



AGENDA

REGULAR CITY COUNCIL MEETING OCTOBER 19, 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://us06web.zoom.us/j/85078161244?pwd=VFFkT0RvSmp4WFFTWXIMUXIZczRTdz09>

Meeting ID: 850 7816 1244 **Password:** 929196
or Dial in: 1-408-638-0968

The City Council may continue to meet by teleconference, consistent with the Brown Act as amended by AB 361 (2021). Under the amended rules, the City will not provide a physical location for members of the public to participate in the teleconference meeting.

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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. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. 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.

4. 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.

5. 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 September 21, and October 5, 2021.

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

B. Filipino American History Month Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing October 2021 as Filipino American History Month in El Cerrito.

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

C. FY 2021-22 First Quarter Cash and Investment Report

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

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

D. Construction Contract Award for 2021 Sidewalk Repair Project, City Project No. C3024.6

Action Proposed: Adopt a resolution approving plans and specifications for the 2021 Sidewalk Repair Project, City Project No. C3024.6 (Project); rejecting bids submitted by FJ&I Engineering, Inc., SYL Construction, Inc., and US Engineering, Inc. as non-responsive and accepting the other eight (8) bids submitted for the Project; and authorizing the City Manager to execute a contract in the amount of \$123,377.00 with J J R Construction Inc. and to approve change orders in an amount not to exceed \$60,000.00 for the construction of the Project.

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

E. Amendment of Professional Services Agreement with Peckham & McKenney

Action Proposed: Adopt a resolution to authorize the City Manager to amend the professional services agreement with Peckham & McKenney, an executive search firm, to include recruitment for the position of Finance Director/City Treasurer.

Contact: Alexandra Orologas, Assistant City Manager, City Management

6. PRESENTATIONS

A. Park and Recreation Commission Work Plan

Action Proposed: Receive and file a presentation from the Park and Recreation Commission on their 2019-2021 accomplishments and Fiscal Year 2021-2022 Work Plan.

Contact: Ben Chuaqui, Chair, Park and Recreation Commission; Chris Jones, Recreation Director, Recreation Department

7. PUBLIC HEARINGS

8. POLICY MATTERS

A. Revisions to City Board, Commission, and Committee Regulations

Action Proposed: 1) Adopt a resolution modifying term limits for City Committees; 2) Adopt a resolution modifying the application and appointment process for all Boards, Commissions, and Committees; and 3) Adopt a resolution requiring ethics training and orientation/handbook

training for all Board, Commission, and Committee members.

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

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, November 02, 2021 at 7:00 p.m. via teleconference.

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

September 21, 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://us06web.zoom.us/j/87982009250?pwd=OVRReloyNVI3b1g5V1pNREI3RW5ndz09>

Meeting ID: 879 8200 9250 **Password:** 151459

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.

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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. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. 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 health orders, new legislation related to the Brown Act and teleconferencing rules, and vaccines.

Mayor Pro Tem Quinto - Announced MCE bill discount assistance available, reported meeting with El Cerrito Rotarians regarding a July 4th celebration.

Mayor Fadelli - Reported attendance at West Contra Costa Transportation Advisory Committee meeting, El Cerrito Environmental Quality Committee informational forum on new Food Ware Ordinance, announced El Cerrito High School football win and congratulated student Zachary A Chen as a National Merit Scholarship Semi-Finalist.

PG&E Representative Mark Van Gorder provided an update on service in El Cerrito, impacts and challenges of power outages.

A. City Council Financial Ad-Hoc Committee Update

Councilmember Rudnick - provided an update on the Budget Ad-Hoc committee meetings held and work completed including review and feedback of response to state auditor.

Councilmember Motoyama - reported direction to city management on upcoming budget updates to be presented quarterly moving forward, to receive a more informative report in a format that is accessible with focus on the 5-10 year forecast and understanding the budget at a department level.

4. 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 Neil Tsutsui, Cordell Hindler, Robin Mitchell, John C. Stashik, and Theresa Parini; consent item #5G from Gary Prost and Sue and Paul Duncan.

Oral Public Comments:

Dave Weinstein - El Cerrito Historical Society, commented on contributions to El Cerrito by Chris Treadway and his current health condition.

Indy Rishi Singh - spoke regarding Thomas Paine, common sense, and transparency.

Diana Cantu-Reyna - commented on PG&E outages, public meeting access, and community engagement.

Linda Cain - commented on meeting access, future 4th of July events, and power outages.

Ms. Parini - spoke regarding challenges with homeless encampments on the Ohlone Greenway.

Stephanie Lew - commented on lack of response to the community and meeting accessibility, Indigenous Peoples Day recognition and land acknowledgement.

JT Pirog - spoke regarding meeting accessibility.

Sherry Drobner - spoke regarding Albany City Council meeting and presentation by Sogorea Te Land Trust.

John Stashik - commented on responsiveness of city staff, and homeless encampments on the Ohlone Greenway.

Anna - commented on engagement by and with the community.

5. 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 Rudnick/Councilmember Motoyama

Action: Motion to Approve items A-F on 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 City Council Meeting minutes from August 17 and August 31, 2021.

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

Action: Approved minutes

A. Urban Forest Committee Appointment

Action Proposed: Approve an Urban Forest Committee recommendation to appoint Melissa Feudi to the Urban Forest Committee, effective October 1, 2021.

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

Action: Approved appointment

B. Economic Development Committee Appointment

Action Proposed: Approve one Economic Development Committee recommendation to appoint a new member, Robert Travis Campbell, effective September 21, 2021.

Contact: Aissia Ashoori, Community Development Analyst, Community Development Department

Action: Approved appointment

C. Hispanic Heritage Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring September 15, 2021 - October 15, 2021, as Hispanic Heritage Month, by recognizing and celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved proclamation

D. Suicide Prevention Awareness Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring September as Suicide Prevention Awareness Month in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved proclamation

E. League of California Cities 2021 Annual Conference Resolutions Packet

Action Proposed: Pass a motion to authorize and provide direction to the annual conference voting delegate, Mayor Fadelli, to vote in favor of the proposed resolutions packet and Proposed Bylaws amendments for 2021.

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

Action: Directed voting delegate, alternate Mayor Pro Tem Quinto, to vote in favor of proposed resolutions and bylaw amendments.

F. Agreement with A Plus Tree Inc. for Tree Removal and Fire Hazard Reduction Work in the El Cerrito Hillside Natural Area

Action Proposed: Adopt a resolution approving and authorizing the City Manager to execute a General Services Agreement with A Plus Tree Incorporated for dead, dying, and hazardous tree removal and other fire hazard reduction work in the El Cerrito Hillside Natural Area in the amount of \$71,585 and approving a contingency amount not to exceed 15% of the contract amount, for a total not to exceed amount of \$82,323.

Contact: Stephen Prée, Environmental Programs Manager/City Arborist; 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 Motoyama. Approved Resolution 2021-45. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

6. PRESENTATIONS

7. PUBLIC HEARINGS

A. Fire Hazard Abatement

*Exempt from CEQA review pursuant to Sections 15304 and 15308.
Public Hearing noticed 9/11/2021*

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding process, notification, and reporting potential hazards.

Moved/Seconded: Councilmember Rudnick/Councilmember Motoyama

Action: Adopted Resolution 2021-46 (Declaring Identified Properties).

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

Public Hearing: Mayor Fadelli opened the public hearing. No public comments.

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Abelson **Action:** Closed the Public Hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Abelson **Action:** Adopted Resolution 2021-47 (Overriding Objections). **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

A. Equity Considerations and Equity and Inclusion Workplan Action

Proposed: At the request of Mayor Fadelli, pass a motion directing the Human Relations Commission to work with staff to develop an Equity and Inclusion workplan for the community.

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 city representation on Government Alliance on Racial Equity (GARE) program, LGBT community and disability accessibility considerations, and process.

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 Al Miller, Rochelle Pardue-Okimoto, and Michael Fischer.

