



AGENDA

REGULAR CITY COUNCIL MEETING TUESDAY, JULY 20, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto • Councilmember Janet Abelson
Councilmember Lisa Motoyama • Councilmember Tessa Rudnick

Join Via Zoom:

<https://zoom.us/j/93081439537?pwd=L0UvcVFQenJINjhGOFZsMnlzUIYwUT09>

Meeting ID: 930 8143 9537 **Password:** 442872
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the “[Raise Hand](#)” icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #**.

To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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 and staff.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. 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 will be heard prior to the City Council taking action on each item.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

A. Approval of Minutes

Action Proposed: Pass a motion to approve City Council Meeting minutes from May 4, May 8, May 18, May 26, and June 1.

Contact: Holly M. Charléty, City Clerk, City Management

B. Authorize Letter of Opposition for SB278

Action Proposed: As requested by Mayor Pro Tem Quinto, pass a motion authorizing Mayor Fadelli to sign a letter in opposition of SB 278 (Levy) requiring public agencies to directly pay retirees and/or their beneficiaries, and disallowed retirement benefits using general fund dollars.

Contact: Holly M. Charléty, City Clerk, City Management

C. Authorize a Letter of Support for Cal Cities Proposed Resolution

Action Proposed: At the request of the City of Rancho Cucamonga, pass a motion authorizing the Mayor to sign a letter in support of a proposed Cal Cities resolution on sales tax equity.

Contact: Karen Pinkos, City Manager, City Management

D. Urban Forest Committee Appointment

Action Proposed: Approve an Urban Forest Committee recommendation to appoint Catherine "Cassie" Hughes to the Urban Forest Committee effective August 1, 2021.

Contact: Stephen Prée, Environmental Programs Manager / City Arborist, Public Works Department; Will Provost, Operations + Environmental Services Division Manager, Public Works Department

E. FY 2020-21 Fourth Quarter Cash and Investment Report

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2021.

Contact: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

F. Resolution Declaring Wildfire Prevention and Safety a Top Priority

Action Proposed: At the request of Mayor Fadelli, adopt a Resolution Declaring Wildfire Prevention and Safety as a Top Priority for the City of El Cerrito.

Contact: Holly M. Charléty, City Clerk, City Management

G. Resolution in Support of a East Bay Joint Powers Agency for Vegetation Management

Action Proposed: At the request of Mayor Fadelli, adopt a Resolution in support of the formation of an East Bay Vegetation Management Joint Powers Agency.

Contact: Holly M. Charléty, City Clerk, City Management

H. Storm Drain Easement Acceptance and Agreement for 1431 Scott Street

Action Proposed: Adopt a resolution accepting a Storm Drain Easement from the 1431 Scott, LLC, "Owner", for public storm drain facilities located at 1431 Scott Street and authorizing the City Manager to execute an Easement Agreement.

Contact: Ana Bernardes, Engineering Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

5. PRESENTATIONS

A. Proclamation Honoring Joseph Grupalo in Retirement

Action Proposed: Pass a motion to approve a proclamation honoring Battalion Chief Joseph Grupalo for his many years of service to the City of El Cerrito.

Contact: Michael Pigoni, Fire Chief, Fire Department

B. Drought and Wildfire Preparedness

Action Proposed: Receive and file presentations on drought and wildfire awareness from:

1. El Cerrito Fire Department
2. Pacific Gas and Electric
3. East Bay Municipal Utilities District

Contact: Michael Pigoni, Fire Chief, Fire Department

6. PUBLIC HEARINGS

A. Fire Hazard Abatement

*Exempt from CEQA review pursuant to Sections 15304 and 15308.
Public Hearing noticed 7/10/2021.*

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or their designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Contact: David Yun, Fire Prevention Officer; Michael Pigoni, Fire Chief, Fire Department

7. POLICY MATTERS

A. FY 2020-21 General Fund Budget Update for May 2021

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through May 2021.

Contact: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

B. Adoption of Memorandum of Understandings between the City of El Cerrito and the El Cerrito Public Safety Management Association - Police Chief Unit and Fire Chief Unit

Action Proposed: Adopt a resolution approving an agreements between the City of El Cerrito and the El Cerrito Public Safety Management Association - Police Chief Unit (PSMA- Police Chief Unit) and Fire Chief Unit (PSMA - Fire Chief Unit) modifying language on salaries and benefits and creating new Memorandum of Understandings.

Contact: Alexandra Orologas, Assistant City Manager, City Management

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, August 17, 2021 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. 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/CouncilMeetingMaterials> and is streamed with closed caption. 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: 510-215-4305, email cityclerk@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 11:00 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING

MAY 4, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:

<https://zoom.us/j/96500493534?pwd=TIg2eWkrVURrU3lXZnRKMnVKOFZQZz09>

Meeting ID: 965 0049 3534 **Password:** 603726

or Dial in: 1-408-638-0968

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To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 7:00 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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 and staff.

City Manager Pinkos - provided an update on current county health orders, vaccinations, and mask regulations; announced 9:30 am May 8th Community Budget Workshop, and Public Service Recognition week.

Mayor Fadelli - Announced May 8th Community Budget Workshop, participation in Human Resources Commission Truth and Reconciliation session, and the passing of El Cerrito resident Cezlaw Jan "Chet" Grycz.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. 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 will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Ira Sharenow and Cordell Hindler; consent item #4B from John Stashik; and presentation item #5A from Steven Price, Rebecca Benassini, Rosemarie Vekony, and Jahan Byrne.

Oral Public Comments:

Jeff Levine - representative of East Bay Housing Organizations, spoke in acceptance of the East Bay Affordable Housing Week proclamation.

Howdy Goudey - spoke regarding the process for public comments on presentations.

Indy Rishi Singh - commented on senior stroll and visit to Sikh temple in El Sobrante.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama **Action:** Approved Consent Item A - E as indicated below. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Urban Forest Committee Appointment

Action Proposed: Approve an Urban Forest Committee recommendation to appoint Jennifer Kaczor to the Urban Forest Committee effective May 10, 2021.

Contact: Stephen Prée, Environmental Programs Manager / City Arborist; Will Provost, Operations + Environmental Services Division Manager; Yvetteh Ortiz, City Engineer / Public Works Director, Public Works Department

Action: Approved appointment

B. National Public Works Week Proclamation

Action Proposed: Pass a motion approving a proclamation designating May 16 through 22, 2021 as National Public Works Week in El Cerrito.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Proclamation

C. East Bay Affordable Housing Week Proclamation

Action Proposed: Pass a motion approving a proclamation designating May 13 - 20 2021 as East Bay Affordable Housing Week.

Contact: Aissia Ashoori, Housing Analyst, Community Development Department

Action: Approved Proclamation

D. Jewish American Heritage Month Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring the Month of May 2021 as Jewish American Heritage Month in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved Proclamation

E. Asian Pacific American Heritage Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring the Month of May 2021 as Asian Pacific American Heritage Month in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management
Action: Approved Proclamation

F. Adopt a resolution authorizing a joint applicant with BRIDGE Housing for Mayfair El Cerrito located at 11690 San Pablo Avenue.

Action Proposed: Adopt a resolution authorizing staff to apply for the Affordable Housing Sustainable Communities Program funding as a joint applicant with BRIDGE Housing for Mayfair El Cerrito located at 11690 San Pablo Avenue.

Contact: Aissia Ashoori, Housing Analyst; Melanie Mintz, Community Development Director, Community Development Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem

Quinto **Action:** Pulled from consent by Councilmember Motoyama to report a conflict of interest. Approved Resolution 2021-20. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Rudnick **Noes:** None **Absent:** Councilmember Motoyama (Recused)

5. PRESENTATIONS

A. Receive and file a presentation on proposed transit-oriented development (TOD) at El Cerrito Plaza BART station

Action Proposed: Receive and file a presentation and status update on the Bay Area Rapid Transit (BART) proposed development project at the El Cerrito Plaza station.

Contact: Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding transportation from hilltops, design/plan review process, parcel zoning, financial and community benefits of project, input on needs for library, data specific to the Plaza station, definition of micro-transit, location of bus drop off, public improvement projects, maintenance responsibilities of potential playground, funding sources or leasing options for library, flexibility of percent of affordable housing, and office space options.

Oral Public Comments:

Dave Cambell - spoke on parking concerns, bike access and need for east/west connections.

Carrie Schulman - spoke regarding concerns with bike path, cross traffic, location of park and need for additional dining options.

Jahan Burns - commented on methodology and assumptions, and parking concerns.

Laura Maurer - shared statistics from master thesis on parking at the plaza station, room for improvements and use of on-street parking.

Dan Schulman - spoke in favor of variety of new homes, creating a vibrant pedestrian friendly development, preserving open space views, need to explore additional ideas.

Howdy Goudey - commented on affordable housing, climate action, energy efficiency and omission reductions in design.

Linda Cain - commented on commuting experience, concern on building height, and transportation options for residents up the hill.

Jeff Levin - spoke in support of the project vibrant and source of revenue, requested a Berkeley/El Cerrito corridor plan meeting in El Cerrito.

Tony Laidig - commented in support of the project, and lack of taxes collected.

Gail Feldman - spoke regarding concern with station access and statistics of study used.

Marianne Selph - spoke regarding need to replace parking removed by development.

Dan Cloak - spoke in support of the project, abatement of parking and maintenance, and street parking

Nico Nagle - representing Housing Action Coalition, commented on affordable housing needs near transit and job centers, increased cost for housing with parking.

6. PUBLIC HEARINGS

A. Public Hearing to Confirm the Diagram and to Levy the Assessment for Fiscal Year 2021-22 for Landscape and Lighting Assessment District No. 1988-1

Notice Published 4/24/21

Action Proposed: Conduct a public hearing, and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year (FY) 2021-22 as \$72 per single-family residential parcel, and as noted in the Engineer's Report for other classes of properties.

Contact: Shannon Collins, Finance Supervisor, Finance Department, Yvetteh Ortiz, Public Works Director, Public Works Department, Mark Rasiah, Finance Director, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding total revenue from assessment, additional amount needed to cover costs, and prior efforts to increase.

Public Hearing: Mayor Fadelli opened the public hearing.

No public comments.

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Motoyama

Action: Passed a motion to close of the public hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Motoyama/Mayor Pro Tem Quinto

Action: Approved Resolution 2021-21. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

B. Public Hearing regarding Fiscal Year 2021-22 Storm Drain Annual Report and method of collecting storm drain fees

Notice Published 4/24/21 & 4/30/21

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2021-22 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

Contact: Shannon Collins, Finance Supervisor, Finance Department, Yvetteh Ortiz, Public Works Director, Public Works Department, Mark Rasiah, Finance Director, Finance Department

Public Hearing: Mayor Fadelli opened the public hearing.

No public comments.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Passed a motion to close the public hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Motoyama/Councilmember Abelson

Action: Approved Resolution 2021-22. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

C. Public Hearing on Master Fee Schedule Revisions for Fiscal Year 2021-22

Notice Published 4/24/21 & 4/30/21

Action Proposed: Conduct a public hearing, and upon conclusion adopt a resolution approving the Fiscal Year 2021-22 Master Fee Schedule.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding fines for parking in accessible spaces, refunds for inspections related to cancelled projects, residential fire permit, and increase to parking permit fees.

Public Hearing: Mayor Fadelli opened the public hearing.

Public Comments:

Denise Sangster - spoke in favor of increased pool fees for non-residents, and fee for residential burn permit.

Dan Schulman - commented on need for fee in response to false alarms to be cost recovery.

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Quinto

Action: Passed a motion to close of the public hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Approved Resolution 2021-23, including correction to Exhibit A Solar PV fee to read \$250 + \$15 per kwth. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

D. Public hearing to consider an ordinance of the City of El Cerrito amending Sections of Title 19, of the El Cerrito Municipal Code to amend regulations for Inclusionary Zoning.

Notice Published 4/24/21 & 4/30/21

Action Proposed: Conduct a public hearing and, upon conclusion, introduce by title and waive any further reading of an Ordinance amending Chapter 19.30 of the El Cerrito Municipal Code to establish an application process for currently exempt projects to request a limited extension that must be filed with the City Manager by June 30, 2021. If the application is approved, the extension will require that building permit applications be submitted by January 1, 2022, and that construction begin by July 1, 2022. Any approved extension for all exempt projects will expire on January 1, 2022, if a building permit has not been applied for, or July 1, 2022, if construction has not commenced, as described further below.

Contact: Aissia Ashoori, Housing Analyst; Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development Department

Mayor Fadelli opened the public hearing.

Public Comments:

Howdy Goudey - commented on continuing extensions not helping to produce additional housing.

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Quinto

Action: Passed a motion to close the public hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Motoyama/Councilmember Abelson

Action: Passed a motion introducing by title only Ordinance 2021-02, correcting the first whereas clause on page two to read "and" July 1.

Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

7. POLICY MATTERS

A. FY 2020-21 General Fund Budget Update for March 2021

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through March 2021.

Contact: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding Tax Revenue Anticipation Note (TRAN) repayment and new issuance amount, fund balance calculations, TRAN interest rate, final cost of the TRAN once paid off, upcoming Financial Advisory Board (FAB) items, impact of auditor recommendations on next fiscal year.

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Abelson

Action: Passed a motion to extend the meeting to 11:15 p.m.

Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Public Comments:

Denise Sangster - commented on late hour of meeting, unaccounted for revenues and expenses, importance of cash flow, unfunded liabilities, and absence of confidence in staff and documentation.

Action: Received and filed

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS *Mayor and City Council communications regarding local and regional liaison assignments and committee reports.*

Councilmember Rudnick - reported on attendance at RecycleMore meeting.

Mayor Fadelli - reported on attendance at Park and Recreation Commission meeting.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 11:11 PM in honor of George Floyd and Cezlaw Jan "Chet" Grycz.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of May 4, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

CONCURRENT COMMUNITY BUDGET WORKSHOP AND SPECIAL CITY COUNCIL MEETING SATURDAY MAY 8, 2021 – 9:30 AM - 12:00 PM

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson Councilmember Lisa
Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:

<https://zoom.us/j/99204176115?pwd=NDRCdlZKMVJUVmh1dXI4NG1GUGRqQT09>

Meeting ID: 992 0417 6115 **Password:** 440580
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can participate in the community workshop by joining the Zoom meeting using the information listed above.

Please note this meeting will not be the typical format for a City Council meeting, this notice is being posted as a quorum of City Council Members are expected to attend and may participate in the discussion.

9:30 AM CONVENE CONCURRENT COMMUNITY BUDGET WORKSHOP/ SPECIAL CITY COUNCIL MEETING

The meeting was called to order at 9:31 a.m. by facilitator Nancy Hetrick with Management Partners. Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, and Councilmember Rudnick were in attendance.

1. COMMUNITY BUDGET WORKSHOP

Proposed Action: Hear an update on the City's budget and financial condition, conduct a community workshop on fiscal recovery strategies, and report information to staff and the City Council.

Contact: Karen Pinkos, City Manager, City Management

City Manager Pinkos provided a brief fiscal update. Facilitator Hetrick guided participating residents through small group discussion to provide feedback in the areas of service reductions, outsourcing programs, benefits or lack thereof of programs and services, and other ways to meet community needs. Groups reported out on discussions and ideas to city staff and the city council.

**12:00 PM ADJOURN CONVENE CONCURRENT COMMUNITY BUDGET
WORKSHOP/ SPECIAL CITY COUNCIL MEETING**

The workshop adjourned at 11:56 p.m.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of May 8, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING

MAY 18, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:

<https://zoom.us/j/94654799424?pwd=WFREMTdaNlg3dWJMYjJuWjZGNTBJdz09>

Meeting ID: 946 5479 9424 **Password:** 303074
or Dial in: 1-408-638-0968

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7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 7:00 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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 and staff.

City Manager Pinkos - update on current county and state health orders, vaccines, and mask requirements; announced May 25th community meeting hosted by BART on the Plaza Transit Oriented Development (TOD) project.

Mayor Pro Tem Quinto - reported attendance at Legislative Days meeting hosted by Cal Cities.

Mayor Fadelli - participated in AC Transit outreach activity, signed letter to support financing of affordable housing.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

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All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Cordell Hindler, Ira Sharenow, Gary Prost, Cathy Hanville, and Marilyn Ashlin.

Oral Public Comments:

Tim Laidman - spoke regarding slow service at the city hall public counter.

4. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Motoyama **Action:** Approved the consent calendar as indicated below. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the City Council Meeting minutes from April 6, April 10, April 20, and April 26, 2021.

Contact: Holly M. Charl  y, City Clerk, City Management

Action: Approved minutes with a correction to the April 6th minutes, to correct the reference of "Pan Dell Bakery" to "PenDell Bakery".

B. Letter of Support for AB988

Action Proposed: At the request of Mayor Fadelli pass a motion authorizing the Mayor to sign a letter in support of AB988 regarding Mental Health Mobile Hotline Crisis Support Teams.

Contact: Holly M. Charl  y, City Clerk, City Management

Action: Approved letter

C. Adopt a Resolution and authorize Letters of Support for S.127 and HR1581 regarding the Build America's Libraries Act

Action Proposed: At the request of Michael Fischer, El Cerrito appointed Contra Costa County Library Commissioner, adopt a resolution and authorize the Mayor to sign letters in support of Federal Legislation S.127 and H.R. 1581, the Build America's Library Act.

Contact: Holly M. Charl  y, City Clerk, City Management

Action: Approved Resolution 2021-24 and letter of support

D. 2nd Reading and Adoption of an ordinance of the City of El Cerrito amending Sections of Title 19, of the El Cerrito Municipal Code to amend regulations for Inclusionary Zoning.

1st Reading 5/4/2021

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2021-02 amending Chapter 19.30 of the El Cerrito Municipal Code to establish an application process for currently exempt projects to request a limited extension that must be filed with the City Manager by June 30, 2021.

Contact: Aissia Ashoori, Housing Analyst; Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development Department

Action: Adopted Ordinance 2021-02

E. Construction Contract Award for 2021 Slurry Seal Project, City Project No. C3027.22

Action Proposed: Adopt a resolution approving plans and specifications for the 2021 Slurry Seal Project, City Project No. C3027.22 (Project); accepting the four submitted bids for the Project; authorizing the City Manager to execute a contract in the amount of \$395,286.97 with Pavement Coatings Co. Inc. and to approve change orders in an amount not to exceed \$40,000 for the construction of the Project; and amend the Fiscal Year (FY) 2020-2021 Adopted Budget and Measure A Annual Program of Maintenance and Improvement to appropriate an additional \$151,537 in the Measure A Street Improvement Fund for the Project.

Contact: Ana Bernardes, Engineering Manager/Senior Engineer, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution 2021-25

5. **PRESENTATIONS**

6. **PUBLIC HEARINGS**

7. **POLICY MATTERS**

A. **Study Session on Fiscal Year 2021-2022 Proposed Budget Action**

Proposed: Receive and file a presentation from City staff providing an overview of the preliminary FY 2021-22 Proposed Budget and preview of Department budgets. City Council will have the opportunity to ask questions of Department Directors and provide feedback or direction.

Contact: Karen Pinkos, City Manager, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding Tax Revenue Anticipation Note (TRAN) increases and assumptions, eTrackit services, delays in permit response, contracting out services, use of OpenGov, plan check estimates, timeline and changes to dispatch services, vehicle upgrades, grant options, community feedback on recreation fees, and cost recovery.

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Abelson

Action: Passed a motion to extend the meeting to 11:15 **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama

Action: Passed a motion to extend the meeting to 11:30. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama **Noes:** Councilmember Rudnick

Public Comments:

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Cordell Hindler, Ira Sharenow, and Sherry Drobner.

Oral Public Comments:

Margaret Hasan - commented on consolidating services and grants.

Michael Fischer - spoke in favor on funding for additional library hours.

Dan Schulman - shared appreciation for Recreation presentation, commented on correlation of staff reductions and expenses.

Linda Cain - spoke on mental health response by police and opening of recycling center, recreation and senior services.

Dick Patterson - Chair, reported Financial Advisory Board (FAB) recommendations to 1) exclude American Rescue Plan Act (ARPA) funds from the budget until amounts and use is certain, and 2) budget an annual general fund surplus of \$1M per year until reserves are fully funded.

Sherry Drobner - shared appreciation for public works presentation and need for additional budget details and response to auditor recommendations.

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 11:27 PM

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of May 18, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING WEDNESDAY, MAY 26, 2021 – 6:30 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:

<https://zoom.us/j/93939128190?pwd=K2s0ckl3N2dMTUVSWGRhQWVvUzVmZz09>

Meeting ID: 939 3912 8190 **Password:** 636831
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

This meeting will not be broadcast or livestreamed online. Members of the public may join to provide public comment using the Zoom meeting information listed above. Following public comments, the City Council will convene to closed session and the meeting will be closed to the public.

Public Comments may be submitted one of two ways and are **limited to items on the special meeting agenda only:**

- Via Zoom using the “[Raise Hand](#)” icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **3:30 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

6:30 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 6:31 p.m.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. 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 and to items on the special meeting agenda only.

2. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Glenn Berkheimer, Labor Negotiator; Alexandra Orologas, Assistant City Manager; and Jordyn Bishop, Assistant City Attorney.

Employee Organizations: El Cerrito Police Employees Association; United Professional Firefighters Local 1230; Service Employees International Union (SEIU) Local 1021; Public Safety Management Association (Battalion Chief, Fire Chief, Police Chief, and Police Management); and Management/ Confidential Employees.

Contact: Jordyn Bishop, Assistant City Attorney, City Management

City Council convened to closed session at 6:31 p.m. There was no reportable action.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 7:49 p.m.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special City Council meeting of May 26, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

CONCURRENT SPECIAL MEETING OF THE EL CERRITO PUBLIC FINANCING AUTHORITY, EMPLOYEE PENSION TRUST BOARD, AND SPECIAL AND REGULAR MEETING OF THE CITY COUNCIL JUNE 1, 2021 – 5:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto • Councilmember Janet Abelson
Councilmember Lisa Motoyama • Councilmember Tessa Rudnick

Join Via Zoom:

<https://zoom.us/j/91849369987?pwd=b3FJTGk2WTRaNThtVGVOVmNsOVNuQT09>

Meeting ID: 918 4936 9987 **Password:** 922486
or Dial in: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the “[Raise Hand](#)” icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda or Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **2:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting. Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

5:00 P.M. ROLL CALL – CONVENE CONCURRENT SPECIAL MEETING OF THE EL CERRITO PUBLIC FINANCING AUTHORITY, EMPLOYEE PENSION TRUST BOARD, AND SPECIAL AND REGULAR MEETING OF THE CITY COUNCIL

Mayor Fadelli called the meeting to order at 5:00 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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 and staff.

City Manager Pinkos - provided an update on the county health orders, vaccines, and status of re-opening plans for city services, facilities and in person meetings.

Councilmember Abelson - reported attendance at meeting discussing mask mandates with regard to public transit.

Mayor Pro Tem Quinto - reported attendance at Contra Costa Wastewater meeting, Marin Clean Energy (MCE) meeting, interview of three East Bay Congressmembers.

Mayor Fadelli - announced reopening of the Rialto Theater; attendance at BART meeting on El Cerrito Plaza development project meeting; announced issuance of Mayor Certificate of Recognition upon retirement for Nancy Kelleher, El Cerrito resident and business owner; and wished Mayor Pro Tem Quinto a happy birthday.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. 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 will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Jason Kaldis, Cathy Hanville Gary Prost, and Nick Zamarano.

Oral Public Comments:

Ira Sharenow - commented on prior budget discussions, public engagement, city bond ratings, and functionality of Financial Advisory Board.

Kaetlin Henry - offered thanks and congratulations to Nancy Kelleher on her retirement.

Al Miller - commented on challenges with flushing wipes and the sanitary system.

Sherry Drobner - spoke on lack of reserves and ordinance to set policy, in favor of a compensation study, police cars and recent lawsuit settlement.

Indy Rishi Singh - commented on process for requesting change in the city and generating civic engagement in the community.

Tenaya Kelleher - offered thanks and congratulations to Nancy Kelleher on her retirement.

Ruby McDonald - spoke regarding public access to additional information, cost of services, employee salaries, and state auditor recommendations.

4. **ADOPTION OF THE CONSENT CALENDAR**

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick

Action: Approved items A - C on the consent calendar as indicated below.

Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. **Loving Day Proclamation**

Action Proposed: Approve a proclamation declaring June 12, 2021 as Loving Day in the City of El Cerrito, and encourages people to reflect on the Loving family and all of the pioneers who have and will continue to fight for the civil right to love.

Contact: Alexandra Orologas, Assistant City Manager, City Management Department

Action: Approved proclamation

B. **LGBTQIA Pride Month Proclamation**

Action Proposed: Approve a proclamation declaring the month of June as Lesbian, Gay, Bi-Sexual, Transgender/Transsexual, Queer/Questioning, Intersex and Agender/Asexual (LGBTQIA) Pride month in the City of El Cerrito and recognize Pride Month by flying the rainbow flag at City Hall during the month of June.

Contact: Alexandra Orologas, Assistant City Manager, City Management Department

Action: Approved proclamation

C. **SB 1 - The Road Repair and Accountability Act, List of Projects for Fiscal Year 2021-22**

Action Proposed: Approve a resolution adopting a list of projects for Fiscal Year 2021-22 to receive funding from Senate Bill 1 – The Road Repair and Accountability Act of 2017 through the Local Streets and Roads Program.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution 2021-26

D. Acceptance of Public Access Easement from the Village 29 Homeowners Association

Exempt from CEQA review pursuant to section 15061(b)(3)

Action Proposed: Adopt a resolution accepting a Public Access Easement from the Village 29 Homeowners Association for the purposes of solid waste collection and authorizing the City Manager to execute the Easement Agreement.

Contact: Will Provost, Operations + Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Motoyama

Action: Pulled from consent by Councilmember Motoyama. Approved Resolution 2021-27. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

E. Second Amendment to Agreement for Commingled Recyclable Materials Processing Services

Action Proposed: Adopt a resolution approving and authorizing the City Manager to execute a Second Amendment to the Agreement with Napa Recycling and Waste Services, LLC (NRWS) for a total amount not to exceed \$220,000 annually for commingled recyclable materials processing services, extending the term through June 30, 2022.

Contact: Laureteen Brazil, Waste Prevention Specialist; Will Provost, Operations & Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Moved/Seconded: Councilmember Motoyama/Councilmember Abelson

Action: Pulled from consent by Councilmember Rudnick. Approved Resolution 2021-28. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

5. PRESENTATIONS

6. PUBLIC HEARINGS

A. Revisions to the Master Fee Schedule for Fiscal Year 2021-22

Notice published on 5/22/2021 and 5/28/2021

Action Proposed: Conduct a public hearing and upon conclusion, adopt a resolution approving revision to public works hourly rates in the Fiscal Year 2021-22 Master Fee Schedule effective July 1, 2021.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding cost recovery.

Public Hearing: Mayor Fadelli opened the public hearing.

No Public Comments

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama

Action: Closed the public hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick

Action: Approved Resolution 2021-29. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

7. POLICY MATTERS

A. Tax and Revenue Anticipation Notes – FY 2021-22 Short Term Cash Flow Financing

Action Proposed: Adopt a Resolution approving the borrowing of funds for fiscal year 2021-22 and the issuance and sale of 2021-22 Tax and Revenue Anticipation Notes ("TRAN"); authorize the City Manager to execute a note purchase agreement to sell the TRAN in an amount not-to-exceed \$6,000,000 to Hilltop Securities, as underwriter ("Underwriter"); and authorize staff to enter into agreements with NHA Advisors, LLC, as the City's Municipal Advisor, and Jones Hall, as Bond Counsel and Disclosure Counsel.

Contact: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding rating, estimated yield, premium effect on TRAN amount, limits on premium, history of borrowing and types of disclosure.

Public Comments:

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Pearson Miller.

Oral Public Comments:

Ira Sharenow - spoke regarding disclosure rating, accuracy and liability for councilmembers, and prior city bond ratings.

Indy Rishi Singh - commented on benefits of interest generated by the TRAN.

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Abelson

Action: Approved Resolution 2021-30. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama **Noes:** Councilmember Rudnick

B. FY 2020-21 General Fund Budget Update for April 2021

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through April 2021.

Contact: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding makeup of fines and forfeitures, revenue from Kensington, redevelopment write-off, and recreation revenues.

Public Comments

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Ira Sharenow, Pearson Miller, and Marlene George.

Action: Received and filed

**C. CITY COUNCIL/PUBLIC FINANCING AUTHORITY/EMPLOYEE PENSION TRUST BOARD ITEM
Proposed Fiscal Year 2021-22 Budget**

Action Proposed: Receive and file a presentation on the Draft Proposed FY 2021-22 City Budget and provide direction, as necessary to Staff.

Contact: Karen Pinkos, City Manager, City Management; Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding management salaries, survey, classification and compensation study, 5 year forecast trends, vacant versus eliminated positions, vehicle replacements, library costs, council voluntary salary reductions, outsourcing public safety services, cuts needed to make 10% reserves, use of federal relief funds, use of property transfer tax for reserves, CalPERS unfunded liability, multiple forecasts with varying assumptions, and quarterly forecast updates.

City Council recessed at 8:05 PM and reconvened at 8:15 PM.

Public Comments:

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Daniel Schulman.

Oral Public Comments:

Ira Sharenow - commented on options for cuts, employee compensation, and pension liability.

Cathy Hanville - spoke on library hours, police vehicles, outsourcing fire services, and need for cuts.

Sherry Drobner - spoke regarding library hours, support of motions for structural change.

Moved/Seconded: Councilmember Motoyama/Mayor Pro Tem Quinto
Action: Passed a motion directing staff to cut the additional library hours from the FY21-22 budget. **Ayes:** Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama **Noes:** Mayor Fadelli, Councilmember Rudnick

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick
Action: Passed a motion directing staff to set a goal of one million dollars minimum surplus funds annually moving forward, at the recommendation of the Financial Advisory Board (FAB). **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. **CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS** *Mayor and City Council communications regarding local and regional liaison assignments and committee reports.*

9. **ADJOURN REGULAR CITY COUNCIL MEETING**
The special meeting adjourned at 10:07 PM

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of June 1, 2021 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

**RE: Senate Bill 278 (Leyva) - Public Employees' Retirement System. Disallowed Compensation. Benefit Adjustments.
Notice of Opposition [As Introduced 1/29/2021]**

Dear Senator -

The City of El Cerrito must oppose SB 278, which would require public agencies to directly pay retirees and/or their beneficiaries, disallowed retirement benefits using general fund dollars. Our objections to this measure are rooted in policy, operational cost, and legal concerns that will inevitably face virtually every state and local government agency should this measure be signed into law.

CalPERS has no Incentive to Properly Calculate Benefit Payments:

SB 278 would place 100 percent of the total liability for disallowed retirement benefits on public agencies—abdicating all responsibility previously held by CalPERS to ensure that retirement benefits are calculated and administered correctly. As such, SB 278 is a de facto and retroactive benefit enhancement measure that would further strain our budget at a time where the impacts of COVID-19 and retirement obligations are making it exceedingly difficult to effectively provide critical services for the public.

Like other cities in California trying to recover from the health and financial impacts of Covid-19, El Cerrito is has a challenging goal to balance its budget with service and employee cuts. In addition, existing pension costs are still a growing specter that will put great financial strain on our city. SB 278 would only add to this tremendous burden.

Requirements under SB 278 will Create Compliance and Implementation Issues:

SB 278 would require us to issue direct General Fund payments to retirees, which would trigger GASB 68 reporting requirements. Given the unique circumstances surrounding these overpayments, we would have to track and report these liabilities. Such additional responsibilities will require us to hire costly outside actuarial and legal experts to ensure that they follow federal reporting laws.

This measure also fails to consider the common practice of employees moving from jurisdiction to jurisdiction throughout their careers. Under normal circumstances, CalPERS pays out the benefit if an employee works for multiple agencies who enjoy reciprocity. However, under SB 278 it is unclear. Such confusion will lead to compliance, legal and implementation challenges. The lack of accountability by the administrator of public retirement benefits would lead to more confusion and compliance challenges for public agencies.

