



## AGENDA

**CITY COUNCIL MEETING**  
**Tuesday, March 18, 2014 – 7:00 p.m.**  
**City Council Chambers**

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

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini  
Councilmember Jan Bridges

Councilmember Mark Friedman  
Councilmember Greg Lyman

### ROLL CALL

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

**1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – Mayor 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 typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.*

**4. PRESENTATION**

#### **A. Earth Hour Proclamation**

Receive a presentation and upon conclusion of the presentation, approve and present a proclamation declaring March 29, 2014, between the hours of 8:30 p.m. and 9:30 p.m., to be Earth Hour in the City of El Cerrito and calling upon all residents, businesses, and institutions to turn off non-essential lighting for this hour to make a global statement of

concern about climate change and demonstrate commitment to finding solutions.

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

**A. Minutes for Approval**

Approve the March 4, 2014 Special City Council Closed Session and Regular City Council meeting minutes.

**B. Adopt Amendments to El Cerrito Municipal Code Chapter 11.64 – Bicycles**

Adopt Ordinance No. 2014–01 amending specified sections and repealing other sections contained within El Cerrito Municipal Code Chapter 11.64. *Exempt from CEQA.*

**C. Proclaiming the Month of July as Park and Recreation Month**

Approve a proclamation declaring the month of July as Park and Recreation Month in the City of El Cerrito and in doing so, urge all residents to use and enjoy the City’s parks, trails, open spaces, facilities, and many recreation opportunities and acknowledge that Parks Make Life Better!

**D. Crime Prevention Committee Appointment**

Approve a Crime Prevention Committee recommendation to appoint Nicholas Arzio to the Crime Prevention Committee, effective April 9, 2014.

**6. PUBLIC HEARINGS – None**

**7. POLICY MATTERS**

**A. Provide Update and Execute a Contract with Bay Construction Company for the Ohlone Greenway Natural Area and Rain Garden Project, City Project No. C-3067-1**

Adopt a resolution for the following: 1) Approve plans for the Ohlone Greenway Natural Area and Rain Garden Project, City Project No. C-3067-1; 2) Accept all submitted bids; and 3) Authorize the City Manager to execute a contract with Bay Construction Company in an amount not to exceed \$592,918.32 to construct the Ohlone Greenway Natural Area and Rain Garden Project and authorizing contract amendments in an amount not to exceed \$59,292. *Project is consistent with improvements analyzed in the Initial Study and Negative Declaration approved for the Ohlone Greenway Master Plan, which found that no significant environmental impacts would result.*

**B. Mid Year Budget Update**

There are two actions associated with this item: 1) Adopt a resolution authorizing adjustments to the Fiscal Year (FY) 2013–14 operating budget related to already approved changes which occurred since the adoption of the FY 2013–14 budget; and 2) Receive an update on the FY 2013–14 budget and an overview of next steps related to development of the FY 2014-15 operating budget.

**8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS**

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

**9. ADJOURN REGULAR CITY COUNCIL MEETING**

The next City Council meeting is Tuesday, April 1, 2014 at 7:00 p.m. at City Hall, 10890 San Pablo Avenue, El Cerrito, California.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT-Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at [www.el-cerrito.org](http://www.el-cerrito.org) prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email [cmorse@ci.el-cerrito.ca.us](mailto:cmorse@ci.el-cerrito.ca.us)
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

***CITY COUNCIL OF THE CITY OF EL CERRITO  
EARTH HOUR PROCLAMATION***

WHEREAS, Earth Hour is an annual global event organized by the World Wildlife Fund that calls on individuals, governments, and businesses around the world to turn off all non-essential lighting for one hour between 8:30 PM and 9:30 PM on Saturday, March 29, 2014; and

WHEREAS, the goal of Earth Hour is to express that individual action on a mass scale can help change our planet for the better; and

WHEREAS, since 2006, more than 100 million people across 152 countries participate annually by switching off their lights, with lights going out at Sydney's Opera House, Rome's Coliseum, the Empire State Building, the Golden Gate Bridge, and at other landmarks worldwide; and

WHEREAS, the City of El Cerrito is committed to improving the environment and reducing the pollution that causes global warming, and seeks to involve all of its citizens in improving their local and global environment and becoming more aware of the actions they can take to help curb climate change; and

WHEREAS, the City of El Cerrito will participate and turn off the City Hall Tower Lights, strive to turn off other non-essential lighting during Earth Hour, and participate in other Earth Hour related activities; and

WHEREAS, the City of El Cerrito's Environmental Quality Committee will co-sponsor a Star Gazing Hour in the Hillside Natural Area for Earth Hour with other El Cerrito citizen groups.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims March 29 between 8:30 p.m. and 9:30 p.m. to be Earth Hour in the City of El Cerrito and calls upon all residents, businesses, and institutions to turn off non-essential lighting for this hour to make a global statement of concern about climate change and demonstrate commitment to finding solutions to climate change.

Dated: March 18, 2014

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Janet Abelson, Mayor

City of El Cerrito City Council Meeting 3-18-14

# EARTH HOUR 2014

# Earth Hour 2014

## Saturday, March 29

### 8:30 PM to 9:30 PM



Golden Gate Bridge Lights Out  
Earth Hour 2012



# Earth Hour - Purpose

- Turn non-essential lights out for 60 minutes
- Individual action on a mass scale can help change our planet for the better
- Raise awareness about climate change



# Earth Hour-- History

- First Earth Hour in Sydney, Australia 2007



Sydney Opera House - Lights Out  
Earth Hour 2012



# Earth Hour-- History

- Every Year
  - Estimated 1 billion people participated in Earth Hour
  - 152 countries
  - 6500 communities



Great Wall of China - Lights Out  
Earth Hour 2012



# Earth Hour – El Cerrito

- Turn off non-essential lights all weekend, including the City Hall Tower lights
- Encourage all residents and businesses to participate



# EQC Earth Hour Event

- EQC – Hillside Natural Area Star Gazing Hour
- 8:00 PM to 8:30 PM – Greet and Direct
  - Meet at the fire road between 7701 and 7705 Potrero (between Douglas and Julian)
  - Greeters to direct participants to site activities 100 yards up trail
- 8:30-9:30 PM - Activities
  - Refreshments, Enjoying the View
    - Star Gazing Apps /Light Pollution Meters
- Co-Sponsored with Friends of Five Creeks and El Cerrito Trail Trekkers

# Earth Hour – Earth Season

- 3-29 – Earth Hour
- 4-10 – Residential Energy Efficiency Workshop
- 4-17 – “Chasing Ice” EQC Movie Event
- 4-24 – Residential Solar Workshop
- 4-26 – Earth Day
- 5-1 – The Drought-Resilient Home Workshop
- 5-4 – Bring Back the Natives Garden Tou
- 5-17 – Hillside Natural Area Festival
- 5-31 – Ohlone Greenway Festival

A night landscape photograph featuring a starry sky with a prominent star trail in the center. The foreground shows a dark body of water reflecting the sky. The background consists of dark silhouettes of trees and a horizon line. The overall color palette is dark with shades of blue, purple, and black.

THANK YOU

Enjoy Your Earth Hour

# EL CERRITO CITY COUNCIL

## MINUTES

### SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, March 4, 2014 – 6:00 p.m.

Hillside Conference Room

### CITY COUNCIL MEETING

Tuesday, March 4, 2014 – 7:00 p.m.

City Council Chambers

#### Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini  
Councilmember Jan Bridges

Councilmember Mark Friedman  
Councilmember Greg Lyman

#### ROLL CALL

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

#### 6:00 p.m. SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Mayor Abelson convened the Special City Council meeting at 6:02 p.m.

#### ANNOUNCEMENT OF CLOSED SESSION

**CONFERENCE WITH LABOR NEGOTIATORS** (*Pursuant to Government Code Section 54957.6*)

**Agency Designated Representatives:** Scott Hanin, City Manager, Glenn Berkheimer, Labor Negotiator, Sky Woodruff, City Attorney and Sukari Beshears, Human Resources Manager.

**Employee Organizations:** Service Employees International Union Local 1021  
International Association of Fire Fighters Local 1230  
El Cerrito Police Employees Association  
El Cerrito Public Safety Management  
Unrepresented Employees

**ORAL COMMUNICATIONS FROM THE PUBLIC** – No speakers

**RECESSED INTO CLOSED SESSION** at 6:03 p.m.

**ADJOURNED SPECIAL CITY COUNCIL MEETING – CLOSED SESSION** at 6:58 p.m.

**ROLL CALL**

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

**7:00 p.m.**

**CONVENE CITY COUNCIL MEETING**

Mayor Abelson convened the City Council meeting at 7:11 p.m.

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

**2. COUNCIL / STAFF COMMUNICATIONS**

Mayor Abelson reported that no decisions had been reached during this evening's City Council Closed Session.

