



AGENDA

REGULAR CITY COUNCIL MEETING
Tuesday, December 2, 2014 – 7:00 p.m.
City Council Chambers

Meeting Location

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

Janet Abelson – Mayor

Mayor Pro Rebecca Benassini
Councilmember Mark Friedman
Councilmember Elect Gabriel Quinto

Councilmember Jan Bridges
Councilmember Greg Lyman

ROLL CALL

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

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG** – led by Mayor Abelson.
- 2. STAFF COMMUNICATIONS/COUNCIL ASSIGNMENTS/LIAISON REPORTS**
- 3. PRESENTATIONS** – *None*
- 4. ORAL COMMUNICATIONS FROM THE PUBLIC**

This place on the agenda is reserved for comments and inquiries from the public regarding matters on the agenda and matters which do not otherwise appear on the agenda. 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 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.

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

A. Minutes for Approval

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

B. Declaring and Confirming the Results of the November 4, 2014 General Election (*To be delivered*)

Adopt a resolution declaring and confirming the results of the November 4, 2014 General election including the re-election of Janet Abelson and election of Gabriel Quinto to the City Council for terms ending 2018 and the passage of Measure R – El Cerrito Transactions and Use Tax.

C. Confirm the Adoption of Transactions and Use Tax Ordinance No. 2014–08

Confirm the passage and adoption of Ordinance No. 2014–08, an ordinance of the City of El Cerrito amending and restating Chapter 4.62 of the Municipal Code to extend and increase at the one cent rate a transactions and use tax to be administered by the State Board of Equalization.

D. Joint Application with Eden Housing for State Proposition 1C Infill Grant

Adopt a resolution approving and authorizing the City as co-applicant with Eden Housing, Inc. to apply for Proposition 1C Infill Infrastructure Grant funds for the San Pablo Avenue Senior Housing Development at 10848–10860 San Pablo Avenue. *Exempt from CEQA.*

6. RECOGNITION OF CITY COUNCIL MEMBER LEAVING OFFICE

Special recognition of Mayor Pro Tem Rebecca Benassini (2010–2014).

7. BRIEF RECESS (*At the conclusion of the recess, Mayor Abelson will resume her seat on the dais and Councilmember Elect Quinto will assume the seat at the dais vacated by Mayor Pro Tem Benassini.*)

8. SWEARING IN AND SEATING OF NEWLY ELECTED OFFICIALS

Administration of the Oath of Office and Presentation of Certificates of Election:

Janet Abelson, re-elected to a city council term ending 2018.
Gabriel Quinto, elected to a city council term ending 2018.

9. PUBLIC HEARINGS – *None*

10. POLICY MATTERS

City Council Reorganization

Election of City Council Officers.

11. ADJOURN REGULAR CITY COUNCIL MEETING

The next Regular City Council Meeting will be held on Tuesday, December 16, 2014 at 7:00 p.m.

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

Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City’s website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City’s website at

www.el-cerrito.org prior to the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).

The Deadline for agenda items and communications is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us

IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.

The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, November 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

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Abelson convened the regular City Council meeting at 7:02 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Bridges informed all that there are several upcoming vacancies on the City's Boards, Commissions and Committees and encouraged all to apply. The deadline to submit an application is December 8, 2014.

Mayor Pro Tem Benassini announced that the East Bay Municipal Utility District Board of Directors has been holding special meetings to discuss the drought and potential rate setting alternatives. The next meeting is November 19 at 6:30 p.m. in the Castro Valley Library.

Councilmember Friedman reported that he attended the last board meeting of the West Contra Costa Healthcare District. The Board discussed the uncertain future of Doctors Hospital. Several ideas were discussed however the hospital is still in limbo and is awaiting further development.

Councilmember Lyman announced that there will be an upcoming BART community meeting regarding a scheduled application of a city approved selective broadleaf weed suppressant on the Ohlone Greenway.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Tom Panas, El Cerrito, reported that the Rotary fundraiser for a new El Cerrito library raised \$11,000. Mr. Panas said the Rotary Club thanks all those who bought tickets, those who

worked to support the event, and all the special sponsors for their generosity. The El Cerrito Library Foundation is also grateful, particularly for the dedication of the local Rotary Club.

4. PRESENTATION

A. El Cerrito Art Association Award

Brief highlight of the El Cerrito Art Association (ECAA) programs and events followed by approval and presentation of a proclamation recognizing the importance of the El Cerrito Art Association in supporting and publicizing arts and artists in the East Bay, commending all artists in the community for their skill, talent and creative expression and congratulating Catherine Woolf on her receipt of the Mayor's Award at the El Cerrito Association Annual Art Show and Sale held in October 2014.

Action: Proclamations presented and received by Jean Witzke, Past ECAA President, Jean Sichterman, Current ECAA President and Mayors Award recipient Catherine Woolf.