Oral Public Comments:

Al Miller - spoke in support of action, inclusion of community and city staff, as well as evaluations of staff to address performance in this area.

Michael Fischer - spoke in support of action.

Buddy Akacic - commented on organizing a community event on October 15th focused on equity and inclusion.

Moved/Seconded: Mayor Fadelli/Councilmember Rudnick

Action: Passed a motion to direct the Human Relations Commission to work with staff to develop an Equity and Inclusion workplan for the community. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

B. Study Session on Boards, Commissions, and Committees

Action Proposed: Conduct a study session on City Boards, Commissions, and Committees (Advisory Bodies) and provide staff direction regarding committee term length and limits, appointment and removal process for advisory bodies, and adopt a resolution authorizing conditions for automatic removal.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding ethics training, two-year terms, crime prevention regulations, incompatible offices, rotation of council liaisons, meeting attendance prior to appointment, orientation, interview questions, decreasing impact on staff liaisons, and quarterly meetings.

Oral Public Comments:

Al Miller - spoke on consideration of serving on multiple bodies simultaneously, incompatible offices, and potential for meetings without city staffing.

Howdy Goudy - commented on consistency within advisory type rather than across all advisory bodies, support of reducing or eliminating term lengths and limits for committees and reducing meeting requirements prior to appointment.

Dave Weinstein - commented on poor portrayal of importance of committees, and in favor of no term limits for committees.

Robin Mitchell - spoke in support of no term limits for committees and commented on meeting attendance requirements being too lengthy.

Indy Rishi Singh - commented on recognition for advisory body members and addressing discrimination against members.

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Quinto

Action: Passed a motion directing staff to modify regulations for all city committees to be subject to three 4-year term limits. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Fadelli/Councilmember Abelson

Action: Passed a motion directing staff to modify regulations to require all boards, commissions, and committee applicants to attend two meetings within 3 months of applying in order to be considered for appointment, with the exception of Civil Service Commission and Citizens Streets Oversight Committee. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

City Council directed staff to move forward with developing interview questions specific to each board and commission, rather than standard questions for all advisory bodies.

Moved/Seconded: Councilmember Motoyama/Mayor Pro Tem Quinto
Action: Adopted Resolution 2021-48, modified to include notification to City Council prior to removal of a member. **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 directing staff to modify regulations to require all board, commission, and committee members to complete ethics training and complete orientation and handbook training. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Quinto
Action: Passed a motion to extend the meeting to 11:15 PM.
Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama **Noes:** Councilmember Rudnick

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

Mayor Pro Tem Quinto - reported end of term as the East Bay Division President for League of California Cities.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 11:03 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 September 21, 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 OCTOBER 5, 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://us06web.zoom.us/j/84341362683?pwd=Uy83TzBkZW11ZVJhd1pINm1XQTdkZz09>

Meeting ID: 843 4136 2683 **Password:** 335069
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 07:00 PM.

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

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. 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.

Assistant City Manager Orologas - provided an update on the local emergency, current county orders including mask mandates, availability of booster shots, shared information on MyShake app for information regarding earthquakes

City Manager Pinkos - provided an update on the local eviction moratorium, in effect as long as the local emergency remains in effect.

Councilmember Rudnick - reported attendance and highlighted training at the Cal Cities annual conference.

Councilmember Abelson - reported attendance and highlighted experiences from the Cal Cities annual conference.

Mayor Fadelli - reported attendance at the grand opening for the NUG cannabis business, and grand opening for *Our Town* at the Contra Costa Civic Theatre; announced Mayor Certificate of Recognition for El Cerrito Centenarian Tadashi Yoshii.

Mayor Pro Tem Quinto - reported attendance and highlighted experiences from the Cal Cities annual conference, announced appointment to the Board of Cal Cities, Committee for Equity, Inclusion and Diversity, and Committee for Governance.

4. 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

Oral Public Comments:

Indy Rishi Singh - wished the council a productive meeting.

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

A. Children's Environmental Health Month Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring October 2021 as Children's Environmental Health Month in the City of El Cerrito.

Contact: Karen Pinkos, City Manager, City Management

Action: Approved proclamation

B. National Arts and Humanities Month Proclamation

Action Proposed: Pass a motion to approve a proclamation in support and recognition of October 2021 as National Arts and Humanities Month in El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved proclamation

C. Economic Development Committee Appointment

Action Proposed: Approve one Economic Development Committee recommendation to appoint a new member, Patrick Swen, effective October 5, 2021.

Contact: Aissia Ashoori, Community Development Analyst, Community Development Department

Action: Approved appointment

D. Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

Action Proposed: Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

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

Action: Approved Resolution 2021-49

6. PRESENTATIONS

A. District Attorney's Office Overview

Action Proposed: Receive and file an overview of the Contra Costa County District Attorney's office including budget, departments, and programs.

Contact: Diana Becton, District Attorney, Contra Costa County

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding juvenile detention centers, reducing school to prison pipeline, mental health diversion work, current trends in felony and misdemeanor cases, El Cerrito cases and thefts at local grocery stores.

Action: Received and filed.

7. PUBLIC HEARINGS

A. Revisions to FY 2021-22 Master Fee Schedule

Notice published on 9/25/21 and 10/1/21

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

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 the amount of lost revenue.

Public Hearing: Mayor Fadelli opened the public hearing.
No public comments.

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

Moved/Seconded: Councilmember Rudnick/Councilmember Motoyama **Action:** Approved Resolution 2021-50. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

B. Cost Hearing Regarding Fire Hazard Abatement of a Public Nuisance for Properties Identified and pursuant to El Cerrito Municipal Code Chapter 16.26

Notice published on 9/25/2021

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private properties designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

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

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

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 Rudnick/Councilmember Abelson
Action: Approved Resolution 2021-51. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

A. Campaign Contribution Limits and Regulations for Local Elections

Action Proposed: 1) Discussion options regarding limits on campaign contributions made to candidates for local elective office as necessitated by Assembly Bill 571 (AB 571) and 2) Provide staff direction to proceed with one of three options related to local campaign contribution limits and regulations.

Contact: Holly M. Charlety, City Clerk; Sky Woodruff, City Attorney, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding the history of committees, use of funds, and potential costs for administering a local program.

No public comments.

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick
Action: Passed a motion to take no action and allow the state regulations to remain in effect for El Cerrito elections. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

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

Mayor Pro Tem Quinto - reported on Hazardous Materials Commission meeting.

Mayor Fadelli - reported attendance at Rosie the Riveter Foundation fundraising event.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 8:31 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 October 5, 2021, as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing October as Filipino American History Month in the City of El Cerrito

WHEREAS, on October 18, 1587, more than a century before the Mayflower crossed the Atlantic Ocean, the first "Luzones Indios," as Filipinos were known in those days, arrived in Morro Bay, California after sailing across the Pacific Ocean as sailors on Spanish galleons; and

WHEREAS, between 1906 and 1935, the first large wave of Filipino immigration to the United States began as Filipinos were recruited to work in the agricultural industries, canneries, and on sugarcane plantations; and

WHEREAS, during World War II, approximately 200,000 Filipino soldiers, including thousands from California, fought under United States command to preserve the liberty of our country and win back the liberty of the Philippines; and

WHEREAS, between 1941 and 1959, a second wave of Filipino immigration began, as nurses, students, fiancées of World War II military personnel, veterans, and many Filipinos who had served in the United States Navy settled in the Bay Area, including El Cerrito, where they are one of the largest Asian American minorities; and

WHEREAS, 2006 marked the centennial celebration of Filipino migration to the United States. In California, Filipino American History Month was first recognized statewide; and

WHEREAS, on September 9, 2009, the California State Assembly voted to designate the month of October 2009, and every October thereafter, as Filipino American History Month; and

WHEREAS, Chief Justice Tani Gorre Cantil-Sakauye is the first Filipina American to lead California's judiciary, and Attorney General Rob Bonta is the first Filipino American to head California's Department of Justice; and

WHEREAS, on December 19, 2017, El Cerrito's first Filipino American Mayor, Gabriel Quinto, was sworn in by Contra Costa Superior Court Judge Benjamin Reyes II, the first Filipino American judge to serve on the Contra Costa County bench.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby declare October as Filipino American History Month in the City of El Cerrito and invites everyone to celebrate and reflect on the notable accomplishments and outstanding services by Filipino Americans to our Country, our State, and our City.