Mayor Pro Tem Benassini stated that the City is seeking community input on budget priorities beginning on March 13 and encouraged all to attend upcoming meetings. Meeting dates are listed in the City's Quarterly Newsletter. Additionally, the City will be offering its fifth annual entrepreneur training beginning on April 7. The training is an eleven week program that allows one to sharpen entrepreneurial skills. The East Bay Municipal Utility District Board (EBMUD) is asking all customers to voluntarily reduce water use by 10%. Many helpful tips for conserving water are available from EBMUD's website, [www.ebmud.com](http://www.ebmud.com).

Mayor Abelson reported on her attendance at the Youth Baseball Opening parade and ceremony on March 1. There were thirty-seven teams of which six were in the youngest category. El Cerrito is alive, well and growing! Participants are working on good sportsmanship. The program is amazingly positive. Mayor Abelson also attended the Oscar Awards Ceremony telecast at the Cerrito Theater on March 2.

**3. ORAL COMMUNICATIONS FROM THE PUBLIC****4. PRESENTATIONS****A. American Red Cross Month Proclamation**

Approve and present a proclamation proclaiming March 2014 as American Red Cross Month in the City of El Cerrito and encouraging all residents, businesses and organizations to support the Red Cross and its noble humanitarian mission.

**Action:** Moved, seconded (Lyman/Benassini) and carried unanimously to approve the proclamation. Proclamation presented to Philip Machell, El Cerrito, who is a member of the Contra Costa Leadership Council/American Red Cross Bay Area Chapter.

**B. Arbor Week Proclamation and Tree Program Update** – *Presentation by Stephen Préé, Environmental Programs Manager.*

Approve a proclamation proclaiming March 7 through March 14 of each year as El Cerrito Arbor Week and urging all residents to observe and celebrate the week by planting and caring for trees for the City's benefit and for the benefit of future generations. Receive an update on the City's Tree Program and Tree Committee Activities.

**Speakers:** Mark Scott, Manager, Chamber of Commerce, stated that the Chamber supports the Tree Program however noted that the business community has expressed some concerns regarding trees. Open wells around trees attract dogs and trash. Additionally, fallen tree leaves, when wet, create slip hazards. Other cities address these issues by placing cast iron grates around the tree wells to prevent the accumulation of trash, leaves and dog detritus in the tree well. Other concerns involve trees blocking signs in front of businesses. The City has been responsive to the Chamber's concerns and the Chamber believes it can work together with the City to develop a good program.

**Action:** Moved, seconded (Friedman/Lyman) and carried unanimously to approve the proclamation.

**C. 2014 Library Needs Assessment Update – Presentation by Kathryn Page, Principal, Kathryn Page Associates.**

Receive a presentation from Kathryn Page, of Kathryn Page Associates, on the 2014 El Cerrito Library Space Needs Assessment Update and provide comments to staff.

Tom Panas, El Cerrito, thanked Kathy Page, library staff and Assistant City Manager Karen Pinkos for their work on the needs assessment update and expressed support for building a new library that will act as a gathering place for El Cerrito and West County residents, nurture the values of the community, service students and embrace all members of the community. Mr. Panas also thanked Mr. Godbe for his work related to a recently completed survey.

Al Miller, El Cerrito, commended Kathy Page for her extended outreach efforts, expressed his support for a new library that is flexible enough to meet future needs and noted the change in technology from 2005 to present and the need for a library to act as a center that will facilitate community activities.

**Action:** Received presentation.

**5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A and 5B**

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

**A. Minutes for Approval**

Approve the February 18, 2014 Regular City Council meeting minutes.

**Action:** Approved minutes.

**B. Women’s History Month Proclamation**

At the request of Mayor Abelson, approve a proclamation designating March 2014 as Women’s History Month in the City of El Cerrito and encouraging all residents to reflect on, honor and celebrate the history, courage, commitment, accomplishments and contributions of women not only in El Cerrito but throughout America.

**Action:** Approved proclamation.

**6. PUBLIC HEARINGS – None**

**7. POLICY MATTERS**

**A. Presentation of Survey Results Related to the Reauthorization of the Measure R Sales Tax**

Receive a presentation from Bryan Godbe of Godbe Research on a recently completed survey related to the possible reauthorization of Measure R, the Preservation of Citywide Services measure passed by El Cerrito voters in 2010, and provide comments and possible direction to staff regarding next steps.

**Presenter:** Bryan Godbe, Principal, Godbe Research

**Action:** Moved, seconded (Friedman/Lyman) and carried unanimously to direct staff, based upon survey results presented at the meeting, to prepare for the possibility of placing a measure on the November 2014 ballot.

**B. Amend El Cerrito Municipal Code Chapter 11.64 – Bicycles**

**Presenter:** Sylvia Moir, Chief of Police

Introduce by title, waive any further reading and approve an ordinance amending specified sections contained within Chapter 11.64 of the El Cerrito Municipal Code (Bicycles).

**Action:** Moved, seconded (Lyman/Friedman) and carried unanimously to approve an ordinance amending specified sections and repealing other sections contained within Chapter 11.64 of the El Cerrito Municipal Code (Bicycles). *Second reading scheduled for March 18, 2014.*

## **8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS**

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

Mayor Pro Tem Benassini reported that the Economic Development Committee met on February 20 and is excited about the new structure of the committee and the possibility of new members and is starting to talk about new goals. The Parks and Recreation Commission also met and is working on defining its annual goals.

**9. ADJOURNED REGULAR CITY COUNCIL MEETING** in memory of former Building Official John Canestro at 9:38 p.m.

### **SUPPLEMENTAL REPORTS AND COMMUNICATIONS**

#### **Item No. 4(B) Arbor Week Proclamation and Tree Program Update**

1. Powerpoint presentation – *Submitted by Stephen Préé, Environmental Programs Manager.*

#### **Item No. 4(C) 2014 Library Needs Assessment Update**

2. Comments in support of a new library – *Submitted by Tom Panas, El Cerrito.*

ORDINANCE 2014-01

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE CHAPTER 11.64, BICYCLES

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

SECTION 1. AMENDMENT AND RENUMBERING OF SPECIFIED SECTIONS OF CHAPTER 11.64 OF THE EL CERRITO MUNICIPAL CODE

Sections 11.64.090 and 11.64.180 of Chapter 11.64 of the El Cerrito Municipal Code are hereby amended and re-numbered to read as follows:

**Section 11.64.020 Required equipment**

Every person operating a bicycle upon a public right-of-way or upon park or open space lands owned and/or controlled by the city of El Cerrito shall maintain a bicycle in a safe mechanical condition and in accordance with the California Vehicle Code, including but not limited to the following requirements and prohibitions:

A. Sirens and Whistles. It is unlawful to equip a bicycle with a siren or whistle except for bicycles used by members of the El Cerrito Police Department or other authorized sworn peace officer in the course and scope of employment.

B. Handlebar Grips. Every bicycle that is equipped with handlebar grips must have the grips securely fastened, glued or cemented to the handlebars.

C. Reflectors. Every bicycle shall be equipped with a reflector, pedal reflector, reflex reflector or reflectorized tire.

**Section 11.64.040 Rules of the road—Accident reports.**

It is unlawful for any person to ride or operate a bicycle in the city in violation of any of the rules of the road as defined in the California Vehicle Code and set forth in this section as follows:

A. Riding on Sidewalks. No person shall ride or operate a bicycle on any sidewalk in the city except peace officers who determine in good faith that riding or operating a bicycle on the sidewalk is necessary to perform official duties and juveniles as specifically permitted herein.

B. Juveniles Riding on Sidewalks. Juveniles under the age of sixteen years exercising due care may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of stores or other buildings used for business purposes.

**Agenda Item No. 5(B)**

- C. Carrying Children. No person shall carry any child between the ages of 1 to 4, or weighing 40 pounds or less, anywhere on a single-passenger bicycle except in a baby seat attached to the bike or in a manufactured bicycle trailer designed or intended for the use of carrying passengers. The child must be able to sit upright in the seat or trailer and must be held in the seat by a harness or seat belt.
- D. Towing. No person riding or operating a bicycle in the city shall tow any other vehicle or person, moped, motorcycle, sled, toy vehicle, or any other similar human-powered or motor-powered device including a skateboard and rider, upon a public right-of-way or upon park or open space lands owned and/or controlled by the city, except for manufactured bicycle trailers being used for their intended purpose.
- E. Trick Riding. No person riding or operating a bicycle, moped, coaster, roller skates, sled, skateboard, toy vehicle, or motorcycle shall perform or attempt to perform any acrobatic or stunt riding wherein such action creates a dangerous situation to the rider, pedestrians or motor vehicles, upon any right-of-way, or space, land, property or facilities owned or controlled by the city of El Cerrito. The foregoing prohibition shall not apply to city parks, open space, greenways and areas designated specifically to accommodate cycling and riding activities, such as designated skateparks, bikeparks and cross-country mountain bike trails, unless such venues are being used for special events that prohibit trick riding, because a large gathering of pedestrians or vehicular traffic is present, thus creating a dangerous situation.
- F. Parks, Playgrounds and Schools. No person shall ride or operate a bicycle upon any playground, park or school ground where children are playing without permission of the person having supervision thereof.
- G. Turns and Stops. No person shall turn a bicycle or stop a bicycle which he is riding or operating unless such movement can be made with safety, and then only after an appropriate signal during the last fifty feet traveled by the bicycle before turning or stopping.
- H. Accident Reports. The operator of any bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and he shall give his name and address to the person with whom he was in collision, and he shall obtain the same information from the other person. It shall be the duty of the bicycle operator to make a written report of any accident resulting in death or injury to the police chief within twenty-four hours of such accident.