B. El Cerrito Tree Committee Workplan – Presentation by Cathy Bleier, Committee Vice-Chair.

Receive a presentation regarding the Tree Committee's accomplishments, goals and workplan.

Action: Received presentation.

C. El Cerrito Park and Recreation Commission Workplan – Presentation by Manish Doshi, Commission Chair.

Receive a presentation regarding the Park and Recreation Commission's accomplishments, goals and workplan.

Speaker Dave Weinstein, EC Trail Trekkers, spoke about funds the group is expecting from . Trail Trekkers has done a lot of work analyzing every single trail in town. Working with Eagle Scout. Next year ready to work with Park and Rec to

Action: Received presentation.

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

Moved, seconded (Friedman/Benassini) and carried unanimously to approve Consent Calendar Item Nos. 5A through 5C and 5E through 5H in one motion as indicated below. Item No. 5D was removed from the Consent Calendar at the request of Mayor Pro Tem Benassini for the purpose of highlighting significant features associated with the I-80/Central Avenue improvements.

A. Minutes for Approval

Approve the October 21, 2014 regular City Council meeting minutes.

Action: Approved minutes.

B. I-80 Integrated Corridor Mobility Project Operations & Maintenance Cooperative Agreement No. 07W.04

Adopt a resolution authorizing the City Manager to execute Cooperative Agreement No. 07W.04 between the Contra Costa Transportation Authority (CCTA), City of El Cerrito, Contra Costa County and the Cities of Richmond, Hercules, Pinole, and the San Pablo for CCTA's funding of the operations and maintenance (O&M) of components of the I-80 Integrated Corridor Mobility (I-80 ICM) Project.

Action: Adopted Resolution No. 2014-67.

C. Cooperative Agreement No. 28W.01 between the Contra Costa Transportation Authority, the City of El Cerrito, Contra Costa County and the Cities

Adopt a resolution authorizing the City Manager to execute Cooperative Agreement No. 28W.01 between the Contra Costa Transportation Authority (CCTA), City of El Cerrito, Contra Costa County, and the Cities of Richmond, Hercules, Pinole and San Pablo to accept a one-time disbursement of \$50,000 in Measure J Subregional Transportation Needs Program (Program 28b) funds from the CCTA to the City of El Cerrito and authorizing an amendment to the Fiscal Year (FY) 2014-15 Adopted Budget to appropriate \$50,000 in the Measure J Fund for various transportation projects and programs. *Exempt from CEQA.*

Action: Adopted Resolution No. 2014–68.

D. I-80/Central Avenue Operational Improvements Project – Amendment No. 1 to Cooperative Agreement No. 07W.02

Adopt a resolution authorizing the City Manager to execute Amendment No. 1 to Cooperative Agreement No. 07W.02 between the Contra Costa Transportation Authority (CCTA), the City of El Cerrito, and the City of Richmond to complete Plans, Specifications and Estimate (final design), perform a before and after traffic study, and perform design services during construction for the I-80/Central Avenue Operational Improvements Project (Phase 1). *Exempt from CEQA.*

Action: Removed from the Consent Calendar by Mayor Pro Tem Benassini. Moved, seconded (Benassini/Friedman) and carried unanimously to adopt Resolution No. 2014–69.

E. 2014 Patch Paving and Miscellaneous Repairs Project

Adopt a resolution approving the following actions: 1) Approve plans for the 2014 Patch Paving and Miscellaneous Repairs Project; 2) Reject one submitted bid from Ransome Company as non-responsive; 3) Accept the two remaining bids; 4) Amend the Capital Improvement Program-Annual Program of Maintenance and Improvement pursuant to Measure A to add completion of the 2013-14 Street Improvement Project, C3072 and Central Avenue and Liberty Street Streetscape Improvement Project, C3063; 5) Authorize the City Manager to execute a contract in the amount of \$106,259.00 with Golden Bay Construction, Inc. and to approve change orders in an amount not to exceed \$16,946.53 for the construction of the 2014 Patch Paving and Miscellaneous Repairs Project; and 6) Amend the Fiscal Year 2014-15 Adopted Budget to appropriate unspent project funds of \$31,224 in Measure A Street Improvement Fund (Fund 211) and \$16,520 in the Capital Improvement Fund (Fund 301).

Action: Adopted Resolution No. 2014–70.

F. Agreement with East Bay Sanitary Company, Inc. for Street Sweeping Services

Adopt a resolution authorizing the City Manager to execute an agreement with East Bay Sanitary Company, Inc. (EBS) to perform street sweeping services in the City of El Cerrito effective January 1, 2015 at an initial cost of \$7,177.73 per month and total of \$43,066.38 in Fiscal Year 2014-15, with total expenditure authorization in an amount not to exceed \$110,000 in subsequent fiscal years.