Dated: October 19, 2021

Paul Fadelli, Mayor



AGENDA BILL

Agenda Item No. 5.C.

Date: October 19, 2021
To: El Cerrito City Council
From: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department
Subject: FY 2021-22 First Quarter Cash and Investment Report

ACTION PROPOSED

Receive and file the City's Quarterly Investment Report for the Quarter ending September 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 July 1, 2021 to September 30, 2021 shows that the City's total cash and investments as of September 30, 2021 had a par value of \$19,851,836.
- These funds are available to meet operating expenses for the next six months.
- Of the total amount of cash and investments \$16,831,778 was invested in the pooled funds with the State Treasurer's Local Agency Investment Fund (LAIF).
- The City's investments include \$3,051,028 in American Rescue Plan Act (ARPA) grant funds received in July 2021.
- The City's cash with Mechanics Bank was \$3,020,058.

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, City Hall, Equipment Lease, Computer Lease and 2016 PFA Bond Series A and B were made totaling \$1,280,563.

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:

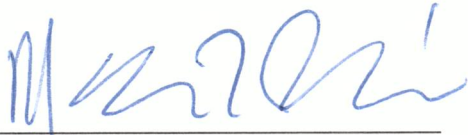
1. FY 2021-22 First Quarter Investment Report

City of El Cerrito
Quarterly Cash & Investment Report
For the Quarter Ending September 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	\$16,831,778	\$16,831,778	0.21%	N/A	100.00	\$16,831,778
Cash with Bank (General Checking)	Mechanics Bank	N/A	N/A	\$3,020,058	\$3,020,058	N/A	N/A	N/A	\$3,020,058
Total Cash and Investments				\$19,851,836	\$19,851,836				\$19,851,836

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 has sufficient cash to meet the next six months of estimated expenditures as required by the Code.



Mark R. Rasiah, Finance Director/City Treasurer



AGENDA BILL

Agenda Item No. 5.D.

Date: October 19, 2021
To: El Cerrito City Council
From: Ana Bernardes, Engineering Manager/Senior Engineer, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Construction Contract Award for 2021 Sidewalk Repair Project, City Project No. C3024.6

ACTION PROPOSED

Adopt a resolution approving plans and specifications for the 2021 Sidewalk Repair Project, City Project No. C3024.6 (Project); rejecting bids submitted by FJ&I Engineering, Inc., SYL Construction, Inc., and US Engineering, Inc. as non-responsive and accepting the other eight (8) bids submitted for the Project; and authorizing the City Manager to execute a contract in the amount of \$123,377.00 with J J R Construction Inc. and to approve change orders in an amount not to exceed \$60,000.00 for the construction of the Project.

BACKGROUND

Project Description

The 2021 Sidewalk Repair Project, City Project No. C3024.6 will rehabilitate the sidewalks including curb, gutter, and drainage piping that have been damaged by the roots of street trees at six (6) sites along San Pablo Avenue. The work will be in front of the following addresses: 11550 San Pablo Avenue, 10767 San Pablo Avenue, 10794 San Pablo Avenue, 10468 San Pablo Avenue, 10360 San Pablo Avenue, and 10344 San Pablo Avenue. These locations were prioritized for permanent repair based on several factors including severity of the sidewalk damage, location on a street identified as a high-volume pedestrian route, proximity to schools and other public facilities, and type of repair.

Consistent with California state law, the El Cerrito Municipal Code (13.20.090) requires property owners to maintain fronting sidewalk in a safe condition. As such, property owners are responsible for repairing and replacing damaged sidewalks as necessary to ensure that they are not hazardous for pedestrians. The City takes responsibility for permanently repairing damaged sidewalks, including displacements that create tripping hazards or barriers to accessibility, if the sidewalk is fronting City-owned property or the damage is being caused by a City-owned tree, such as a street tree, or other City asset, such as a storm drain facility.

The sidewalks at these locations have been lifted by the roots of street trees. City Maintenance staff have implemented temporary repairs for some time. However, because some of these displacements are severe, it has become necessary to remove and replace these sidewalk sections.

City staff reviewed options for the street trees with the City Arborist including trimming, root shaving, and removal. It should be noted that the removal of trees is the option of last resort, and City staff, in consultation with the City Arborist, would only do so in order to promote a healthy urban forest and to maintain infrastructure in good repair over the long term. As part of the Project, it has been determined that two trees will have to be removed and a total of three new trees will be planted in their place at 10344, 10350, 10360 San Pablo Avenue under a separate contract.

Construction Contract Bidding

The Notice Inviting Bids for the Project was advertised in the West County Times on September 7 and 14, 2021. Additionally, the notice and complete set of contract documents were sent to eight Builder and Construction Exchanges in the Bay Area and Northern California and were available for purchase through the BPXpress website, an online planroom used by the City. A non-mandatory pre-bid conference was held on September 21, 2021, and three contractors attended. No addendum was issued.

ANALYSIS

Ten bids were received and publicly read by the City on the advertised bid opening date of September 30, 2021, at 1:00 p.m. An additional bid, from US Engineering, Inc. was received via Fed Ex on October 4, 2021, four days after the public bid opening. Since this bid was not timely received by the bid opening date and time, City staff determined it to be non-responsive. Also, the two bids received by FJ&I Engineering, Inc. and SYL Construction, Inc. did not include valid bid bonds, therefore City staff determined these two bids to be non-responsive. Because of the forementioned, City staff recommend the bids from US Engineering, Inc., FJ&I Engineering Inc. and SYL Construction, Inc. be rejected by the City Council as non-responsive. The results of the remaining eight bids are summarized below.

Bidder	Bid Amount
J J R Construction, Inc., San Mateo	\$123,377.00
Sposeto Engineering, Inc., Livermore	\$141,817.50
MCE Corporation, Inc., Concord	\$142,472.50
Terramark General Engineering Contractors, Inc., San Jose	\$143,850.00
FBD Vanguard Construction, Inc., Livermore	\$144,873.00
Kerex Engineering Inc., Martinez	\$149,900.00
HM Construction, Inc., Hercules	\$152,258.61
Californian Highway Construction Group, Inc., Concord	\$158,200.00
Engineer's Estimate	\$195,855.00

The bid from J J R Construction Inc. in the amount of \$123,377.00 is 37 percent lower than the engineer's estimate. All eight bidders were significantly under the Engineer's Estimate. City staff believe this is due to an off-season bid opening and construction schedule, as well as an overall cautious recovery of the economy. In order to take advantage of the favorable pricing for concrete improvements received for this project, City staff recommends that City Council approve a larger than typical change order amount in order to address a backlog of sidewalk repairs along San Pablo Avenue and other designated pedestrian routes in the City's ADA Transition Plan and Active Transportation Plan, such as Richmond Street.

City staff recommends that the City Council award a construction contract to J J R Construction Inc. as the lowest responsive and responsible bidder in the amount of \$123,377.00 and approve change orders in an amount not to exceed \$60,000.00 for construction of the Project including additional locations along San Pablo Avenue, Richmond Street, and other designated pedestrian routes.

STRATEGIC PLAN CONSIDERATIONS

The Project is consistent with the following El Cerrito Strategic Plan goals:

- Goal D – Develop and rehabilitate public facilities as community focal points by addressing ongoing and deferred maintenance of facilities and infrastructure; and
- Goal E – Ensure the public's health and safety by providing safe and accessible sidewalks.