**SECTION 2. REPEAL OF CERTAIN SECTIONS OF CHAPTER 11.64 OF THE EL CERRITO MUNICIPAL CODE.**

Chapter 11.64 of the El Cerrito Municipal Code is hereby amended to repeal Sections 11.64.020, 11.64.030, 11.64.040, 11.64.070, 11.64.80, 11.64.100, 11.64.110, 11.64.120, 11.64.130,

**Agenda Item No. 5(B)**

11.64.160, 11.64.170, and 11.64.190.

SECTION 3. This ordinance is not a “project” within the meaning of the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA,”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines). The ordinance enacts operating standards for bicycles within the City and therefore has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment. Pursuant to CEQA section 21065 and section 15378 of the State CEQA Guidelines, no environmental review of the ordinance is required.

SECTION 4. This ordinance is adopted pursuant to the procedures established by state law, and all required notices have been given, and the public hearing has been properly held and conducted.

SECTION 5. This ordinance shall take effect and be enforced thirty days after the date of its adoption, and prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on March 4, 2014 and passed by the following vote:

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

ADOPTED AND ORDERED published at a regular meeting of the City Council held on the March 18, 2014 and passed by the following vote:

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

APPROVED:

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Janet Abelson, Mayor

ATTEST:

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Cheryl Morse, City Clerk

**Agenda Item No. 5(B)**

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March \_\_\_\_\_, 2014.

\_\_\_\_\_  
Cheryl Morse, City Clerk

ORDINANCE 2014-XX

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE CHAPTER 11.64, BICYCLES

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

SECTION 1. AMENDMENT AND RENUMBERING OF SPECIFIED SECTIONS OF CHAPTER 11.64 OF THE EL CERRITO MUNICIPAL CODE

Sections 11.64.090 and 11.64.180 of Chapter 11.64 of the El Cerrito Municipal Code are hereby amended and re-numbered to read as follows (deletions indicated by ~~strikeout~~ and additions indicated by underline. Existing text is unmarked):

~~Section 11.64.090 Equipment prerequisite to license issuance.~~

Section 11.64.020 Required equipment

~~Every person desiring a bicycle license must comply with the requirements of the Vehicle Code as to equipment, and with the following requirements as to safe mechanical condition:~~ Every person operating a bicycle upon a public right-of-way or upon park or open space lands owned and/or controlled by the city of El Cerrito shall maintain a bicycle in a safe mechanical condition and in accordance with the California Vehicle Code, including but not limited to the following requirements and prohibitions:

A. Sirens and Whistles. It is unlawful to equip a bicycle with a siren or whistle except for bicycles used by members of the El Cerrito Police Department or other authorized sworn peace officer in the course and scope of employment.

B. Handlebar Grips. Every bicycle that is equipped with handlebar grips must have the grips securely fastened, glued or cemented to the handlebars.

C. Reflectors. Every bicycle shall be equipped with a reflector, pedal reflector, reflex reflector or reflectorized tire.

~~Section 11.64.180~~ 040 Rules of the road—Accident reports.

It is unlawful for any person to ride or operate a bicycle in the city in violation of any of the rules of the road as defined in the California Vehicle Code and set forth in this section as follows:

A. Riding on Sidewalks. No person shall ride or operate a bicycle on any sidewalk in the city except as herein specifically permitted and peace officers who determine in good faith that riding or operating a bicycle on the sidewalk is necessary to

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**Attachment 1**

perform official duties and juveniles as specifically permitted herein.

- B. Juveniles Riding on Sidewalks. Juveniles under the age of ~~eighteen~~ sixteen years exercising due care may ride and operate their bicycles upon the sidewalk, except such sidewalks as are in front of stores or other buildings used for business purposes.
- C. ~~Riding in a Group. Persons riding or operating bicycles in the city shall not ride more than two abreast except on paths or parts of a roadway set aside for the exclusive use of bicycles. Persons riding bicycles on the sidewalk or upon a portion of the roadway not set aside for the exclusive use of bicycles shall do so in single file.~~
- ~~D.C. Carrying Children.—No person shall carry any child between the ages of 1 to 4, or weighing 40 pounds or less, anywhere on a single-passenger bicycle except in a baby seat attached to the bike or in a manufactured bicycle trailer designed or intended for the use of carrying passengers. The child must be able to sit upright in the seat or trailer and must be held in the seat by a harness or seat belt. Passengers. No person riding or operating a bicycle in the city shall carry another person on the bicycle unless such person or passenger is seated upon an individual seat or carrier separate from that used by the operator. No person shall ride upon a bicycle as a passenger unless he is seated upon an individual seat or carrier separate from that used by the operator.~~
- E.D Towing. No person riding or operating a bicycle in the city shall tow any other vehicle or person, moped, motorcycle, sled, toy vehicle, or any other similar human-powered or motor-powered device including a skateboard and rider, upon a public right-of-way or upon park or open space lands owned and/or controlled by the city, except for manufactured bicycle trailers being used for their intended purpose.
- G.E Trick Riding. No person riding or operating a bicycle, moped, coaster, roller skates, sled, skateboard, toy vehicle, or motorcycle shall perform or attempt to perform any acrobatic, fancy or stunt riding wherein such action creates a dangerous situation to the rider, pedestrians or motor vehicles, upon any public highway or street in the city, right-of-way, or space, land, property or facilities owned or controlled by the city of El Cerrito. The foregoing prohibition shall not apply to city parks, open space, greenways and areas designated specifically to accommodate cycling and riding activities, such as designated skateparks, bikeparks and cross-country mountain bike trails, or when unless such venues are being used for special events that prohibit trick riding, whereby because a large gathering of pedestrians or vehicular traffic is present, thus creating a dangerous situation.
- H. ~~Parking. No person shall park any bicycle against windows or on the main-traveled portion of the sidewalk, nor in such manner as to constitute a hazard to~~

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**Attachment 1**

~~pedestrians, traffic or property. Any merchant or person desiring to construct and erect bicycle racks may do so, provided the rack is not a hazard to public safety. If there is no bicycle rack or facility intended to be used for the parking of bicycles in the vicinity, bicycles may be parked on the sidewalk in an upright position parallel to and within twenty-four inches of the curb.~~

~~I.F~~ Parks, Playgrounds and Schools. No person shall ride or operate a bicycle upon any playground, park or school ground where children are playing without permission of the person having supervision thereof.

~~J.G~~ Turns and Stops. No person shall turn a bicycle or stop a bicycle which he is riding or operating unless such movement can be made with safety, and then only after an appropriate signal during the last fifty feet traveled by the bicycle before turning or stopping.

~~K.H~~ Accident Reports. The operator of any bicycle involved in an accident shall take reasonable steps to ascertain whether or not anyone was injured, and he shall give his name and address ~~and the license number of his bicycle~~ to the person with whom he was in collision, and he shall obtain the same information from the other person. It shall be the duty of the bicycle operator to make a written report of any accident resulting in death or injury to the police chief within twenty-four hours of such accident.

SECTION 2. REPEAL OF CERTAIN SECTIONS OF CHAPTER 11.64 OF THE EL CERRITO MUNICIPAL CODE.

Chapter 11.64 of the El Cerrito Municipal Code is hereby amended to repeal Sections 11.64.020, 11.64.030, 11.64.040, 11.64.070, 11.64.80, 11.64.100, 11.64.110, 11.64.120, 11.64.130, 11.64.160, 11.64.170, and 11.64.190 as indicated below:

~~**Section 11.64.020 License—Required.**~~

~~It is unlawful for any person to operate or use a bicycle, as defined in the Vehicle Code, upon any street in the city without first obtaining from the city a license therefor.~~

~~**Section 11.64.030 License—Exception for nonresident.**~~

~~Notwithstanding anything to the contrary contained in Section 11.64.020, any nonresident of the city may operate in the city any bicycle which is duly licensed and registered by another municipality and equipped with a city or state license plate or license indicia. A nonresident may operate a bicycle without a license plate or license indicia if that person resides in a jurisdiction that is exempt from licensing requirements.~~

~~**Section 11.64.040 License—Application and conditions required.**~~

~~Every person applying for a bicycle license shall make application to the police chief upon a form furnished by the city. Such application shall contain such information as may be~~

~~required in Section 39005 of the Vehicle Code as to the applicant and the description of the bicycle to be licensed. No license shall be issued unless the bicycle to be licensed complies with the requirements of this chapter and the Vehicle Code as to its safe mechanical condition.~~

~~**Section 11.64.070 License—Fees.**~~

~~Every person applying for a bicycle license shall pay to the police chief a fee at the time the application is made. The fee required by this section shall be set by resolution of the council.~~