Action: Adopted Resolution No. 2014–71.

G. Park In-Lieu Fund for Park and Athletic Field Improvements

Adopt a resolution authorizing the appropriation of \$12,000 in the Park In-Lieu Fund for park and athletic field improvements as an amendment to the Fiscal Year 2014-15 budget. *Exempt from CEQA.*

Action: Adopted Resolution No. 2014–72.

H. Economic Development Committee Appointment

Approve an Economic Development Committee recommendation to appoint George Gager to the Economic Development Committee, effective January 1, 2015.

Action: Approved recommendation.

6. PUBLIC HEARINGS

Proposed Integrated Waste Management Fees and East Bay Sanitary Garbage & Green Waste Collection and Processing Rates – Effective January 1, 2015

Staff requests that the City Council take the following actions:

- 1) Conduct a public hearing and upon conclusion adopt a resolution setting Integrated Waste Management (IWM) Fees, effective January 1, 2015; and
- 2) Conduct a public hearing and upon conclusion adopt a resolution setting maximum allowable East Bay Sanitary (EBS) garbage and green waste collection, disposal and processing rates, effective January 1, 2015. *Both public hearings exempt from CEQA.*

Presenter: Garth Schultz, Environmental Services and Public Works Operations Manager.

INTEGRATED WASTE MANAGEMENT FEE HEARING

Mayor Abelson opened the public hearing. No speakers.

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

Action: Moved, seconded (Friedman/Bridges) and carried unanimously to adopt Resolution No. 2014–73 setting Integrated Waste Management Fees.

EAST BAY SANITARY GARBAGE AND GREEN WASTE FEE HEARING

Mayor Abelson opened the public hearing. No speakers.

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

Action: Moved, seconded (Benassini/Lyman) and carried unanimously to adopt Resolution No. 2014–74 setting maximum allowable East Bay Sanitary (EBS) garbage and green waste collection, disposal and processing rates, effective January 1, 2015.

7. POLICY MATTERS

Study Session to Provide Policy Direction Regarding Membership in Marin Clean Energy Community Choice Aggregation Joint Powers Agency

Receive a presentation on the results of the “Marin Clean Energy Applicant Analysis for the City of El Cerrito” and the risks and benefits associated with joining Marin Clean Energy, and provide policy direction regarding joining Marin Clean Energy’s Community Choice Aggregation Joint Powers Authority. *Exempt from CEQA.*

Presenters: Maria Sanders, Environmental Analyst, Dawn Weisz, Executive Officer, MCE Clean Energy.

Speakers: David Gray, El Cerrito, spoke in support of El Cerrito becoming a member of

Marin Clean Energy (MCE) and encouraged the City Council to act quickly. Community Choice Aggregation (CCA) is the best way to reduce carbon emissions and climate change.

Mark Miner, El Cerrito Environmental Quality Committee (EQC) Chair, spoke in support of joining MCE and stated that there are many bright and motivated individuals who work at MCE. It would be a great organization for El Cerrito to align itself with.

Dave Weinstein, EQC member, stated that the EQC has been discussing CCA since 2007, before MCE was formed, and encouraged the City Council to join the CCA with MCE.

Howdy Gowdy, El Cerrito, spoke in support of El Cerrito becoming a member of MCE and noted that there is no additional cost to customers, there are benefits to those that already have solar installations on their property and that it allows the City to meet its 2020 [greenhouse gas reduction] goals. It is a rapidly growing national movement of democracy featuring a choice for power. It allows the community to represent its values in choices for power.

Robin Mitchell, El Cerrito, spoke in support of MCE membership and noted that the initiative starts to remove interest in an investor owned utility, puts decisions about power in the hands of a non-profit and allows the City to achieve its greenhouse gas reduction goals.

Tom Panas, El Cerrito, stated that he strongly supports CCA, expressed concerns about the short timeline for joining MCE and asked the City Council if MCE could report on the rapidity of other jurisdictional decision-making timelines, clarify bundled versus unbundled energy purchases, whether there are additional requirements for those who already have solar installed on their property and whether MCE has favorable rates similar to what PGE offers for those with electric cars.

David McCoard, El Cerrito, Co-Chair of Sierra Club Energy Committee, stated that the Sierra Club welcomes El Cerrito joining MCE. The Sierra Club would also would like to see the development of clean energy sources in the local community as soon as possible and encourage property owners to install solar.

Robert Schaadt, EQC member, encouraged the City Council to join with MCE because it allows the residents of El Cerrito to have a choice about power that is also cost effective.