Gift of Public Funds is a Violation of the California Constitution:

Under SB 278, City of El Cerrito would be issuing unlawful, payments to former employees and/or their beneficiaries. Continued payment of a disallowed benefit to a retiree would constitute a gift of public funds, in violation of Section 6, Article 16 of the California Constitution. Such violation would leave a public agency left to defend itself from costly litigation lawsuits filed by members of the public.

For these reasons, El Cerrito opposes SB 278 (Leyva).

Sincerely,

Paul Fadelli, Mayor
City of El Cerrito

cc: The Honorable Connie Leyva
Your Senator & Assembly Member
Your League Regional Public Affairs Manager (via email)
League of California Cities, cityletters@cacities.org

AMENDED IN SENATE MARCH 23, 2021

SENATE BILL

No. 278

Introduced by Senator Leyva

January 29, 2021

An act to add Section 20164.5 to the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

SB 278, as amended, Leyva. Public Employees' Retirement System: disallowed compensation: benefit adjustments.

(1) Existing law, the Public Employees' Retirement Law (PERL), establishes the Public Employees' Retirement System (PERS), which provides a defined benefit to members of the system, based on final compensation, credited service, and age at retirement, subject to certain variations. PERL authorizes a public agency to contract to make its employees members of PERS and prescribes a process for this. PERS is administered by its board of administration, which is responsible for correcting errors and omissions in the administration of the system and the payment of benefits. Existing law requires the board to correct all actions taken as a result of errors or omissions of the state or a contracting agency, in accordance with certain procedures.

The California Public Employees' Pension Reform Act of 2013 (PEPRA) generally requires a public retirement system, as defined, to modify its plan or plans to comply with the act. PEPRA, among other things, establishes new defined benefit formulas and caps on pensionable compensation.

This bill would establish new procedures under PERL for cases in which PERS determines that the benefits of a member or annuitant are, or would be, based on disallowed compensation that conflicts with

PEPRA and other specified laws and thus impermissible under PERL. The bill would also apply these procedures retroactively to determinations made on or after January 1, 2017, if an appeal has been filed and the employee member, survivor, or beneficiary has not exhausted their administrative or legal remedies. At the threshold, after determining that compensation for an employee member reported by the state, school employer, or a contracting agency is disallowed, the bill would require the applicable employer to discontinue the reporting of the disallowed compensation. The bill would require that contributions made on the disallowed compensation, for active members, be credited against future contributions on behalf of the state, school employer, or contracting agency that reported the disallowed compensation and would require that the state, school employer, or contracting agency return to the member any contributions paid by the member or on the member's behalf.

With respect to retired members, survivors, or beneficiaries whose benefits are based on disallowed final compensation, the bill would require PERS to adjust the benefit to reflect the exclusion of the ~~disallowed compensation~~, *compensation* and provide that contributions made on the disallowed compensation be credited against future contributions on behalf of the employer entity that reported the disallowed compensation. Additionally, if specified conditions are met, the bill would require the employing entity to refund overpayment costs to the system and to pay retired members, survivors, and beneficiaries whose benefits have been reduced an annuity, or a lump sum, as prescribed, that reflects the difference between the monthly allowance that was based on the disallowed compensation and the adjusted monthly allowance calculated without the disallowed compensation, as provided. The bill would require the system to provide certain notices in this regard. This bill would require the system to provide confidential contact information of retired members, and their survivors and beneficiaries, who are affected by these provisions to the relevant employing entities, the confidentiality of which the entities would be required to maintain.

The bill would authorize the state, a school employer, as specified, or a contracting agency, as applicable, to submit to the system an additional compensation item proposed to be included or contained in a memorandum of understanding or collective bargaining agreement on and after January 1, 2022, that is intended to form the basis of a pension benefit calculation in order for PERS to review its consistency with PEPRA and other laws, as specified, and would require PERS to

provide guidance regarding the review within 90 days, as specified. The bill would require PERS to publish notices regarding proposed compensation language submitted to the system for review and the guidance given by the system that is connected with it. For educational entities that participate in the system, the final responsibility for funding payments to the system and to retired members, survivors, and beneficiaries would belong to the educational entity that is the actual employer of the employee. The bill would make related legislative findings and declarations.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The California Public Employees' Retirement
2 System (CalPERS) is the largest public pension fund in the United
3 States, administering defined benefit retirement plans for
4 California's public employees, including state and local
5 government firefighters, law enforcement personnel, and school
6 employees.
7 (b) Of the numerous positions maintained by the state, schools,
8 and local governments, each is unique and each is vital to ensuring
9 quality public services that help keep our state strong, a critical
10 component to promoting our state's continued economic recovery
11 and future growth.
12 (c) Fire service, law enforcement, school personnel, and other
13 public employees exhibit varying demographic features and career
14 patterns. Each requires a different skill set and knowledge base,
15 as well as unique requirements for recruitment, training, retention,
16 and compensation.
17 (d) Generations of hard-working members of California's middle
18 class have dedicated their careers to public service, often earning
19 less over the course of their careers when compared to their private

1 industry counterparts, to earn and pay for the promise of a secure
2 retirement.

3 (e) A public employee's pension is based on collectively
4 bargained compensation that takes the form of base pay and special
5 compensation for additional skills, extraordinary assignments, or
6 education.

7 (f) For CalPERS, it is the employer's responsibility to ensure
8 that employee information is reported to CalPERS accurately and
9 on a timely basis in order to correctly calculate an employee's
10 service credit and final compensation for retirement purposes.

11 (g) In 2012, after serving the public for nearly 30 years, a
12 firefighter employed by a CalPERS contracting agency, which
13 provided an official projection of retirement benefits based on the
14 firefighter's estimated retirement date, made the decision to retire
15 based on that projection.

16 (h) In 2017, five years after officially retiring, CalPERS notified
17 the firefighter retiree that the retiree's former employer had
18 erroneously reported and remitted contributions on certain
19 compensation, which CalPERS later determined in an audit was
20 not pensionable compensation. CalPERS sought repayment of the
21 purported overpayment directly from the retired firefighter totaling
22 thousands of dollars, as well as imposed a substantial future
23 reduction to the retiree's monthly allowance. Unfortunately, this
24 scenario is not isolated to just this one retiree. A handful of other
25 firefighter, law enforcement, and school retirees have reported
26 similar stories across multiple CalPERS employers.

27 (i) For over eight decades, CalPERS has proven its ability to
28 fairly administer the retirement system to uphold the promises
29 made by its employers for those members who invest their life's
30 work in public service. However, this kind of clawback has the
31 potential to take a major toll on the finances of retirees, including
32 firefighters and law enforcement officers who, unlike private sector
33 employees, do not receive social security benefits and instead rely
34 on their fixed monthly pension as their sole source of retirement
35 income.

36 (j) In enacting this bill, it is the intent of the Legislature to ensure
37 that a retired CalPERS member is protected when alleged
38 misapplication or calculation of compensation occurs as a result
39 of an employer's error, and that this protection be provided to
40 retirees whose appeal of CalPERS' determination, and subsequent

1 reduction of the retiree's allowance, is not final. It is further the
2 intent of the Legislature that errors made on the part of the
3 employer, with respect to a promise to a retiree, be borne by the
4 employer rather than through a retroactive clawback and permanent
5 reduction in the retired member's pension. *It is finally the intent*
6 *of the Legislature that protecting the retirement security of public*
7 *servants who have appropriately bargained and paid for the*
8 *promise of a secure retirement serves a public purpose.*

9 SEC. 2. Section 20164.5 is added to the Government Code, to
10 read:

11 20164.5. (a) For purposes of this section, "disallowed
12 compensation" means compensation reported for a member by the
13 state, school employer, or a contracting agency that the system
14 subsequently determines is not in compliance with the California
15 Public Employees' Pension Reform Act of 2013 (Article 4
16 (commencing with Section 7522) of Chapter 21 of Division 7 of
17 Title 1), Section 20636 or 20636.1, or the administrative regulations
18 of the system.

19 (b) If the system determines that the compensation reported for
20 a member by the state, school employer, or a contracting agency
21 is disallowed compensation, the system shall require the state,
22 school employer, or contracting agency to discontinue reporting
23 the disallowed compensation. This section shall also apply to
24 determinations made on or after January 1, 2017, if an appeal has
25 been filed and the member, the retired member, survivor, or
26 beneficiary has not exhausted their administrative or legal
27 remedies.

28 (1) In the case of an active member, all contributions made on
29 the disallowed compensation shall be credited against future
30 contributions to the benefit of the state, school employer, or
31 contracting agency that reported the disallowed compensation, and
32 any contribution paid by, or on behalf of, the member, including
33 contributions under Section 20691, shall be returned to the member
34 by the state, school employer, or contracting agency that reported
35 the disallowed compensation.

36 (2) In the case of a retired member, survivor, or beneficiary
37 whose final compensation at the time of retirement was predicated
38 upon the disallowed compensation, the contributions made on the
39 disallowed compensation shall be credited against future
40 contributions, to the benefit of the state, school employer, or

1 contracting agency that reported the disallowed compensation and
2 the system shall permanently adjust the benefit of the affected
3 retired member, survivor, or beneficiary to reflect the exclusion
4 of the disallowed compensation.

5 (3) (A) In the case of a retired member, survivor, or beneficiary
6 whose final compensation at the time of retirement was predicated
7 upon the disallowed compensation as described in paragraph (2),
8 the repayment and notice requirements described in this paragraph
9 and paragraph (4) shall apply only if all of the following conditions
10 are met:

11 (i) The compensation was reported to the system and
12 contributions were made on that compensation while the member
13 was actively employed.

14 (ii) The compensation was ~~provided for~~ *agreed to* in a
15 memorandum of understanding or collective bargaining agreement
16 *between the employer and the recognized employee organization*
17 as compensation for pension purposes.

18 (iii) The determination by the system that compensation was
19 disallowed was made after the date of retirement.

20 (iv) The member was not aware that the compensation was
21 disallowed at the time it was reported.

22 (B) If the conditions of subparagraph (A) are met, the state,
23 school employer, or contracting agency that reported contributions
24 on the disallowed compensation shall do both of the following:

25 (i) Pay to the system, as a direct payment, the full cost of any
26 overpayment of the prior paid benefit made to an affected retired
27 member, survivor, or beneficiary resulting from the disallowed
28 compensation.

29 (ii) Pay to the retired member, survivor, or beneficiary, as a
30 lump sum or as an annuity based on that amount, the actuarial
31 equivalent present value representing the difference between the
32 monthly allowance that was based on the disallowed compensation
33 and the adjusted monthly allowance calculated pursuant to
34 paragraph (2) for the duration that allowance is projected to be
35 paid by the system to the retired member, survivor, or beneficiary.
36 The payment, or payments, shall be made by the state, school
37 employer, or contracting agency that reported contributions on the
38 disallowed compensation as an annuity unless the retired member,
39 survivor, or beneficiary and the state, school employer, or

1 contracting agency, as may be applicable, mutually agree to a lump
2 sum payment or payments.

3 (4) The system shall provide a notice to the state, school
4 employer, or contracting agency that reported contributions on the
5 disallowed compensation and to the affected retired member,
6 survivor, or beneficiary, including, at a minimum, all of the
7 following:

8 (A) The amount of the overpayment to be paid by the state,
9 school employer, or contracting agency to the system as described
10 in subparagraph (B) of paragraph (3).

11 (B) The actuarial equivalent present value owed to the retired
12 member, survivor, or beneficiary as described in subparagraph (B)
13 of paragraph (3), if applicable.

14 (C) Written disclosure of the state, school employer, or
15 contracting agency's obligations to the retired member, survivor,
16 or beneficiary pursuant to this section.

17 (5) The system shall, upon request, provide the state, a school
18 employer, or a contracting agency with contact information data
19 in its possession of a relevant retired member, survivor, or
20 beneficiary in order for the state, a school employer, or a
21 contracting agency to fulfill their obligations to that retired
22 member, survivor, or beneficiary pursuant to this section. The
23 recipient of this contact information data shall keep it confidential.

24 (c) (1) The state, a school employer, including a county
25 superintendent of schools, school district, community college
26 district, charter school, regional occupational center, or other local
27 educational agency, or a contracting agency, as applicable, may
28 submit to the system for review an additional compensation item
29 that is proposed to be included, or is contained, in a memorandum
30 of understanding adopted, or a collective bargaining agreement
31 entered into, on and after January 1, 2022, that is intended to form
32 the basis of a pension benefit calculation, in order for the system
33 to review consistency of the proposal with the California Public
34 Employees' Pension Reform Act of 2013 (Article 4 (commencing
35 with Section 7522) of Chapter 21 of Division 7 of Title 1), Section
36 20636 or 20636.1, and the administrative regulations of the system.

37 (2) A submission to the system for review under paragraph (1)
38 shall include only the compensation item language and a
39 description of how it meets the criteria listed in subdivision (a) of
40 Section 571 or subdivision (b) of Section 571.1 of Title 2 of the

1 California Code of Regulations, along with any other supporting
2 documents or requirements the system deems necessary to complete
3 its review.

4 (3) The system shall provide guidance regarding the submission
5 within 90 days of the receipt of all information required to make
6 a review.

7 (d) The system shall periodically publish a notice of the
8 proposed compensation language submitted to the system pursuant
9 to paragraph (c) for review and the guidance provided by the
10 system.

11 (e) This section does not alter or abrogate any responsibility of
12 the state, a school employer, or a contracting agency to meet and
13 confer in good faith with the employee organization regarding the
14 impact of the disallowed compensation or the effect of any
15 disallowed compensation on the rights of the employees and the
16 obligations of the employer to its employees, including any
17 employees who, due to the passage of time and promotion, may
18 have become exempt from inclusion in a bargaining unit, but whose
19 benefit was the product of collective bargaining.

20 (f) For educational entities participating in the system, the final
21 responsibility for funding payments under subparagraph (B) of
22 paragraph (3) of subdivision (b) is that of the educational entity
23 that is the actual employer of the employee. A county
24 superintendent of schools shall have final responsibility for funding
25 payments for its own employees and not for those employees of
26 other educational entities that participate in the system under the
27 auspices of a county superintendent of schools pursuant to contract.

28 (g) This section does not ~~effect~~ *affect* or otherwise alter a party's
29 right to appeal any determination regarding disallowed
30 compensation made by the system.

31 SEC. 3. The Legislature finds and declares that Section 2 of
32 this act, which adds Section 20164.5 to the Government Code,
33 imposes a limitation on the public's right of access to the meetings
34 of public bodies or the writings of public officials and agencies
35 within the meaning of Section 3 of Article I of the California
36 Constitution. Pursuant to that constitutional provision, the
37 Legislature makes the following findings to demonstrate the interest
38 protected by this limitation and the need for protecting that interest:

39 In order to appropriately maintain the current confidentiality of
40 personal contact information held by the Public Employees'

- 1 Retirement System regarding retired members of the system, and
- 2 their survivors and beneficiaries, it is necessary to limit access to
- 3 this information if it is provided to other public entities for purposes
- 4 of Section 20164.5 of the Government Code.

O



OFFICE OF THE MAYOR
PAUL FADELLI

Agenda Item No. 4.C.

Cheryl Viegas Walker, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Walker:

The City of El Cerrito supports the City of Rancho Cucamonga's effort to submit a resolution for consideration by the General Assembly at the Cal Cities 2021 Annual Conference in Sacramento.

Current policies by the California Department of Tax and Fees (CDTFA) require that the 1 percent Bradley Burns local tax revenue from in-state online retailers be allocated to the jurisdiction from which the package was shipped from, as opposed to going into a countywide pool as is the practice with out-of-state online retailers. Earlier this year, one of the largest online retailers shifted its ownership structure and now operates as an in-state online retailer as well as out-of-state online retailer. Previously, all sales tax revenue generated by this retailer's sales went into a countywide pool and was distributed amongst the jurisdictions in the pool; now the revenue from in-state sales goes entirely to the city where the fulfillment center is located and the packages are shipped from. Cities that do not have a fulfillment center now receive no revenue from this retailer's online in-state sales transactions, even when the packages are delivered to locations within the cities' borders and paid for by residents in those locations. Cities that border jurisdictions with fulfillment centers also experience its impacts such as increased truck traffic, air pollution, and declining road conditions.

This all-or-nothing practice has created clear winners and losers amongst cities as the online sales tax revenue from large online retailers that was once spread amongst all cities in countywide pools is now concentrated in select cities fortunate enough to host a fulfillment center. This has created a growing inequity amongst California cities, which only benefits some and is particularly unfair to cities such as El Cerrito who have no chance of ever obtaining a fulfillment center as we are a built out, four square mile, small city. Additionally, cities not situated along major travel corridors and no/low property tax cities that rely on sales tax revenue are especially impacted, as well as cities struggling to build much needed affordable housing that may require rezoning commercial parcels in order to meet their RHNA allocations.

The current online sales tax distribution policies are inherently unfair and exasperate the divide between the winners and losers. Ultimately, the real winners may be the retailers, who leverage these policies to negotiate favorable sales tax sharing agreements from a small group of select cities understandably wanting to host fulfillment centers. The current online sales tax distribution policies serve to divide local agencies, exacerbate already difficult municipal finances, and in the end results in a net loss of local government sales tax proceeds that simply serve to make private sector businesses even more profitable at the expense of everyone's residents. We can do better, and we should all aspire to develop an equitable sales tax distribution of online sales that addresses the concerns noted above.

For these reasons, the City of El Cerrito concurs that the resolution should go before the General Assembly.

Sincerely yours,

Paul Fadelli
Mayor, City of El Cerrito

cc: El Cerrito City Council
City of Rancho Cucamonga

RESOLUTION OF CAL CITIES CALLING ON THE STATE LEGISLATURE TO
PASS LEGISLATION THAT PROVIDES FOR A FAIR AND EQUITABLE DISTRIBUTION
OF THE BRADLEY BURNS 1% LOCAL SALES TAX FROM IN-STATE ONLINE
PURCHASES, BASED ON DATA WHERE PRODUCTS ARE SHIPPED TO, AND THAT
RIGHTFULLY TAKES INTO CONSIDERATION THE IMPACTS THAT FULFILLMENT
CENTERS HAVE ON HOST CITIES BUT ALSO PROVIDES A FAIR SHARE TO
CALIFORNIA CITIES THAT DO NOT AND/OR CANNOT HAVE A FULFILLMENT
CENTER WITHIN THEIR JURISDICTION

WHEREAS, the 2018 U.S. Supreme Court decision in *Wayfair v. South Dakota* clarified that states could charge and collect tax on purchases even if the seller does not have a physical presence in the state; and

WHEREAS, California cities and counties collect 1% in Bradley Burns sales and use tax from the purchase of tangible personal property and rely on this revenue to provide critical public services such as police and fire protection; and

WHEREAS, in terms of “siting” the place of sale and determining which jurisdiction receives the 1% Bradley Burns local taxes for online sales, the California Department of Tax and Fee Administration (CDTFA) determines “out-of-state” online retailers as those with no presence in California that ship property from outside the state and are therefore subject to use tax, not sales tax, which is collected in a countywide pool of the jurisdiction where the property is shipped from; and

WHEREAS, for online retailers that have a presence in California and have a stock of goods in the state from which it fulfills orders, CDTFA considers the place of sale (“situs”) as the location from which the goods were shipped such as a fulfillment center; and

WHEREAS, in early 2021, one of the state’s largest online retailers shifted its ownership structure so that it is now considered both an in-state and out-of-state retailer, resulting in the sales tax this retailer generates from in-state sales now being entirely allocated to the specific city where the warehouse fulfillment center is located as opposed to going into a countywide pool that is shared with all jurisdictions in that County, as was done previously; and

WHEREAS, this all-or-nothing change for the allocation of in-state sales tax has created winners and losers amongst cities as the online sales tax revenue from the retailer that was once spread amongst all cities in countywide pools is now concentrated in select cities that host a fulfillment center; and

WHEREAS, this has created a tremendous inequity amongst cities, in particular for cities that are built out, do not have space for siting a 1 million square foot fulfillment center, are not located along a major travel corridor, or otherwise not ideally suited to host a fulfillment center; and

WHEREAS, this inequity affects cities statewide, but in particular those with specific circumstances such as no/low property tax cities that are extremely reliant on sales tax revenue as well as cities struggling to meet their RHNA obligations that are being compelled by the State to rezone precious commercial parcels to residential; and

WHEREAS, the inequity produced by allocating in-state online sales tax revenue exclusively to cities with fulfillment centers is exasperated even more by, in addition to already reducing the amount of revenue going into the countywide pools, the cities with fulfillment centers are also receiving a larger share of the dwindling countywide pool as it is allocated based on cities' proportional share of sales tax collected; and

WHEREAS, while it is important to acknowledge that those cities that have fulfillment centers experience impacts from these activities and deserve equitable supplementary compensation, it should also be recognized that the neighboring cities whose residents are ordering product from that center now receive no revenue from the center's sales activity despite also experiencing the impacts created by the center, such as increased traffic and air pollution; and

WHEREAS, the COVID-19 pandemic greatly accelerated the public's shift towards online purchases, a trend that is unlikely to be reversed to pre-pandemic levels; and

NOW, THEREFORE, BE IT RESOLVED that Cal Cities calls on the State Legislature to pass legislation that provides for a fair and equitable distribution of the Bradley Burns 1% local sales tax from in-state online purchases, based on data where products are shipped to, and that rightfully takes into consideration the impacts that fulfillment centers have on host cities but also provides a fair share to California cities that do not and/or cannot have a fulfillment center within their jurisdiction.



AGENDA BILL

Agenda Item No. 4.D.

Date: July 20, 2021
To: El Cerrito City Council
From: Stephen Prée, Environmental Programs Manager / City Arborist, Public Works Department; Will Provost, Operations + Environmental Services Division Manager, Public Works Department
Subject: Urban Forest Committee Appointment

ACTION PROPOSED

Approve an Urban Forest Committee recommendation to appoint Catherine "Cassie" Hughes to the Urban Forest Committee effective August 1, 2021.

BACKGROUND AND ANALYSIS

Catherine "Cassie" Hughes submitted her application to serve as an Urban Forest Committee (UFC) member on February 9, 2021. During the June 14, 2021 UFC meeting, the Committee voted unanimously to recommend to the City Council that Ms. Hughes be appointed to the Urban Forest Committee.

Ms. Hughes has been an El Cerrito resident for nearly four years. As stated in her Urban Forest Committee application, she is "passionate about ecology and greening in El Cerrito" and she is interested in contributing to the community. Ms. Hughes has worked as an associate teacher at Prospect Sierra School and Berkwood Hedge School and she has served in a variety of roles in the field of environmental education. Ms. Hughes has taught young people and adults in classrooms and outdoors, including in national parks. She has worked internationally as an East Africa Specialist, training technical field experts on International Programs regulations and procedures. Ms. Hughes served as an editor of case studies on indigenous people and conservation and was a social science researcher in the Kgalagadi Transfrontier Park with the South African National Parks and World Conservation Union. Her education includes a Master's Degree in Education from University of the Pacific and an M.A. in Practical Anthropology from University of Cape Town, as well as a Bachelor's Degree in Cultural Anthropology from Mount Holyoke College. Ms. Hughes has also completed a year-long permaculture design certificate program in Bolinas, California.

Catherine "Cassie" Hughes has attended at least three consecutive regular UFC meetings, as required for appointment to the UFC. If the Council approves this recommendation, the number of Committee members will be six (6) out of a possible membership total of fifteen (15).

STRATEGIC PLAN CONSIDERATIONS

The work of the UFC members helps the City achieve Goal C, to "Deepen a sense of place and community identity" and Goal F of the El Cerrito Strategic Plan, which is to

"Foster environmental sustainability citywide."

ENVIRONMENTAL CONSIDERATIONS

As stated in its enabling Resolution 2007-96, the Urban Forest Committee was established to assist the City in the "stewardship of its urban forest, including establishing a citywide commitment to a healthy, growing forest, and creating a coordinated, high quality forest management program." The Urban Forest Committee supports the City in developing programs and policies that help protect the local environment, while also engaging in activities that have a direct impact on trees and environmental quality (e.g. tree planting).

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

Application(s) on file with City Clerk



AGENDA BILL

Agenda Item No. 4.E.

Date: July 20, 2021
To: El Cerrito City Council
From: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department
Subject: FY 2020-21 Fourth Quarter Cash and Investment Report

ACTION PROPOSED

Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2021.

BACKGROUND

It is the policy of the City of El Cerrito ("City"), to invest public funds in a manner which provides for safety of principal while providing enough liquidity to cover the City's short and long-term needs while generating the appropriate yield. All investment activity will conform to the California Government Code, Sections 53601 through 53659.

ANALYSIS

The Quarterly Investment Report for April 1, 2021 to June 30, 2021 shows that the City's investments had a par value of \$21,993,175 as of June 30, 2021. The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$10,819,920 was invested in the pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF). Cash with Mechanics Bank was \$11,173,255. Combined cash and investments was \$21,993,175. Of this amount \$8,754,292 was used to pay off the FY 2020-21 Tax Revenue Anticipation Note that came due on July 1, 2021. The remaining \$13,238,883 was available to meet operating expenses for the next six months.

STRATEGIC PLAN CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and ensure policies, procedures and systems represent best practices in financial management (Goal B).

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

During the quarter debt service payments for the Recycling Center, 2017 Sales Tax Revenue Refunding Bond and Solar Equipment Lease Payments were made totaling \$665,015.

LEGAL CONSIDERATIONS

The City's investments comply with the "Authorized Investments" section of the Investment Policy.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

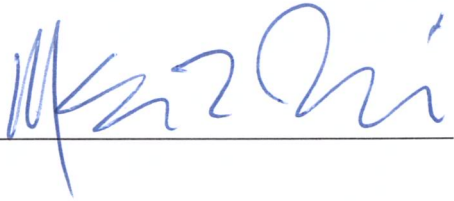
1. FY2020-21 Fourth Quarter Investment Report

City of El Cerrito
Quarterly Cash & Investment Report
For the Quarter Ending June 30, 2021

Attachment 1

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/	PAR VALUE	COST	INTEREST	MATURITY	COST/	*MARKET
			BROKER			OR YIELD	DATE	100	VALUE
Pooled Investments	Pooled Fund	Local Agency Investment Fund(LAIF)	CA State Treasurer	\$10,819,920	\$10,819,920	0.26%	N/A	100.00	\$10,819,920
Cash with Bank (General Checking)	Mechanics Bank	N/A	N/A	\$11,173,255	\$11,173,255	N/A	N/A	N/A	\$11,173,255
Total Cash and Investments				\$21,993,175	\$21,993,175				\$21,993,175

I certify that this report is in compliance with the City of El Cerrito Investment Policy and the California Government Code Section 53646. The City will have sufficient cash flow to meet the next six months of estimated expenditures as required by the Code by using the balance in the general checking account and pooled investments, in combination with anticipated operating monthly cash receipts and proceeds from the Tax Receipts Anticipation Note (TRAN) that is expected to be issued in July 2021.



Mark R. Rasiah, Finance Director/City Treasurer

RESOLUTION 2021-XX

RESOLUTION DECLARING WILDFIRE PREVENTION AND SAFETY AS A TOP
PRIORITY FOR THE CITY OF EL CERRITO AND ENCOURAGING A VARIETY OF
STRATEGIES TO PREVENT AND ABATE FIRE HAZARDS

WHEREAS, wildfires have grown larger and increased in intensity over the past several decades due to drought, climate change, unmanaged and overgrown vegetation, and increased development in the wildland/urban interface areas; and

WHEREAS, of the twenty most destructive California wildfires since 1932, six have occurred in the past year with the most destructive wildland fires taking place in 2017 and 2018 destroying many neighborhoods and communities; and

WHEREAS, the East Bay Hills experienced a wildfire in 1991 which was the third most deadly and third most destructive wildfire in California history burning over 1,600 acres and 2,900 structures, causing 25 deaths and injuring 150 people; and

WHEREAS, the El Cerrito Fire Department has stated that the entire City of El Cerrito is potentially at risk of wildfire, not only in the hill neighborhoods but in the lower neighborhoods between the hills and the Bay; and

WHEREAS, El Cerrito is also at high risk for earthquakes, especially on the Hayward Fault which runs through El Cerrito, causing further risk for fires due to downed power lines, broken gas lines, etc. that would result in destruction to life and property and would challenge the City's resiliency; and

WHEREAS, Cal Fire has designated a large geographical area of El Cerrito to be in a Very High Fire Hazard Severity Zone (VHFHSZ) within the Local Responsibility Area (LRA) where the City has the financial responsibility for wildfire protection; and

WHEREAS, when a wildfire destroys neighborhoods or an entire city the economic impact is devastating and impacts the City's quality of life, infrastructure, and ability to recover financially, and would considerably reduce the City's ability to collect its current level of property and sales taxes and other revenue sources that comprise the City budget; and

WHEREAS, the frequency and probability of the threat of wildfire in California, especially in VHFHSZs, seriously jeopardizes property owners' ability to secure homeowners' insurance and the ability to sell homes which would significantly impact City revenues; and

WHEREAS, there is a housing shortage in El Cerrito and the entire Bay Area and wildfires could make affordable housing more scarce, in addition to concerns that financially disadvantaged people are disproportionately affected by a wildfire.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it assures residents and businesses that wildfire prevention is a top priority, and that discussions and efforts will continue locally and regionally on how best to prevent and abate fire hazards in the City, including but not limited to:

- Seeking grants and other resources for wildfire prevention and mitigation
- Planning for evacuation in case of a disaster
- Updating the Vegetation Management Policy to encourage the removal of flammable vegetation near homes
- Updating building and fire codes as necessary to make structures more resistant to fire
- Reducing fuel loads in the Hillside Natural Area

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

I CERTIFY that at a regular meeting on July 20, 2021 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 July _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

RESOLUTION 2021-XX

A RESOLUTION IN SUPPORT OF CONSIDERATION OF THE FORMATION OF AN
EAST BAY VEGETATION MANAGEMENT JOINT POWERS AGENCY

WHEREAS, the series of historic wildfires throughout California and the Western United States in recent years demonstrates that the impacts of global climate change will continue to have potentially devastating local effects throughout the region; including habitat destruction, loss of life, economic impacts, infrastructural damage, and public health hazards associated with air quality, among others; and

WHEREAS, reactive approaches to fire management and containment are deployed during times of crisis and overextend local and state resources; and

WHEREAS, the spread of wildfire does not respect political or jurisdictional boundaries; burn areas and air quality impacts from smoke extend throughout the region; and

WHEREAS, a large portion of the East Bay region, including the East Bay Hills from Hercules to Fremont are a CalFire designated high-risk danger zone; and

WHEREAS, a more coordinated approach and investment in wildfire prevention and vegetation management may help to mitigate the number and severity of wildfire events; and

WHEREAS, regional coordination may prove both more effective and more efficient in developing and implementing best practices, as well as sharing expertise and other resources; and

WHEREAS, the East Bay contains more than 20 municipalities, counties, and fire districts, including the City of El Cerrito, that may all benefit from a coordinated fire management approach.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito agrees to remain involved and participate in presentations, meetings, and negotiations to consider the formation of a regional Vegetation Management Joint Powers Agency to address and improve fire safety in the East Bay Area.

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

I CERTIFY that at a regular meeting on July 20, 2021 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 July _____, 2021.

Holly M. Charl  ty, City Clerk

APPROVED:

Paul Fadelli, Mayor



AGENDA BILL

Agenda Item No. 4.H.

Date: July 20, 2021
To: El Cerrito City Council
From: Ana Bernardes, Engineering Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Storm Drain Easement Acceptance and Agreement for 1431 Scott Street

ACTION PROPOSED

Adopt a resolution accepting a Storm Drain Easement from the 1431 Scott, LLC, "Owner", for public storm drain facilities located at 1431 Scott Street and authorizing the City Manager to execute an Easement Agreement.

BACKGROUND

On June 19, 2019, the Planning Commission approved final entitlements to allow for construction of a new single-family dwelling at 1431 Scott Street on an undeveloped lot.