~~**Section 11.64.080 License—Issuance and period of validity.**~~

~~Upon approval of the application and payment of the license fee, the police chief shall issue a license plate or indicia and registration certificate. Each bicycle plate or indicia shall bear a unique license number which shall be permanently assigned to a bicycle.~~

~~**Section 11.64.100 Operation without equipment or in unsafe mechanical condition prohibited.**~~

- ~~A.— It is unlawful for any person to ride or operate a bicycle in the city unless the bicycle is equipped and in safe mechanical condition as provided in Section 11.64.090 of this chapter and by the Vehicle Code.~~
- ~~B.— No bicycle shall be operated after sunset unless it is equipped with lights that are lit.~~
- ~~C.— It is unlawful to ride a bicycle as an operator or passenger without wearing a safety helmet.~~

~~**Section 11.64.110 License indicia and registration certificate—Issuance—Attachment and form.**~~

~~It shall be the duty of the police chief to cause to be attached to the bicycle frame one California State license indicia, and to issue a registration certificate to the licensee upon the payment of the license fee. The size, form and character of the license indicia shall be designated in conformity with the Vehicle Code. The registration certificate shall be designated by the police chief.~~

~~**Section 11.64.120 License indicia and registration certificate—Notice of loss or theft required—Duplicate issuance—Fee.**~~

~~In the event that any bicycle license or registration certificate issued pursuant to the provisions of this chapter is lost or stolen, the licensee shall immediately notify the police chief of such loss, and shall within ten days apply to the police chief for a new bicycle license, whereupon the police chief shall cancel such license or certificate and shall issue the licensee a new one upon payment of the fee set forth in the city's master fee schedule.~~

~~**Section 11.64.130 Sale or transfer of ownership—Procedures required.**~~

~~It shall be the duty of every person who sells or transfers ownership of any bicycle to~~

~~report such sale or transfer by returning to the police chief the registration certificate issued to such person as licensee thereof together with the name and address of the person to whom the bicycle is sold or transferred.~~

~~Such report shall be made within ten days of such sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer and registration therefor within ten days of said sale or transfer.~~

~~**Section 11.64.160 Rental agency bicycle licensing requirements.**~~

~~All persons engaged in renting or lending bicycles to patrons shall first obtain a license plate and registration certificate for each bicycle so used by paying the regular license fee. License plates thus obtained by bicycle renting agencies shall not be transferred from one bicycle to another.~~

~~**Section 11.64.170 Destroying bicycle numbers or licenses prohibited—Identification number placement authorized.**~~

~~It is unlawful for any person to willingly or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to the provisions of this chapter. It is also unlawful for any person to remove, destroy, mutilate or alter any license plate or indicia seal or registration certificate during the time in which the license plate, indicia seal or registration certificate is valid; provided, however, that nothing in this chapter shall prohibit the police chief from stamping numbers on the frames of bicycles upon which no serial number can be found or on which the numbers are illegible or insufficient for identification purposes.~~

~~**Section 11.64.190 Operation prohibited as penalty for violation.**~~

~~Where this chapter has been violated, in lieu of a fine and in lieu of filing charges, the police chief may prohibit the operation upon the streets, alleys and public places of the city, for a period not to exceed thirty days, of a bicycle so used in such violation. In such event the bicycle so used in such violation shall be impounded by the police chief and retained during the period of operation which is prohibited. The owner's registration certificate shall be held for the same period.~~

SECTION 3. This ordinance is not a “project” within the meaning of the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA,”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines). The ordinance enacts operating standards for bicycles within the City and therefore has no potential for resulting in a direct or reasonably foreseeable indirect physical change in the environment. Pursuant to CEQA section 21065 and section 15378 of the State CEQA Guidelines, no environmental review of the ordinance is required.

SECTION 4. This ordinance is adopted pursuant to the procedures established by state law, and all required notices have been given, and the public hearing has been properly held and conducted.

**Agenda Item No. 5(B)**  
**Attachment 1**

SECTION 5. This ordinance shall take effect and be enforced thirty days after the date of its adoption, and prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on March 4, 2014 and passed by the following vote:

AYES:  
NOES:  
ABSENT:

ADOPTED AND ORDERED published at a regular meeting of the City Council held on the March 18, 2014 and passed by the following vote:

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

APPROVED:

\_\_\_\_\_  
Janet Abelson, Mayor

ATTEST:

\_\_\_\_\_  
Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March \_\_\_\_\_, 2014.

\_\_\_\_\_  
Cheryl Morse, City Clerk

***EL CERRITO CITY COUNCIL PROCLAMATION***  
***Proclaiming the Month of July as Park and Recreation Month***

WHEREAS, Parks and Recreation makes lives and communities better now and in the future; and

WHEREAS, the National Citizen Survey informs us that that over 85% of El Cerrito residents have visited a neighborhood or City park at least once per year; and nearly 50% participate in an El Cerrito Recreation Department program or activity; and

WHEREAS, residents value recreation as it provides positive alternatives for children and youth to reduce crime and mischief especially during nonschool hours, it promotes the arts, it increases social connections, aids in therapy, and promotes lifelong learning; and

WHEREAS, residents value their parks for access to outdoor spaces for children and adults to play and be active; exercise and enjoy group sports and other activities; and

WHEREAS, parks provide access to the serenity and the inspiration of nature and outdoor spaces as well as preserve and protect the historic, natural, environmental, and cultural resources in our community; and

WHEREAS, the residents of El Cerrito, including children, youth, families, adults, seniors, as well as businesses, community organizations, and visitors, benefit from the wide range of parks, trails, open space, sports fields, tennis courts, facilities and programs including the El Cerrito Community and Swim Centers, the Open House Senior Center, Cerrito Vista Park, Hillside Natural Area, childcare and after school enrichment programs provided and maintained by the El Cerrito Recreation and Public Works Departments; and

WHEREAS, the El Cerrito City Council urges all residents to recognize that parks and recreation enriches the lives of its residents and visitors as well as adding value to the community's homes and neighborhoods; and

WHEREAS, July is celebrated across the nation as Parks and Recreation Month; and

WHEREAS, the El Cerrito Park and Recreation Commission, at its February 26, 2014 meeting, supported the City Council's approval of this proclamation.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims July as Park and Recreation Month in the City of El Cerrito and in doing so, urges all residents to use and enjoy the City's parks, trails, open space, facilities, and many recreation opportunities and acknowledge that Parks Make Life Better!

Dated: March 18, 2014

\_\_\_\_\_  
Janet Abelson, Mayor



## AGENDA BILL

Agenda Item No. 5(D)

**Date:** March 18, 2014  
**To:** El Cerrito City Council  
**From:** J.T. Wahrlich, Detective Corporal  
**Subject:** Crime Prevention Committee Appointment

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### **ACTION REQUESTED**

Approve a Crime Prevention Committee recommendation to appoint Nicholas Arzio to the Crime Prevention Committee, effective April 9, 2014.

### **BACKGROUND**

Nicholas Arzio recently submitted an application to join the Crime Prevention Committee. Mr. Arzio regularly attends the monthly Crime Prevention Committee meetings and has attended every meeting since November 2013, four meetings in all. The Crime Prevention Committee members voted unanimously during the regularly scheduled January 2014 meeting to recommend to the Council that Mr. Arzio be appointed to the Crime Prevention Committee.

Mr. Arzio is a self-employed consultant. He is civic minded and regularly attends City Council Meetings. Mr. Arzio regularly volunteers his time abating graffiti in his neighborhood. He has demonstrated his commitment to the Crime Prevention Committee through his participation in the meetings and his ideas to reduce crime in the city.

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

Reviewed by:

Scott Hanin, City Manager



**March 18, 2014  
City Council Meeting**

**Agenda Item No. 5(D) – Crime Prevention Committee  
Appointment  
Attachment 1 – Candidate Application**

Hardcopies are available for review at:

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

and

The El Cerrito Library  
6510 Stockton Avenue  
El Cerrito, CA



## AGENDA BILL

### Agenda Item No. 7(A)

Date: March 18, 2014

To: El Cerrito City Council

From: Maria Sanders, Community Development, Environmental Analyst  
Yvetteh Ortiz, Interim Public Works Director/City Engineer  
Melanie Mintz, Interim Community Development Director

Subject: Provide Update and Execute a Contract with Bay Construction Company for the Ohlone Greenway Natural Area and Rain Garden Project, City Project No. C-3067-1

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### **ACTION REQUESTED**

Adopt a resolution for the following:

- 1) Approve plans for the Ohlone Greenway Natural Area and Rain Garden Project, City Project No. C-3067-1;
- 2) Accept all submitted bids;
- 3) Authorize the City Manager to execute a contract with Bay Construction Company in an amount not to exceed \$592,918.32 to construct the Ohlone Greenway Natural Area and Rain Garden Project and authorizing contract amendments not to exceed \$59,292.

### **BACKGROUND**

**Project Concept:** On June 21, 2010, the City Council adopted Resolution 2010-33 approving the submittal of an Urban Greening Grant application to the California Strategic Growth Council for the Ohlone Greenway Natural Area and Rain Garden (hereafter referred to as the “Project”). On January 18, 2011, the Strategic Growth Council notified the City that it had been awarded \$903,721 to implement the Project. It was one of 23 awards made by the State out of a pool of 140 applications.