Action: By mutual consensus the City Council directed staff to pursue membership in MCE Clean Energy and schedule first reading of the ordinance at the December 16, 2014 City Council meeting.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Councilmember Bridges reported that the Human Relations Commission (HRC) is about to have four vacancies. The HRC reviewed proclamations scheduled for the Council's consideration in 2015 and also discussed sponsoring a film showing about building healthy communities and budget for the annual Martin Luther King Jr. event.

Councilmember Lyman reported that the Executive Director for Recyclemore resigned effective October 31, 2014. Councilmember Lyman has been chair of the ad hoc committee focused on the search for an interim executive director of Recyclemore. The committee presented the results of its search for an interim executive director to the Integrated Waste Management Authority Board (IWMA) on November 13. The IWMA selected Paul Morsen to fill the position. Mr. Morsen has thirty years of experience, most of which is in solid waste, with extensive service at the Central Contra Costa Solid Waste Authority. Recyclemore recently had a rate workshop and will be setting rates for the other jurisdiction members and establishing household hazardous rates in December 2014.

Mayor Abelson recently attended the Contra Costa Transportation Authority (CCTA) annual training, "Focus on the Future" in Santa Clara. The training was really interesting and focused heavily on the success of sales tax measures in the last election. Mayor Abelson also

attended a League of California Cities Leaders Conference and has been selected as the President of the East Bay Division of the League of California Cities.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:13 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(B) El Cerrito Tree Committee Workplan

1. El Cerrito Businesses and Trees – *Submitted by Cathy Bleier, Vice-Chair, El Cerrito Tree Committee.*

Item No. 7 Study Session to Provide Policy Direction Regarding Membership in Marin Clean Energy Community Choice Aggregation Joint Powers Agency

2. Powerpoint presentations – *Submitted by Maria Sanders, Environmental Analyst and Dawn Weisz, Marin Clean Energy.*

Other:

3. Update on Rotary fundraiser for a new El Cerrito Library – *Submitted by Tom Panas, El Cerrito.*



AGENDA BILL

Agenda Item No. 5(B) *Results to be Delivered*

Date: December 2, 2014
To: Honorable Mayor and Members of the City Council
From: Cheryl Morse, City Clerk
Subject: Declaring and Confirming the Results of the November 4, 2014 General Municipal Election (*To be delivered*)

ACTION REQUESTED

Adopt a Resolution declaring and confirming the results of the November 4, 2014 General Municipal Election and declaring the election of Janet Abelson and Gabriel Quinto to the office of City Council and the passage of Measure R – El Cerrito Transactions and Use Tax.

BACKGROUND


At the close of the extended candidate nomination period, three candidates qualified for two open seats on the city council. The three candidates were Janet Abelson, Nicholas Arzio and Gabriel Quinto. Semi-Official election results indicate that Mayor Abelson and Gabriel Quinto received the highest number of votes in the election and will fill the two vacant seats.

On July 15, 2014, the City Council, by unanimous vote, adopted Resolution No. 2014–36 which: 1) Called and gave notice of a special measure election on November 4, 2014; 2) Approved an ordinance enacting a one-cent sales tax rate for twelve years for the maintenance of city services; 3) Ordered the submittal of the ordinance to the voters at the election; and 4) Requested that the Contra Costa County Board of Supervisors consent to the consolidation of this election with the statewide general election to be held on the same date and direct the Registrar of Voters to conduct the election and print a measure on the ballot as directed in the resolution. Election results indicate that Measure R was passed by the voters with a wide margin.

The Contra Costa County Registrar of Voters will submit to the City Clerk, the official canvass for the City of El Cerrito General Municipal Election held on November 4, 2014 no later than 5:00 p.m. on December 2, 2014. Elections Code 15372 requires the Registrar of Voters to certify the election results no later than twenty-eight days after the election. Official certified election results will be delivered to the City Council as soon as they are available and presented to the City Council for consideration Tuesday evening.

The attached resolution confirms the results of the November 4, 2014 Election and declares candidates elected to office and the passage of Measure R.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
Exhibit A. Certificate of Election and Statement of Results

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF EL CERRITO ON NOVEMBER 4, 2014, DECLARING THE RESULTS OF THE ELECTION AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, the City of El Cerrito held a general municipal election consolidated with the statewide general election on Tuesday, November 4, 2014 as required by law; and

WHEREAS, the qualified electors, including vote by mail voters, cast ballots at said election for the following officials:

Two Councilmembers, for Terms Ending 2018

WHEREAS, the qualified electors, including vote by mail voters, cast ballots at said election upon the following proposed measure:

Measure R – El Cerrito Transactions and Use Tax

To continue to protect/ maintain City services, including fire prevention/ emergency services; emergency response times; neighborhood police patrols; firefighter / police staffing; crime prevention/ investigation resources; after-school programs; library hours / programs; senior services; open space, parks, paths/ playfields; other general City services, shall El Cerrito extend the existing voter-approved sales tax and set the future rate at one cent for 12 years, with citizens' oversight, annual audits, and all funds staying local, none to Sacramento?