There were special circumstances for this site requiring a Variance and a Conditional Use Permit. Because of the existence of two storm drain pipes, one 30-inch diameter pipe and one 18-inch diameter pipe, crossing the property from the east to the west toward the center of the property, in addition to a substandard size lot of 3,717 feet, there was only a small portion of the property that could be feasibly built on.

The existing storm drain pipes carry waters from the surrounding streets, including Scott Street and Navellier Street, and upstream waters from the hillside area. Both storm drain pipes were constructed on this property without recorded easements. City staff has located engineering drawings of a 1996 City project for repair of a portion of the existing 30-inch pipe that had failed downstream of 1431 Scott Street. The existing 30-inch pipe at 1431 Scott Street was left in place, and a new 18-inch pipe was added next to it. The two pipes were connected at a junction box located on the west side of the property. The failed 30-inch pipe downstream of 1431 Scott Street was abandoned, and replaced with a new 36-inch pipe, which connects to the installed junction box on the downstream side.

While the 18-inch pipe was installed under the 1996 City project and therefore considered a public improvement, City staff has not been able to locate any records that the City installed the 30-inch pipe. Our belief is that it was most likely installed by the original subdivider. City staff has also not been able to locate any records documenting that the City accepted the 30-inch pipe as a public improvement. Nevertheless, the City addressed the failure of the 30-inch pipe under the 1996 City project consistent with the City's 1992 Storm Drain Master Plan.

As part of the building permit for the new single-family dwelling at 1431 Scott Street, the two storm drain pipes were video inspected before and after construction operations.

The pipes were determined to be in acceptable conditions with no visible deterioration resulting from the construction. Construction of the new single-family dwelling adjacent to these pipes is substantially completed at this point and the Owner has requested a Certificate of Occupancy.

ANALYSIS

Due to the history of the two storm drain pipes located at 1431 Scott Street, because they carry public waters and consistent with the City's 1992 Storm Drain Master Plan, the City intends to continue maintaining these pipes. To facilitate City access to the property and ongoing operation, inspection, maintenance, repair, removal and replacement of the storm drain pipes as needed in the future, an approximately 15-foot-wide and 71-foot-long easement is required. One of the Conditions of Approval for the final entitlements is for the Owner to provide a legal description and plat map of the easement for recording with Contra Costa County. The Owner has provided the legal description and plat map. An Easement Agreement (Attachment 2) has been prepared and has been reviewed by the City Attorney; the accompanying legal description and plat map (Exhibits A and B, Attachment 3) have been reviewed by the consulting City Surveyor; and all these documents have been reviewed by the Owner and terms of the agreement has been accepted by the Owner's attorney.

STRATEGIC PLAN CONSIDERATIONS

Execution of the Easement Agreement is consistent with El Cerrito Strategic Plan Goal A – *Deliver exemplary government services*. Specifically, approval of this action will make municipal operations more efficient by retaining City access and facilitating operations and maintenance of storm drain infrastructure.

ENVIRONMENTAL CONSIDERATIONS

Pursuant to CEQA Guidelines Section 15061(b)(3), an activity is exempt from CEQA review where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The proposed activity here is the acceptance of an easement for existing storm drain pipes. Such an activity has no physical impact on the environment, and it is exempt under CEQA.

FINANCIAL CONSIDERATIONS

The proposed action will have no fiscal impact on the City. The Owner has agreed to pay for the costs of the preparation of the required documents and review by the consultant City Surveyor and City Attorney, and recording with the County. The Owner will be responsible for removal of any temporary improvements at their sole expense upon notice from the City regarding the City's need to access the easement area, as well as solely responsible for the costs of restoring any authorized permanent improvements as a result of the City's activities in the easement area. The City will continue to provide the same level of maintenance for these storm drain facilities therefore costs are not expected to increase beyond current levels on an annual basis.

LEGAL CONSIDERATIONS

Government Code Section 27281 requires the City to consent to the acceptance of “any interest in or easement upon real estate”. The attached Resolution would accept the Storm Drain Easement on 1431 Scott Street and authorize the City Manager to execute the Easement Agreement.

The City Attorney has reviewed the proposed action and Easement Agreement and found that legal considerations have been addressed. City staff will record the Easement Agreement with the Contra Costa County Recorder if approved by the City Council.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Easement Agreement
3. Legal Description and Plat Map (Exhibit A & B)

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ACCEPTING A STORM DRAIN EASEMENT THE 1431 SCOTT, LLC, "OWNER", FOR PUBLIC STORM DRAIN FACILITIES LOCATED AT 1431 SCOTT STREET AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT

WHEREAS, on June 19, 2019, the Planning Commission approved final entitlements, including a Variance and Conditional Use Permit, to allow for construction of a new single-family dwelling at 1431 Scott Street on an undeveloped lot; and

WHEREAS, because of the existence of two storm drain pipes, one 30-inch diameter pipe and one 18-inch diameter pipe, crossing the property from the east to the west toward the center of the property, in addition to a substandard size lot of 3,717 feet, there was only a small portion of the property that could be feasibly built on; and

WHEREAS, the storm drain pipes carry stormwater from the surrounding streets, including Scott Street and Navellier Street, and upstream waters from the hillside area, and the pipes were constructed on the property without recorded easements; and

WHEREAS, an easement is required to facilitate City access to the property and ongoing operation, inspection, maintenance, repair, removal and replacement of the storm drain pipes as needed in the future; and

WHEREAS, one of the Conditions of Approval for the final entitlements is for the property owner to provide a legal description and plat map of the easement for recording with Contra Costa County; and

WHEREAS, Government Code Section 27281 requires a governmental agency to consent to the acceptance of easements; and

WHEREAS, acceptance of easements is exempt from review under the California Environmental Quality Act (CEQA) section 15061(b)(3), as an activity where it can be seen with certainty there is no possibility that the activity in question may have a significant effect on the environment.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby accepts an easement from 1431 Scott, LLC for access to the property at 1431 Scott Street in the City and operation and maintenance of the storm drain pipes described in the Easement Agreement, and authorizes the City Manager to execute the Easement Agreement or other instruments and all certificates of acceptance associated with such an easement, and to authorize recordation of the Easement Agreement in the official records of Contra Costa County.

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

I CERTIFY that at a regular meeting on July 20, 2021 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 July _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

Recording Requested by
and when recorded, return to:

City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Attention: City Clerk

FOR RECORDER'S USE ONLY

Free Recording Pursuant to
Government Code §27383

EASEMENT AGREEMENT
(Storm Drain Improvements)

For and in consideration of the acceptance by the Grantee of the hereinafter described easement 1431 Scott, LLC a California Limited Liability Company ("Owner"), hereby grants to CITY OF EL CERRITO ("Grantee"), an easement (the "Easement") for the operation, inspection, maintenance, repair, replacement and removal of a storm drain pipes and associated storm drain structures under and through the real property described in Exhibit A and depicted on Exhibit B (the "Storm Drain Easement Area") with right of ingress and egress to and from same, in, over, under and across the Storm Drain Easement Area, subject to the conditions stated in this Agreement.

1. Terms of Easement. The Easement shall burden the Storm Drain Easement Area, shall be non-exclusive, perpetual in duration (unless terminated by the written agreement of the Owner and the Grantee), and shall run with the land.

2. Non-Exclusive Use. The Owner may use the Storm Drain Easement Area, including the surface of the Storm Drain Easement Area, for any purpose which is not inconsistent with the Grantee's permitted use of the Storm Drain Easement Area. However, neither party shall place or permit any permanent improvement of any nature on the Storm Drain Easement Area which might impair the parties' respective rights to use the Storm Drain Easement Area, including trees, concrete flat work and curbs. Moreover, Owner shall not erect any permanent structure within the Storm Drain Easement Area without obtaining the prior written approval of the Grantee. Notwithstanding the immediately preceding sentence, building permit number BD19-1190 (the "Building Permit") authorized Owner to install within the Storm Drain Easement Area a sewer lateral, a private drain pipe, a concrete pad for trash bins, and a fence, all as depicted in the plans approved by the Building Permit (the "Authorized Improvements"). If Owner has installed any temporary improvement within the Storm Drain Easement Area that would interfere with Grantee's permitted use of the Storm Drain Easement Area, Owner shall remove the temporary improvement at Owner's sole expense upon notice from Grantee of Grantee's need to access the Storm Drain Easement Area, as provided for in Section 3.

3. Grantee's Obligations. In exercising its rights hereunder, the Grantee shall comply with the following conditions:

(a) The Grantee shall notify the Owner at least two (2) business days prior to accessing the Storm Drain Easement Area for any purpose, except in the event of an emergency, in which case the Grantee shall give notice to the Owner as reasonable under the circumstances.

(b) In performing activities under this Agreement, the Grantee shall not unreasonably impair the Owner's use of the Storm Drain Easement Area. In the event Grantee anticipates activities that could materially affect access to the Owner's property or improvements thereon, the Grantee shall provide at least five (5) business days' prior notice to the Owner to allow the Owner to inform its tenants and/or provide alternative means of access.

(c) The Grantee shall take all reasonable steps necessary to secure that portion of the Storm Drain Easement Area in which the Grantee is performing any activities.

(d) The Grantee shall be solely responsible for the cost of any activities permitted under this Agreement.

(e) Following the completion of any activities, the Grantee shall restore the Storm Drain Easement Area, including any surface improvements, to the condition existing prior to the commencement of such activities, reasonable wear and tear excepted, except for any improvements beyond those approved under Section 2 or otherwise approved in writing by the Grantee or that impair the Grantee's rights to use the Storm Drain Easement Area. Notwithstanding the immediately preceding sentence, Owner shall be solely responsible for the costs of restoring the Authorized Improvements, if necessary as a result of Grantee's activities in the Storm Drain Easement Area.

(f) The Grantee shall defend, indemnify and hold the Owner harmless from and against losses, actions, demands, damages, claims, costs and expenses (including, but not limited to, experts fees and attorneys' fees and costs) and liabilities of whatever kind or nature that arise out of or are in any way connected with the activities of the Grantee or any entity or individual acting under the Grantee's direction or control under this Agreement, except and to the extent resulting from any gross negligence or willful misconduct of the Owner.

(g) The provisions of this Section 3 shall survive expiration or termination of this Agreement.

4. Default. The failure by a party to perform any covenant or obligation of such party hereunder and to cure such non-performance within twenty (20) business days after written notice by the other party shall constitute a default hereunder. Upon a default the aggrieved party shall be entitled to all remedies, legal and equitable, allowed by law, except termination of the Storm Drain Easement herein granted.

5. Amendments. This Agreement may be amended or otherwise modified only by a writing signed and recorded by the parties hereto.

6. No Third-Party Beneficiaries. The provisions of this Agreement are for the exclusive benefit of the parties and their successors and assigns, subject to the provisions hereof. This Agreement shall not be deemed to confer any rights upon any person except the parties and their successors and assigns.

7. Attorneys' Fees. If either party brings an action or proceeding against the other by reason of a default, or otherwise arising out of this Agreement, the prevailing party in such action or proceeding shall be entitled to its costs and expenses of suit, including but not limited to reasonable attorneys' fees, which shall be payable whether or not such action is prosecuted to judgment.

8. Notices. All notices required shall be in writing and shall be deemed to have been given (1) when hand delivered to the other party; or (2) three business days after the same have been deposited in a United States post office with first-class or certified mail, return receipt requested, postage prepaid; or (3) the next business day after same have been deposited with an overnight delivery service, provided that the sending party receives a confirmation of delivery from delivery service provider. All notices shall be addressed as follows:

To the Owner: Current Resident
1431 Scott Street
El Cerrito, CA 94530

To the City: The City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
Attn: Public Works Director/City Engineer

9. Recording: Easements to Run with the Land. This Agreement shall be recorded by the parties, and it is hereby agreed that the terms and conditions set forth in this Agreement shall be considered covenants running with the land.

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

11. Miscellaneous Provisions.

(a) If any provision hereof shall be held invalid or unenforceable, the remainder hereof shall not be affected thereby, and each provision hereof shall be valid and enforceable to the fullest extent permitted by law.

(b) Time is of the essence with respect to the performance of every provision of this Agreement in which time of performance is a factor.

(c) This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one document.

Signatures on Following Pages

The parties have executed this Agreement as of the latest date indicated below.

CITY:

The City of El Cerrito

By: _____

Title: City Manager

Date: _____

OWNER:

1431 Scott, LLC,
a California Limited Liability Company

By: _____
Cody Fornari

Title: Manager

Date: _____

ALL SIGNATURES MUST BE NOTARIZED

State of California)
) s.s.
County of _____)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Though statute does not require the notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

Signer is representing:

Title or type of document _____
 Number of pages: _____ Date of document: _____
 Signer(s) other than named above: _____

Agenda Packet Page 64 of 196

ALL PURPOSE ACKNOWLEDGEMENT

State of California)
) s.s.
County of _____)

On _____ before me, _____,
 Date
 personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature of Notary Public

CAPACITY CLAIMED BY SIGNER:

Though statute does not require the notary to fill in the data below, doing so may prove invaluable to persons relying on the document.

_____ Individual(s)
 _____ Corporate Officer(s) Titles _____ and _____
 _____ Partner(s) _____ Limited _____ General
 _____ Attorney-in-Fact
 _____ Trustee(s)
 _____ Guardian/Conservator
 _____ Other : _____

Signer is representing:

ATTENTION NOTARY: Although the information requested below is optional, it could prevent fraudulent attachment of this certificate to unauthorized document.

Title or type of document

Number of pages: Date of document:

Signer(s) other than named above:

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED ABOVE

EXHIBIT A- LEGAL DESCRIPTION

EXHIBIT B- PLAT MAP

3811534.2

EXHIBIT "A"
STORM DRAIN EASEMENT
LEGAL DESCRIPTION

BEING an easement for storm drainage purposes over, under, upon and across a portion of Lot 3, Block 6, as said Lot is shown on the map entitled "Map of North Berkeley Terrace" and filed in the Office of the County Recorder, County of Contra Costa, State of California on November 2, 1908, in Volume 1 of Maps, at Page 26, and said portion also being more particularly described as follows:

COMMENCING at the northeasterly corner of said Lot 3, said Lot 3 also being shown on Record of Survey No. 3999, recorded February 5, 2019 in Book 157 of Licensed Surveyors Maps at Page 39 in said Office of the County Recorder;

THENCE along the westerly line of Scott Street, fifty (50.00) feet wide as shown on said Record of Survey, South 29°03'29" East, 15.39 feet to the beginning point of a tangent curve, concave southwesterly and having a radius of 15.38 feet, a tangent bearing to said tangent curve bears North 29°03'29" West;

THENCE leaving said westerly line of Scott Street and running northwesterly along said curve, through a central angle of 06°07'29", an arc length of 1.64 feet to the northeasterly corner of said storm drain easement, said northeasterly corner also being the TRUE POINT OF BEGINNING;

THENCE South 59°15'34" West, 63.01 feet;

THENCE North 30°55'12" West, 1.13 feet;

THENCE South 59°04'48" West, 8.10 feet to the southwesterly line of said Lot 3;

THENCE along said southwesterly line, South 29°03'29" East, 15.01 feet;

THENCE leaving said southwesterly line, North 59°04'48" East, 8.59 feet;

THENCE North 30°55'12" West, 1.00 feet;

THENCE North 61°44'41" East, 62.65 feet to said westerly line of Scott Street;

THENCE along said westerly line, North 29°03'29" West, 13.94 feet to the beginning point of a tangent curve, concave southwesterly and having a radius of 15.38 feet;

THENCE leaving said westerly line and running northwesterly along said curve, through a central angle of 06°07'29", an arc length of 1.64 feet to the TRUE POINT OF BEGINNING;

CONTAINING 1,019 square feet of land, more or less.

The Basis of Bearings for the above-described Storm Drain Easement is said Record of Survey No. 3999.

The above-described Storm Drain Easement is shown on the attached Exhibit "B" and by reference hereto made a part hereof.



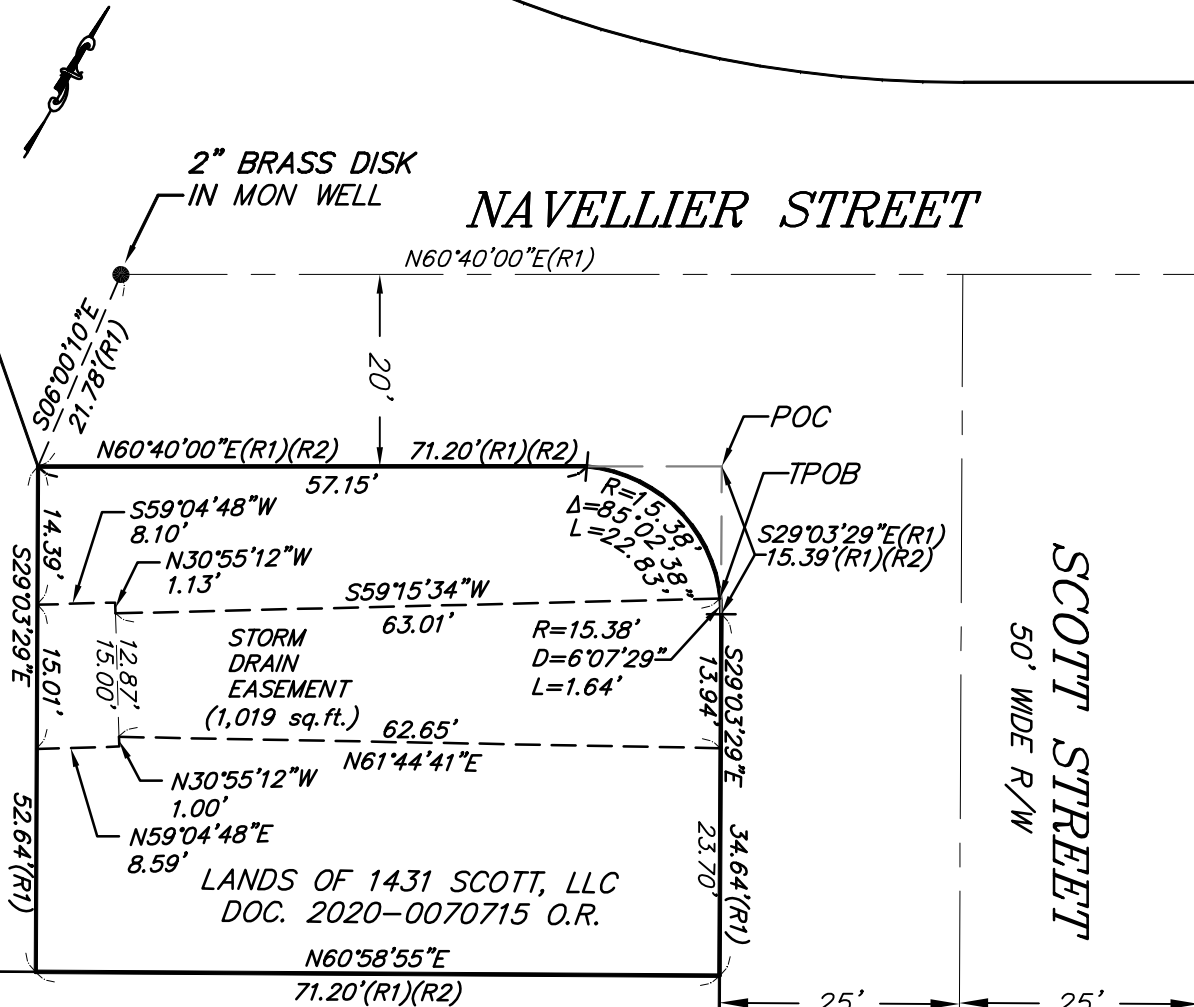
Legal Description Prepared
Under the Supervision of:

Andrew K. Holmes

Andrew K. Holmes, P.L.S. 4428
License Expires 09/30/21

EXHIBIT B
PORTION LOT 3, BLOCK 6, 1 MAPS 26
STORM DRAIN EASEMENT PLAT
 CITY OF EL CERRITO, CONTRA COSTA COUNTY, CALIFORNIA

SCALE: 1" = 30'



POC POINT OF COMMENCEMENT
 TPOB TRUE POINT OF BEGINNING
 (R1) RECORD OF SURVEY #3999 (157 L.S.M. 39)
 (R2) DOC. 2018-0123513 O.R.

OWNERS: 1431 SCOTT, LLC
 3030 POLK STREET,
 SF, CA 94109
 ADDRESS: 1431 SCOTT ST, EL CERRITO, CA
 APN: 502-330-008-9
 SURVEYOR: ANDREW K. HOLMES PLS 4428
 TRIAD/HOLMES ASSOCIATES
 777 WOODSIDE ROAD, SUITE 2A
 REDWOOD CITY, CA 94061

 triad/holmes associates



EL CERRITO CITY COUNCIL PROCLAMATION

In Recognition of Battalion Chief Joseph Grupalo

WHEREAS, Joseph Grupalo, Battalion Chief, has served the El Cerrito community with dedication and compassion and upon the occasion of his retirement, is deserving of recognition; and

WHEREAS, Joseph's career in the fire service began as a reserve firefighter with the Alameda County Fire Protection District and transitioned to a 12+ year permanent position with the City of El Cerrito; and

WHEREAS, Joseph started working for the El Cerrito Fire Department on October 12, 2008, as a Firefighter, was promoted to Captain on June 5, 2016 and to Battalion Chief on January 13, 2019; and

WHEREAS, Joseph's previous experience as a business owner, sales representative, sports coach, and knowledge in marketing and the construction trades has provided him the ability to excel in the services provided to the residents and the skills to find solutions to their needs; and

WHEREAS, Joseph's many achievements in El Cerrito includes developing the Department's cribbing and shoring trailer, advancing the training and equipment for technical rescue operations, further advancement of the CERT program and developing the City's first emergency-controlled evacuation program; and

WHEREAS, during the start of the Coronavirus pandemic, Joseph was tasked working at the County Emergency Operations Center in the Logistics section to tracking PPE and rates of use for all County agencies and later would be instrumental in setting up fire agency based drive through vaccination sites; and

WHEREAS, Joseph has held the ranks of Firefighter, Captain and Battalion Chief in the Fire Department and has always strived to empower those around him to believe in themselves, excel in their jobs, achieve their dreams and provide outstanding customer service for the community they serve; and

WHEREAS, during Joseph's career in addition to the ranks he has held, he has also served as the Training Officer, Emergency Preparedness Coordinator, CERT Coordinator and completed his State Chief Officer certification; and

WHEREAS, Joseph is supported every day by his wife Janine and children Gabriella and Dominic.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby takes great pride and pleasure in drawing special public attention to Joseph Grupalo for his record of service to the local community and extends to him their sincere appreciation and best wishes for continued happiness and success in his retirement.

Dated: July 20, 2021

Paul Fadelli, Mayor



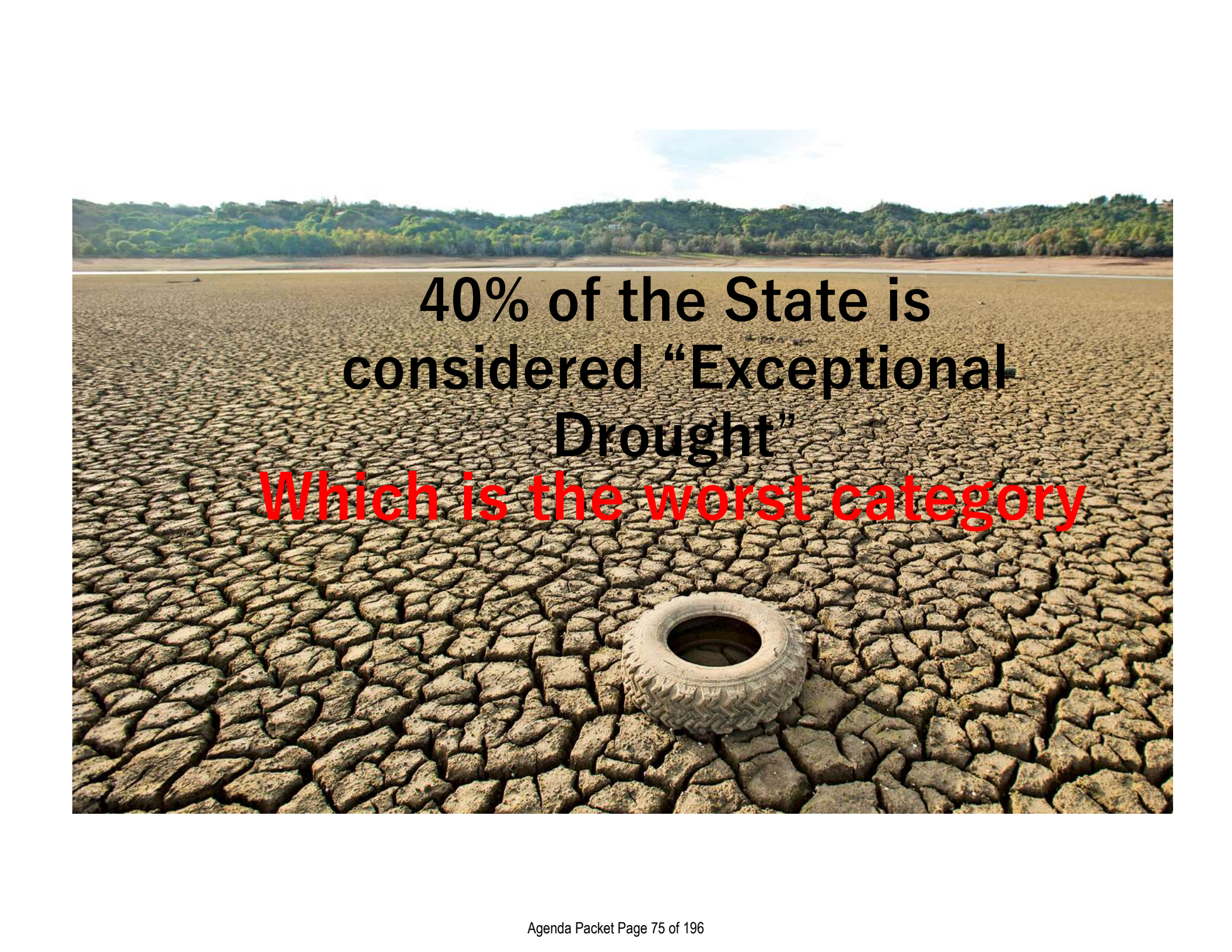
Drought & Wildfire Safety



California is no stranger to droughts

- 1976-77
- 1987-92
- 2007-16
- 2019-Present



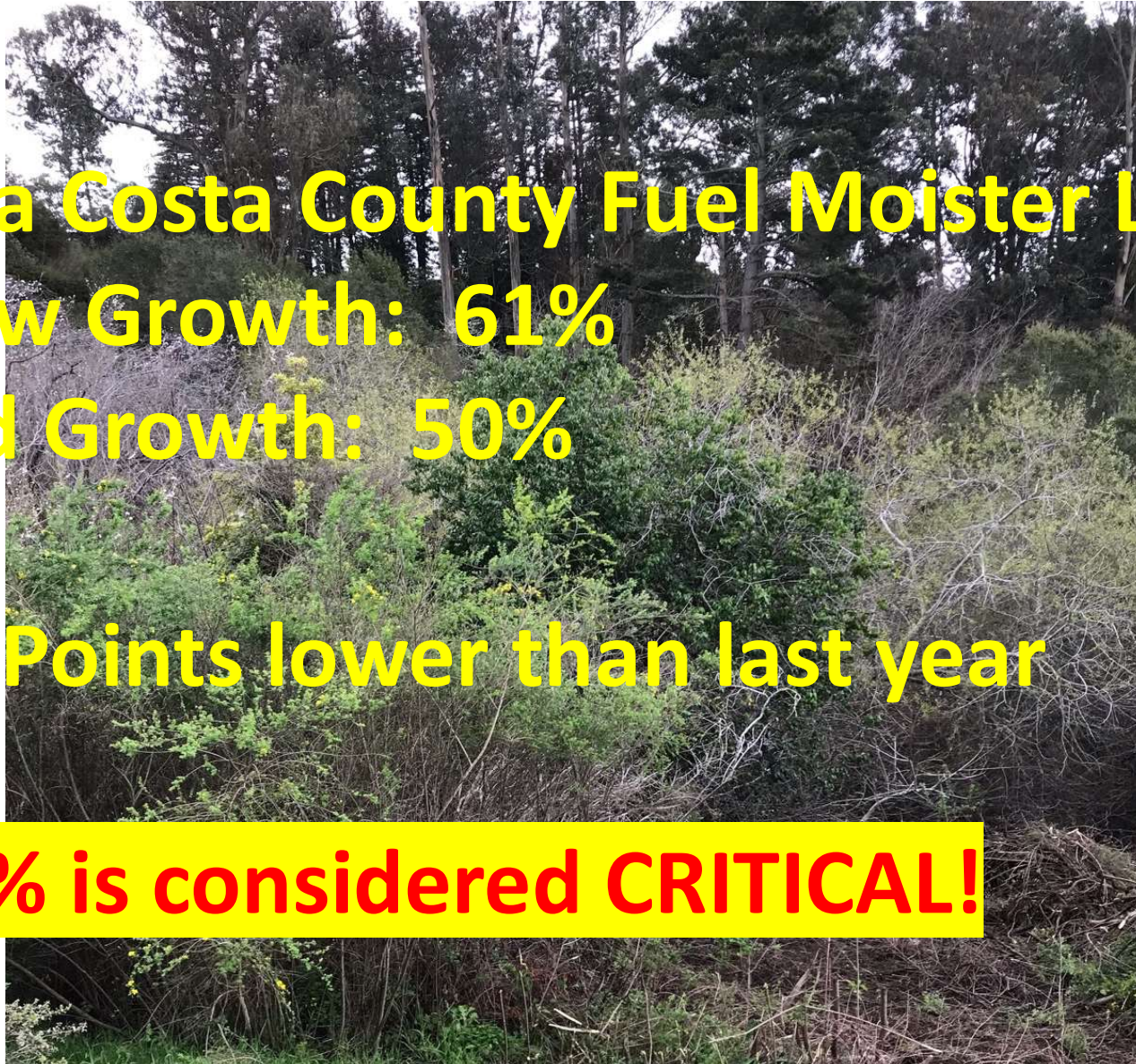
A photograph of a dry, cracked lake bed. The foreground is filled with a dense pattern of polygonal cracks in the dried mud. In the lower center, a single, empty, light-colored tire lies on the cracked surface. In the background, a flat, dry expanse of water stretches to a distant, tree-lined shore under a clear sky.