ENVIRONMENTAL CONSIDERATIONS

The Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 because the Project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing. More specifically, restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood, is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The Project will be funded by the SB 1 - Road Maintenance & Rehabilitation Account Fund/Local Streets & Road Program. Funding for the Project is included in the Fiscal Year 2021-22 Adopted Budget and Capital Improvement Program under the Access Modifications – Streets & Sidewalks Program, which has a total funding amount of \$375,000 to also cover the cost of planned accessibility improvement near the Civic Center and Swim Center.

The estimated expenditure for construction of this project is \$241,000 as summarized below.

Construction Contract	\$123,377.00
Construction Contract Contingency	\$60,000.00
Construction Management & Engineering	\$27,000
Tree Removal and Replanting	\$20,000
Materials Testing	\$8,000
Miscellaneous (printing, postage, etc.)	\$2,623
Total	\$241,000

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS AND SPECIFICATIONS FOR THE 2021 SIDEWALK REPAIR PROJECT, CITY PROJECT NO. C3024.6 (PROJECT); REJECTING BIDS SUBMITTED BY FJ&I ENGINEERING, SYL CONSTRUCTION, AND US ENGINEERING AS NON-RESPONSIVE AND ACCEPTING THE OTHER EIGHT (8) BIDS SUBMITTED FOR THE PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$123,377 WITH J J R CONSTRUCTION INC. AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$60,000 FOR THE CONSTRUCTION OF THE PROJECT.

WHEREAS, the 2021 Sidewalk Repair Project, City Project No. C3024.6 will rehabilitate the sidewalks including curb, gutter, and drainage piping at the following six (6) sites along San Pablo Avenue: 11550 San Pablo Avenue, 10767 San Pablo Avenue, 10794 San Pablo Avenue, 10468 San Pablo Avenue, 10360 San Pablo Avenue, and 10344 San Pablo Avenue; and

WHEREAS, these locations were prioritized for permanent repair based on several factors including severity of the sidewalk damage, location on a street identified as a high-volume pedestrian route, proximity to schools and other public facilities, and type of repair; and

WHEREAS, consistent with California state law, the El Cerrito Municipal Code (13.20.090) requires property owners to maintain fronting sidewalk in a safe condition, and the City takes responsibility for permanently repairing damaged sidewalk, including displacements that create tripping hazards or barriers to accessibility, if the sidewalk is fronting City-owned property or the damage is being caused by a City-owned assets; and

WHEREAS, all these sites were damaged by the roots of existing street trees, owned and maintained by the City; and

WHEREAS, the Notice Inviting Bids for the Project was advertised in the West County Times on September 7 and 14, 2021 and the notice and complete set of contract documents were sent to eight Builder and Construction Exchanges, and the contract documents were made available to contractors through an online planroom; and

WHEREAS, a non-mandatory pre-bid meeting was held on September 21, 2021 and no addendum was issued; and

WHEREAS, ten bids were publicly opened and read by the City Clerk on September 30, 2021, at 1 p.m., the advertised bid opening date and time; and

WHEREAS, the bid by US Engineering, Inc. was received after the public bid opening making the bid non-responsive; and

WHEREAS the bids received by FJ&I Engineering, Inc. and SYL Construction, Inc. had omissions in their bid bonds making their bids non-responsive; and

WHEREAS, J J R Construction, Inc. submitted the lowest responsible and responsive bid in the amount of \$123,377.00, which is 37 percent below the Engineer's Estimate; and

WHEREAS, the Project will be fully funded by the SB 1 - Road Maintenance & Rehabilitation Account Fund/Local Streets & Road Program; and

WHEREAS, the estimated expenditure for construction of the Project is \$241,000 and sufficient funding is included in the Fiscal Year 2021-22 Adopted Budget and Capital Improvement Program under the Access Modifications – Streets & Sidewalks Program; and

WHEREAS, given the favorable pricing received as part of the bid, a larger than typical change order amount of \$60,000 will help address a backlog of sidewalk repairs along San Pablo Avenue and other designated pedestrian routes in the City's ADA Transition Plan and Active Transportation Plan; and

WHEREAS, the Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing.

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

- 1) Approves plans and specifications for the 2021 Sidewalk Repair Project, City Project No. C3024.6 (Project);
- 2) Rejects the bids submitted by FJ&I Engineering, Inc., SYL Construction, Inc., and US Engineering, Inc. as non-responsive and accepts the other eight bids submitted for the Project; and
- 3) Authorizes the City Manager to execute a contract in the amount of \$123,377.00 with J J R Construction Inc. and to approve change orders in an amount not to exceed \$60,000 for the construction of the Project; and

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

I CERTIFY that at a regular meeting on October 19, 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 October _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor



AGENDA BILL

Agenda Item No. 5.E.

Date: October 19, 2021
To: El Cerrito City Council
From: Alexandra Orologas, Assistant City Manager, City Management
Subject: Amendment of Professional Services Agreement with Peckham & McKenney

ACTION PROPOSED

Adopt a resolution to authorize the City Manager to amend the professional services agreement with Peckham & McKenney, an executive search firm, to include recruitment for the position of Finance Director/City Treasurer.

BACKGROUND/ANALYSIS

In July 2021, the City of El Cerrito issued a Request For Proposals (RFP) for executive search firms to provide recruitment services for two vacant positions: Battalion Chief in the Fire Department and Police Captain in the Police Department. City staff selected the firm [Peckham & McKenney](#), a California-based executive search firm that is focused on and committed to local government, and has an excellent track record for successful placements. The City entered into a professional services agreement for a not-to-exceed amount of \$45,000 for recruitment services for the two positions on August 9, 2021. The Battalion Chief recruitment is currently underway and City staff have been pleased with the quality of services provided by Peckham & McKenney.

The City's current Finance Director/City Treasurer Mark Rasiah is leaving employment with the City of El Cerrito as of October 15, 2021, and the City team wishes Mark well in his next chapter as he takes a new position with Santa Clara County. The City Manager is presently seeking an interim Finance Director to assist staff with keeping Finance Department operations running and to help complete the annual independent audit and the resulting comprehensive annual financial statements. City staff would like to utilize the services of Peckham & McKenney for the recruitment for the permanent Finance Director/City Treasurer position. The firm has provided a scope of work and timeline outlined in Attachment 2.

Pursuant to Resolution 2017-71A, contracts up to \$45,000 may be authorized by the City Manager. The same Resolution stipulates that purchases made from a single vendor (either individually or collectively within one fiscal year) over \$45,000 requires City Council approval. City staff is therefore recommending that the City Council authorize the City Manager to amend the current agreement with Peckham & McKenney in the amount of \$26,000 for a total contract amount of \$71,000.

STRATEGIC PLAN CONSIDERATIONS

This item is consistent with Strategic Plan Goal A: Deliver exemplary government services and Goal B: Achieve long-term financial sustainability.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

As this item is currently not budgeted, City staff requests that \$26,000 be appropriated from General Fund Balance as an increase to the FY 2021-22 City Management department budget. The unaudited General Fund Balance as of June 30, 2021 is \$2,552,231 according to the Balance Sheet provided to the City Council per the General Fund Update on August 17, 2021.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action, and the professional services agreement conforms to the City's standard agreement as approved by the City Attorney.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Resolution - PeckhamMcKenney Amendment
2. Scope of Services - Finance Director

RESOLUTION NO. 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF EL CERRITO AND PECKHAM & MCKENNEY FOR AN AMOUNT NOT TO EXCEED \$71,000

WHEREAS, in July 2021 the City of El Cerrito conducted a Request for Proposals process for executive search firms and on August 9, 2021 entered into a professional services agreement with Peckham & McKenney for \$45,000 to provide recruitment services for two vacant positions in the Fire and Police Departments; and

WHEREAS, the City's Finance Director/City Treasurer is leaving employment with the City, creating a vacancy in this position, and the City would like to utilize the services of Peckham & McKenney for the recruitment for this position; and

WHEREAS, the contract will be amended to include the recruitment for the Finance Director/City Treasurer position for a total of not more than \$71,000; and

WHEREAS, funding for the additional \$26,000 is requested to be appropriated from General Fund Balance as an increase to the City Management FY 2021-22 department budget.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to amend the professional services agreement with Peckham & McKenney by \$26,000 for an amount not to exceed \$71,000.