WHEREAS, notice of the election was given in the time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes thereof were received and canvassed and the return thereof was ascertained, determined, and declared in all respects as required by the law, and the County Clerk of the County of Contra Costa has duly filed with the City Clerk a statement of votes of said election.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of El Cerrito that the following named were candidates for City Council for a term ending 2018, and that it is determined and declared that each received the total number of votes, including absent votes, as set forth after their names as follows:

CITY COUNCIL *(To be delivered)*
(Top Two Elected)

Janet Abelson	5,320
Gabriel Quinto	3,832
Nicholas Arzio	2,999

Agenda Item No. 5(B)
Attachment 1

BE IT FURTHER RESOLVED, that the following candidates were thereby elected Councilmembers and are hereby declared to be elected for terms ending 2018:

Janet Abelson
Gabriel Quinto

BE IT FURTHER RESOLVED, by the City Council of the City of El Cerrito that it is determined and declared that the total number of votes including vote by mail votes, cast on Ballot Measure R is as follows:

Measure R – T El Cerrito Transactions and Use Tax
(Majority Vote Required)

YES	5,791
NO	2,416

BE IT FURTHER RESOLVED, determined and declared by the City Council of the City of El Cerrito as follows:

1. That the certificate of the County Clerk of result of the canvass of election returns, now on file with the City Clerk, be and the same is hereby approved and adopted and is hereby entered on the minutes of the City Council as a statement of the votes of said election.
2. That the whole number of votes cast in said City at said general election was [REDACTED] votes. Attached hereto as **Exhibit A** is a Certification of the City Clerk including the Certificate of the Election by the County Clerk/Registrar of Voters and a complete Statement of the Results showing the number of votes cast at each precinct for each candidate and for and against Measure R – El Cerrito Transactions and Use Tax.
3. That Measure R received a majority of the votes cast at the November 4, 2014 election for said Measure, and is hereby declared to have passed.

I CERTIFY that at a regular meeting on December 2, 2014, the El Cerrito City Council passed this resolution by the following vote:

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

Agenda Item No. 5(B)
Attachment 1

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

**CERTIFICATION OF CITY OF EL CERRITO
NOVEMBER 4, 2014 GENERAL MUNICIPAL ELECTION**

STATE OF CALIFORNIA)
) ss
COUNTY OF CONTRA COSTA)

I, Cheryl Morse, City Clerk, City of El Cerrito, County of Contra Costa, State of California, do hereby certify the following to be a true and correct Statement of Results of all votes cast at the City of El Cerrito General Municipal Election consolidated with the California Statewide General Election held on Tuesday, November 4, 2014, for each of the candidates entitled to receive votes for the office of City Council as indicated below:

CITY COUNCIL (To be delivered)

Janet Abelson	5,320
Gabriel Quinto	3,832
Nicholas Arzio	2,999

I further certify the following to be a true and correct Statement of Results of all votes cast on Measure R – El Cerrito Transactions and Use Tax voted upon in the City of El Cerrito at said election:

**Measure R – El Cerrito Transactions and Use Tax
(Majority vote required)**

To continue to protect/ maintain City services, including fire prevention / emergency services; emergency response times; neighborhood police patrols; firefighter / police staffing; crime prevention/ investigation resources; after-school programs; library hours / programs; senior services; open space, parks, paths / playfields; other general City services, shall El Cerrito extend the existing voter-approved sales tax and set the future rate at one cent for 12 years, with citizens' oversight, annual audits, and all funds staying local, none to Sacramento?

YES 5,791

NO 2,416

Resolution No. 2014-XX

Exhibit A

I further certify that the total number of ballots cast in the City of El Cerrito at said election was . Attached hereto is a complete Statement of the Results showing the number of votes cast at each precinct and for and against each candidate running for the office of City Council and for and against Measure R.

Dated: December 2, 2014

Cheryl Morse, City Clerk
City of El Cerrito
County of Contra Costa, State of California

ORDINANCE NO. 2014-08

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING AND RESTATING CHAPTER 4.62 OF THE MUNICIPAL CODE TO EXTEND AND INCREASE AT THE ONE CENT RATE A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

WHEREAS, the State began shifting property tax from local governments in 1992 and these “takes” continue, including about \$1.8 million annually from El Cerrito from a portion of the City’s property tax to the Educational Revenue Augmentation Fund that could otherwise be used for essential City services; and

WHEREAS, since 1993, El Cerrito has been required by State legislation to pay for booking fees and property tax administration, another loss of general fund revenues that would otherwise be available for essential City services; and

WHEREAS, since 2003, the State has taken an additional \$3 million of Redevelopment Agency funds that could have been spent on local projects such as a library, public safety building, senior center or economic development programs; and