**40% of the State is
considered “Exceptional
Drought”**

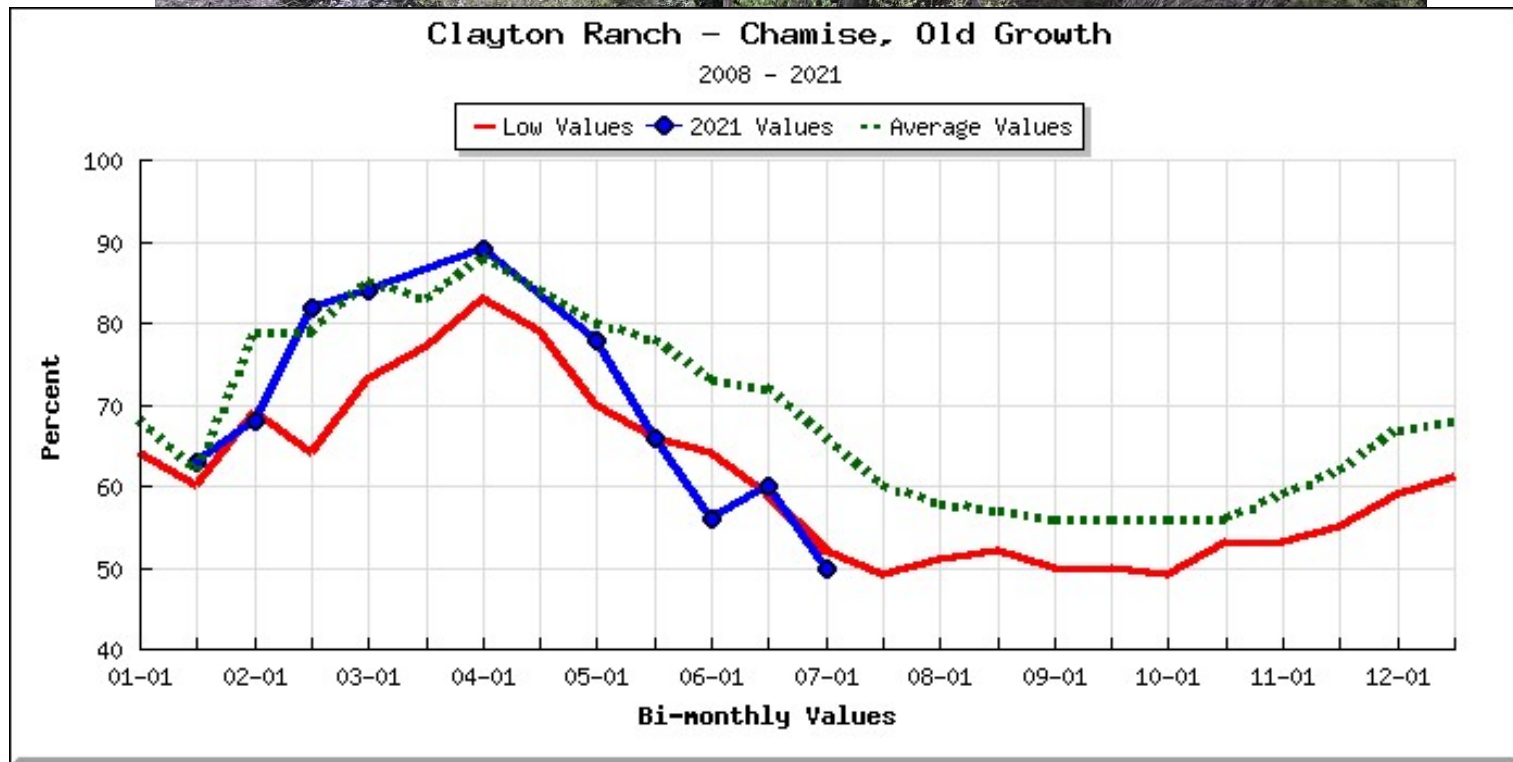
Which is the worst category

Contra Costa County Fuel Moisture Levels

- New Growth: 61%
- Old Growth: 50%
- 10 Points lower than last year
- **60% is considered CRITICAL!**



Contra Costa County Fuel Moisture Levels





2020 California Fire Season was characterized by a record setting year of wildfires

- 9,917 Incidents
- 4,257,863 acres burned
- 10,488 structures burned or damaged
- 33 fatalities



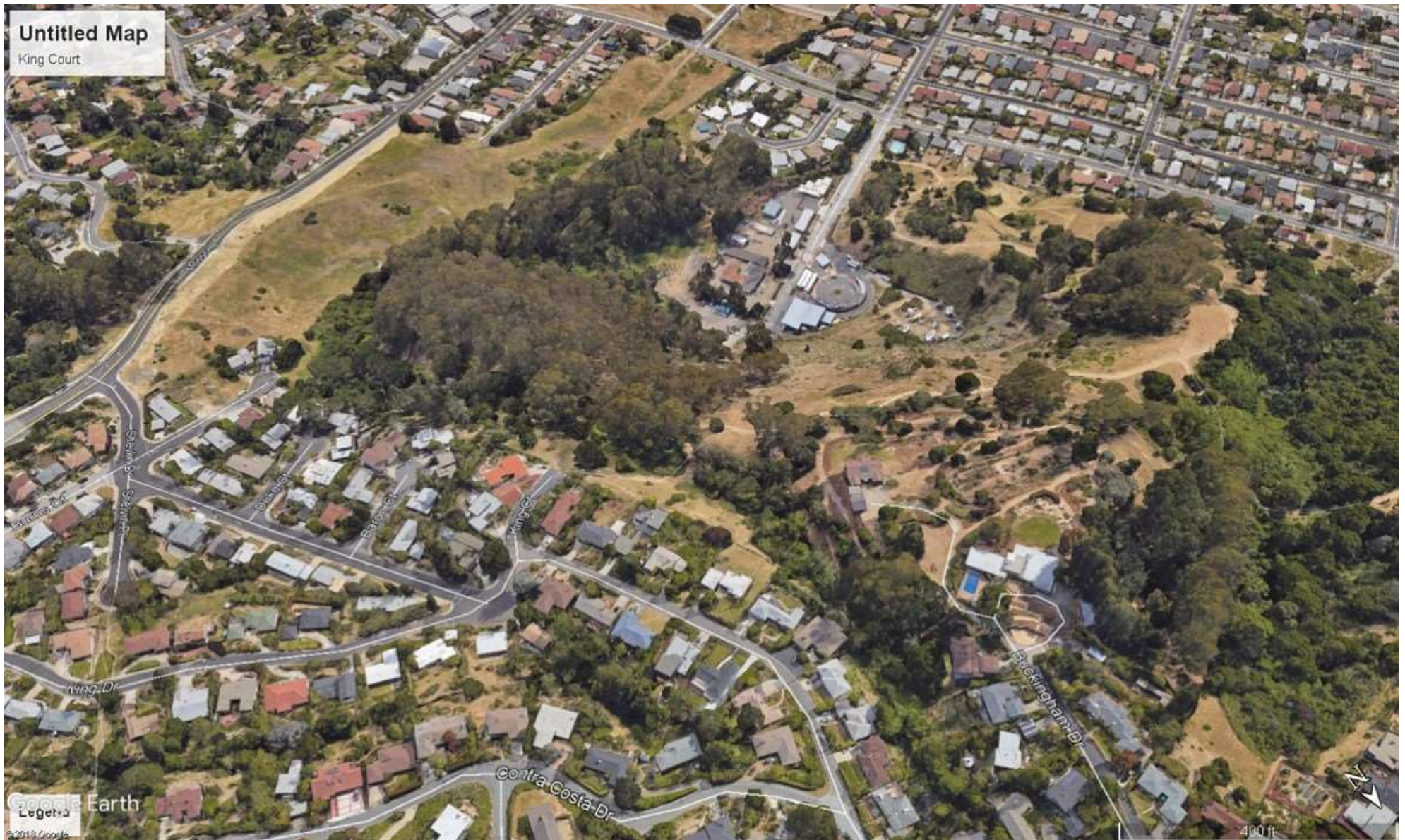
2021 California Fire Season
is also on a record setting pace!

July 12, 2020

- 3,650 Incidents
- 33,000 acres burned

July 12, 2021

- 5,000 Incidents
- 142,000 acres burned







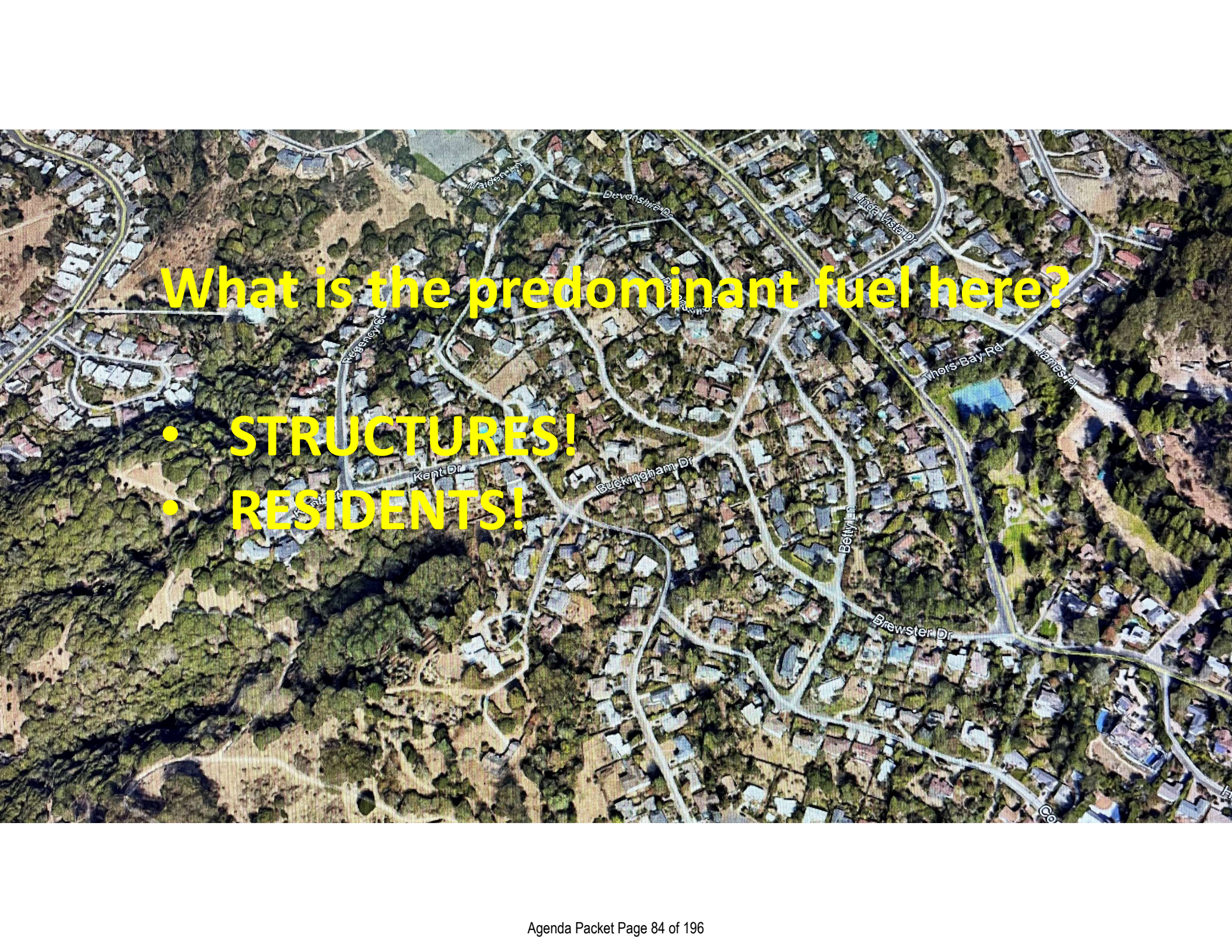


WUI?

- Wildland Urban Intermix
- Wildland Urban Interface
- Wildland Urban Influence

VHFHSZ?

- Very High Fire Hazard Severity Zone



What is the predominant fuel here?

- STRUCTURES!
- RESIDENTS!





Responsible for Wildfire Safety:

- City
- Neighboring Agencies
- Residents
- Teamwork makes the dream work



Shaded Fuel Breaks





Create Defensible Space

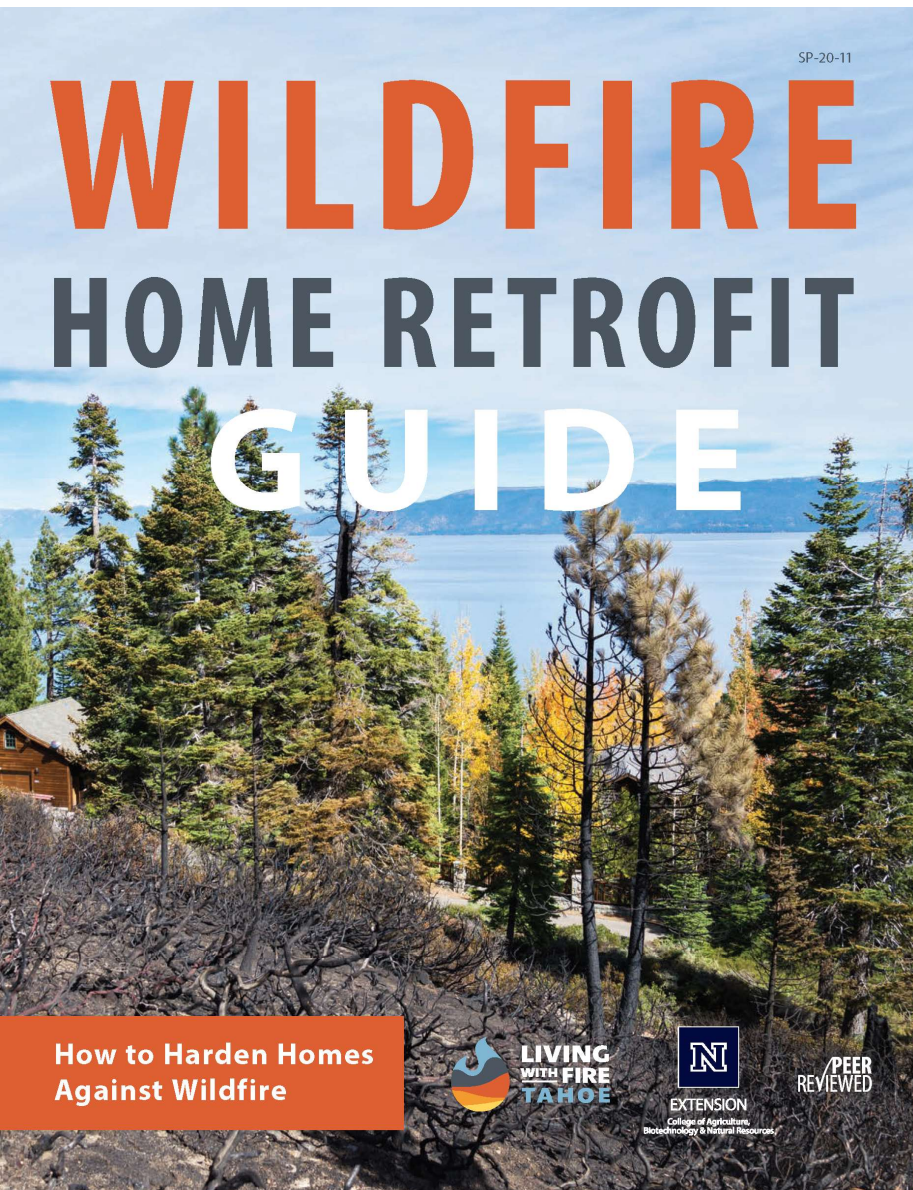




Here are some tips that can help homes survive wildfires:

- Maintain 100 feet of Defensible Space around all structures.
- Clear all needles and leaves from roofs, eaves and rain gutters.
- Trim branches 6 feet from the ground.
- Use trimming, mowing and power equipment before 10 a.m.
- Landscape with fire resistant and drought tolerant plants that require little water.
- Remove branches away from roofs and 10 feet from the chimney.
- Keep wood piles and flammable materials at least 30 feet from the home.
- Use fire ignition resistant building material.

For more information on preparing for wildfires and defensible space visit: www.readyforwildfire.org



Home Hardening Tips

- Install fire resistive roofs Class A or Class B
- Install double pane windows with tempered glass
- Install fire resistive siding
- Cover all vent holes with 1/16" -1/8" screen
- Keep roof and gutters clean
- Maintain 1' to 5' combustion free zone around the perimeter of the home
- Check seals around your garage doors

For more information on preparing for wildfires and defensible space visit: www.readyforwildfire.org



Fire Safe El Cerrito

- Fire Hazard Reduction Program updated in 2019
- New Checkoff Forms
- More Aggressive Abatement Program
- Increase Public Education
- Evacuation Zones



Future Plans

- Year around Fire Hazard Reduction Program
- Update vegetation standards
- Multi-year plan for compliance to new vegetation standards
- Create Code Enforcement Program
- Secure funding for Fuel Reduction Crew





Community Wildfire Safety Program

CITY OF EL CERRITO

July 20, 2021



Safety

General Safety Tips



Identify two exit routes from your current work area in the event of a fire or other emergency.



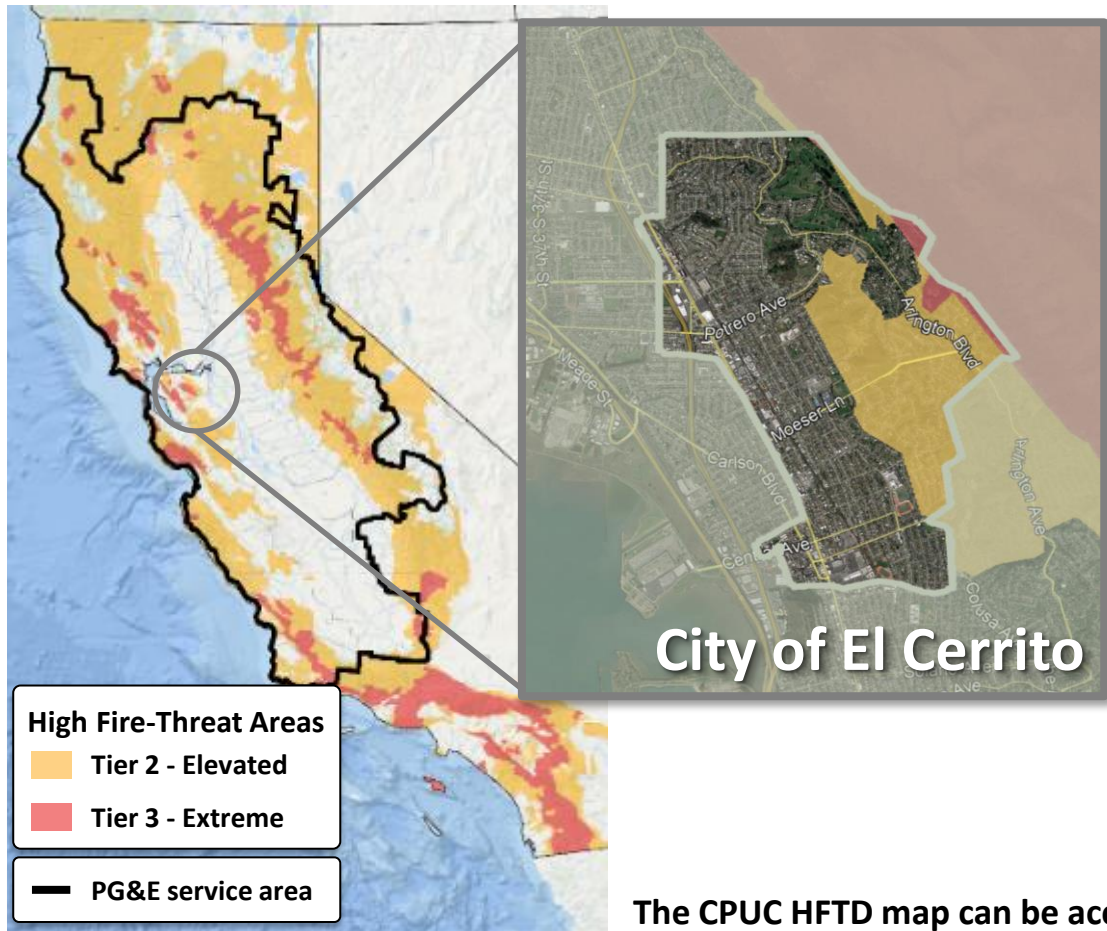
“Drop, cover and hold” in the event of an earthquake.



Notify emergency services if you are in danger. You can also ask for help by putting a message in the chat function of this meeting.

Wildfire Risks Across PG&E's Service Area

The California Public Utilities Commission (CPUC) has a map that designates areas that are most at risk for wildfire. This map helps us plan and prioritize wildfire prevention efforts.



CONTRA COSTA COUNTY		
	Total Customers Served	454,391
	Customers in HFTD	17,642
	Total Distribution Line Miles	2,236
	Distribution Line Miles in HFTD	442
	Total Transmission Line Miles	907
	Transmission Line Miles in HFTD	430

The CPUC HFTD map can be accessed at:

cpuc.ca.gov/FireThreatMaps



Community Wildfire Safety Program



REDUCE WILDFIRE POTENTIAL

- Asset inspection and repair
- Enhanced vegetation management (EVM)
- System hardening
- Targeted device replacement
- Public Safety Power Shutoffs (PSPS)



IMPROVE SITUATIONAL AWARENESS

- Wildfire Safety Operations Center
- Weather stations
- High-definition cameras
- Meteorology
- Satellite detection
- Bolster field-based wildfire expertise for program validation



REDUCE IMPACTS OF PSPS EVENTS

- Focus on areas of highest risk
- Continuously improve based on feedback and past experience
- Further expand our ongoing coordination with and support for customers and communities
- Enhanced microgrid capability

What's New in 2021

We are continuing to harden our electric grid to reduce wildfire risks, working nonstop to lessen the impact of Public Safety Power Shutoffs (PSPS) and providing more resources to customers and communities before, during and after PSPS events.

REDUCING WILDFIRE RISKS



System hardening on: **180**
CIRCUIT MILES



Tracking conditions with: **300**
NEW WEATHER STATIONS



Enhanced vegetation management on: **1,800**
HIGH-RISK CIRCUIT MILES



Monitoring for wildfires with: **135**
NEW HIGH-DEF CAMERAS

REDUCING PSPS IMPACTS



Limiting the number of customers impacted by installing **275+** additional distribution sectionalizing devices and transmission switches



Weather modeling improvements and **5 days** of forecast data



Helping to keep the power on with **10** substations prepared for temporary generation and **5** additional microgrids constructed to power key community resources

SUPPORTING CUSTOMERS AND COMMUNITIES



Customer notifications in **16 languages** and **new Address Alerts** to keep informed about any address



~**5,550 batteries** available, covering all interested low-income Medical Baseline customers in high fire-threat areas



Targeting **additional ADA-accessible Community Resource Center** sites



Meal replacement options for customers in **46 counties**



Targeting **additional partnerships** with Community-Based Organizations to support customers with Access and Functional Needs



Contra Costa County Overview

Quarterly progress updates are available at:

pge.com/wildfiresafety

WILDFIRE SAFETY AND CUSTOMER SUPPORT PROGRAM EFFORTS

	COMPLETE THROUGH 2020*		2021 PROGRESS		2021 PLAN
System Hardening Stronger poles, covered power lines and/or targeted undergrounding	15 LINE MILES		0 LINE MILES		2 LINE MILES
Sectionalizing Devices Separating the grid into small sections for operational flexibility	39 DEVICES		1 DEVICE		5 DEVICES
Enhanced Vegetation Management Address vegetation that poses a higher potential for wildfire risk	86 LINE MILES		4 LINE MILES		0 LINE MILES
Community Resource Centers (CRC) Provide basic power needs and up-to-date information	2 INDOOR	10 OUTDOOR	3 INDOOR	10 OUTDOOR	ONGOING†
Weather Stations Enhancing weather forecasting and modeling	33 STATIONS		2 STATIONS		ONGOING‡
High-Definition Cameras Improving real-time monitoring of high-risk areas and conditions	10 CAMERAS		6 CAMERAS		ONGOING‡

*Cumulative progress from 2018 through 2020.

†CRC planning for 2021 is conducted in coordination with local agencies/tribes and is ongoing.

‡Identified on a monthly basis.

We are installing stronger poles, covered power lines and conducting targeted undergrounding to further reduce wildfire risks.

System hardening will:

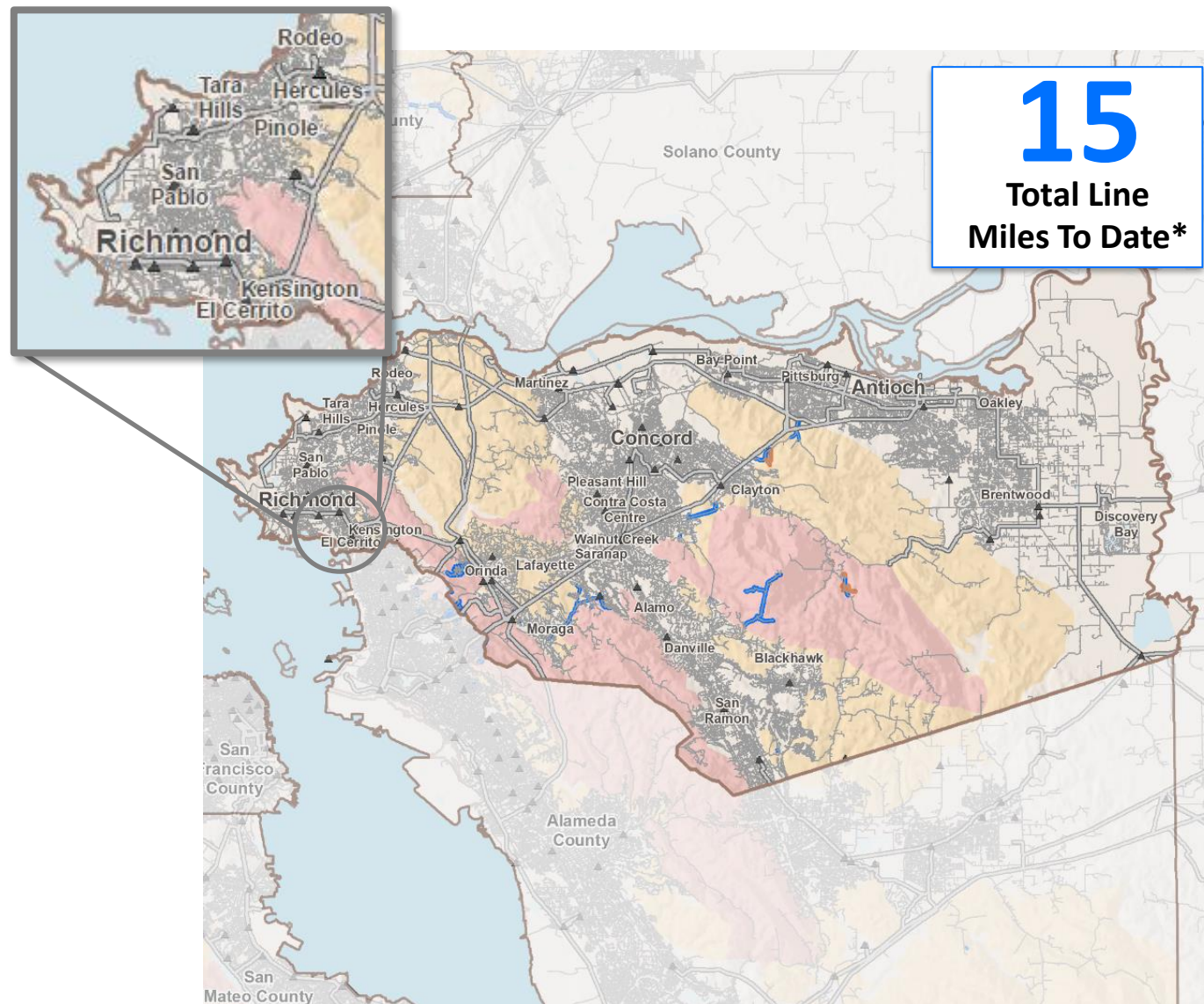
- Enhance long-term safety, especially during times of high fire-threat
- Improve reliability during winter
- In certain cases, reduce PSPS event impacts

 **2021 PLAN** 2 Line Miles

 **2021 PROGRESS** 0 Line Miles

 Completed System Hardening work

 System Hardening work planned†



*Cumulative progress from 2018 through June 2021. †Location subject to change.

Some of the measures included in this presentation are contemplated as additional precautionary measures intended to further reduce the risk of wildfires. Data as of May 2021

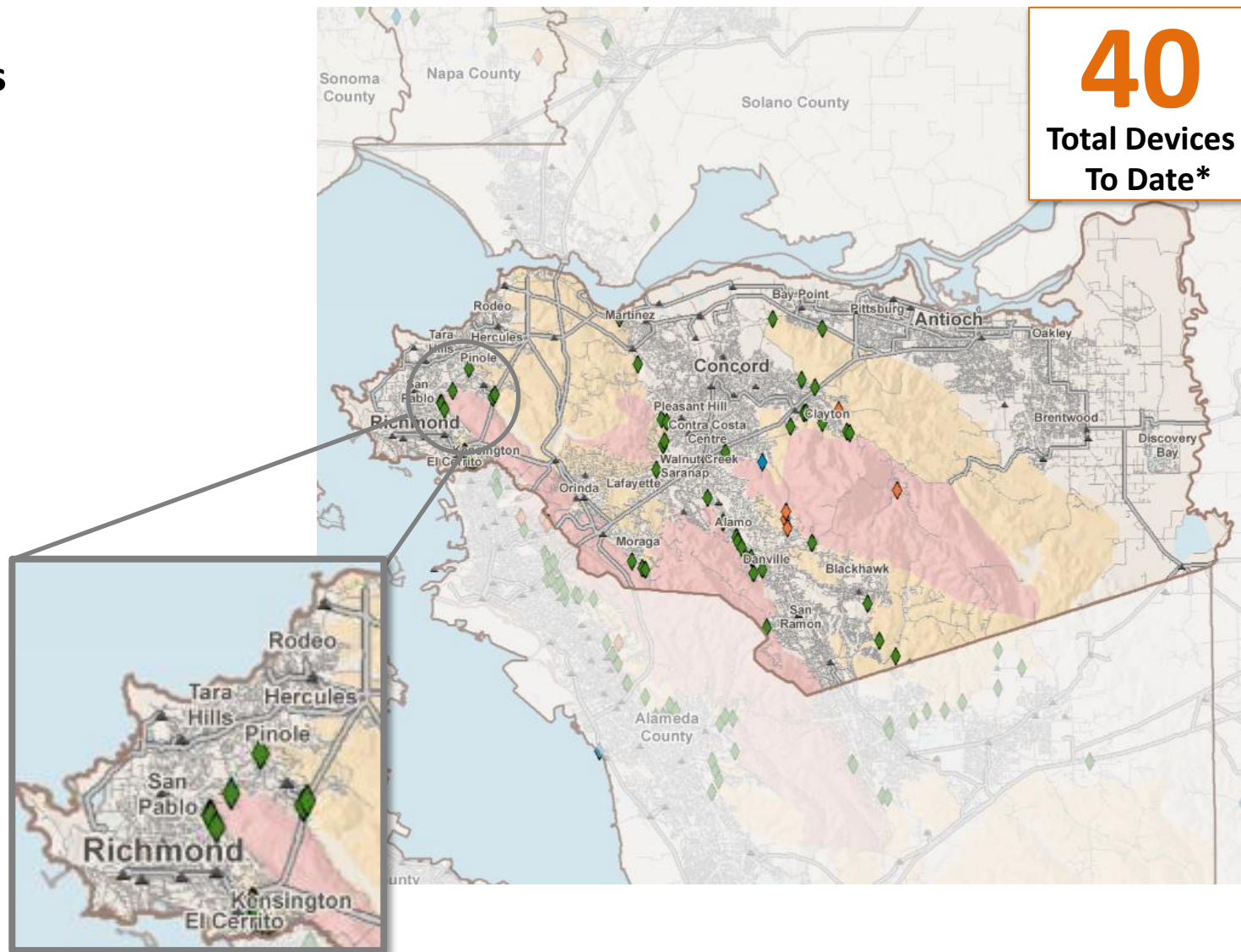
Installing Sectionalizing Devices to Reduce the Scope of PSPS

We're installing new sectionalizing devices to limit the number of customers impacted during a Public Safety Power Shutoff event.

2021 PLAN 5 Devices

2021 PROGRESS 1 Device

- High Fire Threat District Tier 3 - Extreme
- High Fire Threat District Tier 2 - Elevated
- High Fire Threat District Zone 1 - HZ
- High Fire Threat District Tier 1 - No HFTD
- PG&E Substation
- Sectionalizing devices installed in 2019 & 2020
- Sectionalizing devices 2021 planned†



*Cumulative progress from 2019 through June 2021. †Location subject to change.

Some of the measures included in this presentation are contemplated as additional precautionary measures intended to further reduce the risk of wildfires. Data as of May 2021

Locations are approximate and may overlap.

What is a Public Safety Power Shutoff?

Safety is our most important responsibility. That is why we may need to turn off power as a last resort to prevent wildfires during severe weather conditions.

High winds and dangerous conditions can cause branches and debris to contact energized power lines.

This could damage our equipment and cause a wildfire.



To prevent such fires, we may need to turn off power.

This is called a **Public Safety Power Shutoff (PSPS)**.



Once severe weather has passed, we will inspect the system and repair any damage.



Once inspections and any repairs are complete, power is restored.



What Conditions Could Lead to a PSPS Event?

