance with this policy, California Government Code Sections 1090 et seq, 87100 et seq., other applicable Government Code Sections or future Council actions.

7.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The City of El Cerrito shall transact business only with commercial banks, savings and loans, credit unions, and investment securities broker/dealers. The broker/dealers must be primary dealers regularly reporting to the Federal Reserve Bank of New York or regional broker/dealers that qualify under the Securities and Exchange Commission Rule 15c3-1 (uniform net capital rule). Selection of financial institutions and broker/dealers authorized to do business with the City shall be at the sole discretion of the City Treasurer. The Treasurer will maintain a list of financial institutions authorized to provide investment services to the City.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the Treasurer with audited financial statement from the three most recent years, at least three references from other California Local agencies, a completed Broker/dealer questionnaire and a statement certifying that the institution has reviewed the California Government Code Section 53600 et seq. and the City's Investment Policy. The certification will state that the financial institution or broker/dealer and all investments presented to the Treasurer will be in compliance with the applicable State Code and the City Investment Policy.

The Treasurer shall determine if the Financial Institutions are adequately capitalized, make markets in securities appropriate to the City's needs and are recommended by other local agency portfolio managers.

The Treasurer will conduct an annual review of the financial condition of all qualified institutions. Additionally, their current financial statements are required to be on file.

8.0 AUTHORIZED INVESTMENTS

The City is authorized by California Government Code Section 53600 et seq. to invest in the following types of securities:

8.1 United States Treasury Bills, Bonds, and Notes, or those for which the full faith and credit of the United States are pledged for the payment of principal and interest. There is no limitation as to the percentage of the portfolio that can be invested in this category. The maximum term shall be five years.

- 8.2 Obligations issued by United States Government Agencies** such as, but not limited to the Federal Farm Credit Bank (FFCB), the Federal Home Loan Bank (FHLB), the Federal Home Loan Mortgage Corporation (FHLMC), the Federal National Mortgage Association (FNMA), the Student Loan Marketing Association (SLMA), the Government National Mortgage Association (GNMA) and the Tennessee Valley Authority (TVA). United States Government Agency securities with call features are also authorized. There is no limitation as to the percentage of the portfolio that can be invested in this category. The maximum term shall be five years.
- 8.3** Bills of exchange or time drafts drawn on and accepted by a commercial bank, otherwise known as Banker's Acceptances. Purchases in this category may not exceed 180 days to maturity nor 30% of the cost value of the portfolio.
- 8.4 Commercial Paper** of prime quality and ranked P1 by Moody's Investor Services, A1 by Standard and Poor's or F1 by Fitch Financial Services Inc., issued by a corporation organized and operating in the U.S. as a general corporation and having assets in excess of \$500 million and having an "A" or better rating on its long term debt as provided by Moody's, Standard and Poor's or Fitch. Purchases of eligible commercial paper may not exceed 270 days to maturity. Purchases of commercial paper may not exceed 10 percent of the cost value of the portfolio nor represent more than 10 percent of the outstanding paper of an issuing corporation.
- Total combined corporate debt (Commercial Paper and Medium Term Notes) may not exceed 20 percent of the cost value of the portfolio.
- 8.5 Negotiable Certificates of Deposit** issued by a nationally or state-chartered bank or a state or federal savings institution or credit union. Securities eligible for purchase in this category shall be rated "A" or better by Moody's, Standard and Poor's or Fitch. Purchases of Negotiable Certificates of Deposit shall not exceed 30 percent of the cost value of the portfolio nor exceed a five-year term.
- 8.6 Medium Term Notes (MTNs)** issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. MTNs eligible for investment in this category must be rated "A" or better by Moody's, Standard and Poor's or Fitch. Investments in this category will be limited to a five-year maximum maturity and may not exceed 10 percent of the cost value of the portfolio.

Total combined corporate debt (Commercial Paper and Medium Term Notes) may not exceed 20 percent of the cost value of the portfolio.

- 8.7 Shares of beneficial interest issued by diversified management companies that are **Money Market Funds** registered with the Securities and Exchange Commission under the Investment Company Act of 1940. These funds must either have attained the highest rating/ranking by at least two of the three largest nationally recognized rating services. Investments in this category will not exceed 5 percent of the portfolio, and there is no final maturity.
- 8.8 **State Pool – Local Agency Investment Fund (LAIF).** This fund was established by the State Treasurer for the benefit of Local agencies under California Government Code Section 16429.1. The City may invest in the LAIF up to the maximum amount permitted by State law. The maximum amount of \$40 million per account for both the City and the Redevelopment Agency has consistently been higher than the entire portfolio, but the requirement to maintain diversity prevents the entire portfolio from residing in a LAIF account. Purchase of investments will take into account the need for liquidity offered by LAIF for operational purposes, as well as the need for portfolio diversification.
- 8.9 **Time Certificates of Deposit** collateralized in accordance with the California Government Code Sections 53652 and 53653, may be purchased by the City from banks or savings and loan associations or credit unions. Purchases in this category will not exceed 5 years to maturity nor 30 percent of the cost value of the portfolio. Purchases in a single institution will not exceed 10 percent of the cost value of the portfolio.
- 8.10 **Derivative Securities** are those securities that derive their value from another asset or index. Investments in derivative securities will be made using the Prudent Investor Rule and will be limited to federal agency callable issues. Purchases in this category will not exceed 10% of the cost value of the portfolio.
- 8.11 **Prohibited Investments.** Investments not described herein are ineligible investments. The City shall not invest any funds in inverse floaters, range notes, or interest only strips that are derived from a pool of mortgages in accordance with California Government Code Section 53601.6. With the exception of callable agencies, any security that derives its value from another asset or index is prohibited. In addition, the City shall not invest any funds in any security that could result in zero interest accrual if held to maturity.

9.0 INVESTMENT POOLS/MUTUAL FUNDS

A thorough investigation of any pooled investments or money market mutual fund is required prior to investing City funds. A due diligence review will be

performed on all money market mutual funds and pooled investment funds on a continued basis.

As outlined in section 8.7 of this policy, investments in mutual funds are restricted to money market mutual funds and must meet the experience and asset requirements as stated. ~~Treasury staff~~ The fiduciaries will continually monitor the funds to ensure the maintenance of those ratings/requirements.

Reports on the performance of the Pooled Money Investment Account/LAIF can be found on the California State Treasurer's web site as well as the Investment Board report, historical rates/costs and market valuations. These reports shall be reviewed by the Treasurer each month as part of the due diligence review.

10.0 COLLATERALIZATION

California Government Code, Sections 53652 et seq., specifies the types and levels of collateral for public funds on deposit above the FDIC insurance amounts. The collateral requirements apply to both active bank deposits (checking and savings accounts) and inactive bank deposits (non-negotiable certificates of deposit) and must be maintained for all the City's bank deposits

11.0 SAFEKEEPING AND CUSTODY

All securities held by the City of El Cerrito shall be held in safekeeping by a third party bank trust department acting as agent for the City under the terms of the custody agreement executed by the bank and the City, and shall be evidenced by safekeeping receipts. All securities will be received and delivered using standard delivery-versus-payment (DVP) procedures. Investments in the State Pool or money market mutual funds are undeliverable and are not subject to delivery or third party safekeeping.

12.0 DIVERSIFICATION

The City of El Cerrito will diversify its portfolio by investment type, issuer, maturity dates and broker/dealer. Limits for security types are set forth in Section 8.0 of this document.

13.0 INTERNAL CONTROLS

The City Treasurer ~~has developed~~ will maintain a system of internal controls to ensure compliance with investment procedures of the City and ~~Redevelopment Agency~~ of the City of El Cerrito and the California Government Code and these controls will be audited annually by the City's external audit firm.

14.0 REPORTING

The Council may request that the Treasurer render a report to the City Council. The report shall include the type of investment, issuer, maturity date, par and cost/book values of all securities, investments and monies held by the City of El Cerrito. It shall also include the rate of interest, the current market value as of the report date and the source of the valuation. The report shall state compliance—of the portfolio to—with the Investment policy as well as the California Government Code and it shall state the City's ability to meet its estimated expenditures for the next six months or provide an explanation as to why sufficient money is not available and what actions are being done to correct the deficiency.

15.0 INVESTMENT POLICY REVIEW AND ADOPTION

The City of El Cerrito's investment policy will continue to be reviewed and adopted by the City Council annually, even if not required by California Government Code 53646. Prior to the annual submission to the City Council the Investment Policy will be reviewed by the Financial Advisory Board and the Board's comments will be presented to the City Council for ~~their~~—its consideration.

16.0 GLOSSARY

AGENCIES: Federal agency securities and/or Government sponsored enterprises.

BANKERS ACCEPTANCE (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution, as well as the issuer, guarantees payment of the bill, ~~as well as the issuer.~~

BROKER: A broker brings buyers and sellers together for a commission.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Time certificates of deposit are collateralized in accordance with the State code. Large-denomination CD's are typically negotiable and non-collateralized.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

DEALER: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

DELIVERY-VERSUS-PAYMENT: There are two methods of delivery of securities: delivery versus payment and delivery versus receipt. Delivery versus payment is delivery

of securities with an exchange of money for the securities. Delivery versus receipt is delivery of securities with an exchange of a signed receipt of the securities.

DERIVATIVES: (1) Financial instruments whose return profile is linked to or derived from, the movement of one or more underlying index or security, and may include a leveraging factor, or (2) financial contracts whose value is derived from an underlying index or security (interest rates, foreign exchange rates, equities or commodities).

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns.

FEDERAL CREDIT AGENCIES: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, e.g., S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits, currently up to \$250,000 per deposit.

FEDERAL HOME LOAN BANKS (FHLB): Government sponsored wholesale banks (currently 12 regional banks) which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB is to liquefy the housing related assets of its members who must purchase stock in their district Bank.