WHEREAS, the State has eliminated the City of El Cerrito Redevelopment Agency resulting in a loss of over \$1 million annually to the City and greatly decreased the City’s ability to promote economic development and retail growth along San Pablo Avenue; and

WHEREAS, the recession, continued State takeaways, falling home values, store relocations and strained revenues could erode the high quality of service in the City of El Cerrito and the accomplishments that have taken years to develop; and

WHEREAS, El Cerrito has seen a reduction in sales tax revenue resulting from the closure of the Target Store, the Mitsubishi car dealership, the Guitar Center and OSH and an overall decline in consumer spending; and

WHEREAS, the City has already made cuts and reductions to balance the FY 2015 budget and operate as efficiently as possible; and

WHEREAS, to help balance the budget, approximately 15% of authorized positions are eliminated or unfilled, including police officers, firefighters, maintenance and parks and recreation staff; and

WHEREAS, City’s employees have agreed to defer or forego compensation adjustments and to increase their contributions to offset increased benefit costs to help maintain the current level of service; and

Agenda Item No. 5(C)

WHEREAS, while the City has made significant progress in reducing certain crimes in El Cerrito, property crimes continue to increase and the current vacancies in the Police Department could result in an overall increase in the crime rate; and

WHEREAS, supporting the services that make El Cerrito a great community are important to our residents' quality of life; and

WHEREAS, El Cerrito needs local control over local funds, for local needs; and

WHEREAS, extending existing, voter-approved funding at the one cent sales tax rate will continue to address city service and delivery needs; and

WHEREAS, additional funding will help maintain current levels of fire and police (public safety) services, including neighborhood patrols, crime prevention programs, and rapid 9-1-1 response times; and

WHEREAS, property crimes have increased in El Cerrito and we desire a fully-staffed police force to prevent crime from getting worse; and

WHEREAS, local funding would help maintain and protect city services for children and teens –including pre-school and after-school programs; and

WHEREAS, the City wishes to continue to address service priorities that the public has identified such as police and fire services, earthquake and disaster preparedness programs, and maintaining city parks, paths, playfields and open spaces; and

WHEREAS, any local funding would continue to require citizens' oversight, mandatory financial audits, and yearly reporting to the community to continue to ensure that all voter-approved funds are spent as promised; and

WHEREAS, at its June 17, 2014 meeting, the City Council adopted a budget for Fiscal Year 2015 and 2016 that recognizes the need for additional revenue to maintain and preserve the level of services and adequate reserves desired by residents of the City; and

WHEREAS, the City Council has concluded that all of the information presented indicates that, to obtain the revenue necessary to maintain and preserve service levels, the Council should call an election to ask the voters of the City to approve a 12-year local transactions and use tax ("sales tax"), the revenue from which could be used to support general municipal services; and

WHEREAS, the tax to be submitted to the voters, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property; the tax rate would be one percent (1.0%) of the sales price of the property; the tax revenue would be collected by the State Board of Equalization and remitted to the

Agenda Item No. 5(C)

City; the tax would be in effect for 12 years, and would then expire automatically, unless extended by the voters; and the tax shall be approved if the measure receives at least a simple majority vote of affirmative votes;

WHEREAS, at the November 4, 2010 election, the voters of the City approved Measure R, a 0.5% transactions and use tax, to be in effect for eight years and sunset in 2018. Measure R was codified as Chapter 4.62 of the El Cerrito Municipal Code. This ordinance amends and restates Chapter 4.62 to extend the existing tax for 12 years, until March 31, 2027, and adjust the rate to 1%.

NOW THEREFORE, THE PEOPLE OF THE CITY OF EL CERRITO DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The People of El Cerrito find that all Recitals are true and correct and are incorporated herein by reference.

SECTION 2. Amendment of Municipal Code. Chapter 4.62 of the El Cerrito Municipal Code is hereby amended and restated to read as follows:

4.62.010 - Title.

This ordinance shall be known as the El Cerrito Transactions and Use Tax Ordinance. The city of El Cerrito hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

4.62.020 - Operative Date.

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

4.62.030 - Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Sections 7285.9, 7293, and 7294 of Part 1.7 of Division 2 which authorize the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of

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California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

- C.** To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

- D.** To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

4.62.040 - Contract With State.

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

4.62.050 - Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of one percent (1.0%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

4.62.060 - Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

4.62.070 - Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of one percent (1.0%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

4.62.080 - Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

4.62.090 - Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A.** Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
 - 1.** The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 - 2.** The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.
 - 3.** In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a.** Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other

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consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

- b.** Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
- 4.** In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B.** The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

4.62.100 - Permit Not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

4.62.110 - Exemptions and Exclusions.