We carefully review a combination of factors when deciding if power must be turned off for safety. These factors include:



Low humidity levels generally 30% and below



Forecasted high winds above 20 mph and gusts above 30-40 mph



A Red Flag Warning issued by the National Weather Service



Condition of dry material on the ground and vegetation near lines



On-the-ground, real-time observations



This year, our decision-making process is evolving to also account for the presence of trees tall enough to strike power lines when determining if a PSPS event is necessary.

How Will Customers be Notified?

When severe weather is forecast, we provide advance notice prior to turning off power and updates until power is restored.

Timing of Notifications (when possible)



Notifications sent via automated calls, texts and emails.

We will also use [pge.com](https://www.pge.com), social media and will inform local news and radio.



@pacificgasandelectric



@PGE4Me



@pacificgasandelectric

New for 2021 | Address Alerts

Receive PSPS notifications, available in multiple languages, for any location, such as:

- The home of a friend or loved one
- Your child's school or day care
- Your work or business



Enroll at: [pge.com/addressalerts](https://www.pge.com/addressalerts)

Customer Preparedness and Resources

We are increasing resources to help customers and communities before, during and after PSPS events:

	Partnerships with 250+ Community-Based Organizations (CBOs) to provide emergency preparedness information and PSPS event assistance
	Sponsored food replacement through partner food banks and Meals on Wheels organizations
	California Foundation for Independent Living Centers (CFILC) providing emergency planning, portable backup power, accessible transportation, hotel stays and food stipends
	Providing portable backup batteries for low-income Medical Baseline customers in high fire-threat areas
	Generator rebate programs offered to customers who depend on well water pumps and live in high-fire threat areas
	Providing better information about when power will be turned off and back on in 16 languages

Contra Costa County Community-Based Organizations

CFILC

- Independent Living Resources of Solano and Contra Costa Counties

Meals on Wheels

- Meals on Wheels Diablo Region

Food Bank

- Food Bank of Contra Costa & Solano

Other

- California Council of the Blind

In-Language Media

- ABS-CNB
- Alianza News
- KBTVCrossings TV
- KDTV Univision
- KIQI Radio
- KRON4.2-Skylink TV
- KSFN-News for Chinese Radio
- KTSF-TV
- KTVO Sing Tao Radio
- KZSF Radio
- Lotus Radio Sacramento
- PAMA One Radio
- Radio Lazer SJ (KSFN)
- Russian American Media
- Sound of Hope Radio Network



Potential Partnership:

- 211 (Other)

Thank You

For more information, please:

- Call us at **1-866-743-6589**
- Email us at **wildfiresafety@pge.com**
- Visit **pge.com/wildfiresafety**



Additional Information



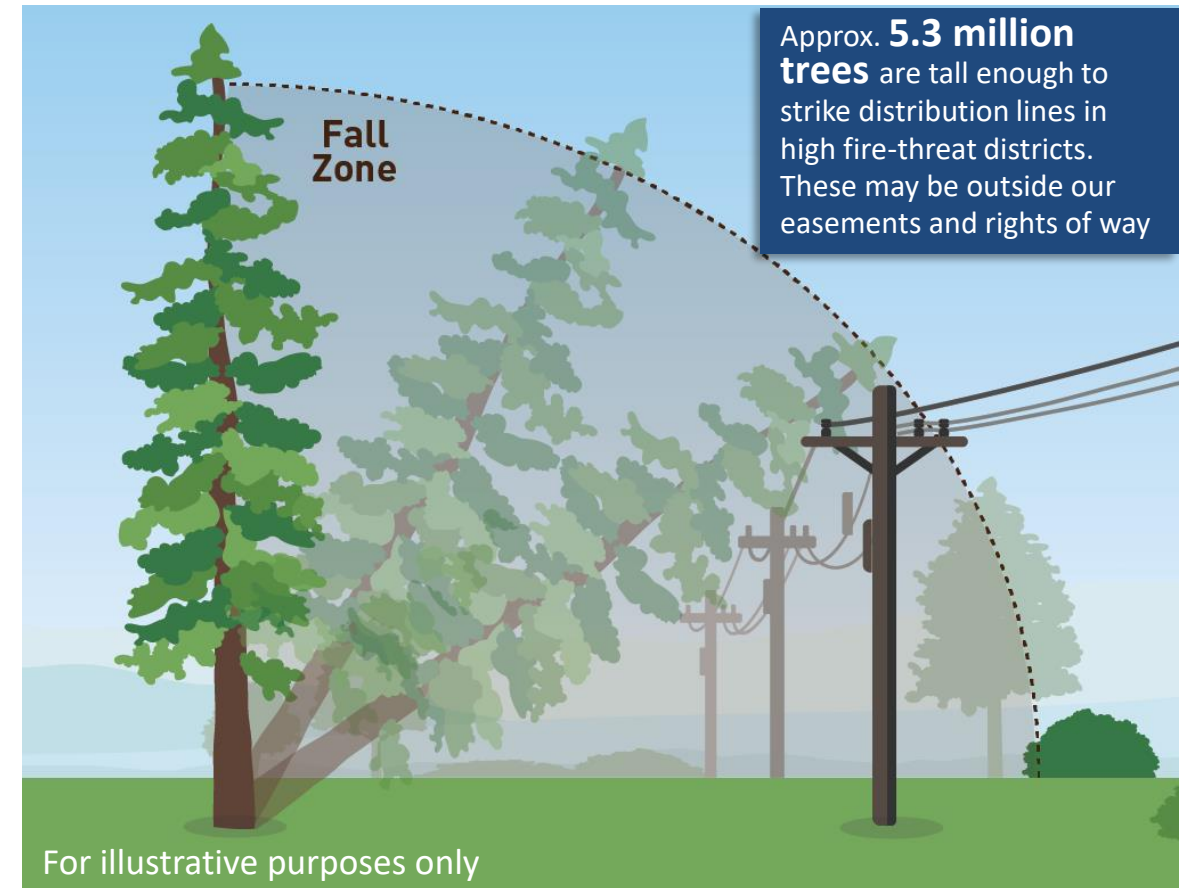
Tree Overstrike Exposure and PSPS Decision-Making

The safety of our customers and communities is our most important responsibility. Consistent with the recommendation of the federal court, we have developed additional criteria for our PSPS program.

To reduce the risk of major wildfires, PG&E may turn off power on distribution lines* where there are large amounts of trees tall enough to fall into electric lines during severe weather.

- ✓ Customers who live in areas of the highest wildfire risk may experience more frequent PSPS events compared to last year's weather conditions.
- ✓ We are sharing community-specific information regarding these potential impacts with customers, cities, counties and tribes.

*Does not include transmission lines (which are considered to be ≥ 60 kV)



Disability Disaster Access and Resources Program

We are collaborating with the Disability Disaster Access and Resources (DDAR) Program to provide qualifying customers with targeted outreach, personalized emergency planning support, energy needs assessments and in-event Public Safety Power Shutoff support. In-event support can include the following support based on customer needs:



Response to Escalations

received through PG&E's call center



Hotel Accommodations



Accessible Transportation

to hotels and Community Resource Centers



Food Vouchers



Portable Backup Batteries

During 2020 PSPS events, the following resources were provided:

~1,700 customer assessments

~1,000 batteries

~560 hotel accommodations

~900 food vouchers

~30 accessible transit rides

Data is subject to change and is based on best available information at this time.

Learn more about DDAR by visiting

disabilitydisasteraccess.org



Portable Battery Program

We are also conducting Public Safety Power Shutoff emergency preparedness outreach and energy needs assessments to support low-income Medical Baseline customers in high fire-threat areas with critical medical equipment and delivering fully subsidized portable battery solutions to eligible customers.

To date, this program has included the following:

	Establishing relationships with seven external battery delivery partners		Completing energy assessments for over 8,800 customers
	Providing outreach to ~22,000 customers		Providing over 5,550 batteries to customers

For more information, visit:

pgebatteryprogram.com





Generator Rebate Program

Launched in late 2020, this program provides customers who depend on a well water pump and live in high fire-threat areas with a single rebate for purchasing a qualified portable power generator.



\$300 rebate for eligible customers.

\$500 rebate for eligible customers who are also participants in the CARE or FERA program.



Rebates are offered through PG&E's backup power marketplace located at **pge.com/backuppowers**.

Over 100 customers have already taken advantage of the rebate.

Learn more about PG&E's Generator Rebate Program by visiting

pge.com/backuppowers



Types of Outages

PG&E customers may experience outages for different reasons.

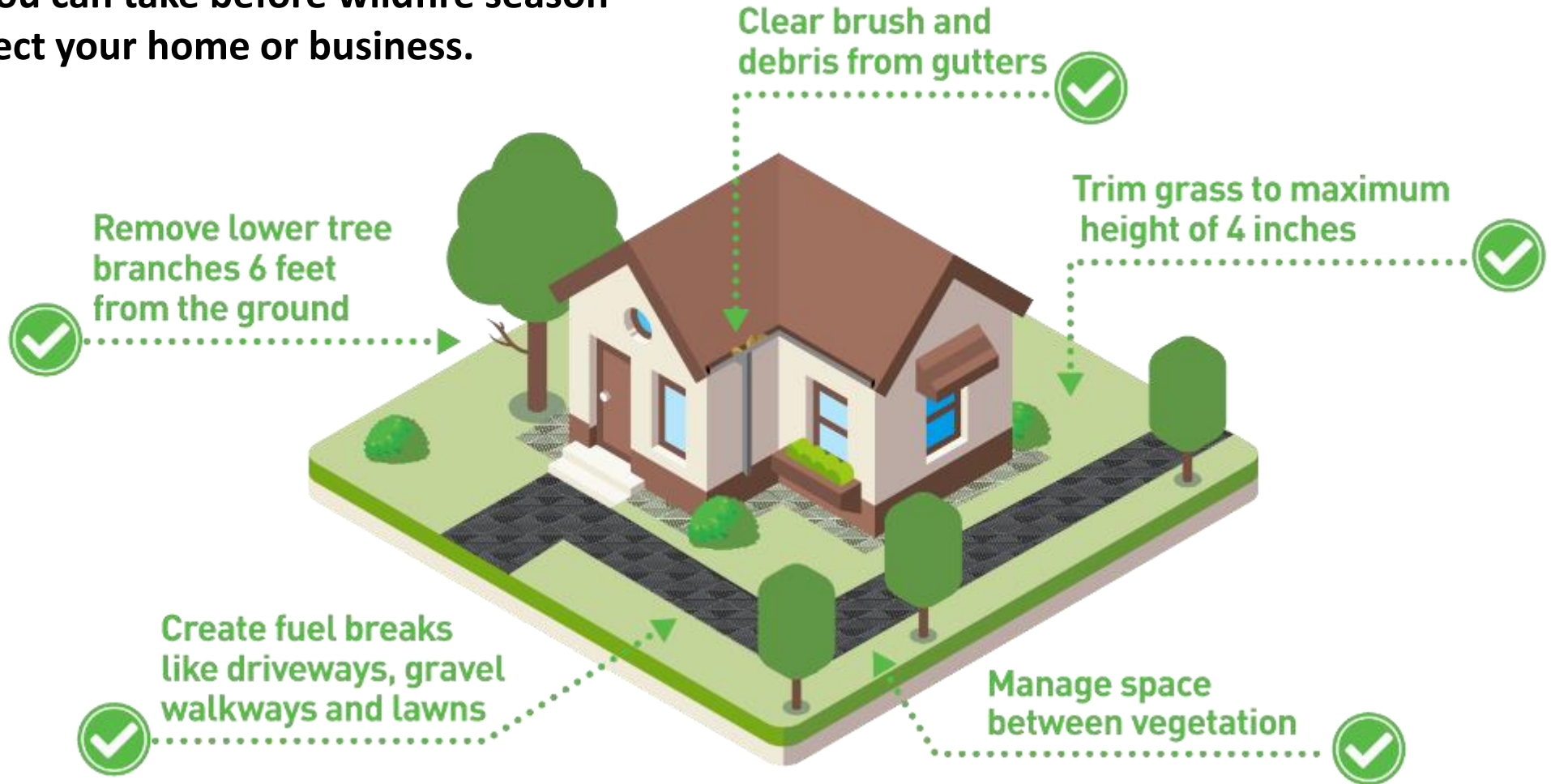
Why is Power Shut Off?	Rotating Outages	Emergency Repairs	Planned Maintenance	Active Wildfires	Public Safety Power Shutoff
How Will We Inform Customers?	Advanced notification/regular updates ▪ Phone calls* ▪ Emails ▪ Texts ▪ Social media ▪ News releases ▪ Local/Tribal government outreach	Updates after and during outages ▪ Phone calls ▪ Texts ▪ Emails	10-day advance notification	Updates after or during outages ▪ Phone calls ▪ Texts ▪ Emails	Advanced notification/regular updates ▪ Phone calls* ▪ Emails ▪ Texts ▪ Social media ▪ News releases ▪ Local/Tribal government outreach ▪ CBO** outreach
Who Makes the Decision?	CAISO, the state's grid operator	N/A	PG&E	CAL FIRE or first responder agencies	PG&E

*Via interactive voice recordings (IVR)

**Community-based organization

Creating Defensible Space

Steps you can take before wildfire season to protect your home or business.



For more tips to protect your home from a wildfire, visit:

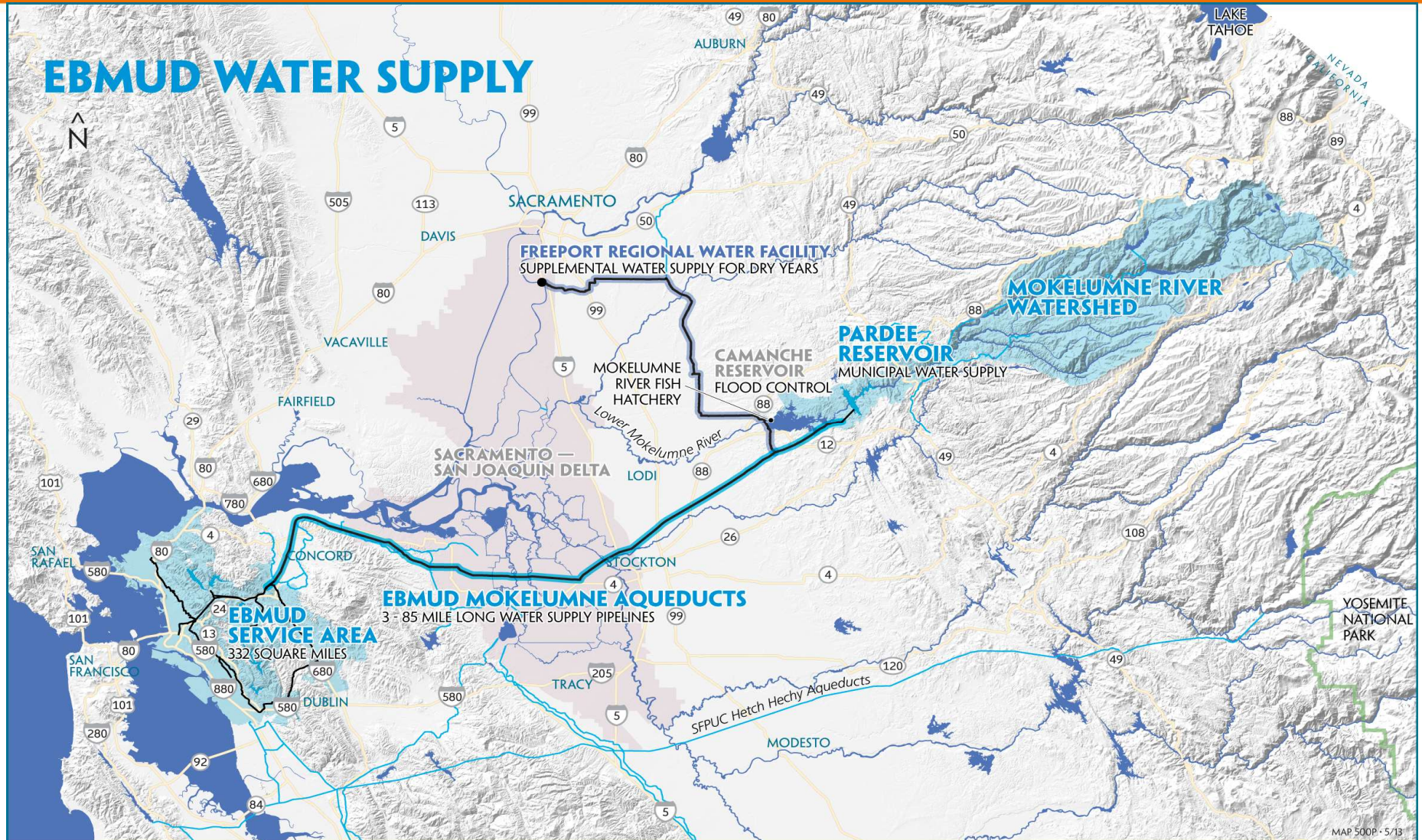
[ReadyForWildfire.org](https://www.ReadyForWildfire.org)



EBMUD Update on Drought, Fire, and PSPS Preparedness

El Cerrito City Council
July 20, 2021

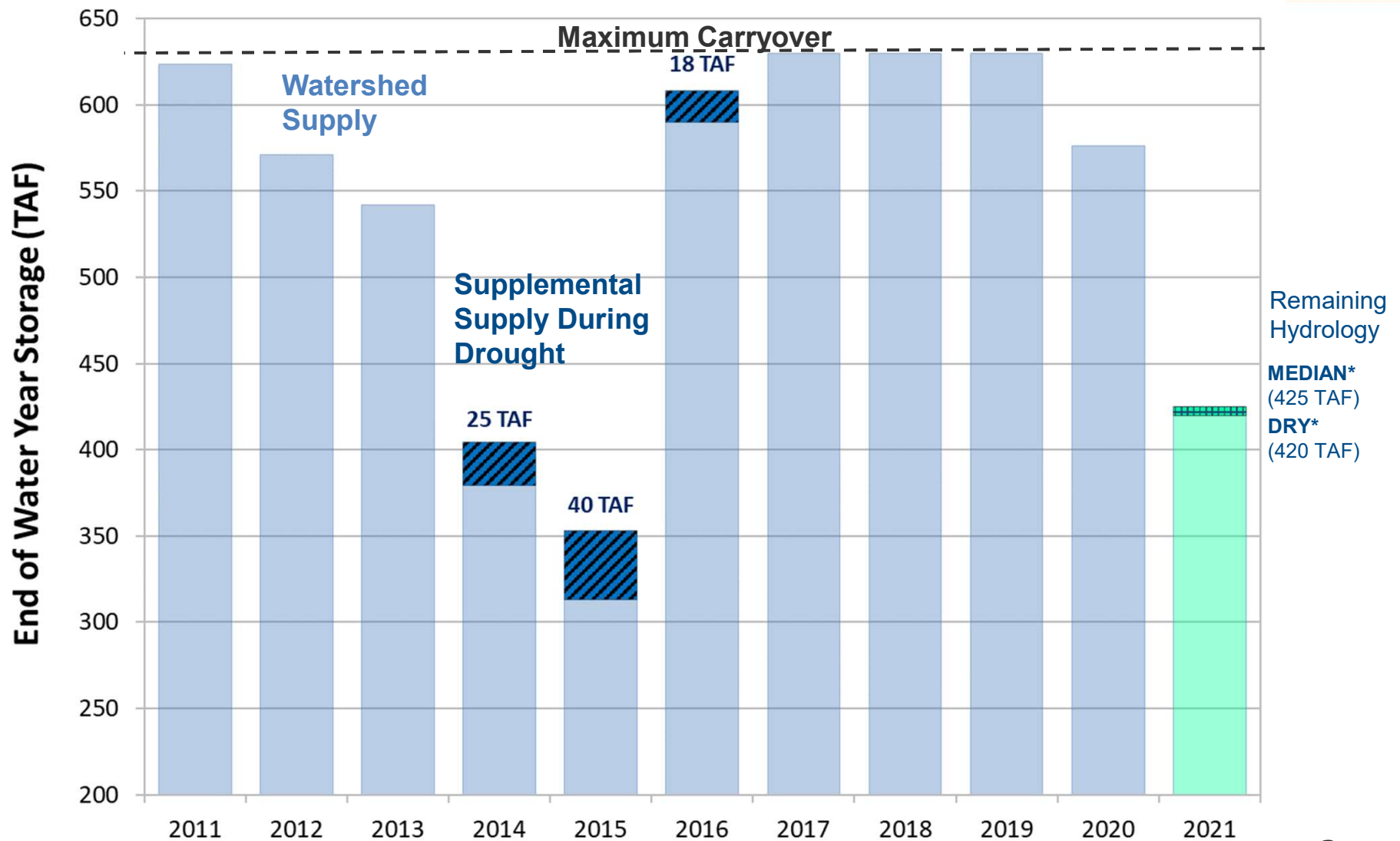
Sierra Crest to San Francisco Bay – Five County Area



MAP 500P - 5/13

Water Supply

Carryover Storage



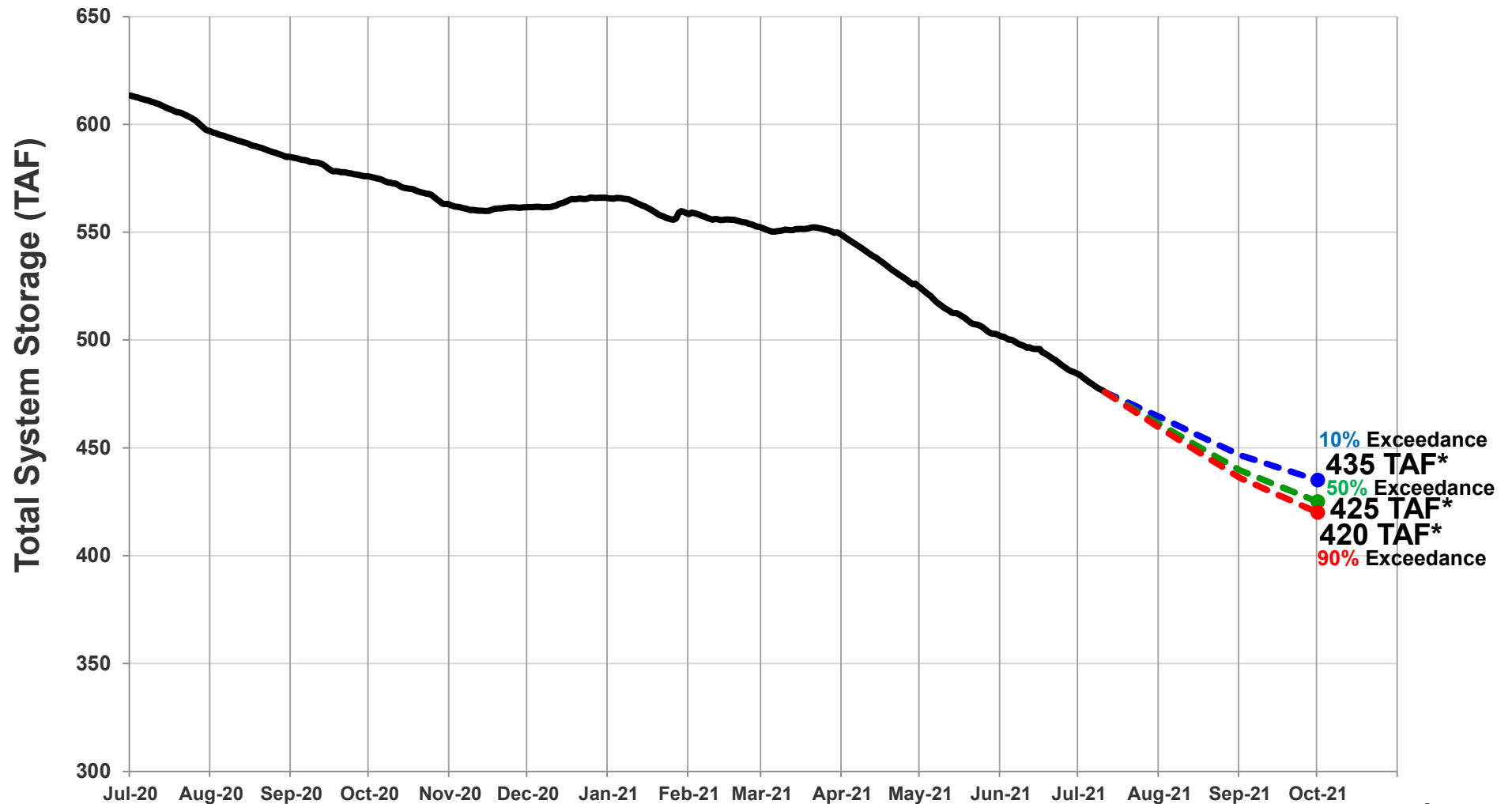
*Supplemental Supply is not Included

Water Supply Projections

Projected 2021 EBMUD Total System Storage



Total System Storage WY2021

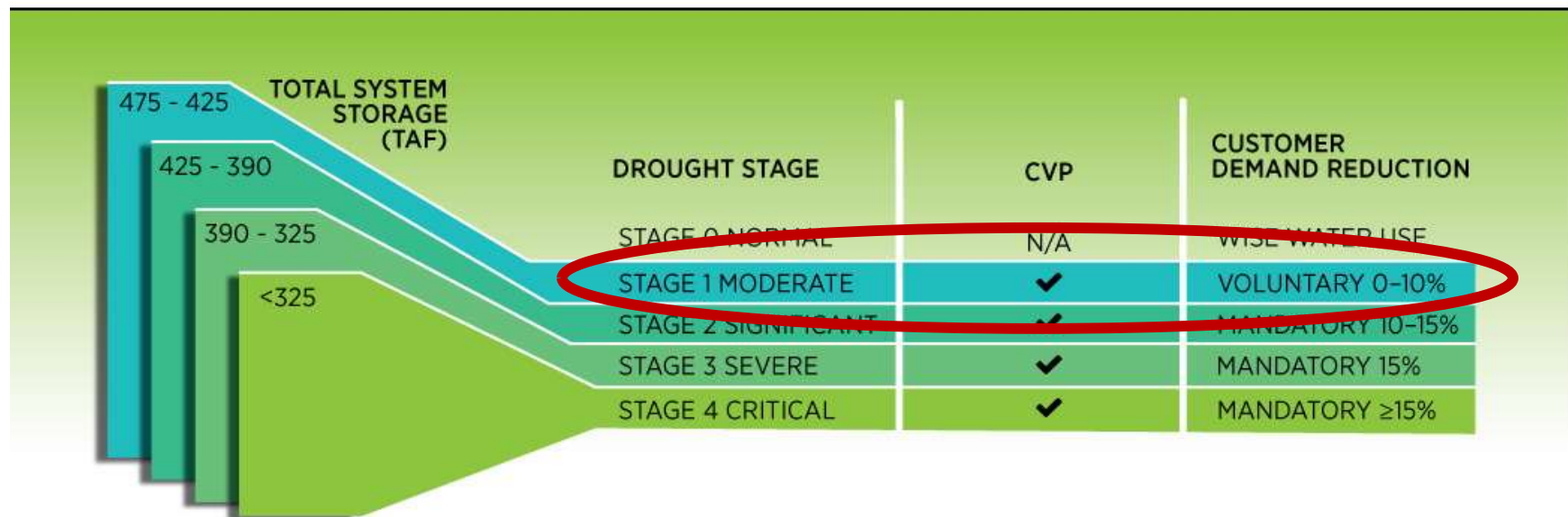


*Supplemental Supply is not Included

Stage 1 Drought Declaration



- Use the Freeport Project to access supplemental Central Valley Project (CVP) supplies
- Voluntary District-wide rationing of up to 10 percent



TSS - TOTAL SYSTEM STORAGE
includes Pardee, Camanche, Upper San Leandro,
Briones, Lafayette, Chabot, and San Pablo Reservoirs

2021 Drought Facts



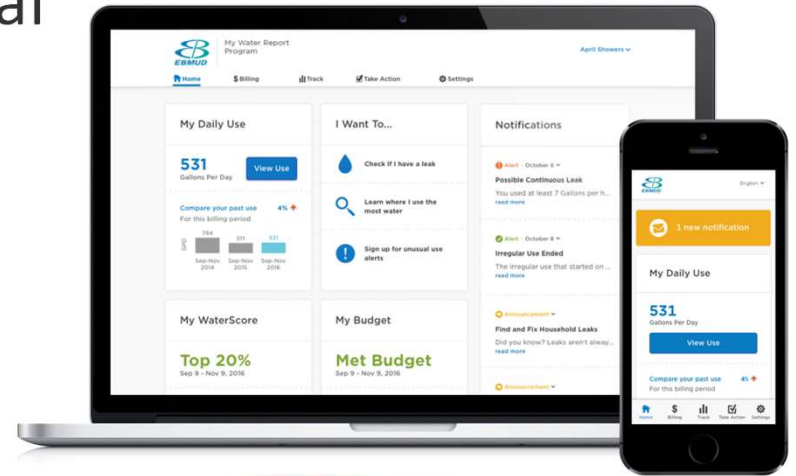
- Second driest year on record in the Mokelumne watershed, and driest year on record in the East Bay
- April 27, 2021 – EBMUD declares a Stage 1 drought
 - Asking for 10% voluntary conservation District-wide
 - Purchasing supplemental water from the Central Valley Project
- We're acting now, so we'll be in a better position if next year is also dry



You Can Save Water... and EBMUD is here to help!



- Sign up for EBMUD's web portal
 - Monitor water use
 - Set up leak alerts and high use notifications
- Check for and repair leaks
 - Irrigation system and controllers
 - Toilets and fixtures
 - Home Water Survey Kit and Leak Resolution Tool for residential customers
- CII Newsletter



Reduce Outdoor Water Use



- Efficient Irrigation
 - Water turf three or less times weekly; water shrubs & trees once weekly
 - Avoid runoff and overspray
 - Water at dusk or dawn to avoid evaporation
- Helpful tools
 - IRIS water budgets
 - Watering schedules, calculators, and tips at EBMUD.com



Look out for overwatering!

LAWN & LANDSCAPE WATERING SCHEDULE												
SPRINKLER / DRIP TYPE	LAWN			LANDSCAPE								
	Pop-Up/ Fixed-Spray Sprinkler	Impact/ Rotor Sprinkler	Multi- stream/ MP Rotator Sprinkler	Pop-Up/ Fixed-Spray Sprinkler	Impact/ Rotor Sprinkler	Multi- stream/ MP Rotator Sprinkler	Drip Emitters 1 gph 1" per plant 1.5" per hour	In-line Drip 0.5 gph 12" spacing 0.42" per hour	In-line Drip 0.5 gph 12" spacing 0.42" per hour	In-line Drip 0.5 gph 12" spacing 0.42" per hour	High Volume Drip 1.5 gph 1" per plant 1.5" per hour	Micro-Sprays 0.5 gph 1" per plant 1.5" per hour
CYCLES	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles	3 cycles
THINGS	3-6 minutes	7-10 minutes	15-20 minutes	3-6 minutes	9-12 minutes	20-34 minutes	30 minutes	30 minutes	15 minutes	6 minutes	6 minutes	5 minutes
JANUARY	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF
FEBRUARY	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF
MARCH	1 day per week	1 day per week	1 day per week	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF
APRIL	1-2 days per week	1-2 days per week	1-2 days per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week
MAY	2-3 days per week	2-3 days per week	2-3 days per week	1-2 days per week	1-2 days per week	1-2 days per week	1-2 days per week	1-2 days per week	1-2 days per week	1-2 days per week	1-2 days per week	1-2 days per week
JUNE	3-4 days per week	3-4 days per week	3-4 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week
JULY	3-4 days per week	3-4 days per week	3-4 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week
AUGUST	3-4 days per week	3-4 days per week	3-4 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week	2 days per week
SEPTEMBER	3 days per week	3 days per week	3 days per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week
OCTOBER	2 days per week	2 days per week	2 days per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week	1 day per week
NOVEMBER	1 day per week	1 day per week	1 day per week	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF
DECEMBER	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF	OFF

Invest in Water Use Efficiency



- Upgrades to save water
 - Install high efficiency toilets and fixtures
 - Where appropriate, convert turf to water efficient landscaping
 - Install efficient irrigation
- EBMUD rebates can help
 - Landscape rebate program: lawn conversions and irrigation equipment
 - ACT NOW: Super Rebate Program for sustainable gardens and medians
 - Flowmeter rebate program
 - Up to \$15,000 per organization over two years



Demonstration Gardens: Get inspired. Pass it on.