BE IT FURTHER RESOLVED that the City Council appropriates an additional \$26,000 from General Fund Balance as an increase to the FY 2021-22 City Management department budget.

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

I CERTIFY that at a regular meeting on October 19, 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 October _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

El Cerrito, CA – Recruitment For A Finance Director
Scope of Work
October 11, 2021

Project Organization

Prior to beginning the recruitment, necessary documentation (contract, insurance, business license, retainer invoice, etc.) will be processed. We ask that a single point of contact be assigned from the City of El Cerrito to serve as our liaison throughout the recruitments, providing necessary information to us, responding to our questions, and receiving and distributing all correspondence. A single point of contact will ensure timely and clear communication throughout the process.

We will request a conference call with the City Manager and Assistant City Manager to discuss the process, listen to specific desires and expectations, and respond to any questions or concerns. We will discuss expected parameters of the search, the search timeline, and schedule future meeting dates.

At this time, the City Manager will determine the extent of involvement of other individuals in the search process. This may include the agency's leadership team, department staff members, and/or labor representatives. In addition, we will discuss specific desires and expectations of the City Manager relating to the development of the candidate profile and finalist interview process for each recruitment. We will provide recommendations on best practices. Please note that decisions on the extent of involvement of others as well as additional components to the finalist interview process may impact the search, search timeline, and ultimately the cost of the recruitment process.

Development of Candidate Profile

This step provides for the development of the Candidate Profiles that will serve as a guide in the identification of potential candidates, outreach and recruitment efforts, screening and selection of your next Finance Director. The Candidate Profile includes information relating to the City; current and future issues and opportunities; expectations, goals, and objectives leading to the success of the new Finance Director; and the background and experience, leadership style, skills and abilities, and personality traits of the ideal candidate for each position.

A draft of the Candidate Profiles will be provided to you for review. We ask that all revisions and corrections be provided to us in a timely manner in order to maintain the previously agreed-upon search timeline. The Candidate Profile will then be incorporated into our standard brochure that will be distributed to up to 500 identified industry professionals. It will also be available on our firm's web site.

Advertisements will be placed in the appropriate industry publications and websites, and our firm will assume responsibility for presenting your opportunity in an accurate and professional manner. Social media, including LinkedIn and other venues, will be used as appropriate. Full information on the position will be posted on the Peckham & McKenney website and provided to the City for posting as well.

Recruitment

The main focus of our outreach will be direct phone contact with quality potential candidates. With over 100 combined years of executive search experience, we have developed an extensive candidate database that is continuously updated and utilized. Our recruiting efforts will focus on direct and aggressive recruiting of individuals within the search parameters established during the Candidate Profile Development. We believe direct recruiting produces the most qualified candidates.

Throughout this active search process, we will regularly update the City of the recruitment status and share questions, concerns, and comments received from potential candidates as they consider each opportunity. By doing so, we will “team” with you to ensure that all issues and concerns of candidates are discussed and understood thereby eliminating “surprises” once the resume filing deadline has occurred.

As resumes are received, they will be promptly acknowledged within 48 hours, and we will personally respond to all inquiries. Once the resume filing deadline has passed, we will update the City on the status of the recruitment, the number of resumes received, and our intent for preliminary interviews.

Preliminary Interviews

Upon our review of the resumes received, supplemental questionnaires will be sent to candidates who appear to meet the Candidate Profile. Following a thorough review of the supplemental questionnaires, we will conduct preliminary interviews with those individuals most closely matching the Candidate Profile. Internet research will also be conducted so that we may probe the candidate regarding any areas of concern. All candidates will be advised of the search schedule and updated regularly as to their status.

Recommendation of Candidates/Selection of Finalists

A report will be provided to the City Manager prior to our meeting to discuss our recommendation of leading candidates. This report will include a full listing of all candidates who applied for each position, as well as the cover letters, resumes, and supplemental questionnaires of the recommended group of candidates for further consideration. We may include a first and second tier of candidates within our recommendation.

Maria Hurtado will meet with the City Manager and Assistant City Manager, in order to provide an overview of each recommended candidate for each position as well as share any concerns or negative information. Once a group of finalists has been selected by the City Manager, we will revisit early decisions relating to the finalist interview process. A one-day finalist interview process is standard for initial finalist interviews (leading four to eight candidates); however, the City Manager may want to include multiple interview panels (i.e., Executive Team Panel, Professional Panel, etc.). Peckham & McKenney will again provide recommendations on the finalist interview process.

Peckham & McKenney will notify all candidates of their status. Those candidates selected as finalists will be notified and provided with all necessary information to attend finalist interviews with the City. We will prepare an interview schedule and confirm with our point of contact all necessary details.

If necessary, finalists will make their own travel plans and reservations. It is customary that the City reimburse finalists for round-trip airfare, car rental, and lodging necessary to attend the interviews with the City. We will confirm this with the City Manager at our meeting to recommend candidates.

Finalist Interview Process

Peckham & McKenney will provide facilitation during the finalist interview process. An orientation session will be held at the beginning of the process, and we will facilitate a review and discussion of the finalists at the end of the day. Interview materials, including suggested interview questions, evaluation and ranking sheets will be provided. Again, a standard finalist interview process of the leading four to eight candidates is typically conducted within one day.

(Second Round – as necessary)

Peckham & McKenney will provide any necessary facilitation during this second round of interviews with the leading two to three finalists, who will meet in person with the City Manager. Typically, these interviews provide more in-depth, informal conversations that will ultimately lead to the selection of a finalist candidate.

Qualification

Once the finalist candidate has been selected and a conditional offer has been made by the City, a thorough background check will be conducted that is compliant with the Fair Credit Reporting Act and Investigative Consumer Reporting Agencies Act. Peckham & McKenney utilizes the services of Sterling Talent Solutions (www.sterlingtalentsolutions.ca), the world's largest company focused entirely on conducting background checks. This investigation will verify professional work experience; degree verification; certifications; and criminal, civil, credit, and motor vehicle records. We encourage our clients to consider further vetting the candidate through a Department of Justice LiveScan in order to ensure that all known criminal history records (beyond seven years) are investigated.

Peckham & McKenney will also contact professional references, and a full report will be provided. This comprehensive process ensures that only the most thoroughly screened candidate is hired. In addition, negotiation assistance will be provided as requested by the City.

Peckham & McKenney's qualification process of internet-based research, background checking through Sterling Talent Solutions, and reference checking has proven successful for our clients through the years. In addition to relying on our services, clients are encouraged to utilize the background checking protocols they normally would use in hiring a position of this type. Enhanced reference checking and background investigation, if any, beyond the scope of this proposal is the client's responsibility.

SEARCH SCHEDULE

This sample schedule anticipates a 14-week process, and Peckham & McKenney can get started as early as the week of the October 18th, 2021. In today's competitive recruiting environment, our goal is to make the process as efficient and effective as possible. We ask that our clients work with us to identify future meeting dates that will be published within the Candidate Profile. This will ensure that the momentum of the search process is consistent and that all parties are available thereby leading to a successful result.