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

FIDUCIARY An individual in whom another has placed the utmost trust and confidence to manage and protect property or money. The relationship wherein one person has an obligation to act for other's benefit.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION (GNMA or Ginnie Mae): Securities influencing the volume of bank credit guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the US Government.

Ginnie Mae securities are backed by the mortgages, including FHA and VA mortgages. The term "pass-throughs" is often used to describe Ginnie Maes.

ISSUER: A legal entity that has the power to issue and distribute securities. Issuers include corporations, municipalities, foreign and domestic governments and their agencies, and investment trusts.

LIQUIDITY: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable size can be done at those quotes.

POOLED MONEY INVESTMENT FUND (LAIF): The aggregate of all funds from political subdivisions that are placed in the custody of the County or State Treasurer for investment and reinvestment. The State of California's pool is known as the Local Agency Investment Fund, or LAIF.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MATURITY: The date upon which the principal or stated value of an investment becomes due and payable.

MONEY MARKET: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

PORTFOLIO: Collection of securities and investments held by an investor.

PRIMARY DEALER: A group of government securities dealers who submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

PRUDENT PERSON RULE: An investment standard. In some states, the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the custody state. In other states, the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

RATE OF RETURN: For fixed-rate securities, it is the coupon or contractual dividend rate divided by the purchase price which is also the current yield.

SAFEKEEPING: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank's vaults for protection.

SECURITIES & EXCHANGE COMMISSION: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SEC RULE 15C301: See Uniform Net Capital Rule.

TREASURY BILLS: A non-interest bearing discount security issued by the US Treasury to finance the national debt. Most bills are issued to mature in three months, six months, or one year.

TREASURY BONDS: Long-term coupon-bearing US Treasury securities issued as direct obligations of the US Government and having initial maturities of more than 10 years.

TREASURY NOTES: Medium-term coupon-bearing US Treasury securities issued as direct obligations of the US Government and having initial maturities from two to 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as non-member broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15:1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD: The rate of annual income return on an investment, expressed as a percentage: (a) Income Yield is obtained by dividing the current dollar income by the current market price for the security; (b) Net Yield or Yield to Maturity is the current income yield minus any premium above par or plus any discount from par in purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

ORDINANCE NO. 2012-01

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING SECTIONS 2.04.010 ("MEETING – REGULAR") AND 2.04.030 ("MEETING – PLACE") OF THE EL CERRITO MUNICIPAL CODE TO CHANGE AND FIX THE DAY, TIME AND PLACE OF CITY COUNCIL MEETINGS

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

DIVISION I. SECTION 2.04.010 of the El Cerrito Municipal Code is hereby amended with the following additions and deletions to read as follows (additions in underline, deletions in ~~striketrough~~):

Section 2.04.010 Meeting – Regular

The council shall hold regular meetings on the first and third ~~Mondays~~ Tuesdays of each month at ~~eight~~ 7:00 p.m. It may adjourn any regular or special meeting to a date certain, which shall be specified in the order of adjournment, and such an adjourned meeting may likewise be adjourned. Any adjourned regular meeting shall be a regular meeting for all purposes. In the event that any order adjourning a meeting fails to state the hour at which the adjourned meeting is to be held, such adjourned meeting will be held at ~~eight~~ 7:00 p.m.

Section 2.04.030 Meeting – Place

All regular meetings shall be held at the El Cerrito ~~Community Center, 7007 Moeser Lane~~ City Hall, 10890 San Pablo Avenue.

DIVISION II. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

DIVISION III. EFFECTIVE DATE.

This ordinance shall take effect thirty days after passage and be posted in accordance with Section 36933 of the Government Code of the State of California with the names of those City Councilmembers voting for and against it.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of El Cerrito, held on December 19, 2011.

Adopted and ordered published at a meeting of the City Council for the City of El Cerrito held on the _____ day of _____, 2012 by the following vote:

AYES:

NOES:

ABSTAIN:
ABSENT:

APPROVED:

William C. Jones III, Mayor

ATTEST:

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is true and correct original Ordinance No. 2012-01 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 XX, 2012; and that said Ordinance has been published and/posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _____ day of January, 2012.

Cheryl Morse, City Clerk



AGENDA BILL

Agenda Item No. 5(D)

Date: January 17, 2012
To: El Cerrito City Council
From: Yvetteh Ortiz, Engineering Manager
Jerry Bradshaw, Public Works Director / City Engineer
Subject: On-Call Transportation Engineering Agreements

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute professional services agreements with two consultant firms, Whitlock & Weinberger Transportation, Inc. (W-Trans) and Fehr & Peers, for on-call transportation engineering services for periods of three years with options to extend for an additional two years.

DISCUSSION

The City occasionally requires the services of a consultant firm to perform transportation engineering work for various projects and efforts in the City of El Cerrito. This type of work is usually variable in scope that may be short-term assignments or may be part of larger capital or planning projects. As a result, most cities, big and small, enter into on-call agreements with consultant firms to assign work as needed.

Government Code Section 4526 requires the State and local agencies to select consultant firms such as these on the basis of "demonstrated competency and on professional qualifications." Because of this, the consultant selection is not based on cost proposals. That approach is reinforced by the nature of an on-call agreement where the scope of work is not specified ahead of time. Therefore, in soliciting these services, staff issued a Request for Qualifications (RFQ) instead of a Request for Proposals (RFP).

For the past eight years the City of El Cerrito has had one firm under contract for on-call services. Given the length of time, staff determined that it was time for a new consultant solicitation. Many cities choose to enter into on-call agreements with multiple firms in order to assure that a consultant's workload issues will not get in the way of a city's critical-path needs, and also to allow staff to best fit the expertise of a particular firm with the specific needs of an assignment. For complex projects, a city may ask for task proposals from more than one of their on-call firms to further ensure compatibility. Since El Cerrito's demand for these services is not large, Public Works staff chose to craft the RFQ to select no more than two firms.

The selected firms will provide services and have staffing within the specialized categories listed below:

- Traffic Control Evaluation and Implementation

- Traffic Calming/Neighborhood Traffic Management
- Speed Zoning
- Traffic Operations and Safety Analysis
- Traffic Signal Timing and Design
- Pedestrian and Bicycle Planning and Design
- Complete Streets/Context Sensitive Solutions
- Roadway Design
- Parking Analysis
- Transportation Planning/Impact Assessment

Transportation engineering services provided by the selected firms will likely include field investigation and measurement, traffic and parking data collection and surveys, feasibility evaluation, alternatives analysis, design development, detailed design, and cost estimating. Examples of recent work by our current on-call firm include evaluation of all-way stop at Cutting Boulevard and Arlington Boulevard and development of the Neighborhood Traffic Management Program.

Staff sent the RFQ to 20 firms on November 18, 2011 requesting Statements of Qualifications (SOQs), which were due on December 15, 2011. Staff received seven (7) responses. The SOQs were evaluated by City staff and two firms rose to the top of the list: W-Trans and Fehr & Peers. Both firms possess all the requested areas of expertise, have vast 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 contracts have an initial term of three years with options 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. Both 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. The terms for the agreements are three years, with options to renew for up to two additional years.

As needs arise, one or both 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. The RFQ stated that the first two tasks to be assigned include the citywide engineering and traffic surveys for speed zoning and evaluation of several neighborhood traffic management requests. The scope of services for each is currently being developed.

FINANCIAL CONSIDERATIONS

The on-call agreements do not have dollar amounts directly associated with them. The agreed upon proposal for each task will be subject to funding available for that project or operational need.

Agenda Item No. 5(D)

The fiscal controls are the various budgets for related projects and operations accounts.

Reviewed by:

A handwritten signature in black ink, appearing to read 'S. Hanin', is written over a horizontal line.

Scott Hanin, City Manager

Attachment:

1. Accompanying Resolution

RESOLUTION 2012-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL AUTHORIZING THE CITY MANAGER TO
EXECUTE PROFESSIONAL SERVICES AGREEMENTS WITH WHITLOCK & WEINBERGER
TRANSPORTATION, INC. AND FEHR & PEERS FOR ON-CALL TRANSPORTATION
ENGINEERING SERVICES

WHEREAS, the City occasionally requires the services of a consultant firm to perform transportation engineering work for various projects and efforts in the City of El Cerrito; and

WHEREAS, it is customary for a city to enter into one or more agreements for these services on an as-needed basis; 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 20 firms for on-call transportation engineering services; and

WHEREAS, Whitlock & Weinberger Transportation, Inc. and Fehr & Peers were selected from a field of seven proposing consultants as the most qualified for the requested services.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to execute agreements with two firms, Whitlock & Weinberger Transportation, Inc. (W-Transportation) and Fehr & Peers, for on-call transportation engineering services for periods of three years with options for two additional years.

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

I CERTIFY that at a regular meeting on January 17, 2012 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 January XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones III, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: January 17, 2012
To: El Cerrito City Council
From: Jerry Bradshaw, Public Works Director/City Engineer
Melanie Mintz, Environmental Services Manager
Subject: Grant of Easement to East Bay Municipal Utility District at the Recycling Center

ACTION REQUESTED

Adopt a resolution granting to East Bay Municipal Utility District (EBMUD) a non-exclusive easement and authorizing the City Manager to execute the Grant of Easement for a water main extension serving two new fire hydrants associated with the new Recycling Center project.

BACKGROUND

On November 15, 2010 the City Council awarded a design-build agreement to Pankow Builders for the new Recycling Center. Since that time, the project has steadily been proceeding; first through the design development and permitting stages, and finally into construction in the spring of 2011. Of the many design issues, utilities have been particularly important since they involve third parties over which we have little control. In particular, East Bay Municipal Utility District (EBMUD) has had an important role.