Sign in | 0 items

CONTACT US JOBS BUSINESS CENTER SITE MAP STORE

EAST BAY MUNICIPAL UTILITY DISTRICT

Customers Water Wastewater Recreation About us

SEARCH EBMUD...

Sustainable landscape map

For fresh air and inspiration, check-out these East Bay gardens featuring sustainable landscaping principals.

Many of these gardens were made possible through EBMUD's Watersmart Garden Grant, Landscape Rebate, and Water Budget Program.

LEGEND: Sustainable landscape EBMUD boundary

Please click on icon to view the map.

The lawn goodbye landscape gallery

Home / Water / Conservation and rebates / WaterSmart gardener / The lawn goodbye landscape gallery

Sometimes it's time to say goodbye

Picture your life after the breakup: a beautiful garden haven on a hot day; a garden with a small lawn for kids or pets, surrounded by plants that celebrate the seasons of the San Francisco Bay region, including our dry summers.

Perhaps your garden includes sculpture, or a small recirculating fountain. Maybe it includes a bench for reading, or has plants that attract hummingbirds, or has a patio for enjoying al fresco meals with your family.

All ready to get started? Apply for a rebate before digging in!

Garden Gallery

Here are some WaterSmart examples from homes around the Bay Area to get your gardening juices flowing!

WaterSmart plants
Everything mulch
Plants and Landscapes For Summer-Dry Climates
▶ The lawn goodbye landscape gallery
WaterSmart garden grants
Landscape Advisory Committee
Sustainable landscape map
Video Gallery
Firescaping
Lawn to Garden Design Center
Rainwater harvesting

A grid of six photographs showing various drought-tolerant garden designs. The images include: 1) A garden with yellow and orange flowers. 2) A garden with blue flowers. 3) A garden with green plants and a path. 4) A garden with green plants and a path. 5) A garden with green plants and a path. 6) A garden with green plants and a path.

EBMUD Firescaping Resources



Firescaping

[Home](#) / [Water](#) / [Conservation and rebates](#) / [WaterSmart gardener](#) / [Fire](#)

Fire affects everyone living in California

The guidelines below are intended to reduce fire hazard, but cannot guarantee that minimizing damage from wild fires is to manage, on a long-term basis, the risk. Factors to consider include:

- Character of the natural and built environment
- Building location, design, and materials
- Landscape design
- Irrigation system
- Ongoing maintenance

Order the firescape booklet

EBMUD's free firescape booklet provides guidelines for landscapes in fire-prone areas. Available as a hardcopy or a downloadable PDF.



EBMUD Fire Management on East Bay Watershed



In order to prevent and manage fire in our watershed EBMUD:

- Employs a strategic approach to managing vegetation to reduce build up of hazardous fuels
- Maintains a system of fire roads throughout the watershed, both for fire containment and access for suppression



EBMUD Fire Management on East Bay Watershed



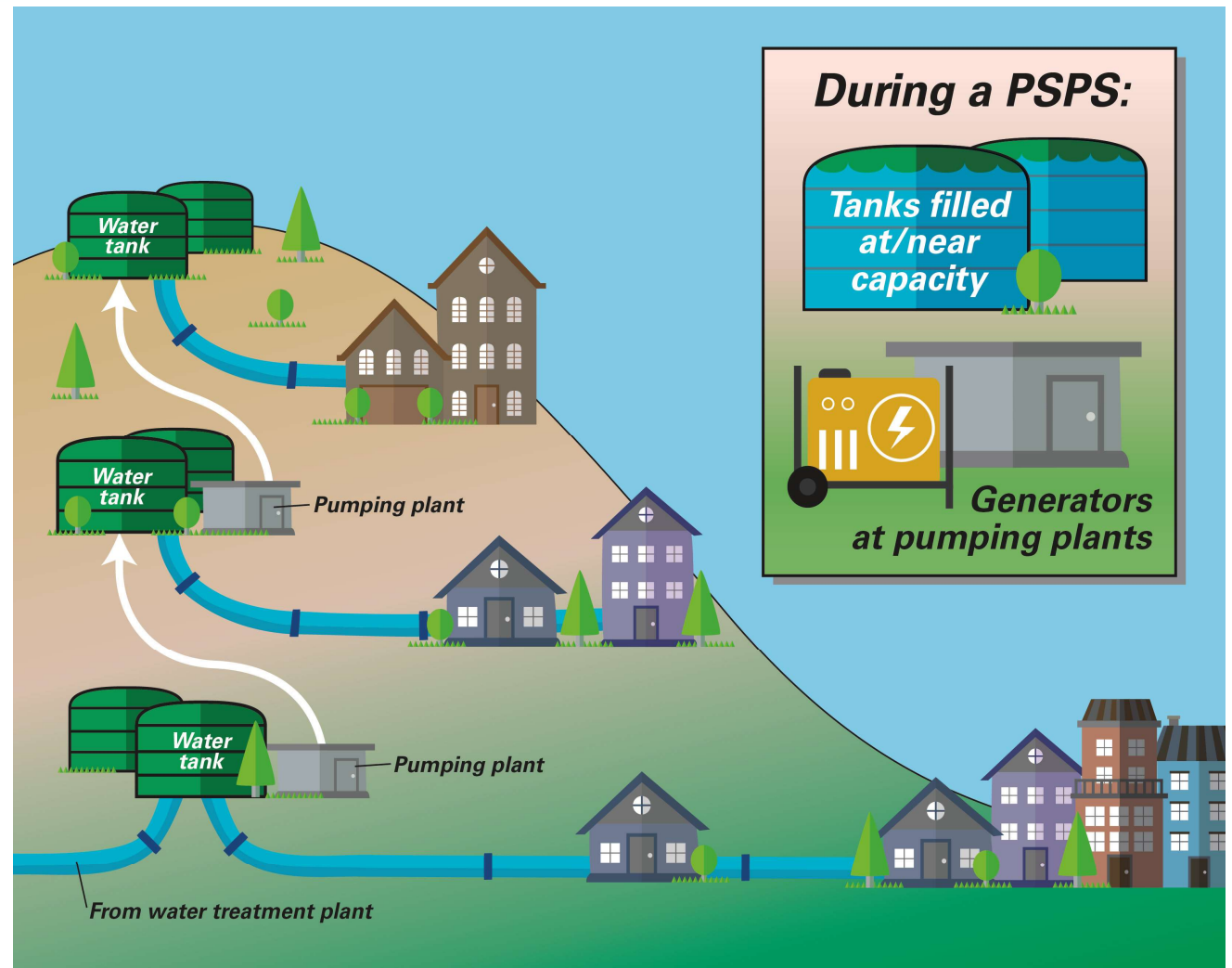
- Constructs and maintains fuel break network prevent the spread of wildfire from the watershed to the urban area
- Patrols watershed lands 24/7/365



EBMUD's Public Power Safety Shutoff Preparedness



- EBMUD's water distribution system relies on power to provide pumping to higher elevations
- During PSPS season, EBMUD deploys temporary generators for backup power



EBMUD's Public Power Safety Shutoff Preparedness



- During a PSPS event, EBMUD asks customers to limit discretionary water use such as outdoor irrigation
- EBMUD has an excellent track record: we maintained water service to customers and the fire department during every PSPS in the past two years



EBMUD Update on Drought Fire and PSPS Preparedness

A photograph of a hilly landscape. In the foreground, there is a dense forest of green trees and shrubs. A dirt road winds through the middle ground, curving around a hill. The background shows rolling hills with sparse vegetation and some distant buildings under a clear sky.

Questions?



AGENDA BILL

Agenda Item No. 6.A.

Date: July 20, 2021
To: El Cerrito City Council
From: David Yun, Fire Prevention Officer; Michael Pigoni, Fire Chief, Fire Department
Subject: Fire Hazard Abatement

ACTION PROPOSED

1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or their designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

BACKGROUND

One of the lessons learned from the nearby Oakland/Berkeley Hills Fire in October 1991 was that El Cerrito needed a comprehensive citywide program to reduce hill area fire hazards. The "fire storm" in the Oakland/Berkeley Hills was in fact an urban conflagration, fueled by vegetation among homes and large acreage properties that was driven by seasonally strong dry winds from the east. The fire destroyed over 3,000 dwellings. At the time of the Oakland/Berkeley Hills Fire, El Cerrito faced similar fire hazard conditions in its hill area. The City Council was determined to reduce those fire hazards by all reasonable means.

El Cerrito's comprehensive fire hazard reduction program focused upon reducing fire hazards in four areas: (1) on City property, (2) on property owned by other agencies (3) large landowners, and (4) on residential property. The City began a comprehensive planning process to reduce fire hazards on City property, other agencies' properties and large landholders. These property owners were approached about reducing fire hazards on their properties. Prior efforts at fire hazard reduction on private residential property relied on voluntary compliance by the owners. The City Council concluded that stronger measures were necessary to enforce the laws regarding abatement of fire hazards on residential private property.

The Fire Hazard Abatement Program is designed to reduce fire hazards on a large number of private properties during the spring and early summer months. A process of advance notice and hearings for property owners is coupled with a public education program involving the promulgation of standards for vegetation management in residents' yards and vacant lots.

This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard. Most property owners voluntarily abate

these hazards without Fire Department involvement. Ideally, 100% of the property owners would do so. We anticipate that a small number of owners are content to have the City do the work and place the costs on their tax bill. For over 20 years, the City's annual Fire Hazard Abatement Program has been very successful in reducing fire hazards throughout the hill neighborhoods of El Cerrito. Indeed, this program has become a model program which other fire jurisdictions have borrowed from.

ANALYSIS

In May and June of this year, the Fire Department conducted citywide fire hazard inspections of all properties. The inspections began May 10, 2021 and were conducted through June 10th. As a result of the primary inspections, a list of properties containing public nuisances was generated, which continues to be amended as additional properties are identified. Between May 14, 2021 and June 10, 2021 the properties determined to be in violation of El Cerrito Municipal Code Chapter 16.26 were notified in writing of the hazards on their property to abate hazardous conditions, and the El Cerrito Vegetation Management Standards Checklist was included with the notification (Attachments 4, 5, & 6). Additionally, these property owners were informed in the Letter from the Fire Marshal (Attachment 4) of the time, date and location of the upcoming City Council meeting where their properties would be declared a public nuisance and abatement would be ordered. Property owners were directed to complete the necessary measures to bring their property into compliance prior to the re-inspection process which began on June 30, 2021. Those properties found to be in compliance at the time of re-inspection were sent a Correction postcard (Attachment 7) which indicated the property had met the El Cerrito Vegetation Management Standards. Only those properties that were not voluntarily abated with the first notice are contained within the Master Abatement List, Exhibit A to the proposed Resolution (Declaring Public Nuisance.)

This public hearing is the next step in the process to eliminate hazards on the private properties that were identified as a public nuisance and have not voluntarily abated said violations. In order to achieve full compliance, the City Council is asked to declare the properties to be a public nuisance and direct the City Manager or their designee to abate such public nuisance conditions. Actual City-ordered abatement of fire hazards occurs only after all efforts at providing notice, information, and a public hearing have failed to induce voluntary compliance by the property owner.

The Fire Hazard Abatement process, under the direction of the Fire Department, should proceed according to El Cerrito Municipal Code Chapter 16.26, which specifies the following:

1. The Fire Department determines that hazards must be abated. Pursuant to these code sections, "hazards" are defined as weeds, rubbish, litter, or other flammable materials which create a fire hazard or are otherwise noxious or dangerous and which exist on specific parcels of property within the City.

2. The Fire Department shall post notice on each property or send notice by mail that the El Cerrito Fire Department has determined the existence of a public nuisance which must be abated and that a hearing will be held to consider any objections prior to the City Council declaring the properties to be a public nuisance and ordering the City Manager or their designee to perform abatement.
3. At the July 20, 2021 City Council meeting, the City Council shall first adopt a resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance (Attachment 1 and 2).
4. At the same hearing, but after adoption of the first resolution, the City Council shall hear and consider all objections to declaration of public nuisances or the procedures proposed for abatement of the same. After the hearing, the Council shall adopt a resolution Overriding Objections by Property Owners and Ordering the City Manager or their Designee to Abate Certain Public Nuisances Pursuant to Chapter 16.26 (Attachment 3).
5. At the conclusion of the July 20, 2021 hearing, a second and final notice shall be sent to each property owner prior to abatement (Attachment 8). This notice will order the immediate abatement of nuisance conditions. This notice will clearly state that if nuisance conditions are ignored, the City shall cause abatement and costs for removal will be assessed against the property as a lien and special assessment. It will also indicate that if the conditions are voluntarily abated, the property shall be removed from the process.
6. If the nuisance is not abated between August 23, 2021 and September 23, 2021, prior to the arrival of the hazard abatement crew, the City of El Cerrito shall cause the weeds, rubbish, refuse, and other flammable material to be removed and shall keep an account of the cost of abatement for each parcel of land where such work is performed according to the City Council adopted Fire Department Master Fee Schedule.
7. At the October 5, 2021 City Council Meeting the City Manager or their designee shall submit to the City Council for confirmation an itemized written report showing the cost of abatement work performed. A copy of this report shall be posted for at least ten (10) days prior to its submission to the City Council. Each property owner upon whose property abatement work was performed shall be sent written notice by mail of a hearing by the City Council to consider the cost of abatement work performed on their property.
8. At the City Council Meeting on October 5, 2021, the City Council shall receive and consider the written staff report on abatement actions taken by the City and shall hear any objections from the property owners liable to be assessed for the abatement. The City Council may modify the staff report if deemed appropriate and then confirm the report by motion or resolution.

9. After City Council confirmation of the report, a certified copy of the report shall be filed with the county auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

STRATEGIC PLAN CONSIDERATIONS

This section is not applicable to this agenda item.

ENVIRONMENTAL CONSIDERATIONS

The Fire Hazard Abatement Program is exempt from California Environmental Quality Act (CEQA) pursuant to Sections 15304 and 15308 of the CEQA Guidelines. Therefore, no further CEQA review is required.

FINANCIAL CONSIDERATIONS

The abatement program will be administered by Fire Department staff with minimum costs expended for printing and mailing. Abatement work will be completed by City maintenance staff or private contract labor as appropriate. Program costs will be recovered through the special assessment and lien process.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the process.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution (Declaring Public Nuisance)
2. Exhibit A to Resolution (List of Properties)
3. Resolution (Overriding Objections)
4. 1st Letter - Fire Marshal (El Cerrito)
5. Abatement Inspection Form
6. Vegetation Management Standards Checklist EC
7. Correction Postcard - El Cerrito
8. 2nd Letter - Fire Marshal's Letter of Declared Fire Hazard
9. Vegetation Management Standards El Cerrito

RESOLUTION NO. 2021 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DECLARING
THAT WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON CERTAIN
REAL PROPERTY CONSTITUTES A PUBLIC NUISANCE

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39560-39588, the City Council shall adopt this resolution declaring that certain real property within the City constitutes a public nuisance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the following properties identified on Exhibit A, attached hereto, are declared to be public nuisances pursuant to El Cerrito Municipal Code Section 16.26.160.

BE IT FURTHER RESOLVED that on this same date of July 20, 2021 at 7:00 in the City of El Cerrito, the City Council shall hold a hearing at which owners of the real property identified in Exhibit A hereto may object to the designation of their properties as public nuisances and object to the abatement actions proposed by the City.

I CERTIFY that at a regular meeting on July 20, 2021 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on July _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

EXHIBIT A TO RESOLUTION

El Cerrito Fire Protection District
List of Real Property Constituting Public Nuisances

APN	Street Address
505-351-018-5	1101 Arlington Blvd.
594-372-020	421 Colusa Ave.
501-243-008-7	6327 Conlon Ave.
505-201-009-6	1224 Contra Costa Dr.
513-371-002	1755 Eastshore Blvd.
502-112-038	1715 Elm St.
505-122-010-0	8344 Kent Ct.
505-470-005	Madera Circle (vacant lot)
504-411-009-5	605 Seaview Dr.
505-261-003-6	886 Shevlin Dr.
573-132-026-2	8421 Wildcat Dr.

RESOLUTION NO. 2021 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO OVERRIDING OBJECTIONS BY PROPERTY OWNERS AND ORDERING THE CITY MANAGER OR THEIR DESIGNEE TO ABATE CERTAIN PUBLIC NUISANCES PURSUANT TO CHAPTER 16.26

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, on July 21, 2020, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588, the City Council adopted Resolution 2021-XX declaring that certain real property within the City constitutes a public nuisance; and

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides that notice shall be sent to owners of the real property declared a nuisance pursuant to Resolution 2021-XX providing those owners with the following: description of the nuisance; explanation of how the nuisance must be abated; explanation that if the nuisance is not abated; the City shall abate the public nuisance and the cost of abatement shall be assessed against the property as a special assessment; and informing the owners that the City Council shall hold a hearing at a certain date, time, and place at which the owners may present objections to the designation of their properties as public nuisances or to the proposed abatement of the nuisance; and

WHEREAS, between May 14th and June 10th 2021, the City Fire Department sent written notice to those property owners describing the weeds, rubbish, refuse, or other flammable material that presented a fire hazard and public nuisance; explaining that the Fire Department had determined a public nuisance that must be removed; informing the owners that if they did not abate by June 29, 2021, the City Council would hold a hearing on July 20, 2021 at which the owners could present objections to the declaration of the nuisance or the proposed abatement measures and further explained the City could abate the nuisance and collect the costs as an assessment on the property; and

WHEREAS, on July 20, 2021, the City Council adopted Resolution 2021-XX confirming the nuisance declarations of the City Fire Department and declaring a public nuisance on certain real property pursuant to Chapter 16.26; and

WHEREAS, El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588 provide that after adoption of a resolution declaring a public nuisance and notice to affected property owners of the Council's hearing of objections, the Council may overrule any objections and order the City Manager or their designee to abate the public nuisances.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it overrides any objections by owners of that certain real property on which public nuisances were declared in Exhibit A to Resolution 2021-XX (adopted on the same date herewith).

BE IT FURTHER RESOLVED that the City Manager or their designee is hereby ordered to abate the public nuisances by having the weeds, rubbish, refuse, dirt, or other fire hazard or noxious or dangerous materials removed.

BE IT FURTHER RESOLVED that pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39574, the City Manager or their designee shall keep an account of the cost of abatement for each parcel of land on which work is performed. The City Manager or their designee shall then prepare an itemized written report to be presented to the City Council so that, after the notice and hearing during the City Council meeting of October 5, 2021 these abatement costs can be confirmed as a special assessment against those parcels.

I CERTIFY that at a regular meeting on July 20, 2021 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on July ____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor



EL CERRITO-KENSINGTON FIRE DEPARTMENT

Fire Prevention Office

10900 San Pablo Avenue, El Cerrito, CA 94530

(510) 215-4457 FAX (510) 232-4917 fpo@ci.el-cerrito.ca.us



June 10, 2021

Parcel Number: «APN»

Property Address: «Parcel_Address», EL CERRITO, CA 94530

Property Owner: «Property_Owners_Name_»

Property Owner's Address: «Mailing_Address», «Mailing_City», «Mailing_State», «Mailing_Zip»

Dear El Cerrito Property Owner:

With the minimal rainfall the last two years, the community is facing its peak fire danger earlier than normal. To reduce the fire danger on private property and provide greater community safety, the Fire Department has been inspecting properties and checking for fire hazards. Recently your property listed above was found that it **does not comply** with the Vegetation Management Guidelines set forth in the City of El Cerrito Vegetation Management Standards. You are being notified now so that you may, if you have not already done so, take steps to remove those fire hazard conditions found on your property.

Enclosed is a copy of the Fire Hazard Reduction Inspection form specifying those areas that are not in compliance as well as the Fire Hazard Reduction Guidelines and Fire Hazard Reductions Checklist that can assist you in bringing your property into compliance. More information on the Vegetation Management Standards and Guidelines may be found on the City's website at: www.el-cerrito.org under Vegetation Management Standards. Additional information is also available at www.readyforwildfire.org or www.cafiresafecouncil.org as well as many others.

If you have recently completed the work to meet these standards, no further action is required. If not, your property is required to be brought into compliance no later than June 29, 2021. There is no need to contact Fire Department upon completion as we will be re-inspecting all properties. When the Fire Department has cleared your property, you will receive a follow up letter to inform you that your property is currently in compliance.

On July 20, 2021 at 7:00PM the El Cerrito City Council will hold a public hearing to declare those properties still not in compliance as a public nuisance. Your property is at risk of being declared a public nuisance and subject to further abatement actions. In accordance with the Government Code, you may appear before the Board at this public hearing to dispute this declaration.

If you have not done so already, please take immediate action to remove those fire hazard conditions and we thank you for your cooperation helping us make Kensington a more fire safe community.

Sincerely,

Michael Pignon

Michael Pignon

Fire Chief / Fire Marshal



EL CERRITO FIRE DEPARTMENT

KENSINGTON FIRE PROTECTION DISTRICT



10900 San Pablo Avenue, El Cerrito, Ca. 94530 (510)215-4450

Fire Hazard Reduction Inspection

Agenda Item No. 6.A.
Attachment 5

Owner/Tenant	Site Address	City	State	Zip Code
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Legal Propety Owner	Mailing Address	City	State	Zip Code
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APN #

YOUR PROPERTY IS NOT IN COMPLIANCE WITH THE FIRE CODE.

YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS:

ZONE 1

Zero to 30 feet from buildings, structures, decks,etc. in all portions within El Cerrito and Kensington

- ☐ 1. Remove all dead plants, grass and weeds.
- ☐ 2. Remove dead or dying leaves and pine needles from your yard, roof and rain gutters.
- ☐ 3. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- ☐ 4. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter.
- ☐ 5. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3 of their height up to 6' above the ground, but in no case less than 18" from the ground.
- ☐ 6. Relocate wood piles to Zone 2 if applicable.
- ☐ 7. Remove or prune flammable plants and shrubs near windows.
- ☐ 8. Remove vegetation and items that could catch fire from around and under decks.
- ☐ 9. Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.
- ☐ 10. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

ZONE 2

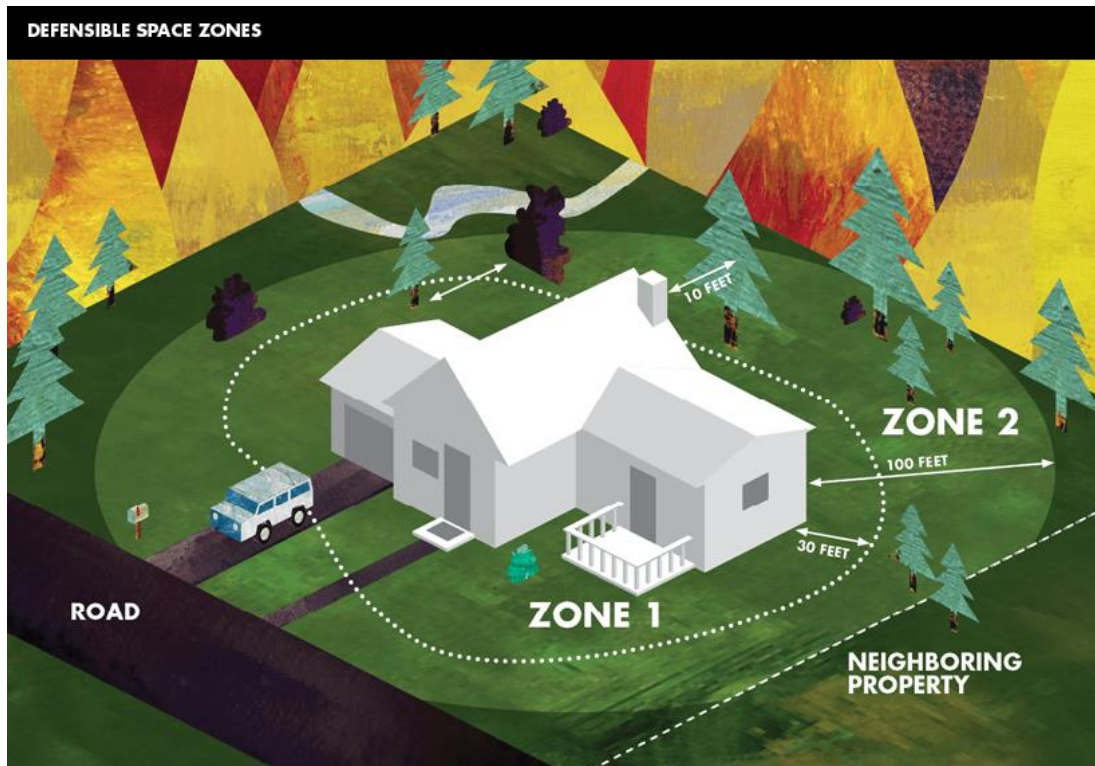
Thirty to 100 feet from buildings, structures, decks, etc. for all parcels within the Very High Fire Hazard Severity Zone. Zone 1 requirements shall be followed in addition to Zone 2 requirements.

- ☐ 1. Cut or mow weeds and grass to a maximum height of 6 inches.
- ☐ 2. All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.
- ☐ 3. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line.

COMMENTS:

Inspected by	Inspection #	Date	Time
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City of El Cerrito Fire Hazard Reduction Guidelines



Zone 1

Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark.
- On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- Relocate wood piles to Zone 2 if applicable.
- Remove or prune flammable plants and shrubs near windows.
- Remove vegetation and items that could catch fire from around and under decks.
- Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.

Zone 2

Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements:

- Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches.
- All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.



Fire Hazard Reduction Checklist



Zone 1 Requirements

Definition: Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones

- ☐ Remove all dead plants, grass and weeds within 30 feet of buildings, structures, decks, etc.
- ☐ Remove dead or dry leaves and pine needles from your yard, roof and rain gutters
- ☐ Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening
- ☐ Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark
- ☐ On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18" from the ground
- ☐ Relocate wood piles to Zone 2 if applicable
- ☐ Remove or prune flammable plants and shrubs near windows
- ☐ Remove vegetation and items that could catch fire from around and under decks
- ☐ Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials
- ☐ Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line

Zone 2 Requirements

Definition: Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements

- ☐ Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches
- ☐ All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground
- ☐ Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line

To find out if your property is located within the Very High Fire Hazard Severity Zone, go to : <https://egis.fire.ca.gov/FHSZ/> On the upper left hand side, click on the bottom icon for Address Search.

The Fire Department has completed re-inspection of your property and has found it to now be in compliance with the Vegetation Management Guidelines set forth in the City of El Cerrito Vegetation Management Standards. We appreciate your efforts in taking immediate action to bring your property into compliance. Your property **has been removed** from our list of properties that will be sent to the El Cerrito City Council and there will be no further abatement action based on the initial inspection. There is no need or requirement for you to attend the Public Hearing on July 20, 2021 referred to in your initial letter.

Please continue your fire hazard reduction efforts and maintain your property in compliance year-round with the Vegetation Management Guidelines set forth in the City of El Cerrito Vegetation Management Standards. Your efforts are very much appreciated by the Fire Department and the El Cerrito community for helping us make El Cerrito a more fire safe community.

<https://www.el-cerrito.org/402/Vegetation-Management>

ECFD-KFPD
10900 San Pablo Ave.
El Cerrito, CA 94530



www.el-cerrito.org
510-215-4450





CITY OF EL CERRITO

10900 San Pablo Avenue • El Cerrito • CA • 94530
(510) 215-4457 • FAX (510) 232-4917 • fpo@ci.el-cerrito.ca.us

July 21, 2021

Parcel Number: **«APN»**
Property Address: «Site_Address», «Site_City», «Site_State» «Site_Zip»
Property Owner: «OwnerTenant», «Legal_Property_Owner»
Property Owner's Address: «Mailing_Address», «Mailing_City», «Mailing_State»
«Mailing_Zip»

NOTICE TO DESTROY WEEDS AND REMOVE RUBBISH, REFUSE AND OTHER FLAMMABLE MATERIAL

On **July 20, 2021** the El Cerrito City Council declared that your property in the City of El Cerrito, designated above by address and parcel number, constitutes a public nuisance because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

A previous notice was sent to you informing you of the July 20, 2021 hearing and further informing you of your obligation to remove the weeds, rubbish, refuse and other flammable material from your property. **If you do not immediately abate these nuisance conditions, the City will do so and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment.** These removal costs shall then be collected in the time and in the manner of ordinary municipal taxes.

You will not receive any further notices from the City prior to this removal. The City shall perform this removal either through its own staff or through private contract sometime between the dates of **August 23, 2021 to September 23, 2021**. It is impossible to predict what it will cost the City to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded \$5,000 per parcel for those parcels with severe nuisance conditions

The City Council will conduct a public hearing on **October 5, 2021** to confirm the cost of the abatement work performed on your property. The meeting will be held via teleconference or in the **El Cerrito City Council Chambers at 10890 San Pablo Avenue in El Cerrito at 7:00 p.m.** Please refer to the agenda for meeting information at www.el-cerrito.org/CouncilMeetingMaterials. During this public hearing you will be given the opportunity to voice objections regarding the report and the assessment of the abatement costs for your property. At this hearing you will also be given the opportunity to object, protest and/or present evidence to support your arguments.

If you have any questions, contact the El Cerrito Fire Department at 10900 San Pablo Avenue. The phone number is (510) 215-4450.

Michael Pígoni

Michael Pígoni
Fire Chief/Fire Marshal

City of El Cerrito Fire Hazard Reduction Program

I. INTRODUCTION

A. Purpose of Vegetation Management Standards

California communities have experienced devastating fire loss because of the severity of fires which occur in the wildland interface areas. These areas exist in the community of El Cerrito. In these areas the risk of conflagration is increased further by homeowners who create or do not maintain landscaping on their properties. Homes are threatened by fire every year in California largely because of heavy vegetation fuel load very near structures.

Very High Fire Hazard Severity Zones (VHFHSZ) have been identified within the El Cerrito community by the El Cerrito Fire Department and CAL Fire. As specified by State Law AB 337, property owners within the VHFHSZ must take special precautions with their property, including vegetation management, to reduce the risk of fire. All El Cerrito property owners must comply with the City's Fire Hazard Reduction standards.

The buildup of unmanaged vegetation, whether native or non-native, steep hillsides with canyons, draws, and periods of extremely hot, dry weather all combine to create in El Cerrito the potential for catastrophic fire behavior. Catastrophic fires can destroy large numbers of homes, threaten public safety and severely damage the natural areas which contribute to our high quality of living.

A key goal of El Cerrito's community fire protection planning is to reduce the level of fire hazards throughout the community and particularly in the VHFHSZ. While it is not possible to eliminate all threats of catastrophic wildfire, fire hazards can be reduced to acceptable levels and still allow a "green" community.

Vegetation management planning in the VHFHS Zone focuses on areas where fire poses the greatest risk to life and property. Fires will continue to be a part of California urban living. By implementing vegetation management standards, El Cerrito residents can significantly reduce the potential a small fire will grow into a catastrophic event. An important component of reducing the community's fire risk requires vegetation management to be practiced by all property owners.

No person shall be prosecuted criminally under the provisions of Section 8.30.040 of the El Cerrito Municipal Code until that person has received written notice of how that property violates these standards and until that person has had the reasonable opportunity to meet with City staff concerning the procedures set forth in Chapter 8.34 or Chapter 16.26 of the El Cerrito Municipal Code. Civil procedures for fire hazard abatement include providing the property owner with (1) written notice on how the property violates these guidelines, (2) reasonable opportunity to comply with the guidelines and (3) opportunity to be heard before the City Council.

II. FIRE HAZARD REDUCTION GUIDELINES

Many factors combine to create a fire hazard on any specific property. It is difficult to single out a specific vegetation species or configuration to declare it either fire hazardous or completely fire safe in all situations. The Fire Department has developed guidelines conforming to State Law and National Fire Protection Standards which address most situations found on private property within El Cerrito.