<u>ACTIVITY</u>	<u>TIME FRAME</u>
I. Project Organization (<i>Pre-Recruitment</i>)	October 11, 2021
• Conference call discussion of recruitment process • Formalize project schedule	
II. Development of Candidate <i>Profile (Two Weeks)</i>	October 22, 2021
• Meeting with the City to discuss Candidate Profile • Develop Candidate Profile/Marketing Brochure and obtain approval • Develop advertising and recruiting plan	
III. Recruitment (<i>Five Weeks</i>)	October 22-November 28, 2021
• Advertise, network, and electronically post in appropriate venues • Distribute candidate profile to up to 500 identified industry professionals • Post opportunity on firm's website • Focused outreach to individuals within the parameters of the Candidate Profile • Respond to all inquiries and acknowledge all resumes received within 48 hours	
IV. Preliminary Interviews (<i>Two Weeks</i>)	December 9-10, 2021
• Screen resumes and conduct Internet research • Identify leading candidates and request supplemental questionnaires • Review supplemental questionnaires • Conduct preliminary interviews with leading candidates	
V. Recommendation of Candidates/Selection of Finalists (<i>One Week</i>)	December 16, 2021
• Provide written recommendation of candidates • Meeting with CM/ACM to provide overview of recommended candidates • City Manager selects finalist candidates for finalist interview process • Peckham & McKenney notifies all candidates of status in recruitment process	
VI. Finalist Interview Process (<i>Three Weeks</i>)	January 13-14, 2022
• Facilitate finalist panel interviews • Assist City throughout process and provide recommendations • City Manager selects candidate or leading 2-3 candidates for further consideration • City Manager conducts second interview process	
VII. Qualification (<i>One Week</i>)	January 21, 2022
• Conduct thorough background and reference checks on leading candidate • Provide negotiation assistance • Exceed expectations and successfully place candidate who "fits."	

Cost of Services

Our all-inclusive fee to conduct the search process for the Finance Director is \$26,000. The all-inclusive fee includes professional fees and expenses (out-of-pocket costs associated with advertising, any consultant travel, administrative support/printing/copying/postage/materials, telephone/technology, partial background checks on recommended candidates, and full background check on selected finalist).

The fee quoted above is for a full recruitment process as described in the Scope of Work, including three to four days of meetings. The first meeting is to develop the Candidate Profile; the second meeting is to provide a recommendation of candidates; and the third meeting includes up to two days to facilitate finalist interviews.

Additional Service Costs

The following “menu” details fees for additional requested services, if requested by City. Some fees may be negotiated.

Additional meeting day	\$500 - 1,000/each + travel expenses
Each additional full background check	\$300/each
Additional placement within organization*	\$5,000 (if selected within one year)

*If the City of El Cerrito hires an additional candidate from among those recommended for another position within one year of the close of the recruitment, a fee of \$5,000 will be charged to the City.

Process of Payment

One-third of the all-inclusive fee is due as a retainer upon execution of the agreement. This retainer covers upfront and necessary expenses incurred by Peckham & McKenney on the City’s behalf. If the retainer is not received by Peckham & McKenney within 30 days of execution of the agreement, we will suspend the recruitment process until payment is received.

The second third of the full payment will be invoiced one month from contract execution, and it is due within 30 days following the invoice date.

The final third of the full payment will be invoiced two months from contract execution, and it is due within 30 days following the invoice date.

If the City requires a different payment schedule, this must be agreed upon within the contract. Peckham & McKenney expects payment of all invoices in a timely manner.



FISCAL YEAR 2021-2022 WORK PLAN

AND 2019-2021 ACCOMPLISHMENTS

EL CERRITO PARK AND RECREATION COMMISSION

Staff Liaison

Christopher Jones | (510) 559-7005
cjones@ci.el-cerrito.ca.us

1. **Chair** Ben Chuaqui; **Vice-Chair** Avis Codron; **Members** Kathy Fleming, Jennifer Kaczor, Norman La Force, Art Machado, Megan Wier

MISSION STATEMENT: El Cerrito Municipal Code Section 2.04.240

There shall be a park and recreation commission. It shall have the powers and duties stated below, and such others as the council may decide:

- A. To act in an advisory capacity to the council and the city manager on all matters pertaining to public recreation, including parks, playgrounds, landscaping within the boundaries of parks, playgrounds and recreation facilities, child care, educational courses, and entertainment;
- B. To make recommendations regarding the annual budget, within its scope of concern, to the city manager and the council;
- C. To make recommendations to the council, annually, concerning fees for city sponsored programs;
- D. To assist in planning recreation programs for the residents of the city, to promote public interest therein, and to solicit the cooperation of other public and private agencies;
- E. To make recommendations to the council regarding present and future needs for park and recreation facilities.

HISTORICAL BACKGROUND: El Cerrito's Parks Commission was created in 1946 by the City Council. In 1949 a combined Park and Recreation Commission was created. The commission has been active ever since in all major park and recreation facility projects and plans. They were instrumental in the public process that ultimately saw the approval of Measure A in 2000 for the reconstruction of the El Cerrito Swim Center. Several plans were reviewed by the Commission including the Ohlone Greenway Master Plan, Urban Forest Plan, Urban Greening Plan, and others. They have reviewed and recommended all playground renovations over the past 15 years at nearly every City park. Most recently the Park and Recreation Commission helped oversee the development of the El Cerrito Parks and Recreation Facilities Master Plan which was adopted by the City Council on April 2, 2019. The Master Plan assess the needs of the Parks and Recreation system (parks, recreation facilities, open space and trails) in El Cerrito as well as plans for its future. After passage of the Master Plan, the Commission recommended the placement of Measure H on the November 2019 ballot which was ultimately approved by over 77% of El Cerrito voters.

FISCAL YEAR 2021-2022 WORK PLAN

	Goal/Objective	Proposed Activities	Enabling Legislation Reference	Priority Ranking	Timeline For Completion
1.	Monitor the implementation of the Parks & Recreation Facilities Master Plan	- Confirm project priorities as defined in the Master Plan - Review project designs - Advocate for funding to implement recommendations	A, B, E		Ongoing
2.	Open Spaces & Urban Trails	- Advocate and make recommendations regarding City's Current Practices: - Fuels management/wildfire study of 2017 - Volunteer efforts - Trail maintenance - Explore opportunities to support urban trails development and maintenance - Form recommendation(s) to City Council - Explore opportunities to support open space acquisition	A, E		October
3.	Monitor and make recommendations regarding the Recreation Department Budget	- Express concerns about budget cuts to City Council and public - Special concern for cuts to senior services and the closing of the Midtown Activity Center - Examine the issue of raising fees to meet revenue needs vs. ensuring access and affordability - Receive quarterly budget updates	A, B, C		October, January, April/May
4.	Create Engagement and Outreach Plan	Review public evaluations of programs and services	D		January

		• Regularly hold Park and Recreation Commission Meetings in different parks • Commissioners go to different parks individually to directly solicit feedback from park users			
5.	Programs and Services	• Identify who we are serving and who we want to serve • Receive periodic presentations from the different Recreation Supervisors about the program areas and services that they manage • Actively pursue and work toward bringing back the 4th of July Festival in 2022. Collaborate with other organizations as appropriate.	D		January
6.	School District Partnership	• Detail facility usage by both organizations • Invite WCCUSD staff and area board member to future meetings to discuss relationship	A, D		December – objectives & future meeting
7.	Measure H	• Monitor spending - Where and how? • Communicating what Measure H is maintaining (i.e., signage at project sites) • Pie-chart of how Measure H is spent by category - o Quarterly progress updates	B		October, January, April/May