One of the project requirements was to install two new fire hydrants on the project site, and this has necessitated the extension of the EBMUD water main in Schmidt Lane. The design coordination between the Pankow team and EBMUD required several iterations, some with significant cost implications. By September 2011 the conceptual alignment agreeable to all parties was finalized and the City executed a Main Extension Agreement with EBMUD. The final alignment included re-routing a portion of the existing main away from the new Recycling Center administration building and further down the street. It was the most cost effective solution and also provided for the extended main to be owned by EBMUD (instead of the City owning it as a private water main).

Schmidt Lane serves the Recycling Center as well as the City's Corporation Yard and Stege Sanitary District's facility. The street is constructed the entire length of those frontages; however, the public right of way extends only to a point approximately 100 feet beyond the driveway to Stege's new facility. The remaining 290-foot length of street actually lies on property owned by the City and is part of the Recycling Center parcel. Therefore, one requirement of the water main extension alignment was for the City to grant an easement to EBMUD to allow their main to traverse the City's private

property. The City is permitted by Government Code Section 50335 to convey utility easements to any public or private corporation in the public utility business and to regulate the terms and conditions of such conveyances

ANALYSIS

Easement Documents

Since September, coordination with EBMUD continued with information submittals from both the City and Pankow. As of late December, EBMUD's design was finally far enough along to determine the precise location of the water main and the necessary easement. With that, the City can now develop the legal description and plat map that will accompany the grant of easement. At the writing of this agenda bill, those accompanying documents had not been finalized with both the City and EBMUD and are not available. However, the attached diagram (Attachment 2) accurately shows in bold dashed line the extent of the easement overlain onto a map of the water main extension and adjacent improvements. It was furnished by EBMUD, and City staff concurs with its layout.

The Grant of Easement document (Attachment 1) has been reviewed by staff and legal counsel of the City and EBMUD, and has been agreed upon by all.

Timeline Issues

The iterative process during the late spring and summer of 2011 set the water main schedule back at least three months. Until the design is finalized and the easement is in place, the construction of the EBMUD main extension cannot be scheduled. EBMUD has informed us that once the design and right of way clearances are obtained, it will take approximately one month to begin construction. Best-case estimates for that timeline put construction to begin the last week of February.

Pankow's work will be substantially complete by January 18th. After that time, Pankow will begin to install furnishings, work on punch list items, provide close-out documentation, and begin to demobilize. Because of the absence of a domestic water supply and fire suppression system, City staff will not be able to occupy any of the buildings until after the EBMUD work is complete. Once the new water main is put into service, Pankow will re-mobilize in a limited fashion to complete water-dependent items on the project.

Because of this challenging timeline issue, staff is bringing this grant of easement item to the Council for action prior to the finalization of the legal description and plat map. Prior to execution of the grant of easement by the City Manager, the legal description and plat map will be reviewed by the City Engineer and City Attorney.

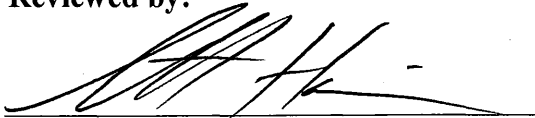
FINANCIAL CONSIDERATIONS

The grant of easement action has no direct fiscal impacts. EBMUD will not pay for the easement since it is a requirement of the City's project. All costs associated with the water main extension and additional fire hydrants are included in the project budget.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and commented on the grant of easement document. Further review of the legal description and plat map will occur prior to execution of the grant by the City Manager.

Reviewed by:

A handwritten signature in black ink, appearing to read 'SH', is written over a horizontal line.

Scott Hanin, City Manager

Attachments:

1. Accompanying Resolution
2. Resolution 2012-XX, Attachment 1 – Grant of Easement
3. Resolution 2012-XX, Attachment 2 - Easement Diagram

RESOLUTION 2012-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO GRANTING A
UTILITY EASEMENT TO EAST BAY MUNICIPAL UTILITY DISTRICT AND
AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT OF EASEMENT

WHEREAS, the City of El Cerrito ("City") is building a new Recycling Center on Schmidt Lane; and

WHEREAS, the Recycling Center will require two new fire hydrants at the end of Schmidt Lane, outside the current public right of way; and

WHEREAS, to extend its water main to reach the new fire hydrants, East Bay Municipal Utility District (EBMUD) has requested an easement in the new area; and

WHEREAS, the City is the fee owner of the property in question; and

WHEREAS, the grant of easement and diagram of the easement property are attached hereto and incorporated herein as Attachments 1 and 2; and

WHEREAS, Government Code Section 50335 permits the City to convey utility easements to any public or private corporation in the public utility business and to regulate the terms and conditions of such conveyances.

NOW, THEREFORE, BE IT RESOLVED, by the City Council that it hereby grants to EBMUD a non-exclusive easement and authorizes the City Manager to execute the Grant of Easement, attached hereto as Attachment 1.

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

I CERTIFY that at a regular meeting on January 17, 2012, the City Council of the City of El Cerrito passed this resolution by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January XX, 2012.

Cheryl Morse, City Clerk

Approved:

William C. Jones III, Mayor

RECORDING REQUESTED BY

East Bay Municipal Utility District

AND WHEN RECORDED MAIL TO

East Bay Municipal Utility District
Post Office Box 24055
Oakland, California 94623
Attn: Real Estate Services/dd

DEA 11-008 R/W

SPACE ABOVE THIS LINE FOR RECORDER'S USE

APN: 505-090-015-7

Pursuant to Government Code Section 27383, Grantee is exempt from paying recording fees.

GRANT OF EASEMENT

THIS INDENTURE, made by and between CITY OF EL CERRITO, hereinafter called the Grantor, and EAST BAY MUNICIPAL UTILITY DISTRICT, a public corporation organized and existing under the laws of the State of California, hereinafter called the Grantee,

WITNESSETH:

THAT the Grantor, for a good and valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, hereby grants to the Grantee and to its successors and assigns a perpetual non-exclusive easement and right-of-way for the purpose of laying down, constructing, reconstructing, removing, replacing, repairing, maintaining, operating and using, as the Grantee may see fit, for the transmission and distribution of water, a pipe or pipelines and all necessary braces, connections, fastenings and other appliances and fixtures including underground telemetry and electrical cables for use in connection therewith or appurtenant thereto, in, under, along and across that certain real property described in Exhibit "A" and shown on Exhibit "B", attached hereto and made a part hereof.

TOGETHER with the right of ingress to and egress from said right-of-way and the right at all times to enter in, over and upon said right-of-way and every part thereof and also to use said right-of-way for all purposes connected with the laying down, constructing, reconstructing, replacing, removing, repairing, maintaining, operating and using said pipe or pipelines.

Grantor and Grantee acknowledge that sewer, gas, electricity, and telephone lines already exist and are in use in said easement and right-of-way.

The Grantor and the Grantor's heirs, successors, or assigns shall not place or permit to be placed on said right-of-way any building or structure, including but not limited to houses, garages, outbuildings, swimming pools, tennis courts, retaining walls, decks, and patios nor do nor allow to be done anything which may interfere with the full enjoyment by the Grantee of the rights herein granted.

The above paragraph notwithstanding Grantor reserves the right to landscape the easement area in a manner consistent with the Grantee's use; however, such use by Grantor shall not include the planting of trees nor a change in the existing surface elevation (grade) of the easement area by more than one (1) foot without first having prior written consent of the Grantee.

The Grantee agrees that said pipe or pipelines shall be constructed and maintained at a depth of at least eighteen (18) inches below the present surface of the ground.

The Grantee agrees upon the completion of any of its works hereunder to restore as near as possible the surface of the ground to the condition in which it was prior to the commencement of said work.

TO HAVE AND TO HOLD, all and singular, the rights above described unto the Grantee and the Grantee's successors and assigns forever.

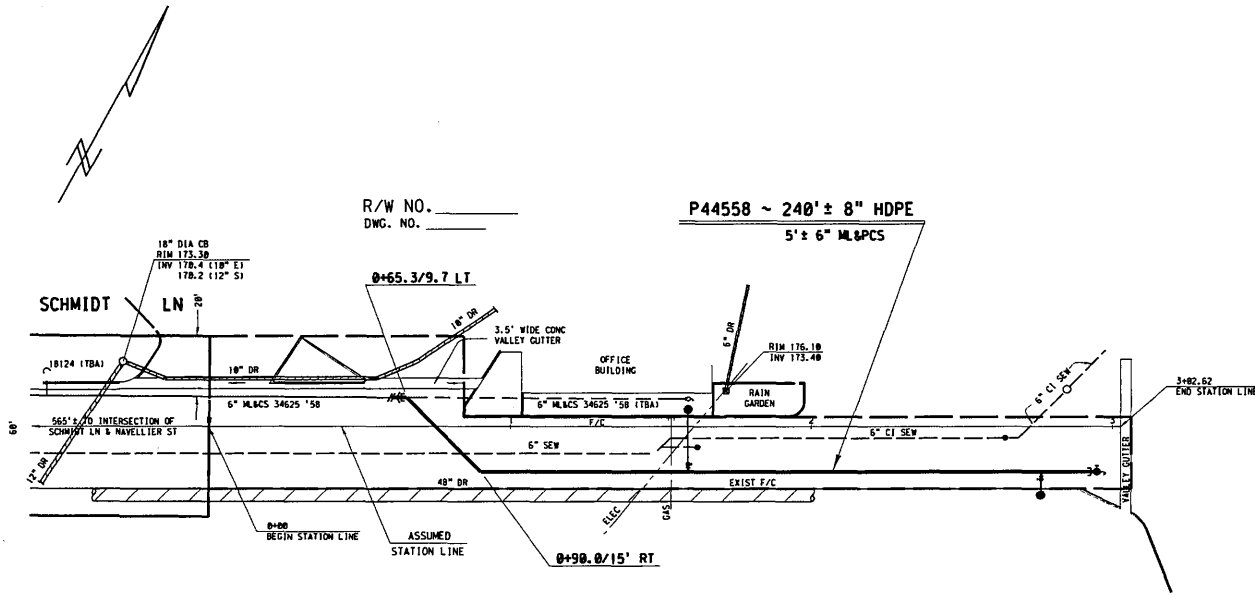
IN WITNESS WHEREOF, the Grantor has executed this indenture this _____ day of _____, 2012.