- A.** There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B.** There are exempted from the computation of the amount of transactions tax the gross receipts from:
 - 1.** Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 - 2.** Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

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- a.** With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b.** With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 - 3.** The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 - 4.** A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
 - 5.** For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C.** There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:
 - 1.** The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 - 2.** Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

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3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D.** Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

4.62.120 - Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation

Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

4.62.130 - Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

4.62.140 - Annual Audit.

By no later than December 31st of each year, the city's independent auditors shall complete a report shall reviewing the collection, management and expenditure of revenue from the tax levied by this Chapter. The report shall be reviewed by the Financial Advisory Board as part of its review of the annual audit.

4.62.150 – Amendments by City Council.

The following amendments to this Chapter must be approved by the voters of the City: increasing the tax rate or revising the methodology for calculating the tax such that a tax increase would result; imposing the tax on transactions and uses not previously subject to the tax (unless such amendment occurs automatically by operation of Section 12); or extending the tax. The City Council may otherwise amend this Chapter without submitting the amendment to the voters for approval.

4.62.160 - Termination Date.

The authority to levy the tax imposed by this ordinance shall expire on the twelfth anniversary of the operative date (which is anticipated to be March 31, 2027).

SECTION 3. Adjustment of Appropriations Limit. Pursuant to Article XIII B of the Constitution of the State of California and applicable laws, the appropriations limit for the City is hereby increased by the aggregate sum authorized to be levied by this tax for fiscal year 2014-15 and each year thereafter.

SECTION 4. Compliance with the California Environmental Quality Act. The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., “CEQA,” and 14 Cal. Code Reg. §§ 15000 et seq., “CEQA Guidelines”). This ordinance imposes a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the ordinance is not a project within the meaning of CEQA because it creates a government funding mechanism that does not

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involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the city would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

SECTION 5. 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.

SECTION 6. Effective Date.

This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

SECTION 7. Relationship to Assembly Bill 1324 (2014).

The authority to adopt this ordinance depends in part upon the passage and effectiveness of Assembly Bill 1324 (2014), which was pending approval in the California Legislature at the time that this ordinance was submitted to the voters of the City for approval. This ordinance shall only become effective if AB 1324 is approved by the Legislature and signed by the Governor. The operative date of the tax approved by this ordinance shall relate to the date of approval by the voters of the City regardless of the effective date of AB 1324, as long as AB 1324 is effective prior to the operative date.

The foregoing ordinance was approved by the following vote of the People of the City of El Cerrito on November 4, 2014:

YESES:

NOES:

The foregoing ordinance was adopted by Declaration of the vote at the November 4, 2014 election by the City Council of the City of El Cerrito on December 2, 2014:

AYES:

NOES:

ABSENT:

ABSTAIN:

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APPROVED:

Janet Abelson, Mayor

ATTEST:

Cheryl Morse, City Clerk



AGENDA BILL

Agenda Item No. 5(D)

Date: December 2, 2014
To: El Cerrito City Council
From: Hilde Myall, Housing Program Manager
Melanie Mintz, Interim Community Development Director
Subject: Joint Application with Eden Housing for State Proposition 1C Infill Infrastructure Grant Funds for the San Pablo Avenue Senior Housing Development

ACTION REQUESTED

Adopt a resolution approving and authorizing the City as co-applicant with Eden Housing, Inc. to apply for Proposition 1C Infill Infrastructure Grant funds for the San Pablo Avenue Senior Housing Development at 10848-10860 San Pablo Avenue.

BACKGROUND

On April 22, 2014 the City Council approved a Disposition, Development and Loan Agreement (DDLA) with Eden Housing, Inc. for the proposed mixed-use affordable senior housing project at 10848-10860 San Pablo Avenue. As part of the project financing, Eden Housing, Inc. proposes to apply for State Infill Infrastructure Grant funds from the California Department of Housing and Community Development (HCD) in an amount not to exceed \$1.2 million. Eden Housing has requested that the City be a co-applicant and co-recipient of the grant funds on behalf of the project. In the event the application is successful, the City would in turn loan the Infill Infrastructure Grant funds to Eden Housing, or its affiliate, for the purpose of developing and constructing the project. In the past, the City and Resources for Community Development were co-applicants and co-recipients for this same funding source to help fund the Ohlone Gardens Housing Development, and successfully utilized the same pass-through loan arrangement.