PRIOR YEAR ACCOMPLISHMENTS

	Goal/Objective	Activities Supporting Goal	Status
1.	Measure A Renewal	- Monitored and advised on development of Master Plan through City Council Adoption - Recommended City Council authorize ballot measure to extend Measure A funding after it sunset in June 2020 following to support Master Plan Implementation.	Measure H passed by voters in November 2019.
2.	Oversaw official naming process for Trails in the Hillside Natural Area	- Formed an Ad-Hoc Committee to research trail names of historical and cultural significance to El Cerrito. - Sought public input on proposed names	Recommended trail names incorporated in Hillside Natural Area Wayfinding signage
3.	Ensure Commissioners are familiar with El Cerrito Parks and Recreation Facilities	- Incorporated Commission meeting locations as various parks and facilities - Toured facilities and parks to see where recommended projects are located	Prior to pandemic, Commission determined to hold Late Spring and Summer Meetings at different recreation facilities
4.	Reviewed, discussed, and made recommendations for Parks and Recreation Facility Related Capital Improvement Program (CIP) Projects	- Received status updates for CIP Projects at most meetings - Reviewed and recommended Measure H spending priorities - Monitor alignment with Parks and Recreation Facilities Master Plan - Projects included: Ohlone Greenway Sidewalk Connection to Safeway project; Hillside Natural Area vegetation management and trail projects; Ohlone Greenway "Tot Lot" Location replacement and design; permanent pickleball courts	ongoing
5.	Reviewed, discussed and made recommendations regarding the El Cerrito Recreation Department	- Annually review proposed recreation fees - Received semi-annual reports from Recreation Supervisors on the programs	ongoing

		and activities within the different department divisions • Received semi-annual budget updates • Recreation Department highlights and updates reported at each meeting • Reviewed and discussed recreation programming during COVID-19 pandemic	
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ONGOING PROJECTS

	Project	Activities	Enabling Legislation Reference
1.	Measure H Funding	• Monitor spending and allocations of Measure H Funds for Parks and Recreation Facilities maintenance and enhancements	A, B, E
2.	Monitor and document present and future needs of Park Facilities and Landscaping	• Monitor implementation of Parks & Recreation Facilities Master Plan • Commissioners visit priority parks together each year and split remaining parks to be visited individually; report back on conditions	E
3.	Gather information/communication/feedback from community	• Recommend resident surveys every 2-5 years • Publicize Park and Recreation Commission meeting dates and times in rECnews electronic newsletter. • Plan 4th of July booth and what the Commission would like to accomplish	A, D
4.	Receive regular updates on parks projects in the City's CIP	• Financial status; budget • Schedule/impactful changes • Design Review	A, B



AGENDA BILL

Agenda Item No. 8.A.

Date: October 19, 2021
To: El Cerrito City Council
From: Holly M. Charl  ty, City Clerk, City Management
Subject: Revisions to City Board, Commission, and Committee Regulations

ACTION PROPOSED

1) Adopt a resolution modifying term limits for City Committees; 2) Adopt a resolution modifying the application and appointment process for all Boards, Commissions, and Committees; and 3) Adopt a resolution requiring ethics training and orientation/handbook training for all Board, Commission, and Committee members.

BACKGROUND/ANALYSIS

On September 21, 2021 the City Council held a study session on City Boards, Commissions, and Committees (Advisory Bodies). At the conclusion of the study session, the City Council provided staff direction to return with regulations implementing several modifications related to City Advisory Bodies. The following provides an overview of the actions requested, as well as some components staff has included in the draft resolutions for consideration.

1. Modify term limits for City Committees to three full consecutive terms.

- Not applicable to Citizens' Street Oversight Committee.
- Modifies prior Crime Prevention resolution to align with other city committee term limits.
- Modifies prior Economic Development Committee resolution to align with other advisory body term start dates of March 1st (from January 1st).
- Committee on Aging, Crime Prevention Committee, and Environmental Quality Committee will be grandfathered in to set term lengths and limits with assignment of an initial term to expire on March 1, 2023, 2024, or 2025. The initial term will not count towards the three term limit.

2. Add requirement to attend two meetings of the advisory body applied for within the three months prior to submitting an application.

- Not applicable to Citizens' Street Oversight Committee (meets three times annually) or Civil Service Commission (meets as needed).
- Applications shall be valid for a period of one year from the date received.
- All applications currently on file shall be closed and notified by the City Clerk of new requirements.

3. Expand the requirement to complete ethics training to all Board, Commission and Committee members, and add new orientation/handbook training for all members.

- Members not previously required to complete ethics shall complete initial training within 30 days of resolution adoption.
- Members will be required to complete an *Orientation and Member Handbook Acknowledgment Form* confirming completion of the training and receipt/understanding of the handbook.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal A: Deliver Exemplary Government Services by maintaining an emphasis on providing excellent customer service.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

Implementation and administration of the proposed regulations will have no additional financial impacts on the City.

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 (Committee Terms)
2. Resolution (Appointment Process)
3. Resolution (Training Requirements)

RESOLUTION NO. 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO MODIFYING
RULES RELATED TO TERM LIMITS FOR CITY COMMITTEES

WHEREAS, the City of El Cerrito currently has 5 City Advisory Committees totaling over 75 appointments; and

WHEREAS, terms of service for boards and commissions are set by the City's Municipal Code section 2.04.220(B)(3) at four years commencing on March 1, and limited to two consecutive full four-year terms, unless otherwise specified by council resolution; and

WHEREAS, the City's Municipal Code section 2.04.220(C) states that Committees shall be governed by the same criteria as boards and commissions unless otherwise prescribed by council resolution; and

WHEREAS, on December 17, 2001 Resolution 2001-105 was adopted providing no term limits for the Crime Prevention Committee; and

WHEREAS, on November 19, 2013 Resolution 2013-66 was adopted forming the Economic Development Committee, and specifying that terms shall commence on January 1st.

WHEREAS, on February 2, 2021, Resolution 2021-04 was adopted providing three full four-year term limits for the Urban Forest Committee; and

WHEREAS, certain committees do not have the adopted rules correctly applied with regard to term length and term limits;

WHEREAS, on September 21, 2021, the City Council held a study session on Boards, Commissions, and Committees and directed staff to modify the three term limits for all city committees.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does hereby set the term limits for City Committees to three full four-year terms.

BE IT FURTHER RESOLVED that this resolution does not apply to the Citizens Street Oversight Committee.

BE IT FURTHER RESOLVED that section 8(B) of Resolution 2001-105 is hereby amended as follows (additions shown in *italics* and deletions shown in ~~strikethrough~~):

B. Terms are four years unless a member is removed from office by the City Council pursuant to Section 2.04.220(B)(4). Terms shall commence on March 1st unless appointed to fill a partial term, for which term shall commence on the date of appointment by the City Council. Members may not serve on the committee for more than *three* ~~more than two~~ consecutive full terms.

BE IT FURTHER RESOLVED that Resolution 2013-66 is hereby amended to commence terms for the Economic Development Committee on March 1st.

BE IT FUTHER RESOLVED that the Committee on Aging, Crime Prevention Committee, and Environmental Quality Committee active members be grandfathered in by assignment of an initial term set to expire on March 1st of 2023, 2024 or 2025 to stagger terms, with longer initial terms given to those with a shorter period of service. The initial term shall not count toward the three term limit.

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

I CERTIFY that at a regular meeting on October 19, 2021 the City Council of the City of El Cerrito 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 October_____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

RESOLUTION 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO MODIFYING THE APPLICATION AND APPOINTMENT PROCESS FOR CITY BOARD, COMMISSION AND COMMITTEES

WHEREAS, the City of El Cerrito currently has 13 City Boards, Commissions, and Committees (Advisory Bodies) totaling over 90 appointments; and

WHEREAS, El Cerrito Municipal Code (ECMC) section 2.04.220(A) states that appointments to boards and commissions shall be made only after advertising the vacancy in the newspaper, holding a public interview, and appointment by a majority of council; and

WHEREAS, on March 21, 2005, the City Council adopted Resolution 2005-14 specifying that members of advisory bodies are not automatically re-appointed, and shall re-apply and be interviewed with other applicants; and

WHEREAS, Resolution 2005-14 further states that prospective members to all committees will be nominated by the committee and approved by the City Council and that the committee appointment process be standardized; and

WHEREAS, on June 15, 2009, the City Council adopted Resolution 2009-14 specifying that residents wishing to join the Crime Prevention committee must have regularly attended committee meetings or events in the past six months, and must successfully pass a criminal records check to qualify for appointment; and

WHEREAS, on September 21, 2021 the City Council held a study session on Advisory Bodies, directing staff to present a resolution with modification to the appointment process.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that all persons interested in appointment to a city board, commission, or committee, with the exception of Citizens' Oversight Committee and the Civil Service Commission, shall attend two meetings of the advisory body applied for within the three months prior to submitting an application of interest to the City Clerk.