A. Hazard Zones

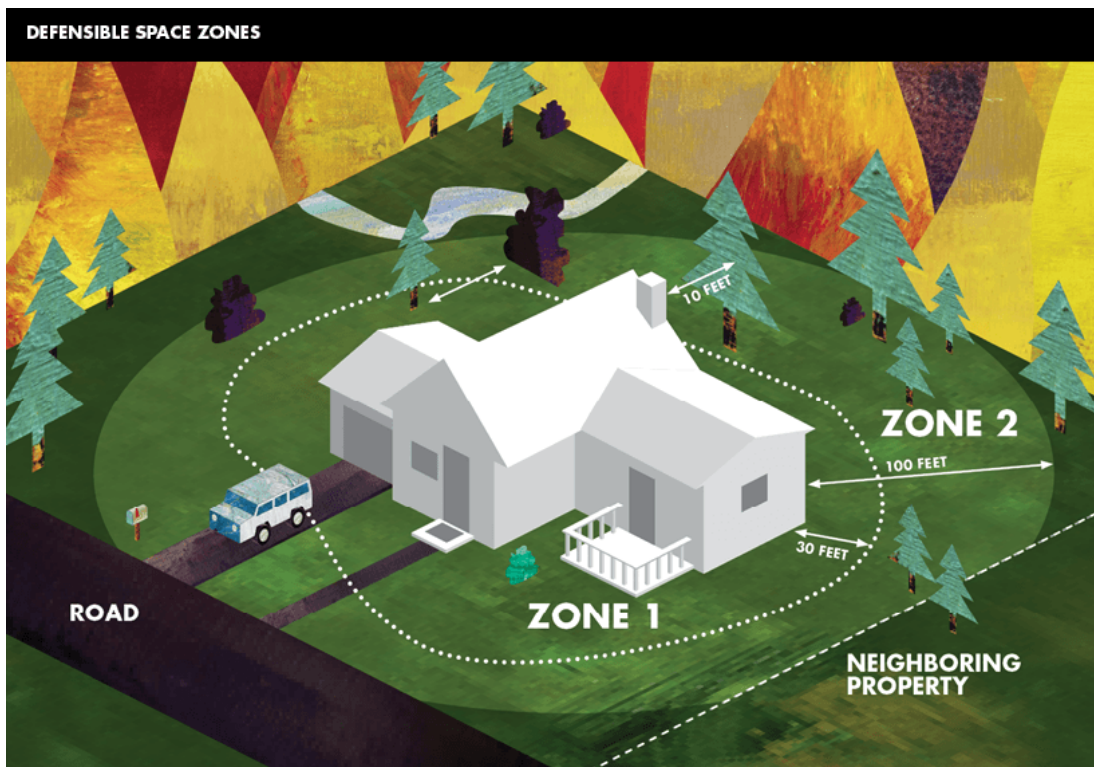
Portions of the City of El Cerrito lie adjacent or near to large wildland areas containing steep slopes and naturally growing vegetation. Every year under certain critical weather conditions, the neighborhoods near these wildland areas are at heightened risk of seasonal wildfire sweeping into the City and burning homes. These areas at heightened risk of wildfire have been designated as Very High Fire Hazard Severity (VHFHS) Zones as designated by CalFire. The rest of the City faces a lesser risk of wildfire. Fire hazard reduction measures common to the entire City are required on both vacant and developed lots.

B. Defensible Space

Defensible space is essential to improve your home's chance of surviving a wildfire. It is the buffer you create between a building on your property and the grass, trees, shrubs, or any wildland area that surround it. This space is needed to slow or stop the spread of wildfire and it helps protect your home from catching fire—either from direct flame contact or radiant heat. Defensible space is also important for the protection of the firefighters defending your home.

Defensible Space Zones

Two zones make up the required 100 feet of defensible space.



Zone 1

Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark.
- On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- Relocate wood piles to Zone 2 if applicable.
- Remove or prune flammable plants and shrubs near windows.
- Remove vegetation and items that could catch fire from around and under decks.
- Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.

Zone 2

Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements:

- Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches.
- All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.

C. Additional Considerations for Vegetation Management

1. The Fire Hazard Abatement Program is intended to promote community fire safety by reducing the combustible vegetation fuel mass on private properties. Clearing vegetation by heavy construction methods, such as grading, discing, trenching or dozing shall require special permits from the City. **Disposal by burning is not permitted.**
2. Any parcel where slope stability will be threatened by removal of plants may be exempt from treatment requirements or subject to alternate treatments. The property owner must submit a report documenting the probability of slope failure due to vegetation removal, prepared by a licensed civil, geotechnical or soils engineer. The report shall propose alternative treatment methods to address fire hazards. The report will be reviewed by city staff. Review and acceptance by the City of alternative treatment will supersede other requirements.
3. Any parcel or lot which includes plant or animal species that are rare, endangered or of special concern may qualify for alternative plant treatment and spacing requirements. The property owner must submit a report from a qualified resource biologist or landscape architect describing the species, actions required to preserve its environmental value, and proposed alternative measures to address fire hazards. The report will be reviewed by the City. Review and acceptance by the City of alternative treatment will supersede other requirements.

D. Planting Considerations

Any plant will burn if the conditions are right. Some plants are considered to be extremely flammable while other plants are considered to have some resistance to fire. Verifiable tests of fire exposure characteristics for all specific ornamental landscaping plants are not available.

The Vegetation Management Standards for El Cerrito utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

At the base of trees and shrubs, replace flammable vegetation with bark, mulch, rock, gravel or low-growing or more fire-resistant ground covers. This cover reduces the fire danger and minimizes weeds.

Avoid placing medium-sized shrubs beneath trees or taller shrubs. By breaking up the available fuel mass in ornamental landscaping, a fire will be kept at lower intensity, flame lengths will be shorter and fire will be less likely to form a continuous line or front.

E. Structural Fire Safety

The City's roofing and vegetation management standards are designed to reduce the amount of airborne burning material, limiting fire spread. Once a fire starts, it is often accelerated by wind-borne burning material. Burning embers or brands are the main source of fire spread in mixed urban-wildland fires. The roof of a house is most vulnerable to this type of ignition followed by openings such as vents. Spark arresters

with a maximum of ½ inch openings in the mesh are required over the outlet of every chimney. Class A is the top rating for fire resistive roofing, followed by Classes B and C. The City of El Cerrito requires that all roofing be Class B or better, and wood shake shingle roofing materials are prohibited in new construction or replacement of more than 50% of the roof. It is recommended to cover vent openings with ¼ inch openings in the mesh to prevent flying embers from entering the structure.

III. GLOSSARY OF TERMS

The following terms are used to describe the vegetation management standards in California State Law and in the City of El Cerrito's Fire Hazard Reduction Program.

Very High Fire Hazard Severity (VHFHS) Zones: Any geographic area designated per Government Code Section 51178 to contain the type and condition of vegetation, topography, weather and structure density to potentially increase the possibility of wildland conflagration fires. As a community adjacent to extensive wildland areas, the City of El Cerrito contains several VHFHS zones. A CAL Fire interactive map of these zones is available at <https://egis.fire.ca.gov/FHSZ/>. Fire hazard reduction standards are more extensive for properties located within VHFHS zones.

Defensible Space: A concept in landscape design for homes which provides a band of managed vegetation around a home that slows movement of fire by reducing or denying fuel and provides a space for firefighters to take a stand to protect the house.

Fire Resistant Plants: A relative term used to describe plants that are "more resistant: or "less resistant" than other plants to fire. Given enough heat, all vegetation will burn. Yet plants in fact differ in how fast they burn, how high a flame they produce and their ability to survive fire. Fire resistance is enhanced by higher amounts of moisture within twigs and foliage. Fire-resistant plants can lose this quality altogether if not properly maintained and irrigated. The Vegetation Management Standards for El Cerrito utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

Fire Hazardous Vegetation: Plants which can burn easily because they generate dry undergrowth, contain flammable oils or produce significant quantities of dead or dying material. Hazardous vegetation is fuel which must be removed or strictly maintained so as not to constitute a fire hazard by igniting easily and then contributing to rapid fire spread. Seasonally dry grass, weeds, brush, and unmaintained and unirrigated trees and ornamental vegetation are examples of fire hazardous vegetation. Properly chipped, mulched and disbursed material does not constitute fire hazardous vegetation. Fire hazardous vegetation is also known as **flammable vegetation and combustible growth.**

Ornamental Landscaping: Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

Zone 1: Extends 30 feet from buildings, structures, decks, etc.in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones. In Zone 1 vacant lots shall be maintained to be 10 feet wide along the property line.

Zone 2: Extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. In Zone 2 vacant lots shall be maintained to be 30 feet wide along the property line. For properties within Zone 2, all Zone 1 requirements shall be enforced in addition to Zone 2 requirements.



Fire Hazard Reduction Checklist



Zone 1 Requirements

Definition: Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones

- ☐ Remove all dead plants, grass and weeds within 30 feet of buildings, structures, decks, etc.
- ☐ Remove dead or dry leaves and pine needles from your yard, roof and rain gutters
- ☐ Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening
- ☐ Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark
- ☐ On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18" from the ground
- ☐ Relocate wood piles to Zone 2 if applicable
- ☐ Remove or prune flammable plants and shrubs near windows
- ☐ Remove vegetation and items that could catch fire from around and under decks
- ☐ Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials
- ☐ Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line

Zone 2 Requirements

Definition: Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements

- ☐ Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches
- ☐ All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground
- ☐ Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line

To find out if your property is located within the Very High Fire Hazard Severity Zone, go to <https://egis.fire.ca.gov/FHSZ/> On the upper left hand side, click on the bottom icon for Address Search.



AGENDA BILL

Agenda Item No. 7.A.

Date: July 20, 2021
To: El Cerrito City Council
From: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department
Subject: FY 2020-21 General Fund Budget Update for May 2021

ACTION PROPOSED

Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through May 2021.

BACKGROUND

The El Cerrito City Council adopted an annual Budget for FY 2020-21 on June 16, 2020. Following that, the City Council amended the budget on October 6, 2020 and again at mid-year on February 16, 2021 taking revenue trends into consideration that were not readily apparent earlier on in the year. The Council has been closely monitoring the City's budget and financial position over the past several months during the COVID-19 closure of the City and has directed staff to provide a monthly General Fund budget update which is to include an Income Statement, Balance Sheet and Cash Flow projection. This report will discuss material variances if any through the end of May 2021, from this most recent amendment.

ANALYSIS

The General Fund Income Statement in Attachment 1 summarizes the major General Fund Revenue and Expenditure categories through May 2021 on a cash basis. Monthly revenue and expenditure projections are based on the mid-year Amended Budget and known revenue trends for the major revenue components. The draft General Fund Balance Sheet and Cash Flow Forecast statements are presented in Attachments 2 and 3, respectively.

The following are some of the highlights on a cash basis through May with 11 months or 92% of the year complete:

1. Total revenue was \$36.6 million or 96% of budget. This compares with an average of \$32.4 million for the same time frame over the preceding 3 years.
2. Total expenditure was \$33.1 million or 88% of budget, compared with a three-year average of \$34.8 million.
3. Personnel costs of \$26.5 million include fully reimbursed Fire Department OES overtime costs of \$852,000, Workers Compensation Insurance premiums of \$680,000 for the year and terminal payments to staff that separated from the City through February. Public safety regular overtime to date is nearly \$1.5 million and is about 10% lower than the average cost for the past three years through May.

4. On a year-to-date adjusted budget basis, which recognizes the timing lags in various revenue sources, total revenue was \$1.7 million higher than budget and total expense was \$1.2 million under budget.
5. Real Property Transfer Tax receipts through May continue to exceed expectations by nearly \$1.2 million. Receipts have been trending at a monthly average of over \$350,000, versus a budget expectation of \$216,000 per month.
6. In overall terms Charges for Services are tracking well with budget, and Recreation program revenues are on track to modestly exceed the revised estimates for the year.
7. The General Fund cash balance is projected at \$10.7 million by year end, most of which will be used to pay off the TRAN that comes due on July 1, 2021.

STRATEGIC PLAN CONSIDERATIONS

This report is consistent with the City's Strategic Plan Goal B - Achieve long-term financial sustainability— and will allow the City Manager to develop a plan to ensure that Citywide Revenue meets the cost of providing Citywide services, including adequate reserves in the face of significant unanticipated revenue shortfalls. It further ensures procedures that represent best practices in financial management.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

With one month remaining in the fiscal year, Staff expects to achieve the budgeted General Fund surplus of \$633,000 by year-end and to be able to repay the \$8.5 million Tax Receipts Anticipation Note (TRAN) with interest as stated previously. The final unaudited numbers including fund balance, will only be available by end September, once all remaining revenues attributable to FY 2021 that come in through end August are recorded and reconciled.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. General Fund Income Statement
2. General Fund Balance Sheet
3. General Fund Cash Flow Forecast

DRAFT FY 2020-21 General Fund Revenues and Expenditures from July 2020 to May 2021.

	A	B	C	D	E	F	G	H	I
Revenues (\$000s)	FY 2018-19 Audited	FY 2019-20 Audited	FY 2020-21 Adopted Budget	Actuals July- May 2021	Year to Date Budget Expectations	Variance from Budget Expectations Fav./ (Unfav.)	FY 2020-21 Projected Year-End	with 92% Year to date - actuals as a % of Projections	Comments
Taxes									
Property Taxes	10,182	9,840	10,440	9,202	9,202	-	10,240	90%	Balance \$1.04 million in June
Sales Taxes	7,545	6,975	6,450	6,074	5,729	345	6,250	97%	Through May.
Utility Tax	3,208	3,166	3,200	2,990	2,933	57	3,200	93%	Through May.
Property Transfer Taxes	1,102	3,467	2,400	3,563	2,400	1,163	2,600	137%	Through May.
Franchise Taxes	1,244	1,587	1,250	768	750	18	1,000	77%	Through April.
Business License Tax	910	919	850	910	850	60	850	107%	Through May.
Other Tax	149	173	136	128	125	-	136	94%	Through May.
Total Taxes	\$24,340	\$26,127	\$24,726	\$23,635	\$21,989	\$1,643	\$24,276	97%	
Licenses & Permits	776	785	758	597	677	(80)	739	81%	Through May.
Fines and Forfeitures	219	227	170	155	105	50	115	135%	Through May.
Use of Money and Property	157	465	350	289	302	(13)	332	87%	Through May.
Intergovernmental Revenues	6,744	6,729	6,958	7,567	7,512	55	7,805	97%	Balance \$293k from Kensington.
Charges for Services	6,934	4,748	5,223	3,422	3,353	69	3,658	94%	Through May.
Other Revenues	182	118	253	215	195	20	213	101%	Through May.
Interfund Transfers	2,036	1,024	938	706	706	-	941	75%	Quarterly cost allocation through March.
Total	\$41,388	\$40,222	\$39,376	\$36,586	\$34,839	\$1,744	\$38,079	96%	
Expenditures (\$000s)	FY 2018-19 Audited	FY 2019-20 Audited	FY 2020-21 Adopted Budget	Actuals July- May 2021	Year to Date Budget Expectations	Variance from Budget Expectations Fav./ (Unfav.)	FY 2020-21 Mid Year Budget Projected Year-End	with 92% Year to date - actuals as a % of Projections	
Personnel	29,862	30,383	29,490	26,545	26,828	283	29,268	91%	Terminal/annual pmts, Worker's Comp.
Professional Services	4,487	3,702	3,534	2,398	2,841	443	3,100	77%	Through May.
Purchased Property Services	2,300	2,152	1,814	1,336	1,567	231	1,710	78%	Through May.
Other Services	1,840	1,806	1,833	1,399	1,444	45	1,576	89%	Through May.
Supplies	726	606	611	294	373	79	408	72%	Through May.
Property & Capital	422	413	456	248	375	127	409	61%	Through May.
Financing Costs	478	536	310	269	284	15	310	87%	Includes annual interest costs.
Other Financing Uses	1,416	697	665	644	644	-	665	97%	City Hall Debt Svc. & Retiree Pension.
Total	\$41,531	\$40,294	\$38,713	\$33,133	\$34,356	\$1,223	\$37,446	88%	
Net Change in Fund Balance (\$000s)	(\$143)	(\$72)	\$663	\$3,453	\$483		\$633		

Quantities within parenthesis (-) denote reduction in revenue or overage in expenditure.

City of El Cerrito			
DRAFT General Fund - Balance Sheet	Audited 6/30/19.	Audited 6/30/20.	Unaudited 05/31/21 Est.
Assets			
Cash and Investments	4,349,089	9,016,794	11,092,738
Taxes Receivable	2,113,059	1,882,887	-
Accounts Receivable Net	-	32,158	12,742
Due from other funds	2,590,773	2,011,397	2,011,397
Inventory	11,772	27,737	27,514
Prepaid Expense	-	3,278	20,744
Total Assets	9,064,693	12,974,251	13,165,135
Liabilities			
Accounts Payable	888,579	844,570	(1,288)
Accrued Payroll	1,231,945	1,227,263	34,321
Other Accrued Liabilities	-	324,585	54,477
Short Term Note	6,000,000	9,000,000	8,659,545
Unearned Revenues	62,651	82,890	83,463
Deposit Payable	804,162	1,604,964	1,715,090
Total Liabilities	8,987,337	13,084,272	10,545,608
Deferred inflows of Resources			
Deferred Inflows of Resources - Unavailable Revenue	116,319	-	-
Total deferred Inflows of Resources	116,319	-	-
Fund Balances	(38,963)	(110,022)	2,619,527
Total Liabilities, Deferred Inflows of Resources and Fund balance	9,064,693	12,974,251	13,165,135

DRAFT

FY 2020-21 Projected General Fund Cash Flows - May 2021

														FY 2020-21 Mid-Year Projected Year End
(Currency: \$000s)	ACTUALS July	ACTUALS August	ACTUALS September	ACTUALS October	ACTUALS November	ACTUALS December	ACTUALS January	ACTUALS February	ACTUALS March	ACTUALS April	ACTUALS May	FORECAST June	TOTAL	
Beginning Balance	\$9,017	\$6,789	\$5,451	\$4,572	\$4,543	\$3,419	\$6,427	\$7,062	\$7,063	\$6,414	\$10,584	\$11,557	\$9,017	
Cash Receipts														
Property Tax	-	-	-	261	-	4809	606	-	-	3526	-	1,038	\$10,240	10,240
Sales Tax	-	585	556	554	845	486	469	695	472	510	535	500	6,207	6,250
Transfer Tax	-	311	-	664	418	615	328	193	141	484	409	50	3,613	2,600
Franchise Tax	-	-	95	29	253	-	-	133	-	207	51	100	868	1,050
Business Licenses	505	106	89	62	16	43	32	18	19	10	10	-	910	821
Utility Users Tax	87	173	134	342	234	258	349	313	325	533	242	226	3,216	3,200
Licenses and Permits	37	59	44	84	22	76	50	57	49	61	58	82	679	739
Fines and Forefeitures	13	1	6	17	14	17	29	11	20	21	6	-	155	95
Use of Property	15	33	14	40	12	20	35	22	37	34	27	34	323	332
Other Government Reimb.	-	-	742	766	108	476	10	308	427	293	277	350	3,757	3,855
Fire OES Overtime Reimbursements	-	-	-	-	-	113	-	566	218	231	22	-	1,150	1,150
In-Lieu Fees	-	-	-	-	-	-	1491	-	-	-	1510	0	3,001	2,800
Fees for Service - Other	170	17	194	287	58	110	104	61	187	180	131	56	1,555	1,479
Fees for Service - Recreation	118	73	222	53	122	251	135	156	286	219	289	275	2,199	2,180
Other Revenues/Taxes	-	8	-	22	64	-	3	117	10	99	19	15	357	349
Transfers In	-	-	-	-	-	476	-	-	-	230	-	235	941	941
TRAN Proceeds	8,660	-	-	-	-	-	-	-	-	-	-	-	8,660	
Total Cash Receipts	\$9,605	\$1,366	\$2,096	\$3,181	\$2,166	\$7,750	\$3,641	\$2,650	\$2,191	\$6,638	\$3,586	\$2,961	\$47,830	38,081
Cash Disbursements														
Personnel	\$2,129	\$2,210	\$2,172	\$2,226	\$2,320	\$3,758	\$2,377	\$2,235	\$2,091	2,043	\$2,132	\$3,063	\$28,756	28,418
Fire OES Overtime	-	\$133	421	236	59	\$0	-	-	\$3	-	-	-	\$852	850
Professional Services	91	213	222	249	109	279	262	295	122	364	192	335	2,733	3,100
Property/Other Services	408	105	141	315	66	601	203	135	151	388	222	287	3,022	3,286
Supplies	8	25	14	23	25	38	27	19	31	25	59	48	342	408
Financing Costs and Debt Service	-	18	-	36	120	12	16	39	12	16	-	70	339	409
Property and Capital	-	-	5	125	11	32	23	3	38	3	8	23	271	310
CIP - Cash Flow	-	-	-	76	19	158	77	-	392	0	294	50	1,066	1,066
CIP - Reimbursement	-	-	-	(76)	(19)	(158)	-	(77)	0	(392)	(294)	(50)	(1,066)	(1,066)
Transfers Out	-	-	-	-	580	22	21	-	-	21	-	42	686	665
TRAN Principal Payment	9,000	-	-	-	-	-	-	-	-	-	-	-	9,000	
TRAN Interest Payment	196	-	-	-	-	-	-	-	-	-	-	-	196	
Total Cash Disbursements	\$11,832	\$2,704	\$2,975	\$3,210	\$3,290	\$4,742	\$3,006	\$2,649	\$2,840	\$2,468	\$2,613	\$3,868	\$46,197	37,446
Net Cash Flow Surplus/(Deficit)	(\$2,227)	(\$1,338)	(\$879)	(\$29)	(\$1,124)	\$3,008	\$635	\$1	(\$649)	\$4,170	\$973	(\$907)	\$1,633	\$635
Ending Balance	\$6,789	\$5,451	\$4,572	\$4,543	\$3,419	\$6,427	\$7,062	\$7,063	\$6,414	\$10,584	\$11,557	\$10,650	\$10,650	



AGENDA BILL

Agenda Item No. 7.B.

Date: July 20, 2021
To: El Cerrito City Council
From: Alexandra Orologas, Assistant City Manager, City Management
Subject: Adoption of Memorandum of Understandings between the City of El Cerrito and the El Cerrito Public Safety Management Association - Police Chief Unit and Fire Chief Unit

ACTION PROPOSED

Adopt a resolution approving an agreements between the City of El Cerrito and the El Cerrito Public Safety Management Association - Police Chief Unit (PSMA- Police Chief Unit) and Fire Chief Unit (PSMA - Fire Chief Unit) modifying language on salaries and benefits and creating new Memorandum of Understandings.

BACKGROUND/ANALYSIS

Police Chief

On June 16, 2020, the City Council approved a two year extension of the agreement with the PSMA - Police Chief Unit through Resolution 2020-36 by modifying salaries and creating a Memorandum of Understanding (MOU) effective through June 30, 2023. The PSMA - Police Chief Unit represents only the Police Chief.

The PSMA - Police Chief Unit has recognized the City's continued fragile financial position that has been further exacerbated by COVID-19. As such, the PSMA - Police Chief Unit has agreed to contribute an additional 2% to the CalPERS, and agreed to extend the term of the agreement by two years from June 30, 2021 to June 30, 2023.

The following is a summary of the agreement with the PSMA - Police Chief Unit:

- Effective July 2021, there shall be a salary increase for the Police Chief that is based on the April to April San Francisco Area Consumer Price Index (CPI) and will be no less than 2% and no more than 4%.
- Effective the first full pay period of July 2021, the Police Chief will pay an additional two percent (2%) into the required employer CalPERS contribution, for a total of 14% contribution towards CalPERS.
- Effective July 2022 and each year thereafter, there shall be a salary increase for the Police Chief that is based on the April to April San Francisco Area Consumer Price Index (CPI) and will be no less than 2% and no more than 4%.
- The agreement will be effective through June 30, 2025.

Fire Chief

The Fire Chief is represented by a separate unit within the PSMA called the Fire Chief Unit. The PSMA - Fire Chief Unit represents only the Fire Chief. The duration of the Fire Chief's current MOU is between December 31, 2018 through December 31, 2023, and per the contract the Fire Chief did not receive a COLA increase for 2020.

The PSMA - Fire Chief Unit as recognized the City's continued fragile financial position that has been further exacerbated by COVID-19. As such, the PSMA - Fire Chief Unit has agreed to contribute an additional 2% to the CalPERS.

The following is a summary of the agreement with the PSMA- Fire Chief Unit:

- Effective July 2021 and July 2022, there shall be a salary increase for the Fire Chief that is based on the April to April San Francisco Area Consumer Price Index (CPI) and will be no less than 2% and no more than 4%.
- Effective the first full pay period of July 2021, the Fire Chief will pay an additional two percent (2%) into the required employer CalPERS contribution, for a total of 14% contribution towards CalPERS.

The City would like to thank the Police Chief and the Fire Chief for the leadership they have shown during this challenging time by agreeing to employee concessions.

STRATEGIC PLAN CONSIDERATIONS

Adopting the Resolution for the PSMA - Police Chief Unit and Fire Chief Unit fulfills Goal B, "Achieve long-term financial sustainability."

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The total cost savings of the Police Chief contributing an additional two percent (2%) into the required CalPERS Contribution is \$5,014. The total cost of the COLA (assumed at 2%) for the Police Chief is \$6,182. The total cost savings of the Fire Chief contributing an additional two percent (2%) into the required CalPERS Contribution is \$4,581. The total cost of the COLA (assumed at 2%) for the Fire Chief is \$5,644.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments

1. Resolution
2. Exhibit A to Resolution (Police Chief)
3. Exhibit B to Resolution (Fire Chief)

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO TO APPROVING AGREEMENTS BETWEEN THE CITY OF EL CERRITO AND THE EL CERRITO PUBLIC SAFETY MANAGEMENT ASSOCIATION – POLICE CHIEF UNIT (PSMA – POLICE CHIEF UNIT) AND FIRE CHIEF UNIT (PSMA – FIRE CHIEF UNIT) MODIFYING LANGUAGE ON SALARIES AND CREATING NEW MEMORANDUM OF UNDERSTANDINGS

WHEREAS, the Meyers-Milias-Brown Act allows employee units within the City to represent themselves on matters concerning salaries, hours and working conditions; and

WHEREAS, the Employer-Employee Relations Ordinance of the City of El Cerrito provides the methods and procedures for meeting and conferring in good faith; and

WHEREAS, the City has recognized four bargaining units within the Public Safety Management Association as follows: Police Management, Police Chief, Battalion Chief, and Fire Chief.

WHEREAS, representatives of the City of El Cerrito and the El Cerrito Public Safety Association – Police Chief Unit and Fire Chief Unit have met and conferred in good faith; and

WHEREAS, the City of El Cerrito and the El Cerrito Public Safety Association – Police Chief Unit and Fire Chief Unit representatives have reached agreement regarding matters within the scope of representation, including wages, hours and other terms and conditions of employment; and

WHEREAS, upon approval of this agreement, the parties will finalize updated MOUs which incorporates all previous side letters between the City and El Cerrito Public Safety Association – Police Chief Unit and Fire Chief Unit; and

NOW, THEREFORE, BE IT RESOLVED, that the El Cerrito City Council hereby adopts the Agreements, attached hereto and incorporated by reference as Exhibit A, between the City of El Cerrito and the El Cerrito Public Safety Association – Police Chief Unit, and Exhibit B, between the City of El Cerrito and the El Cerrito Public Safety Association – Fire Chief Unit, modifying salaries; directs the parties to finalize updated Memorandum of Understandings (MOUs); and directs the City Manager to execute the agreements.

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

I CERTIFY that at a regular meeting on July 20, 2021 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 July _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

Tentative Agreement
Between
City of El Cerrito
And
Public Safety Management Association – Police Chief Unit

July 20, 2021

2.1 Salary

- F. Effective the first full pay period in July 2020, there shall be no salary increase for the Police Chief.
- G. Effective the first full pay period in July 2021, the City shall increase the salary for the Police Chief by 2.0%.
- H. Effective the first full pay period in July 2022, the City shall increase the salary for the Police Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.
- I. Effective the first full pay period in July 2023, the City shall increase the salary for the Police Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.
- J. Effective the first full pay period in July 2024, the City shall increase the salary for the Police Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.

2.5 Pension Plan Benefits and Reimbursement

The City's contract with the California Public Employees Retirement System (CalPERS) provides the Police Chief with the 3% at Age 50 CalPERS plan. This plan includes the CalPERS single highest year option, service credit for unused sick leave, Pre-Retirement Optional Settlement 2 Death Benefit, 1959 Survivor Benefit Fourth Level, and Retired Death Benefit.

The 3% at age 50 CalPERS Plan has a 9.0% employee contribution. The Police Chief shall make an additional 3.0% contribution to CalPERS for a total employee contribution of 12.0%. Effective the first full pay period in July 2021, the Police Chief shall make an additional 2.0% contribution to CalPERS for a total employee contribution of 14.0%.

9.1 Term

This Memorandum of Understanding shall be in full force and effect at such date as adopted by the City Council until June 30, ~~2025~~2023.

For PSMA

For the City

Tentative Agreement
Between
City of El Cerrito
And
Public Safety Management Association – Fire Chief Unit

July 20, 2021

2.1 Salary

E. Effective the first full pay period in July 2021 ~~and July 2022~~, the City will increase the salary for the Fire Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.

F. Effective the first full pay period in July 2022, the City will increase the salary for the Fire Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.

2.5 Pension Plan Benefits and Reimbursement

- The City's contract with the California Public Employees Retirement System (CalPERS) provides the Fire Chief with the 3% at Age 50 CalPERS plan. This plan includes the CalPERS single highest year option, service credit for unused sick leave, Pre-Retirement Optional Settlement 2 Death Benefit, 1959 Survivor Benefit Fourth Level, and Retired Death Benefit.
- The 3% at age 50 CalPERS Plan has a 9.0% employee contribution. The Fire Chief shall make an additional 3.0% contribution to CalPERS for a total employee contribution of 12.0%.
- Effective the first full pay period in July 2021, the Fire Chief shall make an additional 2.0% contribution to CalPERS for a total employee contribution of 14.0%.

For PSMA

For the City



SUPPLEMENTAL AGENDA MATERIALS

REGULAR CITY COUNCIL MEETING

July 20, 2021

(Revised July 21, 2021)

PUBLIC COMMENT INDEX

1. Public Comments received

AGENDA ITEM 6A – Fire Hazard Abatement

1. Revised Exhibit A

AGENDA ITEM 5B – PG&E Community Wildfire Safety Program Presentation

1. Supplemental Resources



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING July 20, 2021

The following Public Comments were **received by 4:00 p.m. 7/20/2021**, were provided directly to City Councilmembers in advance of the meeting, and were posted online as supplemental materials at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments – Items Not on the Agenda

1. Cordell Hindler
2. Shanti Corrigan
3. Susan Obayashi
4. Robin Mitchell
5. Mary D Ghidella
6. Ira Sharenow
7. Al Miller
8. Michael A. Fischer
9. Rachel Rosekind

Agenda Item 4F – Resolution on Priority of Wildfire Prevention and Safety

1. Gary Prost
2. Sue Duncan
3. Nick Zamorano
4. Marlene George

Agenda Item 4G – Resolution in Support of a East Bay Joint Powers Agency for Vegetation Management

1. Jon Kaufman
2. Sue Duncan
3. Gary Prost
4. Jim Dolgonas

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments Not on the agenda
Date: Thursday, July 15, 2021 2:46:35 PM

good evening Mayor Fadelli, Council Members and City Staff, I have a couple of Comments for the Record

1. for a future meeting, is to have the council Inviting Stephen Baiter to provide a presentation on how Businesses could bounce back after the Pandemic.
2. the Reason that the City of EL CERRITO should consider having Koff & associates on board is because they have worked with other cities on Updating Job Classifications and doing a class & comp study

Sincerely
Cordell

From: [Shanti Corrigan](#)
To: [City Clerk](#)
Subject: Public Comments – Not on the Agenda
Date: Sunday, July 18, 2021 11:45:05 AM

As a 17 year resident of El Cerrito and former volunteer with the Economic Development Committee I strongly support use of Measure X funds to extend El Cerrito library hours and its crucial community services to 56 hours/ week.