The Urban Greening Grant Program is funded through the Safe Drinking Water, Water Quality and Supply, Flood Control and Coastal Protection Bond Act of 2006 (Proposition 84). The goal of the Urban Greening Grant Program is to enhance urban green areas, with priority given to projects that promote infill development, increase investment in existing communities, enhance environmental and recreational resources, and encourage location/ resource-efficient development.

The Project includes improvements along the Ohlone Greenway from Fairmount Avenue to Brighton Avenue in Albany. The purpose of the Project is to enhance environmental quality and community amenities, while fostering a connection to nature

## Agenda Item No. 7(A)

in this busy, dense location adjacent to neighborhoods, schools, retail, transit and future Transit-Oriented Development infill development. It also intends to create a landmark gateway along this busy intersection between Fairmount Avenue, the Ohlone Greenway, and the El Cerrito Plaza BART station. Elements of the project include treating urban storm water runoff; creating an informal exploration, nature play and plaza area; improving walkability and accessibility; utilizing and demonstrating low-maintenance, low water-using, native landscaping; and improving riparian habitat and biodiversity. City staff has worked with BART and the City of Albany throughout the planning and design phases of the project.

Specifically, the Project includes a rain garden to treat urban storm water runoff from Fairmount Avenue and some surrounding residential streets; community gathering areas and natural elements such as redwood stumps, boulders and hillocks to encourage informal play; low-maintenance, drought tolerant native landscaping; low-water using drip irrigation; riparian habitat plantings and creekside improvements; and pedestrian/bicycle amenities such as way-finding /interpretive signage, trash receptacles and bike racks. In order to maintain consistency along this portion of the Greenway, the wayfinding signs will be placed in both the El Cerrito and Albany portions of the Greenway indicating destinations in both jurisdictions.

The Project helps implement the vision and goals of the *Ohlone Greenway Master Plan*, adopted by Council June 15, 2009, including:

- Establishing focal and recreational points of interest along the Greenway;
- Providing better connections through the Greenway to commercial and civic areas;
- Developing a more maintainable site;
- Providing modern amenities; and
- Increasing opportunities for stewardship and community involvement.

**Project Design, Value Engineering, and the Bidding Process:** The grant application included a project concept. Upon receiving the grant, staff went through a competitive request for design services to further refine the Project design and develop construction documents. On February 6, 2011, City Council approved a resolution authorizing selection of The Planning Center/DC&E (recently renamed Placeworks) as the design consultant for the Project. Staff held two public meetings to receive community input on the project's design on March 29 and June 6, 2012. Upon completion of the bid set, the City noticed and advertised the construction bid in the summer of 2013. Because the resulting bids (opened on July 3, 2013) came in over the Project budget, City Council adopted Resolution 2013-40 on August 20, 2013 rejecting all bids and authorizing the City to proceed with value-engineering measures to reduce the cost of the Project and then re-release the project for public bid.

The subsequent value-engineering process maintained all elements of the Project that are integral to the vision and goals of both the grant application and the *Ohlone Greenway Master Plan*. This process resulted in the following:

## Agenda Item No. 7(A)

- Simplification of landscape and irrigation improvements in areas near the Project boundaries, including elimination of landscape improvements in Albany, as the new improvements installed by BART in these areas are adequate; and
- Elimination of landscape and irrigation improvements in adjacent medians on Fairmount Avenue, as this work is now being included in pedestrian improvements covered by a regional One Bay Area Grant (OBAG) project grant awarded to the City (per Resolution 2013-29, June 18, 2013) for the Ohlone Greenway Station Area Access, Safety and Placemaking Improvements Project.

While remaining a part of the grant scope, landscape and restoration improvements to the main fork of Cerrito Creek (at the El Cerrito/ Albany border) have been removed from the current construction contract, and deferred to a later installation. This has been done in order to better coordinate construction schedules with improvements related to the adjacent Creekside Walk Apartments project, as that project involves daylighting of Cerrito Creek and will thus require close coordination. The City's project timeline has been extended to March 2015 to accommodate this coordination. A portion of the grant budget has been reserved for any creek-related work that will not be covered by the Creekside Walk project.

If awarded tonight, it is estimated that construction of the Project will begin in May 2014 and be completed before the end of the summer. Construction may include temporary and relatively brief closures of that section of the Greenway. The contractor in consultation with Public Works Staff will coordinate detours and access through the Project area.

### ANALYSIS

The Notice Inviting Bids for the Project was advertised in the West County Times on January 27 and February 3, 2014. Notices were mailed directly to several plan rooms and to all contractors on our bidders list, including those that previously bid on this project in July of 2013.

In addition to a Base Bid, the bid request asked for two bid alternatives. Bid Alternative A is for a stairway to the El Cerrito Plaza shopping center. This improvement would be constructed on City property but connect to the shopping center parking lot and is therefore contingent upon agreement with the shopping center owners regarding the improvement and installation of related minor signing and pavement striping on their property to improve pedestrian safety from the stairs. Bid Alternative B is for integral color for a special sidewalk treatment. It was included as an alternative since the cost of this feature varied widely and it is not an important element of the overall project.

Four bids were received on March 6, 2014 with the following results:

<b>Company</b>	<b>Base Bid</b>	<b>Alternative A Stairway</b>	<b>Alternative B Concrete Color</b>
Bay Construction, Inc.	\$563,918.32	\$29,000.00	\$10,000.00
W.R. Forde, Inc.	\$636,773.70	\$25,000.00	\$4,000.00

**Agenda Item No. 7(A)**

Empire Landscaping	\$643,661.55	\$35,000.00	\$25,000.00
Dominguez Landscaping	\$684,419.57	\$71,750.00	\$4,380.00
<i>Engineer's Estimate</i>	<i>\$503,810.65 to \$554,191.72</i>	<i>\$25,000 to \$27,500.00</i>	<i>\$5,000 to \$5,500.00</i>

As specified in the bid documents, the low bid is determined by the amount of the Base Bid. The lowest responsive, responsible bidder is Bay Construction, Inc of Oakland with a Base Bid of \$563,918.32, which is approximately 102% over the upper end of the Engineer's Estimate. Given available Project funding, Alternative A in the amount of \$29,000 (105% over the upper end of the Engineer's Estimate) can be awarded.

Community Development staff has been in contact with the El Cerrito Plaza shopping center owners on the construction of the stairway and related improvements. Any changes to the stairway improvements, including elimination from the scope, would be through the issuance of a contract change order after award of the project. The stairway improvements could be pursued at a later date if necessary.

Based on these results, staff recommends award of the construction contract to Bay Construction, Inc. in the amount of \$592,918.32 for the Base Bid plus Bid Alternative A. A ten percent construction contingency of \$59,292 is also recommended for the Project.

**FINANCIAL CONSIDERATIONS**

The Project is included in the City's adopted Capital Improvement Program. The Project is funded by the Proposition 84 Grant in the amount of \$903,721. There are no matching funds required for this project although in-kind staff time is being provided.

**Project Budget**

<b>Project Task</b>	<b>Budget</b>
Project Mgmt, Engineering & Design	\$ 194,079
Construction Management & Special Inspections	\$ 37,432
Construction Contract	\$ 592,918
Construction Contingency	\$ 59,292
Cerrito Creek Landscaping Near Headwall	\$ 20,000
<b>Grand Total</b>	<b>\$ 903,721</b>

As shown in the Project Budget above, the budget includes \$37,432 for construction management services. Another \$20,000 has been reserved for deferred landscape improvements along Cerrito Creek as described above.

**ENVIRONMENTAL CONSIDERATIONS**

The City completed an Initial Study and Negative Declaration (per CEQA Guidelines Section 15063) to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master Plan. The Ohlone Greenway Natural Area and Rain Garden project is consistent with the Master Plan and will not have a significant effect on the environment.

**Reviewed by:**

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

**Scott Hanin, City Manager**

**Attachments:**

1. Accompanying Resolution

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS FOR THE OHLONE GREENWAY NATURAL AREA AND RAIN GARDEN PROJECT C3067-1; ACCEPTING ALL SUBMITTED BIDS; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BAY CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$592,918.32 AND TO APPROVE CHANGE ORDERS IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$59,292 TO CONSTRUCT THE PROJECT

WHEREAS, the City applied for and received a \$903,721 Proposition 84 Urban Greening Grant to design and construct the Ohlone Greenway Natural Area and Rain Garden project; and

WHEREAS, City Council selected the Planning Center/DC&E to design and develop construction drawings for the project; and

WHEREAS, the project was first advertised for bids on June 10, 2013 and on June 17, 2013 and three bids were received on July 3, 2013; and

WHEREAS, on August 20, 2013 the City Council authorized City Staff to reject the submitted bids since they were above the project budget, and further authorized City Staff to proceed with value engineering measures and to re-advertise the project for public bid; and

WHEREAS, the project was re-advertised for bids on January 27, 2014 and on February 3, 2014 and 4 bids were received on March 6, 2014; and

WHEREAS, Bay Construction Company was deemed the lowest responsible bidder;

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

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

- 1) Approves plans for the Ohlone Greenway Natural Area and Rain Garden Project, City Project No. C-3067-1;
- 2) Accepts all submitted bids;
- 3) Authorizes the City Manager to execute a contract with Bay Construction Company in an amount not to exceed \$592,918.32 and to approve change orders in an additional amount not to exceed \$59,292 to construct the Ohlone Greenway Natural Area and Rain Garden Project.