GRANTOR

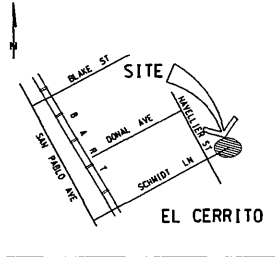
CITY OF EL CERRITO

By: _____

Its: City Manager



GENERAL NOTES
CONSTRUCTION SURVEY REQUIRED, SURVEY TO BE FURNISHED BY EDMD.
SURVEY MONUMENT(S) THAT ARE TO BE RESET OR RELOCATED ARE DONE SO AT EDMD'S EXPENSE. PLACEMENT AND NATURE OF RELOCATED MONUMENT(S) SHOULD BE COORDINATED WITH THE LOCAL CITY OR AGENCY SURVEYOR.
AS-BUILT DATA TO BE RECORDED IN ACCORDANCE WITH ESP 218.1.
MINIMUM COVER: 36" BELOW EXISTING GRADE.
MINIMUM CONSTRUCTION COVER PRIOR TO ASPHALT PAVING SHALL BE MAINTAINED AT 24" OF COMPACTED MATERIAL OVER THE PIPELINE AT ALL TIMES.
INSTALLATION SHALL BE IN ACCORDANCE WITH EDMD SPECIFICATIONS AND STANDARD PLANS.



VICINITY MAP
N.T.S.

GENERAL NOTES CONTINUED
PROVIDE SAMPLE(S) OF THE MAIN REMOVED FROM SERVICE FOR THE PIPELINE SEGMENT PROGRAM AND COMPLETE THE PIPE SEGMENT DATA SHEET.
PIPELINE LOCATION MARKERS SHALL BE INSTALLED AT LOCATIONS SHOWN. SEE DWG 309-EA.
PODE FACILITIES ARE SHOWN AS MARKED IN THE FIELD. SERVICE IMPROVEMENT NO. 2914
ALL GATE VALVES SHALL BE RESILIENT SEAT GATE TYPE.

HDPE PIPE
HIGH DENSITY POLYETHYLENE (HDPE) PIPE SHALL BE INSTALLED IN ACCORDANCE WITH DWG 309-EA AND SECTION 02616 OF THE STANDARD SPECIFICATIONS FOR THE INSTALLATION OF WATER MAINS 20" AND SMALLER.
HDPE PIPE SHALL BE MANUFACTURED IN ACCORDANCE WITH AMERICAN WATER WORKS ASSOCIATION (AWWA) C900 FOR WATER SERVICE MAINS AND AWWA C901 FOR WATER SERVICE LATERALS.
INSTALL METALLIC TRACERS AND IDENTIFICATION TAPE WITHIN ALL EXCAVATIONS IN ACCORDANCE WITH EDMD SPECIFICATIONS.
HDPE PIPE SHALL BE HYDROSTATICALLY TESTED INDEPENDENTLY FROM MLLPCS PIPE WHEN PRACTICAL AND IN ACCORDANCE WITH SPECIFICATION SECTION 02616 AND APPLICABLE ASTM GUIDELINES AND MANUFACTURER RECOMMENDATIONS.
COAT ALL EXPOSED METALLIC SURFACES OF COUPLINGS, FLANGES, SADDLES, BOLTS AND NUTS WITH MASTIC OR WAX TAPE.

MLLPCS PIPE
FITTINGS FOR 4" THRU 20" MLLPCS PIPELINES SHALL BE AS SHOWN ON STD DWG 309-EA UNLESS OTHERWISE INDICATED.
ALL UNCOATED FERROUS METAL SURFACES IN COMPLETED PIPELINES SHALL BE COATED IN ACCORDANCE WITH EDMD SPECIFICATIONS.
SINGLE FIELD CUTS SHALL NOT EXCEED 22'0" FOR 4" THRU 12" PIPE, AND 15'0" FOR 16" OR 20" PIPE. LARGER DEFLECTIONS SHALL BE CUT FROM STANDARD ELBOWS. SEE STD DWG 309-EA.
ELECTRICALLY ISOLATE MLLPCS FROM EXISTING CAST IRON AND MLLPCS PIPE OR CONNECTIONS WITH INSULATING FLANGES OR COUPLINGS IN ACCORDANCE WITH STD DWG 3446-CB.
MLLPCS IS HOT ROLL LINED AND PLASTIC COATED STEEL PIPE: 6" MLLPCS IS 6.625" O.D., 18 GA

TRENCH SPOILS HANDLING AND DISPOSAL
NO SAMPLES COLLECTED. ENVIRONMENTAL DATABASE AND SITE CHECKED. NO ENVIRONMENTAL OR HEALTH & SAFETY CONCERNS RAISED BY SEARCH RESULTS. SITE VISIT. OFF-HOURS MAY BE TAKEN TO DISTRICT OWNED DISPOSAL SITE OR EQUIVALENT UNLESS EVIDENCE OF CONTAMINATION IS DISCOVERED DURING EXCAVATION.

DRAFT

P44558

- P44558**
- 6" INSULATING JOINT C *
DWG 3446-CB, FIG 5-3
 - 8" X 6" TAPER C *
 - INSTALL 32-LB ANODE C *
DWG 286-EA, FIG B-2
 - 8" SKIRTED FLANGE C *
8" HDPE FLANGE ADAPTER WITH EPOXY COATED BACKUP RING
 - 8" ELL, 45°, (HORIZ) C *
 - INSTALL OVER 6" SEWER
 - 8" ELL, 45°, (HORIZ) C *
 - INSTALL (OVER/UNDER) ELEC C *
8" HDPE
 - INSTALL (OVER/UNDER) GAS C *
8" HDPE
 - 8" X 6" FUSABLE TEE, FLO'D OUTLET C *
HYD UNDER NO EH
 - 8" X 6" FUSABLE TEE, FLO'D OUTLET C *
HYD ORDER NO EH
 - 8" HDPE FLANGE ADAPTER WITH EPOXY COATED BACKUP RING
 - 8" VALVE, GATE, FLO'D M *
01
 - INSTALL 32-LB ANODE C *
DWG 286-EA, FIG B-2
 - BEGIN TRENCH EXCAVATION SIMILAR TO DWG 332-EA

CONSTRUCTION BY DISTRICT FORCES PAVING 240'± AC
CONTRACT NO. REFERENCE EST 11-000A, DEB 11-000 (17 OCT 11)
JUSTIFICATION TO SERVE CITY OF EL CERRITO 1-3246, 39168



NO.	DATE	REVISION	BY	REC.	APP.

BEFORE YOU DIG CALL UNDERGROUND SERVICE ALERT 800-642-2444		EAST BAY MUNICIPAL UTILITY DISTRICT OAKLAND, CALIFORNIA	
DESIGNED BY		SCHMIDT LN, EL CERRITO	
DESIGN CHECKED BY		PIPE INSTALLATION	
DRAWN BY P. LAG		EAST OF SCHMIDT LN	
CHECKED BY		W-10056	
CONSTRUCTION		STRUCTURE NO. A2A	
RECOMMENDED		SCALE 1" = 20'	
BY CIVIL ENGINEER		DATE	
R.P.E. NO. C 43659		DISTRIBUTION SYSTEM MAP NO. 1479 B 520	
FOR PIPELINE INFRASTRUCTURE			
R.P.E. NO. C 10062			



AGENDA BILL

Agenda Item No. 5(F)

Date: January 17, 2012

To: El Cerrito City Council

From: Christopher Jones, Acting Recreation Director
Bridget Cooney, Aquatics Supervisor

Subject: Agreement with More Lockers for the purchase of Heavy Duty Plastic Lockers with Implementation of the Swim Center Capital Enhancements Capital Improvement Project C3050

ACTION REQUESTED

Adopt a resolution authorizing the City Manager or his designee to enter into an agreement with More Lockers for the purchase and shipping of seventy heavy duty plastic lockers for the men and women's locker rooms at the El Cerrito Swim Center.

BACKGROUND

The current, original metal lockers at the El Cerrito Swim Center have deteriorated rapidly since their installation in 2001 with an abundance of rust, which has caused many lockers to become inoperable as well as potentially unsafe.

On June 20, 2011, the City Council adopted the Fiscal Year 2011-12 Budget. Included in this approval was Capital Improvement Project C5030 with funding for the purchase and installation of new plastic lockers that are more suitable to the damp environment at the El Cerrito Swim Center.

FINANCIAL CONSIDERATIONS

The total amount of approved funds for More Lockers exceeds \$25,000 in one fiscal year. City Council approval is necessary to proceed with this project.

Staff received three proposals for the purchase and shipping of new heavy duty plastic lockers in an informal bid process as indicated below. More Lockers did not require a particular installation company and staff was therefore able to find a better price than what the other companies offered.