I have worked for UC Berkeley's University Library and have a deep appreciation for the value of libraries over time to serve and shape the culture of communities - and as a mom of 2 El Cerrito natives I've consistently used our libraries, story-hours, computer access and lending services of hard copy and digital materials.

Youth and seniors gain special value from library services and the library is an important community gathering spot - expanding library services in El Cerrito and investing in a new library are important goals for the well-being of our city.

Sincerely,

Shanti Corrigan


From: [S.Z. Obayashi](#)
To: [City Clerk](#)
Subject: Public Comments – Not on the Agenda : July 20, 2021 El Cerrito City Council Meeting
Date: Sunday, July 18, 2021 3:51:02 PM

Measure X Funds to Keep EC Library Open 56 hours per Week

I would like to request Mayor Fadelli submit a letter to the Measure X Advisory Board in support of the proposal by County Librarian , Alison McKee, to utilize Measure X funding for 56 hours per week for library operation.

I have been an El Cerrito resident for over 60 years, moving here from Berkeley, CA at the age of 1 year old. The library is one of the services I have enjoyed and used consistently, and hope to continue using into my super-senior years here in EC!

Thank you for your time and service to the community.

Sincerely,
Susan Obayashi



From: [Robin Mitchell](#)
To: [City Clerk](#)
Subject: Public Comments – Not on the Agenda
Date: Sunday, July 18, 2021 10:03:41 PM

Mayor Paul Fadelli

Our County Librarian Alison McKee will be appearing before this Advisory Board on July 28 to present a proposal to utilize some of the Measure X funds to provide for an increase in County provided hours of library operation countywide to 56 hours a week at each branch, at County expense.

I respectfully request that you submit a letter in support of the County Librarian's proposal to utilize Measure X funding for 56 hours per week library operation.

Thank you for all that you do for the City of El Cerrito.

Robin Mitchell
El Cerrito Resident

From: [MARY GHIDELLA](#)
To: [City Clerk](#)
Subject: Public comments not on the agenda
Date: Monday, July 19, 2021 9:18:14 AM

I respectfully request that

Mayor Fadelli submit a letter in support of the County Librarian's proposal to utilize Measure X funding for 56 hours per week library. The county librarian will make these requests at an Advisory board meeting on July 28. I think this will be a wonderful contribution to the city as the El Cerrito library is always packed and if we have access to funds that can increase the hours of the library, I am for using them!

Mary D Ghidella

Sent from my iPhone

From: [Ira Sharenow](#)
To: [City Clerk](#)
Cc: [Sherry Drobner](#); [Cathy Hanville](#); [William Ktsanes](#); [Mike Cunningham](#); [Kimberly White](#); [Debra Saunders](#); [Tessa Rudnick](#); [Paul Fadelli](#); [Ira Sharenow](#); [Lisa Motoyama](#); [Gabe Quinto](#); [Janet Abelson](#)
Subject: public comments –not on the agenda
Date: Monday, July 19, 2021 11:51:54 AM

I received the following email.

“Ira:

Thanks again for your call. See attached for spreadsheets that include one-year PCI data for Bay Area jurisdictions for the years 2018 and 2019. You may be particularly interested in the most recent data from El Cerrito, where one-year scores fell eight points from 82 to 74 in 2019 and a single point from 83 to 82 in 2018.

Metropolitan Transportation Commission/Bay Area Toll Authority”

I thought there was a tax for road maintenance. El Cerrito had the biggest decline of any city in the area.
###

“Under the Funding Risk Mitigation Policy (PDF), approved by the CalPERS Board of Administration in 2015, the double-digit return will trigger a reduction in the discount rate used to calculate employer and Public Employees' Pension Reform Act (PEPRA) member contributions. The discount rate, or assumed rate of return, will drop to 6.8%, from its current level of 7%.”

<https://www.calpers.ca.gov/page/newsroom/calpers-news/2021/calpers-strong-preliminary-fiscal-year-investment-return-trigger-discount-rate-reduction>

###

UAL Payment FY 2019-20: \$4,364,858

UAL Payment FY 2020-21: \$4,858,941

UAL Payment FY 2021-22: \$5,540,613

<https://www.calpers.ca.gov/page/employers/actuarial-resources/employer-contributions>

###

For the safety plan, the actuary wrote:

“The minimum required employer contribution towards the Unfunded Accrued Liability (UAL) for this rate plan for the 2021-22 fiscal year is \$3,789,412. CalPERS allows employers to make additional discretionary payments (ADPs) at any time and in any amount. These optional payments serve to reduce the UAL and future required contributions and can result in significant long-term savings.”

Is El Cerrito making additional payments in order to pay down the debt?

<https://www.calpers.ca.gov/docs/actuarial-reports/2019/el-cerrito-city-safety-2019.pdf>

From: [Al Miller](#)
To: [City Clerk](#)
Subject: Public Comment not on the agenda
Date: Monday, July 19, 2021 3:10:57 PM

Mayor Fadelli, Mayor Pro Tem Quinto, Council Members Abelson, Motoyama, and Rudnick:

Our County Librarian Alison McKee will be appearing before the CCC Measure X Advisory Board on July 28 to present a proposal to utilize some of the Measure X funds to provide for an increase in County provided hours of library operation county-wide to 56 hours a week at each branch, at County expense.

I am writing this to ask the El Cerrito City Council authorize Mayor Fadelli to send a letter of support for County Librarian Alison McKee's proposal from the City to the Measure X Advisory Board and that each of the other council members send personal letters of support, also.

Personal comments to the Measure X Advisory Board need to be received before 5:00 pm on July 27. The emails should be sent to lisa.Driscoll@cao.cccounty.us.

Thank you.

Al Miller

Michael A. Fischer
El Cerrito City Nominated Commissioner
Vice-Chair Contra Costa County Library Commission
Email: [REDACTED]

To: Mayor Paul Fadelli
Mayor Pro Tem Greg Quinto
Councilmember Janet Abelson
Councilmember Lisa Motoyama
Councilmember Tessa Rudnick

CC: City Manager Karen Pinkos
Assistant City Manager Alexandra Orologas
City Clerk Holly M. Charl  ty

Date: July 20, 2021

Subject: Public Comment - Item Not on the Agenda
Use of Measure X Funds for Library Hours

This letter requests the City Council authorize, if possible, the Mayor to send a letter to the Contra Costa County Measure X Advisory Board, no later than July 26, in support of County Librarian Alison McKee's request for Measure X funds to support increased library hours. The support letter would not request any specific amount for reasons stated in this letter.

In June, the City Council passed a motion authorizing the Mayor to sign a letter to the Measure X Advisory Board in support of Measure X funding for the Contra Costa County Community Crisis Initiative. As noted below, the support letter requested here does not work against the request for Community Crisis Initiative nor would it work against a substantial portion of Measure X funding being used for other purposes such as alleviating the lack of affordable housing.

The Measure X Advisory Board was established by the Board of Supervisors and was directed to recommend by this fall up to 10 funding priorities for Measure X. The Advisory Board will not make decisions about how much money each of the priorities will get. This will be up to a decision by the Board of Supervisors in November or December.

As your Library Commission I am requesting the Council authorize the sending of this support letter, if possible, as an official city position. I received the information about this request, and the short deadline, only last Thursday night when it was too late to get the item on the Council's agenda. I believe the City Council can waive the requirements of the Brown Act in view of the urgent nature of this request and the lack of knowledge about it

earlier. In addition I am requesting that all members of the City Council send individual letters in support.

This request is fully consistent with the purposes of Measure X. The funds provided by that measure, estimated to be at least \$88 million a year, is to be used for the following:

- Keep Contra Costa's regional hospital open and staffed;
- Fund community health centers;
- Provide timely fire and emergency response;
- Support crucial safety-net services;
- Invest in early childhood services;
- Protect vulnerable populations; and
- Fund other essential services.

The request for additional library hours clearly falls within the last four items to be addressed by Measure X which are underlined above.

The Council took action last month providing city funding for library hours in addition to the county provided minimum hours. Even in the midst of the financial and pandemic crisis this Council recognized the strong equity principles involved in library access. I'm sure I don't need to repeat these here.

But, as the information provided by County Librarian McKee shows, the existence of city funded library hours at the highest level basically tracks city household income. The four cities with the greatest number of city-funded library hours are those with the highest household income. (See Exhibit A attached.)

A significant part of the problem with the uneven distribution of library hours comes from the lack of adequate funding for libraries under the present system. This results in a per person expenditure in Contra Costa County that is substantially below that in neighboring counties. (See Exhibit B attached.)

This problem has been with us for some time and results from the joint responsibility for libraries in our county between the cities and the county. Richer cities can afford better libraries and libraries that are open more. Whatever the justification for this arrangement in the past, the existence of Measure X money to fix it makes the change imperative. As the Contra Costa County Library Commission observed in 2016, in a publication titled *Promoting Excellence in Library Service in Contra Costa County*, “[T]he Library’s funding model ... puts some community libraries at a distinct disadvantage in comparison to their peer libraries located within the county’s wealthier community.... Our primary

conclusions are that funding for the Library is not adequate ... and that inequities in Library services continue despite the expressed need for the Library to reach out to underserved populations.”

Members of this Council have recognized, rightly, that the operation of our libraries should properly be a county rather than a city expense. Unfortunately this view, which I share, runs into the reality that the cost of operational hours below an inadequate minimum are imposed on the cities. The County Librarian’s request to the Measure X Advisory Board is an attempt to right this inequitable wrong. The City Council should strongly support the request.

I have attached to this document a draft letter on behalf of the City to the Measure X Advisory Board. It should be sent to lisa.Driscoll@cao.cccounty.us with a copy to the County Librarian: alison.mckee@library.cccounty.us

Draft Letter

Dear Measure X Community Advisory Board:

On behalf of the City of El Cerrito City Council, I am writing to urge you recommend allocating an appropriate proportion of Measure X funds to provide for additional

county-paid library hours. This request is consistent with four of the stated purposes of Measure X:

- Support crucial safety-net services;
- Invest in early childhood services;
- Protect vulnerable populations; and
- Fund other essential services.

The Covid-19 pandemic has exposed clearly to all the digital divide between rich and poor and the increasing important of internet access. This is one of the reasons that, even in the midst of a significant city fiscal crisis, our council voted 4-1 to provide funding for additional library hours so that those without other means to access the internet could still do so.

Of course our libraries also provide other important services such as promoting reading skills in young children and providing literacy education to adults. The libraries are a valuable resource of information about the pandemic. And libraries provide an important respite to those experiencing homelessness both from life on the street and the increasing ill effects of climate change.

The current system of minimal library hours provided by the county with the burden to provide adequate library hours falling on the cities results in those cities with higher household income often being able to afford this cost

while other cities cannot. This is not equitable and is the very thing Measure X was designed to help alleviate.

We have recently written you requesting that you also recommend funding for the Community Crisis Initiative. We understand that you will be providing recommendations for funding a number of items and our request on library hours is not meant to be in opposition to the Community Crisis Initiative.

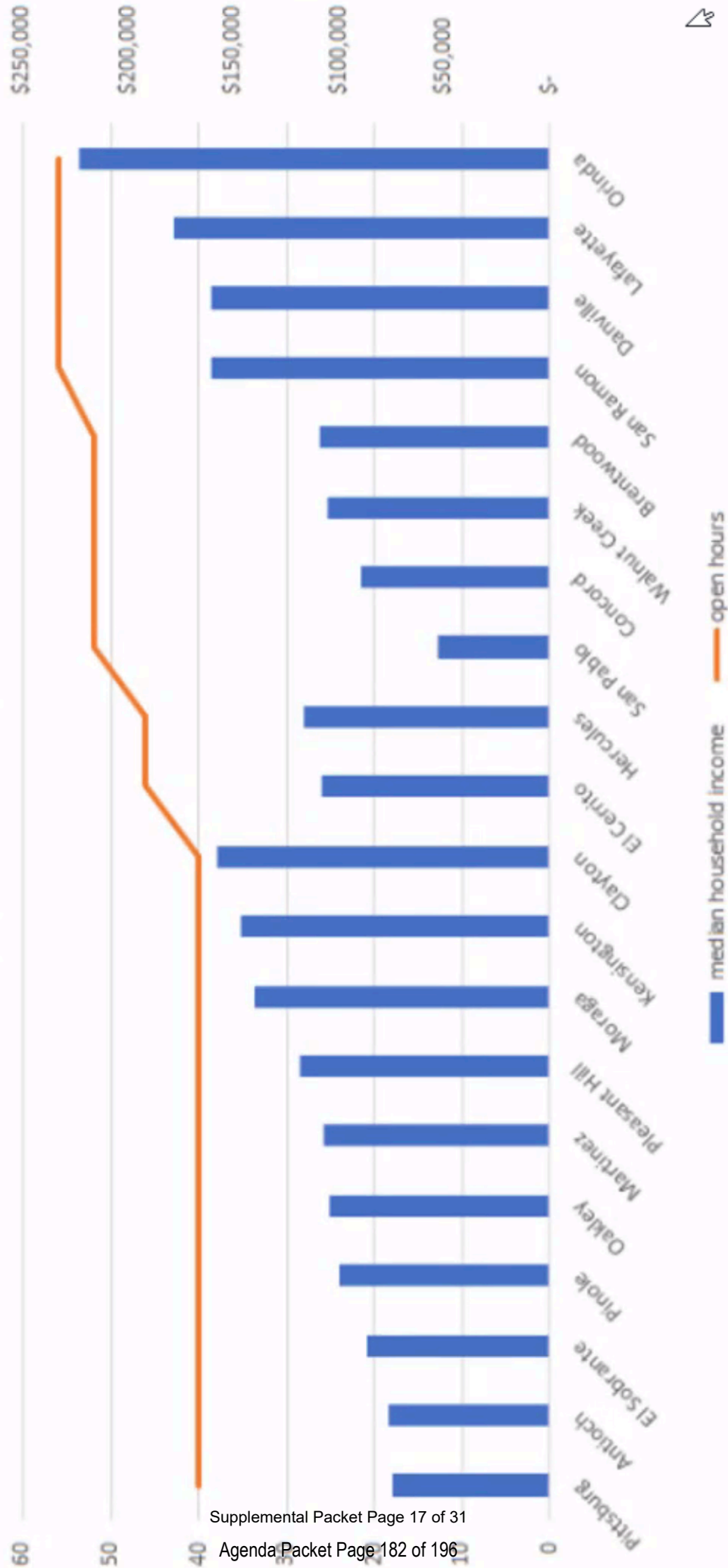
We urge you as the Measure X Community Advisory Board to support both the Community Crisis Initiative and increased county funded library hours. These items are just what Measure X was intended to support, especially since all members of our county and all communities will benefit.

Sincerely yours,

Paul Fadelli

Mayor, City of El Cerrito

Hours and Median Income



Library	Funding per Person	No. of residents/servi ce area	No. of Libraries	Library budget
Contra Costa	\$32.89	1,042,344	26	\$35,714,141
Alameda	\$49.54	613,679	10	\$35,234,732
Solano	\$55.96	389,856	9	\$22,745,956
Napa	\$77.85	133,015	4	\$11,213,195
Marin	\$122.83	142,424	10	\$19,993,341

From: [rachel](#)
To: [Paul Fadelli](#)
Cc: [Gabe Quinto](#); [Janet Abelson](#); [Lisa Motoyama](#); [Tessa Rudnick](#); [Karen Pinkos](#); [Alexandra Orologas](#); [City Clerk](#)
Subject: Letter of Support for use of Measure X Funds for Increased Contra Costa County Library Budget: 7/20/2021 City Council Meeting Public Comment - not on agenda
Date: Tuesday, July 20, 2021 10:07:54 AM
Attachments: [El Cerrito Measure X Advisory Board Draft Letter of Support for Contra Costa County Library Initiative 7.20.2021.pdf](#)

To: Mayor Paul Fadelli Mayor Pro Tem Greg Quinto
Councilmember Janet Abelson
Councilmember Lisa Motoyama
Councilmember Tessa Rudnick
CC: City Manager Karen Pinkos
Assistant City Manager Alexandra Orologas
City Clerk Holly M. Charléty

20 July 2021

Subject: Public Comment - Item Not on the 7/20/21 City Council Agenda re Use of Measure X Funds for Library Hours

I am writing to request that the City Council authorize the Mayor to send a letter to the Contra Costa County Measure X Advisory Board, no later than July 26, in support of County Librarian Alison McKee's request for Measure X funds to support the expansion of hours and enhancement of services for our county's library system. As the District 1 Library Commissioner, inclusive of El Cerrito, El Sobrante, Kensington, Pinole, and San Pablo, I received the information about this request, and the short deadline, only last Thursday night when it was too late to get the item on the Council's agenda. I believe the City Council can waive the requirements of the Brown Act in view of the urgent nature of this request and the lack of prior knowledge about it. I am also asking all City Council members to send individual letters in support.

I applaud the council's action last month to provide city funding for library hours above the county-provided minimum. It is time to step up for libraries once more—on a countywide level that will bear significant impact on the city of El Cerrito. On July 28, County Librarian McKee will deliver a presentation to the Measure X Community Advisory Board requesting that Measure X funds be used to provide for an increase in county-provided hours to 56 hours a week at each branch. Not only would this relieve cities of the cost of supporting additional open hours, it could galvanize increased public support for a new El Cerrito library, given the expanded presence and role of the library open for 56 hours instead of merely forty. Lastly, it would signal a firm commitment to fulfilling the county's equity goals, across multiple sectors, and to prioritizing inclusion as a principle of community organization.

The Contra Costa County Library's per capita operating income falls woefully short of the median for libraries statewide, and particularly that of other Bay Area county libraries. Our system receives funding equivalent to 1.5% of 1% of property tax for all properties (aside from those in the city of Richmond, which operates its own library system). This amount accounts for just .97% of the

county's current budget. Currently, the cost of additional operational hours beyond the county-funded minimum threshold is borne by cities, as is facilities maintenance. While *some* of our county's cities and their libraries' respective friends' groups and foundations can pitch in substantively to fill in the opportunity and equity gaps produced by this scant level of support—in services, programming, open hours, facilities maintenance, etc.—many others simply cannot. This also applies to libraries in unincorporated areas, such as El Sobrante, Kensington (both within District 1), and Bay Point (located in District 5) that do not have a potential city funding base from which to draw. The resulting picture is wildly disparate. To illustrate this point, the four cities with the greatest number of city-funded library hours at present are those with the highest household income. During a recent county needs assessment, one community member put this blunt reality in stark perspective: *"Fix your system. The libraries in the different communities could not be a more blatant illustration of the divide between 'haves and have-nots' in this county. Poor kids see that what the county thinks they deserve are understaffed libraries and ratty books, libraries that are closed more than they're opened. Rich neighborhoods meanwhile get the best of the best. Is that what libraries are supposed to be about?"*

In other words, the current funding model and allocation reflects, contributes to, and even exacerbates our county's inequities. ***We can and we must do better.***

The existing state of our county's library funding does not serve all community members, and it certainly does not serve them all equally. The significant revenue expected from the Measure X initiative (estimated at \$81M/year) has the potential to level the playing field and to infuse our library system's delivery of equitable services and contributions to impactful outcomes with real backbone. It would directly support facility upgrades (which are desperately needed in many of the libraries located in impacted communities), staffing, collection development, and operational support. Specifically, the measure could enact the following: funding for across-the-board 56 hour open hours at ***all*** branches, improved facilities, increased collections, additional services, more outreach opportunities, safe spaces for teens to congregate after school, and better wraparound support for families and residents, particularly in underserved communities.

We are undoubtedly experiencing a widening gap between the have's and the have-not's, particularly in the Bay Area. County Librarian McKee's Measure X proposal can ameliorate some of the impacts of that trend. There are so many forces that are beyond the control of local municipalities. ***This is not one of them.*** Measure X provides a direct portal to greater equity and excellent services for ***all*** of our county's residents. The measure is not directly tied to nor a result of our state's unprecedented 2021 budget surplus, but it is certainly part of the larger picture: an opportunity to address and ***redress*** some of the massive disparities—both their causes and effects—in our region's healthcare, education, housing, public safety, economic, and environmental sectors, among others.

In November 2020, Contra Costa County voters passed Measure X to fund essential services including the regional hospital, community health centers, emergency response, safety-net services, early childhood services, and other community services. It also required the formation of a Measure X Advisory Board, which was subsequently established by the Board of Supervisors. By Fall 2021, the Measure X Advisory Board will recommend up to ten funding priorities for the Board of Supervisor's

consideration.

The County Librarian's request is fully consistent with the purposes of Measure X, especially the following key targets:

- Support crucial safety-net services
- Invest in early childhood services
- Protect vulnerable populations
- Fund other essential services

Our libraries are the public institutions where ideals like equal and free access acquire animus and meaning and where a region's diversity can be truly reflected and enacted. They are one of the most vital spaces of public involvement and intellectual freedom in a democratic state. But they have increasingly become part of the social safety net for many populations, especially our most vulnerable community members. There is no doubt that we need more vigorous and inclusive community services, and there is no doubt that this funding boost can help make that happen.

I have attached to this document a draft letter on behalf of the City to the Measure X Advisory Board. It can be adapted for use by council members as well.

The letter should be sent to: lisa.Driscoll@cao.cccounty.us

And a copy sent to:

alison.mckee@library.cccounty.us (County Librarian)

Thank you for your consideration.

Warmly,

Rachel Rosekind, PhD

District 1 Library Commissioner

WORDS ARE MATTER. MAKE THEM MATTER.



Rachel Rosekind, PhD, MLIS

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Dear Measure X Community Advisory Board:

On behalf of the El Cerrito City Council, I am writing to urge you to recommend allocating an appropriate proportion of Measure X funds to provide for an expanded county library budget. This allocation would directly support a countywide increase to 56 hours for **all** branches, facility upgrades (which are desperately needed in many of our county's libraries, particularly those located in impacted communities), staffing, collection development, and operational support.

The County Librarian's request is fully consistent with the purposes of Measure X, especially the following key targets:

- Support crucial safety-net services
- Invest in early childhood services
- Protect vulnerable populations
- Fund other essential services

The Covid-19 pandemic has exposed and exacerbated many of the divides that increasingly define our region. During the yearlong+ closure, our county library staff demonstrated how vital their services are to our community members, particularly those who are under-resourced and overburdened. They handed out free lunches and produce, mobile hotspots, literacy materials, and craft kits; delivered books to homebound community members; conducted robust online programming; assisted patrons with unemployment, EBT benefits, tutoring services, and accessing other crucial safety net services—the list goes on and on. Libraries are truly the place where democracy shows the true extent of its promise and potential. Our investment in *them* reflects the degree of our investment in our egalitarian social and political aspirations.

The Contra Costa County Library's per capita operating income falls woefully short of the median for libraries statewide, and particularly that of other Bay Area county libraries. Our system receives funding equivalent to 1.5% of 1% of property tax for all properties (aside from those in the city of Richmond, which operates its own library system). This amount accounts for just .97% of the county's current budget. Currently, the cost of additional operational hours beyond the county-funded minimum threshold is borne by cities, as is facilities maintenance. While *some* of our county's cities and their libraries' respective friends' groups and foundations can pitch in substantively to fill in the opportunity and equity gaps produced by this scant level of support—in services, programming, open hours, facilities maintenance, etc.—many others simply cannot. This also applies to libraries in unincorporated areas, such as El Sobrante, Kensington (both within District 1), and Bay Point (located in District 5) that do not have a potential city base from which to draw. The resulting picture is wildly disparate. In other words, the current funding model and allocation reflects, contributes to, and even exacerbates our county's inequities. ***We can and we must do better.*** The significant revenue expected from the Measure X initiative (estimated at \$81M/year) has the potential to level the playing field and to infuse our library system's delivery of equitable services and contributions to impactful outcomes with real backbone.

Measure X is an unprecedented opportunity to address and ***redress*** some of the massive disparities—both their causes and effects—in our region's healthcare, education, housing, public safety, economic, and environmental sectors, among others. Libraries are one of the most vital spaces of civic involvement and education, literacy promotion, and intellectual freedom in a democratic state. And they have increasingly become part of the social safety net for many populations, especially our most vulnerable community members. There is no doubt that we need more vigorous and inclusive community services, and there is no doubt that this funding boost can help make that happen. I understand that the library's

ask is but one competing interest in ultimate allocation, but I hope you can see how capably it responds to the core imperatives of the Measure X specifications.

We have recently written to the Advisory Board to request that you recommend funding for the Community Crisis Initiative. We understand that you will be offering endorsements for a number of items—our request on behalf of the county library is not meant to be in opposition to the Community Crisis Initiative. We urge you to support *both* the Community Crisis Initiative and our County Librarian's initiative. Both of these allocations reflect the intention and integrity behind Measure X, and all of our community members will derive benefits from their enhanced support.

Thank you for your consideration.

Sincerely yours,
Paul Fadelli
Mayor, City of El Cerrito

From: [Gary Prost](#)
To: [City Clerk](#)
Subject: Public Comments - Agenda Item 4 F and 4G
Date: Tuesday, July 20, 2021 11:28:33 AM

El Cerrito City Council Meeting July 20, 2021

Honorable Mayor Fadelli and City Council:

Both as a resident of El Cerrito, and as a member of Make El Cerrito Fire Safe, I encourage you to pass Agenda Items 4 F (Resolution Declaring Wildfire Prevention and Safety a Top Priority) and 4 G (Resolution in Support of a East Bay Joint Powers Agency for Vegetation Management).

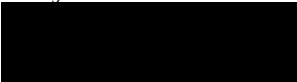
4F will ensure that all City departments consider the impact of their actions regarding fire safety within the city. Our prolonged drought, and multiple wildfires across the west, only emphasize the need for this sort of consideration. A wildfire anywhere in El Cerrito, or indeed the East Bay Hills, would be catastrophic in terms of lives, property, and already scarce housing.

4G would state El Cerrito's support for the establishment of an authority, similar to the Bay Area Air Quality District, that would cross multiple jurisdictions to ensure coordinated efforts at fuel load reduction and a coordinated response to wildfires across the East Bay.

Please approve both of these resolutions.

Thank you,

Gary Prost

 El Cerrito



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From: [Sue Duncan](#)
To: [City Clerk](#)
Subject: Public Comment, Agenda Items 4F and G
Date: Tuesday, July 20, 2021 2:32:16 PM

City Council Members,

We are writing to urge you to adopt items 4F and 4G on the Consent Calendar.

Item 4F, declaring that wildfire prevention and safety is a top priority of the city should keep the very real possibility of the unthinkable, a wildfire coming through EC, as a focus for each department as they make their work plans. Adopting the resolution that officially states that wildfire prevention is a top priority also might help when the city applies for grants.

It is also very important to adopt the JPA resolution, Item 4G. Wildfires know no city or county boundaries, they go where there is fuel and where the wind blows them. The East Bay Hills, backed by EBRPD land from Richmond to Castro Valley, need a comprehensive, consistent vegetation management plan to protect the lives of the residents, their homes and businesses. Currently, there are 20 different municipalities and agencies that own land within this area, all with different vegetation management standards and funding. It is time to look at the whole picture of the East Bay Hills wildfire potential and unify the prevention efforts. Please adopt the resolution so that the many agencies can sit down together and discuss the feasibility of a JPA. I will remind you that 4 of you have added your names to the list of endorsees.

Thank you for your consideration of these items.

Sue and Paul Duncan

Make El Cerrito Fire Safe

From: [nick zamorano](#)
To: [City Clerk](#)
Subject: Public Comments Agenda Item 4 F
Date: Tuesday, July 20, 2021 2:22:18 PM

I want to urge all council members to approve the wildfire prevention and safety resolution submitted by Mayor Fadelli. It is high time that El Cerrito proclaim wildfire prevention and disaster preparedness a top priority for all residents. Such a resolution already exists in the cities of Oakland and Berkeley as well as other surrounding cities and counties in the bay area. A unanimous vote from all council members to prevent and abate wildfires will instill confidence in residents that their safety and well being is important and crucial to their livelihood.

Nick Zamorano
El Cerrito Resident
Make El Cerrito Fire Safe

Sent from [Mail](#) for Windows 10

From: [Marlene George](#)
To: [City Clerk](#)
Subject: Public Comment-Agenda Item 4 F
Date: Tuesday, July 20, 2021 3:12:59 PM

Dear Mayor Fadelli, Mayor Pro-Tem Qunito and Councilmembers Abelson, Motoyama and Rudnick:

I strongly support the wildfire prevention and safety resolution and encourage its adoption at tonight's city council meeting. Now is the time for council to acknowledge the impending threat of a wildfire in El Cerrito. Now is the time for council to declare wildfire prevention a top priority in El Cerrito and assure that protecting all El Cerrito residents is first and foremost the responsibility of the city government.

Marlene George
El Cerrito Resident
Make El Cerrito Fire Safe

From: [Jon Kaufman](#)
To: [City Clerk](#)
Cc: [Paul Fadelli](#); [Sue Duncan](#)
Subject: Public Comments - agenda item 4.G
Date: Saturday, July 17, 2021 2:28:37 PM

My name is Jon Kaufman. I am co-chair of the citizens committee working to build an East Bay hills wildfire prevention and vegetation management Joint Powers Agency. I would like to commend the El Cerrito City Council for supporting this resolution and in particular your mayor Paul Fadelli for taking the lead on it. In addition, the creation of a wildfire JPA is supported by a widening coalition of community organizations and public officials including Supervisor John Gioia and Oakland Mayor Libby Schaaf among others. The full current list is posted on our website, <https://eastbaywildfirejpa.org>.

A JPA will be an important tool in the work needed to reduce the risk of wildfire in our communities. We have witnessed first hand a very destructive wildfire in 1991 and seen even more destructive fires elsewhere in California since then. The situation is urgent and El Cerrito and its residents would benefit from what this proposed JPA would offer in the way of leadership, expertise and potential funding.

Thank you.

Jon Kaufman

From: [Jim Dolgonas](#)
To: [City Clerk](#)
Subject: Public Comment-Agenda item 4G
Date: Tuesday, July 20, 2021 2:00:59 PM

Mayor Fadelli, City Council Members

I am writing to encourage the City Council to adopt the resolution on the consent calendar in support of considering the formation of a Joint Powers Agency (JPA) for vegetation management. As noted in the resolution, wildfires do not respect jurisdictional boundaries. Exploring the formation of a JPA is recognition of this fact. Since other local municipalities are almost certain to participate in the discussions regarding formation of a JPA, it would send a strong and unfortunate message of non-cooperation to our neighbors if El Cerrito was not to participate in the discussions. And, it should be noted that this resolution does not commit the City to anything other than participation in discussions.

Jim Dolgonas

EXHIBIT A
Revised 7/20/2021

El Cerrito Fire Protection District
List of Real Property Constituting Public Nuisances

505-351-018-5	1101 Arlington Blvd.
594-372-020	421 Colusa Ave.
501-243-008-7	6327 Conlon Ave.
513-371-002	1755 Eastshore Blvd.
502-112-038	1715 Elm St.
505-122-010-0	8344 Kent Ct.
505-470-005	Madera Circle (vacant lot)
504-411-009-5	605 Seaview Dr.
505-261-003-6	886 Shevlin Dr.
573-132-026-2	8421 Wildcat Dr.

Agenda Item No. 5.B. – PG&E Community Wildfire Safety Program Presentation
Supplemental resources provide by Pacific Gas and Electric

<https://pgealerts.alerts.pge.com/outages/map/>

<https://www.pge.com/weather>

<https://pgealerts.alerts.pge.com/>

https://pgealerts.alerts.pge.com/outages/psps-address-alert/?WT.mc_id=Vanity_addressalerts

<https://ia.cpuc.ca.gov/firemap/>

<https://www.pge.com/firewatch>

<http://beta.alertwildfire.org/>

<http://www.caiso.com/TodaysOutlook/Pages/default.aspx>

For more information, please:

- Call 1-866-743-6589
- Email wildfiresafety@pge.com
- Visit www.pge.com/wildfiresafety