STRATEGIC PLAN CONSIDERATIONS

Approval of the proposed resolution and submittal of the application for grant funds is consistent with *El Cerrito Strategic Plan* Goal A – Deliver exemplary government services, Goal B – Achieve long-term financial sustainability, and Goal C – Deepen a sense of place and community identity. Specifically, approval of the submittal of the joint application for grant funds will support the “develop and strengthen relationships with public and private partners” strategy (Goal A), and the “explore opportunities for public/private partnerships” and “pursue opportunities for...outside grants” strategies (Goal B). The San Pablo Avenue Senior Housing Development fulfills “re-imagining and reinvesting in underutilized properties” strategy (Goal C). The multi-year effort to develop the San Pablo Avenue Senior Housing Development demonstrates the City’s aim to work collaboratively with private non-profit partners and local, state and federal agencies to leverage the City’s investment in the project, preserve unique historic resources and help meet sustainability goals around transit-oriented development as well as General Plan Housing Element programs to assist in the development of affordable housing for seniors.

ENVIRONMENTAL CONSIDERATIONS

The application and potential award of grant funds is not a project under the California Environmental Quality Act (CEQA). The proposed San Pablo Avenue Senior Housing Development itself has already been reviewed and received CEQA certification as part of the project discretionary approvals.

FINANCIAL CONSIDERATIONS

Any award of funds from the State Infill Infrastructure Grant Program would be grant funds and thus the City would not incur any debt obligation as a result of receiving these funds. There is not a match requirement for these funds. The City would incur some staff time in the administration of these funds. Staff time for project management of the Eden Housing project, including any grant administration associated with a potential award of these funds, is budgeted within the Low and Moderate Income Housing Asset Fund.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this staff report and associated resolution.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution

RESOLUTION 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY EL CERRITO AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE INFILL INFRASTRUCTURE GRANT PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE INFILL INFRASTRUCTURE GRANT PROGRAM

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

WHEREAS, pursuant to City Council Resolution No. 2014-10, the City has entered into a Disposition Development and Loan Agreement (the “DDLA”) with Eden Housing, Inc. (the “Developer”) pursuant to which the City will sell 10848 and 10860 San Pablo Avenue (the “Property”) to the Developer and the Developer will develop a mixed use development consisting of 63 residential units and ground floor commercial, including 62 units of affordable rental housing with resident services for seniors, a medical clinic and the renovation of the Contra Costa Florist structure (the “Project”); and

WHEREAS, the City of El Cerrito, a general law city, wishes to apply, with Eden Housing, Inc., for and receive an allocation of funds through the Infill Infrastructure Grant Program for the Project; and

WHEREAS, the California Department of Housing and Community Development (hereinafter referred to as “HCD”) has issued a Notice of Funding Availability (“NOFA”) for the Infill Infrastructure Grant Program established under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C) pursuant to the Infill Infrastructure Grant Program established Part 12 of Division 31 of the Health and Safety Code, commencing with Section 53545.12. Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature, subject to the terms and conditions of the statute and the Infill Infrastructure Grant Program Guidelines implemented September 25, 2014; and

WHEREAS, the City wishes to submit an application to obtain from HCD an allocation of the Infill Infrastructure Grant Program funds in an amount not to exceed \$1,200,000.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito as follows:

1. That the City shall submit to HCD an application to participate in the Infill Infrastructure Grant Program in response to the NOFA issued on September 25, 2014 which will request a funding allocation in an amount not to exceed \$1,200,000 for the following activities: eligible construction and construction-related work located in or as part of the Project.
2. If the application for funding is approved, the City hereby agrees to use the Infill Infrastructure Grant Program funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program Guidelines cited above.

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Attachment 1

It also may execute any and all other instruments necessary or required by HCD for participation in the Infill Infrastructure Grant Program.

3. The City authorizes the City Manager to execute in the name of the City of El Cerrito the application, the Standard Agreement, and all other documents required by HCD for participation in the Infill Infrastructure Grant Program, and any amendments thereto.

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

I CERTIFY that at a regular meeting on December 2, 2014 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

I, Cheryl Morse, Clerk of the City of El Cerrito, State of California, do hereby certify, that at a General Election held in the City on the 4th day of November, 2014

JANET ABELSON

was elected to the office of

CITY COUNCILMEMBER

As appears by the official returns of the election, and the statement of votes cast now on file in my office.

In Witness Whereof, I have hereunto affixed my hand and official seal this 2nd day of December, 2014.

Cheryl Morse, City Clerk

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

I, Cheryl Morse, Clerk of the City of El Cerrito, State of California, do hereby certify, that at a General Election held in the City on the 4th day of November, 2014

GABRIEL QUINTO

was elected to the office of

CITY COUNCILMEMBER

As appears by the official returns of the election, and the statement of votes cast now on file in my office.

In Witness Whereof, I have hereunto affixed my hand and official seal this 2nd day of December, 2014.

Cheryl Morse, City Clerk



Agenda Item No. 10

ELECTION OF CITY COUNCIL AND REDEVELOPMENT AGENCY OFFICERS

Adopted: November 19, 1990

Revised: July 7, 1997

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

CITY COUNCIL

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

Mayor Pro Tem will replace the outgoing Mayor.

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

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

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

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

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