Agenda Item No. 5(F)

Vendor	Product	Cost
1. More Lockers (includes shipping) ▪ Installation (El Cerrito Construction) TOTAL COST	Heavy Duty Plastic Lockers	\$29,422.94 +\$1,500.00 \$30,922.94
2. California Storage Systems ▪ Shipping (CMH Solutions) ▪ Installation (William Hamill & Co.) TOTAL COST	Lenox Plastic Lockers	\$28,254.72 + \$2,897.31 + \$3,195.00 \$34,347.03
3. Volger Equipment – TOTAL COST ▪ Includes shipping and installation	Solid Plastic Lockers	\$53,524.00

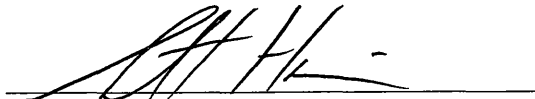
Capital Improvement Project C3050 is funded by the Measure A Parcel Tax approved by voters in 2000. The City Council has approved surplus funds generated by Measure A to be used on Swim Center capital projects.

Additionally, staff is requesting a contingency fund of \$2,000 should the purchase of additional locker components be necessary during Fiscal Year 2011-12.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the attached resolution.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Vendor Proposals

RESOLUTION 2012-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER OR DESIGNEE TO ENTER INTO AN AGREEMENT WITH MORE LOCKERS FOR THE PURCHASE OF HEAVY DUTY PLASTIC LOCKERS FOR THE EL CERRITO SWIM CENTER.

WHEREAS, the condition of the current metal storage lockers at the El Cerrito Swim Center has deteriorated significantly since the opening of the Swim Center in 2002 with several instances of rust that have caused many lockers to become inoperable; and

WHEREAS, staff, in consultation with the vendors, believe that plastic lockers are more suitable for the damp environment in the Swim Center Locker Rooms; and

WHEREAS, the City Council approves use of the informal bid process in accordance with Administrative Policy III.1(D)(4) because the purchase of this equipment is determined to be necessary to serve the best interests of the City; and

WHEREAS, staff received three proposals in an informal bid process for new heavy duty plastic lockers and staff finds More Lockers as the most qualified company to provide these items.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby authorizes the City Manager or his designee to enter into an agreement with More Lockers for the purchase and shipping of seventy heavy duty lockers not to exceed \$31,422.94, which amount is the total of More Lockers' bid of \$29,422.94 plus an additional \$2,000 contingency fund for purchase of any additional locker components needed during Fiscal Year 2011-2012.

I CERTIFY that at the regular meeting on January 17, 2012, the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January XX, 2012.

Cheryl Morse, City Clerk

APPROVED:

William C. Jones, III, Mayor

Sales Quote

More Lockers

www.morelockers.com

Phone: 1.800.448.2870 Ext 811

Fax: 781.378.1674

Monday Through Friday: 8am to 8pm E.S.T

Saturday and Sunday: 10am to 4pm E.S.T

Contact: Laurie

Email: Laurie@netixchange.com

Jay Showalter

City of El Cerrito-Aquatics

El Cerrito, CA 94530

510-559-7008

jshowalter@ci.el-cerrito.ca.us

Date: November 30, 2011

Expiration Date 20 Days

Invoice #3789

	Item	Description	Unit Price	Discount	Line Total
70	42168	Heavy Duty Plastic Lockers	\$400.00	-	\$28,000.00
		75"H x 12"W x 18"D		\$ -	
				\$ -	
6	44433GRY	Side Panels for Heavy Duty Plastic Lockers	\$125.00	-	750.00
				\$ -	
		Available in gray, blue or tan		\$ -	
				\$ -	
		ASSEMBLY INCLUDED		\$ -	
				\$ -	
		Constructed of water resistant 1/2" thick high density			
		polyethylene (HDPE)		\$ -	
				\$ -	
		Units include a 3" high x 15" deep black plastic base		\$ -	
		Each compartment includes a double prong ceiling hook		\$ -	
				\$ -	
				\$ -	
		SHIPS 1 WEEK ARO		\$ -	
		SHIPPING		\$ -	672.94
		SPECIAL VOLUME DISCOUNT			
				\$ -	
		0% DISCOUNT			
					Subtotal
					\$ 29,422.94
					Sales Tax
					Total
					\$ 29,422.94

Chris Jones**From:** Allyn Myers [elcerritoconstruction@comcast.net]**Sent:** Thursday, December 22, 2011 1:24 PM**To:** Chris Jones**Subject:** swim ctr lockers 12-22-11

EL CERRITO CONSTRUCTION UNLTD.
 2320 MONO ST. EL CERRITO, CA 94530
 510.236.4849
 Lic# 420560



ESTIMATE SHEET NO.	1	OF	1
--------------------------	---	----	---

CUSTOMER NAME:	City of El Cerrito	DATE:	12-22-11
ADDRESS:	Swim Ctr.	PROJECT:	Lockers install
DAYTIME PHONE:	559 7005	EVENINGS:	

BREAKDOWN:	COST	DETAILS
DEMOLITION		
CONCRETE CUTTING & WALLSAWING		
EXCAVATION & GRADING		
FOUNDATIONS		
SLABS		
MISC. CONCRETE		
MASONRY		
STRUCTURAL STEEL		
FRAMING - MATERIALS		
FRAMING - ROUGH HARDWARE		
FRAMING - LABOR		
PLUMBING		
ELECTRIC		
LIGHTING FIXTURES		
SHEET METAL		
Fan		
WINDOWS, GLASS, MIRRORS		
EXTERIOR FINISH SIDING Stucco		
ROOFING		
SHEETROCK & TEXTURE		
DECK		
CABINETS & MILLWORK		
DOORS & TRIM		
*APPLIANCES		
FINISH LABOR	\$1500.00	Install new lockers in Mens and womans locker

12/22/2011

		rooms
LAMINATED PLASTIC		All old lockers to be removed by owners
CERAMIC TILE		
PAINTING & STAINING	No paint	
FLOOR COVERING		
WOOD FLOORS		

SUBTOTAL:	
12% P&O	
TOTAL:	\$1500.00

California Storage Systems

4701 Oakport St.

Oakland, Ca. 94601

Phone: (925) 371-0490 Fax: (925) 371-5321

Quotation Order Form

Sold To: City of El Cerrito
7007 Moeser Ln.
El Cerrito, Ca. 94530

Attn: Jay Showalter

Phone: (510) 559-7008

Date: 11-28-11

Shipping Date: 5-6 weeks

Thank you for your interest in our Products and Services as follows:

Mens Locker Room

- 35 Double-Tier Lenox Plastic Lockers 12" x 15" x 36" with slope tops
and all trim needed to complete the runs. Color to be determined.

Womens Locker Room

- 35 Double-Tier Lenox Plastic Lockers 12" x 15" x 36" with slope tops
and all trim needed to complete the runs. Color to be determined.

Net Material Price for the Lenox Lockers above	\$25,981.35
<u>Tax</u>	<u>\$ 2,273.37</u>
Total	\$28,254.72

Terms: Net 15 days

This quote is firm for 30 days, Sales Tax is not included.

Note: The products furnished by California Storage Systems are consistent with good engineering practices, but unless stated above, we have not retained a civil engineer for plan certification, nor have we obtained a building permit. Should either of these steps be required, our net cost will be added to the quotation. Payment terms are as noted above. Title does not change hands until paid in full. Should action be required for collection, those costs will be added to principal and finance charges then due. Finance charges are computed at 1.5% per month after the initial 30 days.

Accepted By: _____ Date: _____ By: _____
Signature and Position Chuck Davies

William Hamill & Company

530 Chinquapin Way, Auburn, CA 95603 ☐ (530) 888-0876 ☐ fax (530) 888-6919

PROPOSAL

November 28, 2011

City of El Cerrito
Attn: Jay Snowalter
7007 Moeser Lane
El Cerrito, CA 94530

I am pleased to provide the following proposal:

Scope of Work

A) Install Plastic lockers including sloped tops as follows:

- Men's Locker Room – 35 ea Double Tier Lockers with 12" x 15" x 36" openings.
- Women's Locker Room – 35 ea Double Tier Lockers with 12" x 15" x 36" openings.

Total Labor: \$3,195.00

B) Optional: Remove existing Steel Lockers, Haul Away and Dispose;

Total Labor: \$2,385.00

Terms and Conditions

This quotation is limited to the scope of work as specified only. Additional services, if required, must be approved by written change order,

This quotation does not include obtaining permits, and related fees, if required by the City of El Cerrito.

Submitted by:

Accepted by:

Bill Hamill

Name

Date

CROMER
EQUIPMENT
www.cromer.com

4701 Oakport Street
Oakland, CA 94601
510/534-6566
Fax 510/261-9080



4884 Frontier Way, Suite A
Stockton, CA 95215
209/465-8987

771 Northport Drive, Suite A
West Sacramento, CA 95691
916/371-2004
Fax 916/371-2020

Forklifts

November 28, 2011

Caterpillar / Jungsheinrich

Clark

City of El Cerrito
7007 Moeser Lane
El Cerrito, Ca 94530

Dodge

Attn: Jay Showalter

Kelmar

Phn: 510-559-7008

Email: jshowalter@ci.el-cerrito.ca.us

New & Used

RE: Bradley Lockers Freight for El Cerrito Swim Club

Loggy Back/Rough Terrain

Net material Freight Costs on the delivery of the Plastic Lockers to the El Cerrito Swim Club>

Racking/Shelving

Estimated Freight Costs:

\$2,897.31

Golf/Personnel Carts

Sincerely,

Marshall Cromer
Marshall Cromer

Warehouse Products

Belt Manlifts

Rental & Leasing

Parts & Service

Jay Showalter

From: Mike Martinez [mike.martinez@voglerequipment.com]
Sent: Friday, December 02, 2011 10:17 AM
To: Jay Showalter
Subject: FW: Updated Quote (Plastic Lockers) 12-2-11

Jay,

The updated price for the delivered & installed lockers, (from what I quoted you as shown below on 11-10-2010) is: \$58,839.00

Note: Your most current e-mail states that you only need (70) of the Double tier installed lockers, if that is the case then the price is: \$53,524.00

** The shipping lead time is the same as before (5 weeks) & we can hold the new pricing for up to 60 days.

Thank you,

Mike

From: Mike Martinez [mailto:mike.martinez@voglerequipment.com]
Sent: Wednesday, November 24, 2010 3:23 PM
To: 'Jay Showalter'
Subject: FW: Updated Quote (Plastic Lockers)

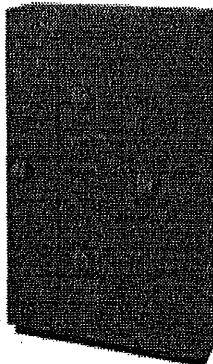
Jay,

Here is the updated Quote for the lockers which includes installation.