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

**Agenda Item No. 7(A)**

**Attachment 1**

I CERTIFY that at a regular meeting on March 18, 2014 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 March XX, 2014.

\_\_\_\_\_  
Cheryl Morse, City Clerk

APPROVED:

\_\_\_\_\_  
Janet Abelson, Mayor



# AGENDA BILL

Agenda Item No. 7(B)

Date: March 18, 2014  
To: El Cerrito City Council  
From: Lisa Malek-Zadeh, Finance Director/City Treasurer  
Subject: FY 2013-14 Mid-Year Budget Update

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## **ACTION REQUESTED**

There are two actions associated with this item:

1. ADOPT a Resolution authorizing adjustments to the Fiscal Year (FY) 2013-14 budget related to already approved changes which occurred since the adoption of the FY 2013-2014 budget; and
2. RECEIVE an update on the FY 2013-14 budget and an overview of next steps related to development of the FY 2014-15 budget.

## **BACKGROUND/ANALYSIS**

Each year as part of the budget process, the City Council adopts a resolution that establishes spending limits by fund for the fiscal year. On June 27, 2013, the City Council adopted Resolution 2013-33 authorizing \$45,807,472 in total appropriations for fiscal year 2013-14. Changes to the spending limits occur throughout the year to account for unintended opportunities, unforeseen changes or if the City's financial position changes and additional spending authority is required to meet the needs of the City. These adjustments are typically the result of previously unanticipated events such as the acceptance of new grants, a reauthorization of prior year's unspent funds, accounting changes related to the City's financial reporting, receipt of new revenue and/or a response to emergencies or mutual aid.

For FY 2013-14, staff is proposing adjustments which require a change in spending authority totaling \$6,324,484 across all funds as summarized below:

<b>Summary of Proposed Amendments by Fund</b>	
	<b>Proposed Amendments</b>
General Fund	\$1,468,225
City LMI Housing Fund	\$2,860,000
Capital Improvement Fund	\$1,973,282
Asset Seizure Fund	\$12,377
Street Improvement Fund	\$10,600
<b>Total</b>	<b>\$6,324,484</b>

## Agenda Item No. 7(B)

The proposed FY 2013-14 amendments are described as follows:

- Authorize a General Fund transfer of \$456,801 to the Capital Improvement Fund (CIP) for the completion of the solar panel installation that began in 2013. These funds were previously approved by the City Council and recorded in the General Fund. However, they are spent out of the CIP and therefore the funds need to be transferred.
- Authorize a General Fund transfer of \$598,957 to the Grants Fund as previously approved for 1-time economic development activities within the current fiscal year from a Municipal Service Corporation grant.
- Increase General Fund spending authority of \$187,467 for Fire Department overtime costs for emergency mutual aid response which is fully reimbursable by the State Office of Emergency Services. These amounts are not known prior to any given fiscal year.
- Increase General Fund spending authority of \$165,000 for contract services for the Residential Rental Inspection Program. These costs are fully recovered by inspection fees associated with the program; however, only the revenues were included in the adopted budget.
- Increase General Fund spending authority of \$60,000 for contracted street sweeping services fully offset by increased franchise fee revenue as approved by the Council as part of the solid waste rate setting process.
- Approve Low Moderate Income Housing Fund spending authority of \$2,860,000 for construction of the Ohlone Gardens housing project reimbursable by a State Prop 1C Infill Grant. The funds are in place; this merely authorizes the spending of those funds.
- Increase Asset Seizure Fund spending authority by \$12,377 for the purchase of Police Equipment.
- Carry forward existing CIP funds of \$1,973,882 from FY 2012-13 for projects to be completed in FY 2013-14.
- Carry forward existing Street Improvement Funds of \$10,600 for unspent FY 2012-13 projects to be completed in FY 2013-14.

The following amendments totaling \$1,618,194 have been approved by earlier City Council action:

- Spending authority of \$951,562 from the Grants Fund for the purchase of a Fire Ladder Truck funded by a FEMA grant, a contribution by the Kensington Fire Protection District and a transfer from the General Fund of \$63,438 for the City's required grant match for the Fire Ladder Truck.

**Agenda Item No. 7(B)**

- Increase Grants Fund spending authority by \$72,042 for the Fire Department purchase of Automatic Chest Compression Devices (a purchase 90% reimbursable by a FEMA grant).
- Increase Low Moderate Income Housing Fund spending authority by \$531,152 to meet Housing Loan Obligations as approved on Recognized Obligation Payment Schedule 13-14A.

The following table provides a summary of both the proposed and previously approved adjustments in total for FY 2013-14:

<b>FY 2013-14 Summary of Appropriations By Fund</b>					
		<b>FY 2013-14 Adopted Appropriations</b>	<b>Approved Amendments</b>	<b>Proposed Amendments</b>	<b>FY 2013-14 Amended Appropriations</b>
101	General Fund	\$28,453,592	\$63,438	\$1,468,225	\$29,985,255
201	Gas Tax Fund	\$1,253,937			\$1,253,937
202	NPDES	\$454,725			\$454,725
203	Landscape and Lighting	\$1,314,327			\$1,314,327
204	Measure J Return to Source	\$518,741			\$518,741
205	Measure J Storm Drain	\$951,402			\$951,402
206	Measure A Parcel Tax	\$624,970			\$624,970
208	Asset Seizure	\$0		\$12,377	\$12,377
209	Vehicle Abatement	\$11,000			\$11,000
210	Park In Lieu Fund	\$0			\$0
211	Street Improvement Fund	\$3,015,684		\$10,600	\$3,026,284
213	Art in Public Places	\$0			\$0
221	Federal, State and Local Grants	\$914,783	\$1,023,604		\$1,938,387
232	City LMI Housing	\$140,838	\$531,152	\$2,860,000	\$3,531,990
301	Capital Improvements	\$3,478,220		\$1,973,282	\$5,451,502
401	Storm Drain Debt Service	\$521,530			\$521,530
501	Integrated Waste Management	\$2,174,295			\$2,174,295
601	Vehicle/Equipment Replacement	\$168,532			\$168,532
701	Employee Pension Trust Fund	\$112,500			\$112,500
834	Finance Authority- Measure A	\$365,308			\$365,308
835	Financing Authority-City Hall	\$596,308			\$596,308
835	Financing Authority-Street Imp	\$736,780			\$736,780
<b>Total</b>		<b>\$45,807,472</b>	<b>\$1,618,194</b>	<b>\$6,324,484</b>	<b>\$53,750,150</b>

**FISCAL YEAR 2013-14 UPDATE**

**General Fund Overview**

Changes to General Fund projections and the impact on the ending fund balance since the December update are summarized below in Table 1. Included is a column that assumes the proposed FY 2013-14 amendments are approved, better reflecting the budgeted activities of this fiscal year.

Table 1. General Fund Summary

General Fund Summary Revenues + Expenditures	FY 2013-14 Adopted	FY 2013-14 Projected Update: 12/17/13	FY 2013-14 Amended PROPOSED	FY 2013-14 Projected Update: 3/18/14
Beginning Restricted Balance	\$1,059,672	\$1,059,672	\$1,055,758	\$1,055,758
Beginning Unassigned Balance	\$1,849,880	\$1,195,104	\$1,285,480	\$1,285,480
<b>Total Revenues</b>	<b>\$28,479,079</b>	<b>\$28,456,546</b>	<b>\$28,669,172</b>	<b>\$28,798,034</b>
<b>Total Expenses</b>	<b>\$28,453,592</b>	<b>\$28,011,612</b>	<b>\$28,866,059</b>	<b>\$28,685,116</b>
Personnel	\$22,182,379	\$21,887,454	\$22,369,846	\$22,228,903
Non-Personnel	\$6,271,213	\$6,124,158	\$6,496,213	\$6,456,214
<b>Annual Balance/Shortfall</b>	<b>\$25,487</b>	<b>\$444,934</b>	<b>(\$196,887)</b>	<b>\$112,918</b>
Transfer Out- Grants Fund		\$598,957	\$598,957	\$598,957
Transfer Out - Solar CIP		\$460,715	\$456,801	\$456,801
<b>Total Transfer out of Restricted Funds</b>	<b>\$0</b>	<b>\$1,059,672</b>	<b>\$1,055,758</b>	<b>\$1,055,758</b>
<b>Ending Unassigned Fund Balance/Deficit</b>	<b>\$2,935,039</b>	<b>\$1,640,038</b>	<b>\$1,088,593</b>	<b>\$1,398,398</b>
<b>Ending Unassigned Reserve Percent</b>	<b>10%</b>	<b>6%</b>	<b>4%</b>	<b>5%</b>

Assuming the approval of the proposed FY 2013-14 amendments, the projected fund balance at the end of the fiscal year is expected to be 5%, slightly lower than projected in December. Although revenues are projected to be better than anticipated, fund balance is lower than previously projected due to a projected increase in expenditures, largely related to unanticipated overtime related to vacancies. Staff is continuing to identify opportunities, such as delayed hiring and reduced professional services, in an effort to increase the ending fund balance prior to the end of this fiscal year. As previously discussed, strategies to increase this amount will be identified in next fiscal year’s budget process.