Thank you,

Mike

From: Mike Martinez [mailto:mike.martinez@voglerequipment.com]
Sent: Wednesday, November 10, 2010 11:10 AM
To: 'jshowalter@ci.el-cerrito.ca.us'
Subject: Quote (Plastic Lockers)



Jay,

Here is your price on the Solid Plastic lockers as per your layout & specifications, they are available in 26 factory

12/5/2011

standard colors.

(75) – Double Tier locker frames, 12"w. x 15"d. x 36/72"h. with sloped tops & 3 sloped corner fillers/3 vertical fillers/7 finished end panels. [For Rooms #120, 128 & Lifeguard Room.]

(6) – Six Tier locker frames, 12"w.x15"d.x12/72"h. with sloped tops & 1 vertical filler/2 finished end panels.
[For Lifeguard Room.]

PRICE: \$52,911.00 { Delivered Assembled & Installed to zip code 94530

Note: Shipping lead time is approx. 5 weeks after the order is placed.

Thank you,

Mike Martinez
Vogler Equipment Co. Inc. / Lockers of America
16500 N.W. 7th. Ave.
Miami, Fl. 33169
Ph. (305)653-6000 / (800)422-2522
Fax. (305)653-4614

12/5/2011



January 12, 2012

Governor Jerry Brown
Members of the State Senate
Members of the State Assembly
State Capitol
Sacramento, CA 95814

**Re: SUPPORT SB 659 (Padilla) – Temporarily Postpone Dissolution of
Redevelopment Agencies**

Dear Governor Brown and Members of the State Legislature:

Our coalition of labor, business, local government, public safety, and affordable housing advocates urges you to quickly pass and sign SB 659 (Padilla), a bill that would temporarily postpone the scheduled February 1, 2012 date to dissolve California's 425 redevelopment agencies.

Temporarily postponing this February deadline will allow time for the Legislature and Governor to develop a new job creation and neighborhood renewal program, and to develop a solution that ensures that schools and the State budget receive the funding intended by the Legislature when they passed the redevelopment budget legislation last year.

Without the extension, successor agencies are responsible for winding down all assets, properties, contracts, leases, records, buildings, and equipment of the former redevelopment agencies, and laying off workers - actions that are incredibly difficult to undo. Once the dissolution process starts, it will lead to lawsuits, endless delays, and ongoing conflict, making it more difficult to develop a new job creation and community revitalization program in California. Additionally, the dissolution process could take years. Thousands of jobs and vital economic development and affordable housing projects will be lost in the meantime.

Ultimately, we are committed to working with lawmakers to create a new program that is appropriately focused on job-creation, environmentally sustainable growth, affordable housing, and the elimination of true blight and economic disparity. Any solution would also have to provide the State and local entities with additional budgetary relief that is now put in question because of the California Supreme Court ruling. In the meantime, we



ask for your support for SB 659 to temporarily postpone the dissolution of redevelopment agencies as we work toward a new job creation and neighborhood renewal program.

Sincerely,

William C. Jones III, Mayor



AGENDA BILL

Agenda Item No. 7(A)

Date: January 17, 2012

To: City Council of the City of El Cerrito
El Cerrito Redevelopment Agency Board

From: Lori Treviño, Redevelopment Manager
Hilde Myall, Senior Project Manager

Subject: Actions related to State dissolution of the Redevelopment Agency

ACTION REQUESTED

Staff is requesting the following actions of members of the Redevelopment Agency Board and the City Council, pursuant to legislation dissolving redevelopment agencies, enacted by the State on June 29, 2011 and ruled constitutional by the State Supreme Court on December 29, 2011:

- 1) Adoption of an Agency Resolution amending its Enforceable Obligation Payment Schedule previously approved on August 15, 2011, for publication and delivery to the County Auditor and required State agencies; and
- 2) Adoption of a City Resolution electing to retain the Redevelopment Agency's housing assets and functions upon its dissolution on February 1, 2012.

BACKGROUND

On June 29, 2011, the State enacted AB1x26 (the "Dissolution Act"), which respectively dissolved redevelopment agencies throughout California, and AB1x27 (the "Alternative Redevelopment Program Act"), which provided cities a voluntary alternative redevelopment program ("VARP") for continuation of redevelopment activities contingent on annual payments to the State. Cities and redevelopment agencies challenged the constitutionality of the legislation and the State Supreme Court issued a stay of portions of the legislation. The Redevelopment Agency went into a suspension period per the requirements of the Dissolution Act, and the City and/or Agency took various actions in keeping with requirements of both statutes, pending results of the litigation. Those actions included:

- Adopting an Agency Resolution approving an Enforceable Obligation Payment Schedule ("EOPS") for its obligations through December 31, 2011; posted the schedule on the City website and made required notifications; and made payments only for obligations listed on the EOPS;
- Adopting a City Resolution electing to serve as the Successor Agency to the Redevelopment Agency, should the City choose not to or be unable to participate in the VARP; and
- Enacting an ordinance electing to participate in the VARP and adopted both City and Agency Resolutions approving a funding agreement for the required opt-in

payment to the State, all contingent on the Court ruling that the VARP is constitutional.

The Dissolution Act also provided the City the ability to assume the Agency's affordable housing responsibilities, but the fiscal impact on the City of making such an election was sufficiently uncertain for City staff to recommend the City Council wait to consider that action pending clean-up legislation to clarify various issues or until it became clear the Agency would be dissolved.

DISSOLUTION AND SUCCESSOR AGENCY

On December 29, 2011, the Court ruled the Alternative Redevelopment Program Act unconstitutional, but upheld the constitutionality of the Dissolution Act and extended the timelines for suspension and dissolution of agencies by four months. Therefore, the Redevelopment Agency remains in suspension through the month of January and will be dissolved on February 1, 2012. Upon dissolution, the City as Successor Agency to the Redevelopment Agency will assume certain of the Redevelopment Agency's functions and all assets of the Agency will be transferred to the Successor Agency. Staff is still in the process of evaluating further implications of the legislation, which appears to have unintended consequences and conflicting provisions, and will return with additional information and clarifications as they become available. In the meantime, in keeping with the extended timelines, staff and legal counsel are recommending the City and Agency take the requested actions.

AMENDED ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Attached is a resolution with an amendment to the EOPS originally adopted by the Agency Board on July 15, 2011. Revision of the EOPS is not clearly required under the Court ruling, but is permitted and advisable since the original schedule was only to cover payment of Agency obligations due during Agency suspension, the period ending December 31, 2011 and the suspension now extends through the end of this month.

The Dissolution Act also required the Agency to prepare an initial Recognized Obligation Payment Schedule (ROPS) for Agency obligations due through June 30, 2012 for submittal to its Successor Agency, though no formal action was required. As a result of the City's election to participate in the VARP, the Redevelopment Agency did not prepare an initial ROPS. Given the impending Agency dissolution, the Court extended the deadline for its preparation and submittal by four months and the current deadline for the preparation of the ROPS is March 1, 2012.

The amended EOPS being considered includes payment schedules extended through the end of June 30, 2012, and other revisions that are noted on the schedule. The amended EOPS will be submitted to the County Auditor and State agencies by January 31, 2012. It will be used as the basis for the initial ROPS being submitted to the Successor Agency at the same time. The initial ROPS will be subject to review and/or approval of the Successor Agency, an Oversight Board, the County Auditor and the State through a process outlined in the Dissolution Act. Staff will return to the Successor Agency in February to provide information on that process. The budget implications of the Agency dissolution will be discussed in detail at the midyear budget review in February.

HOUSING FUNCTIONS

Under the Dissolution Act, the City may elect to retain the Redevelopment Agency's housing functions, including its redevelopment powers to fulfill housing obligations, and its assets, but excluding any unencumbered amounts that have already been deposited in the Housing Fund. If the City chooses not to do so, those functions, powers, and assets would be assumed by the County Housing Authority. The Dissolution Act requires the Successor Agency to repay amounts previously borrowed from the Housing Fund by the Redevelopment Agency to the entity that assumes the Redevelopment Agency's housing functions. By electing to retain the housing functions, the City would receive payments on the loans made by the Housing Fund for payments to the Educational Revenue Augmentation Fund ("ERAF") and Supplemental ERAF. Outstanding ERAF and SERAF loans total \$1,663,091 and must be repaid by 2015.

While the assumption of housing responsibilities is written broadly in the legislation and is difficult to interpret, assuming housing responsibilities would enable the local community to control development of the property already conveyed by the Agency to the City in February 2011 for future development with affordable housing. Collection of loan repayments is the only funding likely to be available for current and future housing projects and programs. Despite the loss of other funding for housing functions, for the above reasons, staff is recommending the City assume the Redevelopment Agency's housing functions. While the Dissolution Act does not establish a specific deadline for this action, staff recommends adoption of the necessary resolution prior to the Agency's dissolution on February 1, 2012.

LEGAL CONSIDERATIONS

The Agency's General Counsel and the City Attorney have reviewed this report and the attachments to ensure they are in keeping with the Dissolution Act.

Reviewed by:



Scott Hanin

Executive Director & City Manager

Attachments:

1. Agency Resolution and Amended Enforceable Obligation Payment Schedule
2. City Resolution Electing to Assume the Redevelopment Agency's Affordable Housing Functions Upon Dissolution

RESOLUTION NO. _____

RESOLUTION OF THE EL CERRITO REDEVELOPMENT AGENCY APPROVING AND AMENDING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO PART 1.8 OF THE REDEVELOPMENT LAW

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council of the City of El Cerrito (the "City Council") adopted the City of El Cerrito Redevelopment Plan by Ordinance No. 77-17 on November 28, 1977, and subsequently amended by Ordinance No. 80-13 on December 15, 1980; by Ordinance No. 89-5 on July 10, 1989; by Ordinance No. 94-4 on July 25, 1994; by Ordinance No. 2004-3 on March 1, 2004, by Ordinance No. 2005-1 on March 21, 2005; and by Ordinance No. 2006-10 on November 6, 2007 (as amended, hereafter the "Redevelopment Plan"); and

WHEREAS, the El Cerrito Redevelopment Agency (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

WHEREAS, Section 34169 of the California Redevelopment Law requires the Agency to adopt an enforceable obligation schedule (the "Enforceable Obligation Payment Schedule") listing all of the obligations that are enforceable within the meaning of Section 34167(d) of the Redevelopment Law and to designate an official of the Agency whose responsibility shall be to provide information and documentation for items listed in the Enforceable Obligation Payment Schedule; and

WHEREAS, the Agency prepared its Enforceable Obligation Payment Schedule setting forth all of the obligations which the Agency has determined are enforceable obligations under Section 34167(d) of the Redevelopment Law, which was approved on by way of Agency Resolution No. 616; and

WHEREAS, the Agency is authorized to amend the Enforceable Obligation Payment Schedule and has prepared such an amended schedule, which is Exhibit A to this Resolution; and

WHEREAS, the Agency Board has reviewed and duly considered the proposed amended Enforceable Obligation Payment Schedule, documents and other written evidence presented at the meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board finds that the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

BE IT FURTHER RESOLVED, that the Agency hereby approves and appropriates (to the extent not already appropriated) the amounts necessary to fund the Agency's obligations as a lawful expenditure of Agency funds under the Law. The Agency's current fiscal year budget is hereby amended to the extent necessary to implement the foregoing appropriation.

Agenda Item No. 7(A)

Attachment 1

BE IT FURTHER RESOLVED, that the Agency Board hereby approves and adopts the amended Enforceable Obligation Payment Schedule.

BE IT FURTHER RESOLVED, that the Agency Board authorizes the Agency's Executive Director or the Executive Director's designee to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Enforceable Obligation Payment Schedule on behalf of the Agency.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

The above and foregoing resolution was duly and regularly passed and adopted at a meeting by the Redevelopment Agency Board on the 17th day of January, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a true and correct copy of the original Resolution on file in the office of the Agency Secretary of the El Cerrito Redevelopment Agency.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the El Cerrito Redevelopment Agency this ___th day of January, 2012.

Cheryl Morse, Agency Secretary

Approved:

Ann Cheng, Agency Chairperson

Name of Redevelopment Agency: El Cerrito Redevelopment Agency
 Project Area(s) City of El Cerrito Redevelopment Project Area

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE
 Per AB1X 26 - Section 34167 and 34169, and State Supreme Court Ruling on CRA v. Matosantos (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Aug**	Sept	Oct	Nov	Dec	Jan
1) 1997 Tax Allocation Bonds, Series A	Union Bank	Refunding of prior TAB for Redevelop Projs	4,748,727.50	557,547.50					86,680.00	
2) 1998 Tax Allocation Bonds, Series B	Union Bank	Refunding of prior TAB for L&M Hsg Projs	1,091,775.00	215,937.50					20,737.50	
3) 2004 Tax Allocation Bonds, Series A	Union Bank	Tax-exempt TAB for Infrastructure Projs	13,849,540.00	426,227.50					213,113.75	
4) 2004 Tax Allocation Bonds, Series B	Union Bank	Portion of Taxable TAB for Redevelop Projs	492,090.00	492,090.00					11,045.00	
5) 2004 Tax Allocation Bonds, Series B	Union Bank	Portion of Taxable TAB for L&M Hsg Projs	5,521,045.00	273,065.00					101,532.50	
6) Valente Promissory Note	George Valente	Loan for land acquisition	3,746,801.06	288,215.00						
7) Cooperation Agreement	El Cerrito Municipal Services Corporation	Redevelopment Plan implementation (non-housing)	106,230,000.00	1,626,340.00					631,340.00	995,000.00
8) Cooperation Agreement	City of El Cerrito	Redevelopment Plan implementation (housing)	50,700,000.00	208,670.00					133,670.00	75,000.00
9) Tradeway Land Acquisition	RDA Capital Fund	Loan to L&M Hsg Fund for land acquisition								
10) Employee Compensation	Dalman, Myall, Trevino	Salary, Taxes, Benefits, Insurance	447,961.00	447,961.00	17,229.27	34,458.54	34,458.54	34,458.54	51,687.81	34,458.54
11) 2009-2010 SERAF Loan	L&M Housing Fund	Funds advanced for SERAF payment	1,327,655.00	331,914.00						
12) 2005-2006 ERAF Loan	L&M Housing Fund	Funds advanced for ERAF payment	335,436.00	83,859.00						
13) Ohlone Gardens Loan Agreement	Resources for Community Development	Undisbursed loan commitment	477,821.00	477,821.00						
14) Eden Housing Loan Agreement	Eden Housing	Undisbursed loan commitment	350,000.00	350,000.00						
15) Legal Counsel	Goldfarb & Lipman	Professional services contract	75,000.00	75,000.00	6,250.00	6,250.00	6,250.00	6,250.00	6,250.00	6,250.00
16) Eden Housing ERN Deposit	Eden Housing, Inc.	Refundable deposit to Housing Fund for ERN	25,000.00	25,000.00						
17) ROD Feasibility Study	AECOM	Professional services contract								
18) Parking Study	CHS Consulting	Professional services contract								
19) San Pablo Avenue Specific Plan	MAG	Professional services contract								
20) Moeser Lane Center advisory services	Keyser Marston Associates	Professional services contract								
21) Tradeway Housing Developer Selection	Keyser Marston Associates	Professional services contract	9,646.87	9,646.87						
22) Agency FY10-11 Annual Audit	Maze & Associates	Professional services contract	3,990.00	3,990.00					3,990.00	
23) Overhead Transfer	City of El Cerrito	Direct and indirect agency administrative expenses	712,069.00	712,069.00		178,017.25			178,017.25	356,034.50
24) Cerrito Theater Lease	El Cerrito Municipal Services Corporation	Tenant Security deposit	5,000.00	5,000.00						5,000.00
25) Agency Property Management	Old Republic Title	Recording fees	2,646.00	2,646.00						2,646.00
26) Continuing Disclosure	Willdan Associates	Professional services contract	250.00	250.00					250.00	
27) Agency Reporting	Thales Consulting	Professional services contract	1,200.00	1,200.00					1,200.00	
28) Administrative Budget	Successor Agency	Administrative Budget per AB1x 26	250,000.00	250,000.00						
OTHER OBLIGATIONS - PAYMENT SCHEDULE (PASS THROUGH OBLIGATIONS)										
29) Fiscal Agreement Sec 33401	Contra Costa County	Estimated Payments Through 2025	3,917,224.00	199,191.00					199,191.00	
30) Fiscal Agreement Sec 33401	West Contra Costa USC	Estimated Payments Through 2025	4,710,982.00	242,802.00					242,802.00	
31) Fiscal Agreement Sec 33401	EB Reg Park District	Estimated Payments Through 2025	54,870.00	26,520.00					26,520.00	
32) Fiscal Agreement Sec 33401	Contra Costa Comm CD	Estimated Payments Through 2025	1,002,477.00	56,166.00					56,166.00	
33) Statutory Pass-Through Payment	City of El Cerrito	Estimated Payments Through 2025	2,890,316.00	157,061.00					157,061.00	
34) Statutory Pass-Through Payments	Various Taxing Entities	Estimated Payments Through 2025	5,896,351.00	299,631.00					299,631.00	
35) Fiscal Agreement Sec 33401	Contra Costa County	Public Facilities Obligation	5,100,000.00	0.00						
Total			\$ 213,975,873.43	\$ 7,845,820.37	\$ 23,479.27	\$ 218,725.79	\$ 40,708.54	\$ 40,708.54	\$ 2,420,884.81	\$ 1,474,389.04

This Enforceable Obligation Payment Schedule (EOPS) was originally adopted on 8/15/11 and valid through 12/31/11. By State Supreme Court ruling, the Agency's suspension was extended to 1/31/12 when a Successor Agency will be formed, which will prepare a subsequent Recognized Obligation Payment Schedule (ROPS). This amended EOPS is revised and extended to cover the period through 6/30/12 to ensure the Successor Agency is able to pay enforceable obligations until the ROPS can be prepared by the Successor Agency and approved by the Oversight Board. Revisions are as follows:

- Item 7 Cooperation Agreement current year amount due increased pursuant to provisions of the contract.
- Item 8 Cooperation Agreement current year amount due increased pursuant to provisions of the contract.
- Duplicate obligations were removed. Item 9 duplicated repayment of bond proceeds in Item 3. Items 17 and 18 duplicated payment of the Cooperation Agreement in Item 7.
- Item 11 SERAF Loan and Item 12 ERAF Loan, total outstanding loan balances reduced to amounts in the Agency's FY10-11 financial statement and current amounts due revised to match payment schedules.
- Item 19 was removed as it is not an Agency obligation.
- Item 20 was removed as the project was cancelled.
- Item 24 Cerrito Theater Lease and Item 25 Agency Property Management, previously unpaid obligations pursuant to prior fiscal year transactions, were added to the schedule.
- Item 26 Continuing Disclosure and Item 27 Agency Reporting were added obligations related to activity for FY10-11.
- Item 28 was added for the Successor Agency's administrative budget, as provided in AB1x 26.