**General Fund Revenues**

At the December 17<sup>th</sup> City Council meeting, staff provided Council with year-end results for the prior fiscal year 2012-13 and an update on the current year budget based on actual revenues received between July and October. Included in this update were revised projections based on the results of FY 2012-13 as well as more up to date information on anticipated tax revenues that occurred after budget adoption in June 2013.

Table 2 provides an overview of projected revenues. Projected General Fund revenues are anticipated to increase by approximately \$396,000 above the amount included in the December update.

Table 2. General Fund Revenues

General Fund Revenues	FY 2013-14 Adopted	FY 2013-14 Projected Update: 12/17/13	FY 2013-14 Amended PROPOSED	FY 2013-14 Projected Update: 3/18/14
Property Taxes	\$6,407,213	\$6,025,472	\$6,025,472	\$6,029,710
Sales Taxes	\$4,593,750	\$4,737,154	\$4,737,154	\$5,018,415
Utility Users Taxes	\$3,605,000	\$3,605,000	\$3,605,000	\$3,605,000
Other Taxes	\$2,128,400	\$2,138,400	\$2,195,900	\$2,197,547
<b>Total Taxes</b>	<b>\$16,734,363</b>	<b>\$16,506,026</b>	<b>\$16,563,526</b>	<b>\$16,850,672</b>
Licenses & Permits	\$606,000	\$636,000	\$606,000	\$613,974
Fines & Forfeitures	\$290,000	\$290,000	\$290,000	\$305,000
Intergovernmental Revenues	\$4,900,128	\$5,018,788	\$5,120,649	\$5,026,265
Charges for services	\$4,942,062	\$4,993,931	\$5,052,196	\$5,049,034
Other Revenues	\$202,147	\$177,147	\$202,147	\$118,435
Loan Proceeds, Transfers	\$804,379	\$834,654	\$834,654	\$834,654
<b>Total Other Revenues</b>	<b>\$11,744,716</b>	<b>\$11,950,520</b>	<b>\$12,105,646</b>	<b>\$11,947,362</b>
<b>Total Revenues</b>	<b>\$28,479,079</b>	<b>\$28,456,546</b>	<b>\$28,669,172</b>	<b>\$28,798,034</b>

**Property Taxes:** The most significant change identified in December was a reduction in anticipated property taxes by about \$382,000. This reduction was partially offset by an increase in better than expected sales taxes with the net result being approximately \$228,000 less in revenues from property and taxes. Through the end of January, the City has received approximately 55% of our property taxes. Based on this information staff anticipates that the City is on target to meet the budget projection provided in December.

**Sales Taxes:** Also included in the December 17th Council report was a discussion regarding the revenue shared with the City of Richmond for sales taxes at the Home Depot store on San Pablo Avenue. In late October of 2013 and after adoption of the FY 2013-14 budget, the State Board of Equalization (BOE) notified the City that intended to make a retroactive adjustment of nearly \$2.5 million to account for a misallocation of taxes between the Cities dating back to 2005. This proposed reallocation ignored a long standing agreement between Richmond and El Cerrito to share revenues in a 70/30 split and did not account for any payments El Cerrito had already made to Richmond for their share of the sales tax. Nor did it reflect the three special transaction and use taxes that are in place between the two cities. The actual amount that may need to be redistributed between El Cerrito, Richmond and the BOE is not yet known and may not be known until the end of the fiscal year.

Since December, the BOE has granted the City an extension through the end of April to review the methodology and amount determined by BOE for the reallocation. City staff continues to gather information from BOE regarding the decision in order to formalize a response and potential recommendation to Council. BOE has expressed no concerns about granting additional extensions, and BOE will not implement its decision during the extension periods. While overall sales tax revenues are projected to be higher than budgeted, projections assumed the City would need to start making payments to address staff’s interpretation of BOE’s decision and therefore only increased overall projections by an additional \$143,000. With the extension in place through April and as the City considers options to appeal the BOE decision, staff has included the full increase in sales tax revenue expected by June. This is approximately \$425,000 more than was included in the adopted budget. Future budgets will need to account for the ultimate settlement of this issue.

**Utility Users Tax:** Revenue received from Utility Users taxes (UUT) in FY 2012-13 fell short of projections by year end and for this reason, as reported in December, staff expressed concern about meeting this year's projected revenue target. While cautious, based on UUT revenue collected up to that point, UUT revenues appeared on track and therefore no revisions were made to the year-end projections. Seven months of UUT receipts have been received and collections are about 1% higher than the average for the same period over the last 3 years. This supports that forecasted revenues will meet the \$3.6 million budgeted amount. Staff continues to closely monitor this revenue and in addition have identified some issues that are under review by staff:

- Energy: UUT remitted by energy utilities remained flat between FY 2011-12 and FY 2012-13, despite increased rates by PG&E, which accounted for the vast majority of these remittances. PG&E is no longer collecting UUT from its wholesale customers. Electricity users who have installed solar panels may not be paying UUT. However, remittances for FY 2013-14 appear to be increasing significantly, indicating that further investigation is needed as to whether UUT for the prior fiscal year was appropriately collected and remitted.
- Water: UUT collected by EBMUD has increased consistent with its increase in rates. Cuts in water use due to drought conditions are not likely to affect UUT collections dramatically due to increased rates.
- Cable: UUT collection by cable providers has declined, consistent with consumer trends away from cable to internet-based programming services. Staff will explore the applicability of the City's UUT ordinance to these internet-based services.
- Telephone: UUT collections from landline and wireless telephone services have declined, consistent with industry trends away from landlines, to voice-over-internet and cellular communications, and away from contract-based to prepaid cellular service.

Staff is exploring consulting firms to perform an audit of UUT collected to determine if there are any utilities that are not: 1) collecting and remitting UUT from their El Cerrito customers, 2) calculating UUT collected consistent with the City's ordinance, and/or 3) collecting from all El Cerrito utility users.

**Other General Fund Revenues:** Projections for the remaining revenues within the General Fund remain fairly consistent with the adopted budget. An increase of approximately \$200,000 has been included based on some anticipated changes in licenses and permit revenues as well State reimbursements.

**General Fund Expenditures**

Total General Fund expenditures are projected to be under budget by about \$232,000 for the current fiscal year. Projections are based on personnel and non-personnel costs incurred through the end of January in conjunction with information from prior year’s expenditure trends.

**Table 3. General Fund Expenditures**

General Fund Expenditures	FY 2013-14 Adopted	FY 2013-14 Projected Update: 12/17/13	FY 2013-14 Amended PROPOSED	FY 2013-14 Projected Update: 3/18/14
<b>Personnel</b>	<b>\$22,182,379</b>	<b>\$21,887,454</b>	<b>\$22,369,846</b>	<b>\$22,228,903</b>
<b>Non-Personnel</b>				
Purchased Professional & Technical Services	\$2,299,700	\$2,189,700	\$2,464,700	\$2,532,804
Property Services/Professional Services	\$2,006,850	\$1,969,795	\$2,066,850	\$1,975,586
Supplies	\$640,150	\$640,150	\$640,150	\$592,518
Property & Capital	\$375,032	\$375,032	\$375,032	\$376,179
Financing Costs	\$814,381	\$814,381	\$814,381	\$844,026
Transfers Out	\$135,100	\$135,100	\$135,100	\$135,100
<b>Total Non-Personnel</b>	<b>\$6,271,213</b>	<b>\$6,124,158</b>	<b>\$6,496,213</b>	<b>\$6,456,214</b>
<b>Total Expenditures</b>	<b>\$28,453,592</b>	<b>\$28,011,612</b>	<b>\$28,866,059</b>	<b>\$28,685,116</b>

**Personnel:** The City adopted a personnel budget of approximately \$22 million that included salary savings of close to \$1.5 million. As in prior years, the Fire department is often dispatched to emergency response throughout the state for Mutual Aid. Staff is proposing an increase of \$187,000 to reflect these costs that are fully reimbursed by the Office of Emergency Response (OES). With this change, the amended personnel budget is closer to \$22.2 million. In December, salary savings from personnel costs were projected to be about \$295,000. As discussed over the last several months, the City has had a high turnover rate in the Police department and has experienced more vacancies than were included in the adopted budget. In order to ensure adequate staffing, some of these unanticipated vacancies have required a much greater use of overtime. In addition, extended family and other leave in the Fire department has also had an impact on overtime. While savings from personnel costs are less than previously anticipated, these savings represent about \$1.6 million.