** Includes only payments to be made after the adoption of the original EOPS on August 15, 2011.

Name of Redevelopment Agency: El Cerrito Redevelopment Agency
Project Area(s) City of El Cerrito Redevelopment Project Area

ENFORCEABLE OBLIGATION PAYMENT SCHEDULE

Per AB1X 26 - Section 34167 and 34169, and State Supreme Court Ruling on CRA v. Matosantos (*)

Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Feb	Mar	April	May	June	Total
1) 1997 Tax Allocation Bonds, Series A	Union Bank	Refunding of prior TAB for Redev Projs	4,748,727.50	557,547.50					470,867.50	\$ 557,547.50
2) 1998 Tax Allocation Bonds, Series B	Union Bank	Refunding of prior TAB for L&M Hsg Projs	1,091,775.00	215,937.50					195,200.00	\$ 215,937.50
3) 2004 Tax Allocation Bonds, Series A	Union Bank	Tax-exempt TAB for Infrastructure Projs	13,849,540.00	426,227.50					213,113.75	\$ 426,227.50
4) 2004 Tax Allocation Bonds, Series B	Union Bank	Portion of Taxable TAB for Redev Projs	492,090.00	492,090.00					481,045.00	\$ 492,090.00
5) 2004 Tax Allocation Bonds, Series B	Union Bank	Portion of Taxable TAB for L&M Hsg Projs	5,521,045.00	273,065.00					171,532.50	\$ 273,065.00
6) Valente Promissory Note	George Valente	Loan for land acquisition	3,746,801.06	288,215.00		288,215.00				\$ 288,215.00
7) Cooperation Agreement	El Cerrito Municipal Services Corporation	Redevelopment Plan implementation (non-housing)	106,230,000.00	1,626,340.00						\$ 1,626,340.00
8) Cooperation Agreement	City of El Cerrito	Redevelopment Plan implementation (housing)	50,700,000.00	208,670.00						\$ 208,670.00
9) Tradeway Land Acquisition	RDA Capital Fund	Loan to L&M Hsg Fund for land acquisition								\$ -
10) Employee Compensation	Dalman, Myall, Trevino	Salary, Taxes, Benefits, Insurance	447,961.00	447,961.00	34,458.54	34,458.54	34,458.54	34,458.54	51,687.81	\$ 396,273.21
11) 2009-2010 SERAF Loan	L&M Housing Fund	Funds advanced for SERAF payment	1,327,655.00	331,914.00				331,914.00		\$ 331,914.00
12) 2005-2006 ERAF Loan	L&M Housing Fund	Funds advanced for ERAF payment	335,436.00	83,859.00				83,859.00		\$ 83,859.00
13) Ohlone Gardens Loan Agreement	Resources for Community Development	Undisbursed loan commitment	477,821.00	477,821.00				477,821.00		\$ 477,821.00
14) Eden Housing Loan Agreement	Eden Housing	Undisbursed loan commitment	350,000.00	350,000.00				350,000.00		\$ 350,000.00
15) Legal Counsel	Goldfarb & Lipman	Professional services contract	75,000.00	75,000.00	6,250.00	6,250.00	6,250.00	6,250.00	6,250.00	\$ 68,750.00
16) Eden Housing ERN Deposit	Eden Housing, Inc.	Refundable deposit to Housing Fund for ERN	25,000.00	25,000.00				25,000.00		\$ 25,000.00
17) FOD Feasibility Study	AECOM	Professional services contract								\$ -
18) Parking Study	CHS Consulting	Professional services contract								\$ -
19) San Pablo Avenue Specific Plan	MIG	Professional services contract								\$ -
20) Moeser Lane Center advisory services	Keyser Marston Associates	Professional services contract								\$ -
21) Tradeway Housing Developer Selection	Keyser Marston Associates	Professional services contract	9,646.87	9,646.87			9,646.87			\$ 9,646.87
22) Agency FY10-11 Annual Audit	Maze & Associates	Professional services contract	3,990.00	3,990.00						\$ 3,990.00
23) Overhead Transfer	City of El Cerrito	Direct and indirect agency administrative expenses	712,069.00	712,069.00						\$ 712,069.00
24) Cerrito Theater Lease	El Cerrito Municipal Services Corporation	Tenant Security deposit	5,000.00	5,000.00						\$ 5,000.00
25) Agency Property Management	Old Republic Title	Recording fees	2,646.00	2,646.00						\$ 2,646.00
26) Continuing Disclosure	Willdan Associates	Professional services contract	250.00	250.00						\$ 250.00
27) Agency Reporting	Thales Consulting	Professional services contract	1,200.00	1,200.00						\$ 1,200.00
28) Administrative Budget	Successor Agency	Administrative Budget per AB1x 26	250,000.00	250,000.00				250,000.00		\$ 250,000.00
										\$ -
OTHER OBLIGATIONS - PAYMENT SCHEDULE (PASS THROUGH OBLIGATIONS)										
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30) Fiscal Agreement Sec 33401	West Contra Costa USC	Estimated Payments Through 2025	4,710,982.00	242,802.00				231,000.00		\$ 473,802.00
31) Fiscal Agreement Sec 33401	EB Reg Park District	Estimated Payments Through 2025	54,870.00	26,520.00				67,000.00		\$ 93,520.00
32) Fiscal Agreement Sec 33401	Contra Costa Comm CD	Estimated Payments Through 2025	1,002,477.00	56,166.00				69,000.00		\$ 125,166.00
33) Statutory Pass-Through Payment	City of El Cerrito	Estimated Payments Through 2025	2,890,316.00	157,061.00				150,000.00		\$ 307,061.00
34) Statutory Pass-Through Payments	Various Taxing Entities	Estimated Payments Through 2025	5,896,351.00	299,631.00				281,000.00		\$ 580,631.00
35) Fiscal Agreement Sec 33401	Contra Costa County	Public Facilities Obligation	5,100,000.00	0.00						\$ -
Total			\$ 219,975,873.43	\$ 7,845,820.37	\$ 40,708.54	\$ 328,923.54	\$ 50,355.41	\$ 1,559,302.54	\$ 1,589,696.56	\$ 8,774,882.58

This Enforceable Obligation Payment Schedule (EOPS) was originally adopted on 8/15/11 and valid through 12/31/11. By State Supreme Court ruling, the Agency's suspension was extended to 1/31/12 when a Successor Agency will be formed, which will prepare a subsequent Recognized Obligation Payment Schedule (ROPS). This amended EOPS is revised and extended to cover the period through 6/30/12 to ensure the Successor Agency is able to pay enforceable obligations until the ROPS can be prepared by the Successor Agency and approved by the Oversight Board. Revisions are as follows:

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** Includes only payments to be made after the adoption of the original EOPS on August 15, 2011.

RESOLUTION NO. 2011-XX

RESOLUTION OF THE CITY OF EL CERRITO TO ELECT TO RETAIN THE HOUSING ASSETS AND FUNCTIONS PREVIOUSLY PERFORMED BY THE EL CERRITO REDEVELOPMENT AGENCY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

WHEREAS, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of El Cerrito (the "City") adopted the Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, adopted on November 28, 1977, as amended by Ordinance No. 80-13, adopted on December 15, 1980; as amended by Ordinance No. 89-5, adopted on July 10, 1989; as amended by Ordinance No. 94-4, adopted on July 25, 1994; as amended by Ordinance No. 2004-3, adopted March 1, 2004; as amended by Ordinance No. 2005-01, adopted March 21, 2005; and as further amended by Ordinance No. 2006-10, adopted November 6, 2006 (collectively, the "Redevelopment Plan"); and

WHEREAS, the El Cerrito Redevelopment Agency (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to the Redevelopment Law; and

WHEREAS, as part of the 2011-12 State budget bill ABX1 26 and ABX1 27 (respectively the "Dissolution Act" and the "Alternative Redevelopment Program Act," and collectively the "Redevelopment Restructuring Acts") were enacted to significantly modify the Redevelopment Law; and

WHEREAS, on August 11, 2011, the California Supreme Court (the "Court") agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of the Redevelopment Restructuring Acts and issued an order granting a partial stay on specified portions of the Redevelopment Restructuring Acts, as modified on August 17, 2011 (the "Stay"), including a stay of the provisions of the Alternative Redevelopment Program Act; and

WHEREAS, on December 29, 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

WHEREAS, the Court's decision means that all California redevelopment agencies will dissolve on February 1, 2012 pursuant to the Dissolution Act; and

WHEREAS, Section 34176(a) of the Redevelopment Law provides that the city that authorized the creation of a redevelopment agency may elect to retain the housing assets and functions previously performed by the former redevelopment agency; and

WHEREAS, the City desires to elect to retain the housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of El Cerrito that it hereby elects to retain the housing assets and functions previously performed by the Agency in accordance with Section 34176 of the Redevelopment Law.

BE IT FURTHER RESOLVED, that the City Manager, or his or her designee, is hereby authorized to file a copy of this resolution with the County Auditor in accordance with Part 1.85.

The above and foregoing resolution was duly and regularly passed and adopted at a meeting by the City Council of the City of El Cerrito on the 17th day of January, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I certify that the foregoing is a true and correct copy of the original Resolution on file in the office of the City Clerk of the City of El Cerrito.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of said City, this ____ day of January, 2012.

Cheryl Morse, City Clerk

Approved:

William C. Jones, III, Mayor