**Non-Personnel:** Assuming approval of the proposed FY 2013-14 amendments, expenditures for non-staff related costs are projected to be slightly under budget by about \$40,000. This includes anticipated increases in professional/technical services, partially offset by new revenue and fee increases in credit card processing and bank fees. Savings in professional and property services and supplies help offset most off the increases in other line items.

**Special Revenue Funds**

With the elimination of redevelopment funding and declining General Fund revenues due to the recession, there has been a greater dependence on Special Revenue Funds. About 88% of expenditures in Public Works rely on Special Revenue Funds, but the use of these funds is limited to eligible expenses for activities such as street improvements, storm drain repairs, transportation improvements, grant funded projects and other similar costs. The City has limited or no ability to increase revenues in most of these Special Revenue Funds. As costs continue to

increase for personnel and contracted services, it becomes more difficult to keep expenses in line with available revenue. For example, Landscape and Lighting Assessment District (LLAD) annual revenues have been generally flat (~\$770,000) since the late 1980s but LLAD-eligible expenses are approximately \$1.3 million. This year, Public Works has implemented program changes resulting in savings across its funds of more than \$200,000. These savings are the result of holding open vacancies and making some service reductions in landscaping and park maintenance. Additional balancing measures affecting service may be required to bring these funds into balance this fiscal year or in FY 2014-15.

A more detailed overview of some selected special revenue funds are highlighted as follows:

**NPDES:** Over the last few years, due to inadequate revenues, activities have been supplemented with Storm Drain Funds to assist in storm drain projects that relate to clean water. Funds in the current year are once again insufficient and Public Works has identified and implemented approximately \$94,000 in cost savings, both through personnel and non-personnel changes. As expenses in the Clean Water program have been growing faster than tax revenues as a result of continually increasing permit requirements, in order to bring this fund into balance Public Works will continue to identify potential new revenues for and/or service cuts to programs supported by this fund.

**LLAD:** Tax revenues to the Landscape and Lighting Assessment District are generally fixed as the only growth that could occur would result from new development, for which there is little potential relative to the size of the existing LLAD tax base. In the past this fund has received subsidies from the General Fund and more recently Gas Tax revenues have supplemented a lack of funding. General Fund support was eliminated and Gas Tax funds have been reduced significantly. Public Works has identified \$92,000 in cost savings through reductions in both personnel and non-personnel expenditures. However, because the cost of providing the services supported by this fund are increasing while the revenue available is fixed, unless other revenues eligible to fund these programs are secured or the General Fund support returns to prior levels, significant service reductions will be needed to bring this fund into balance over the next few years.

**Capital Improvement Fund:** Projects funded through the Capital Improvement Program (CIP) are generally only initiated when sufficient revenue for projects has been identified. However, revenues from outside sources are generally received on a reimbursement basis and therefore can be delayed past the end of the fiscal year in which the costs occurred. Due in part to these types of timing issues in recent years, the fund started the fiscal year with a significant negative fund balance. Public Works is working to ensure all expenses eligible for reimbursement are billed to the funder in a timely fashion. Additionally, as several multi-year projects were being closed out during the current fiscal year, it was determined that some internal funding for projects by the former Redevelopment Agency between 2006 and 2011 were never transferred to the CIP despite the City having relied on the funding commitment to award construction contracts. The City Council, acting on behalf of the Redevelopment Successor Agency, approved an obligation for these funds (\$431,000) on its Recognized Obligation Payment Schedule for the upcoming year. However, should this effort to recover the funds be

unsuccessful, the Fund will continue to have a negative balance until other funding sources for the deficit can be identified.

**Low Income Housing Assets:** Revenue to this special revenue fund is limited to payments from the Redevelopment Successor Agency of funds obligated to developers or repayment of loans from housing funds taken by the Redevelopment Agency in prior years. Due to information recently provided by the California Department of Finance, projections of revenue to this fund in the current year are limited to funds already obligated to developers and cannot be used for City expenditures on housing programs or staff. Current year program and staffing expenses are being funded from cash on hand from the payment received from the Successor Agency, which is expected to be depleted by the end of the fiscal year. Staff is evaluating various options for pursuing revenues due to this fund so that housing programs can continue in the upcoming fiscal years.

### **FISCAL YEAR 2014-15 NEXT STEPS**

With only a few months remaining in FY 2013-14, staff has already started the process to develop next year's proposed budget. Sales in the housing and retail market are strong and continue to grow in El Cerrito. In contrast to the last few years, the overall financial outlook seems to have stabilized; however, revenue has not and is not predicted to return to the levels experienced before the great recession. The impact of redevelopment dissolution and the loss of approximately \$1 million per year will likely be felt next fiscal year regardless of the outcome of the current lawsuit against the State Department of Finance. For the past two years, the City has relied on one-time restricted funds to offset the loss of these revenues to the General Fund. The City has taken many steps to preserve services even with these diminishing resources. Vacant positions have been eliminated, others have remained unfilled, staff has made a number of wage concessions, departments have been reorganized to achieve better efficiencies, funding from grants and other funding sources have been secured in addition to implementing other innovative solutions to save money and maintain programs and services to the community.

As we begin discussions about next year's budget, increasing costs and limited revenue growth remain an issue. Agreements for three of our labor groups have expired or are expiring, contractual cost of living increases for public safety employees, double-digit cost increases in employee health rates, and the elimination of one-time money to fund economic development are some of the realities that must be addressed next year. Restoring reserves that have declined due to one-time uses also remains a priority for next year's budget. Projections are very preliminary, but based on current cost and revenue assumptions; staff estimates balancing measures of approximately \$1-\$1.5 million in the General Fund will be required to align expenditures with available revenue and to increase reserves. Staff anticipates that some Special Revenue Funds will also require measures to bring the funds into balance.

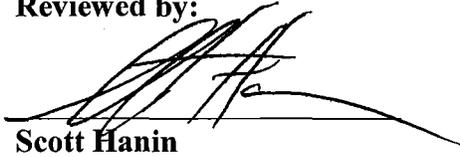
To gather important input on next year's budget and further the City's value of Transparency and Open Communication, staff has begun a series of community engagement activities to involve the public in setting priorities and allocating resource based on the goals and strategies developed within the Strategic Plan. The City is holding a series of Community Budget meetings during the month of March at various locations throughout the City. These meetings are intended to reach residents within their neighborhoods as well as gain feedback on budget

**Agenda Item No. 7(B)**

priorities and how the City should concentrate its resources in FY 2014-15 to best serve the community. An online forum will also be available on the City's website at [www.el-cerrito.org/budgetpriorities](http://www.el-cerrito.org/budgetpriorities) that will allow residents an additional way to participate in identifying FY 2014-15 budget priorities and provide feedback. Engaging our residents and other stakeholders in the budget process is intended to increase understanding, create better and more sustainable decisions, improve customer satisfaction with our services, and build trust and a more cohesive community.

Input and information provided by the community, along with staff's Implementation Action Plan (IAP) for the Strategic Plan goals, will be shared with the City Council in future months as staff begins a more in-depth discussion and development of the FY 2014-15 budget. Staff anticipates scheduling a budget study session for the April 15, 2014 City Council meeting to discuss priorities and goals, and review of initial projections for the next fiscal year.

**Reviewed by:**



**Scott Hanin**  
**City Manager**

**Attachment:**

1. Resolution

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING THE  
SPENDING AUTHORITY BY FUND FOR THE CITY OF EL CERRITO FOR FISCAL  
YEAR 2013-14

WHEREAS, on June 27, 2013 the City Council of the City of El Cerrito adopted the Fiscal Year 2013-14 Budget with spending limits across funds; and

WHEREAS, changes to the spending limits throughout the year may be necessary to account for unintended opportunities, unforeseen changes or if the City's financial position changes and additional spending authority is required to meet the needs of the City; and

WHEREAS, proposed changes to spending authority from tax proceeds are within the City's Fiscal Year 2013-14 Gann Appropriations Limit, as defined the California State Constitution Article XIII B.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby amends the spending authority by fund for Fiscal Year 2013-14 as follows:

General Fund	\$29,985,255
Gas Tax Fund	\$1,253,937
NPDES	\$454,725
Landscape and Lighting	\$1,314,327
Measure J Return to Source	\$518,741
Measure J Storm Drain	\$951,402
Measure A Parcel Tax	\$624,970
Asset Seizure	\$12,377
Vehicle Abatement	\$11,000
Street Improvement Fund	\$3,026,284
Federal, State and Local Grants	\$1,938,387
City LMI Housing	\$3,531,990
Capital Improvements	\$5,451,502
Storm Drain Debt Service	\$521,530
Integrated Waste Management	\$2,174,295
Vehicle/Equipment Replacement	\$168,532
Employee Pension Trust Fund	\$112,500
Finance Authority- Measure A	\$365,308
Financing Authority-City Hall	\$596,308
Financing Authority-Street Imp	\$736,780
<b>Total</b>	<b>\$53,750,150</b>

**Agenda Item No. 7(B)**  
**Attachment 1**

I CERTIFY that at a regular meeting on March 18, 2014, the City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on March XX, 2014.

\_\_\_\_\_  
Cheryl Morse, City Clerk

APPROVED:

\_\_\_\_\_  
Janet Abelson, Mayor