BE IT FURTHER RESOLVED that Resolution 2009-35 is hereby rescinded and it is restated that applicants for Crime Prevention Committee must successfully pass a criminal records check in order to qualify for appointment.

BE IT FURTHER RESOLVED that applications will be accepted on an on-going basis and shall be valid for a period of one year from the date received.

BE IT FURTHER RESOLVED that all applications currently on file shall be closed and applicants shall be notified by the City Clerk of the new application requirements.

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

I CERTIFY that at a regular meeting on October 19, 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 October _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

RESOLUTION 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO MODIFYING TRAINING REQUIREMENTS FOR CITY BOARD, COMMISSION AND COMMITTEES AND RESCINDING RESOLUTION 2013-67

WHEREAS, the City of El Cerrito currently has 13 City Boards, Commissions, and Committees (Advisory Bodies) totaling over 90 appointments; and

WHEREAS, on November 19, 2013, the City Council adopted Resolution 2013-67 designating members of certain city boards and commissions to receive ethics training pursuant to Government Code section 53234 et seq.; and

WHEREAS, ethics training covers but is not limited to general ethics principles and ethics laws relevant to public service, conflict- of-interest gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, government transparency laws and laws relating to due process requirements; and

WHEREAS, on September 21, 2021 the City Council held a study session on Advisory Bodies and directed staff to present a resolution extending ethics training requirements to all city advisory bodies; and

WHEREAS, on September 21, 2021, the City Council further directed staff to present a resolution requiring all members to complete orientation and handbook training.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that Resolution 2013-67 is hereby rescinded and all persons appointed to serve on a city board, commission or committee shall be required to complete ethics training in compliance with Government Code section 53234 et seq.

BE IT FURTHER RESOLVED that all persons currently appointed and previously not subject to ethics training, shall complete the initial training within 30 days of the passage of this resolution.

BE IT FURTHER RESOLVED that all persons appointed to serve on a city board, commission or committee shall be required to complete orientation and handbook training and submit an Orientation and Member Handbook Acknowledgement Form within 30 days of appointment.

BE IT FURTHER RESOLVED that removal provisions for non-compliance adopted by Resolution 2021-48 extend to the requirements adopted by this resolution.

I CERTIFY that at a regular meeting on October 19, 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 October _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor



SUPPLEMENTAL AGENDA MATERIALS

**REGULAR CITY COUNCIL MEETING
October 19, 2021**

PUBLIC COMMENT INDEX

1. Public Comments received

Agenda Item 6A – Park and Recreation Commission Work Plan

1. Presentation



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING October 19, 2021

The following Public Comments were **received by 4:00 p.m. 10/19/2021**, 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. Tomi Nagai-Rothe
3. William Ktsanes

Agenda Item 8A – Revisions to City Board, Commission, and Committee Regulations

1. Sue Duncan

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments not on the agenda
Date: Thursday, October 14, 2021 2:26:10 PM

good evening Mayor Fadelli, Council members and staff, I have a couple of comments for the Record

1. I would request to have Ken Kirkey to provide a presentation on the housing element
2. I am asking that the council should consider doing a class and Comp study.

Sincerely
Cordell

From: [T. Nagai-Rothe](#)
To: [City Clerk](#)
Subject: Public Comments (for October 19): Responsible Investing
Date: Friday, October 15, 2021 8:17:40 PM

I am writing in strong support of the Financial Advisory Board's recommendations for the 3.6 Responsible Investing Guidelines (shown below).

For years many organizations such as the University of California, the Bill and Melinda Gates Foundation, the California Academy of Sciences, Chico State University and the cities of Oakland, Berkeley, Richmond, Brisbane, Santa Monica, San Luis Obispo, San Jose and San Francisco have been divesting from fossil fuels (source: [Go Fossil Free Commitments](#)). The move to divest from tobacco is even older. If we are concerned about wildfires in our town, we need to take action to end climate change. It is time for El Cerrito to step up and move its investment policy into the 21st Century.

Sincerely,
Tomi Nagai-Rothe

3.6 Responsible Investing: The City of El Cerrito recognizes that it has a shared responsibility to protect the lives and livelihoods of its inhabitants from the catastrophic threat of climate change and societal costs of harmful tobacco products. The City believes that its financial investments should support a future where all its inhabitants can live healthy lives without the negative environmental, economic and/or health impacts of global warming and addictive tobacco.

- Investments are encouraged in entities that are involved in the production of renewable energy and sustainable agriculture and have demonstrated a commitment to environmental sustainability and transparent, accountable corporate governance.
- No investment is to be made directly in publicly-traded companies or private entities that engage in the direct exploration, drilling, production, refining, or marketing of fossil fuels.
- No investment is to be made directly in publicly-traded companies or private entities that engage in the direct production or marketing of harmful tobacco and tobacco-related products, including but not limited to cigarettes and e-cigarettes.
- All investments in the Local Agency Investment Fund ("LAIF") are exempt from section 3.6.

Tomi Nagai-Rothe
she/her/hers
on unceded land of the [Confederated Villages of Lisjan \(Ohlone\)](#)

From: [REDACTED]
To: [Holly Charléty](#)
Subject: Public Comments - Socially Responsible Investment Policy
Date: Tuesday, October 19, 2021 4:09:00 PM

Dear Mayor Fadelli, Mayor Pro Tem Quinto and Councilmembers Motoyama, Rudnick and Abelson:

As the October 2nd pipeline rupture off the Huntington Beach shoreline reminds us, our reliance on fossil fuels is fraught with environmental and economic risk. An estimated 131,000 gallons of crude spilled into the Pacific Ocean, creating a highly-toxic 13-square mile oil slick that is now washing up onto Southern California beaches and into fragile coastal wetlands rich in biodiversity. Of course, damage is not limited to occasional oil spills. Every moment of every day, the burning of fossil fuels releases carbon dioxide into the air, creating a greenhouse gas effect that traps heat in Earth's atmosphere and accelerates global warming.

On September 28th I presented to the City of El Cerrito's Financial Advisory Board ("FAB") a proposed socially responsible investing ("SRI") clause to the City's official Investment Policy that would prohibit the direct investment of City funds in fossil fuel and tobacco companies. After discussion and debate, the FAB voted 3-to-1 to recommend that the City Council adopt as policy the "3.6 Responsible Investing" directive below:

Investment Policy Addition – Fossil Fuels and Tobacco

The City of El Cerrito's Financial Advisory Board ("FAB") recommends that the City Council adopt an amended Investment Policy with language (1) encouraging socially responsible investing; (2) prohibiting investments in entities that engage in the direct exploration, drilling, production, refining, or marketing of fossil fuels; and (3) prohibiting investments in entities that engage in the direct production or marketing of tobacco products.

To this end, the Financial Advisory Board recommends that the following language be included in the City of El Cerrito Investment Policy:

3.6 Responsible Investing: The City of El Cerrito recognizes that it has a shared responsibility to protect the lives and livelihoods of its inhabitants from the catastrophic threat of climate change and societal costs of harmful tobacco products. The City believes that its financial investments should support a future where all its inhabitants can live healthy lives without the negative environmental, economic and/or health impacts of global warming and addictive tobacco.

Investments are encouraged in entities that are involved in the production of renewable energy and sustainable agriculture and have demonstrated a commitment to environmental sustainability and transparent, accountable corporate governance.

- No investment is to be made directly in publicly-traded companies or private entities that engage in the direct exploration, drilling, production, refining, or marketing of fossil fuels.
- No investment is to be made directly in publicly-traded companies or private entities that engage in the direct production or marketing of harmful tobacco and tobacco-related products, including but not limited to cigarettes and e-cigarettes.
- All investments in the Local Agency Investment Fund (“LAIF”) are exempt from section 3.6.

I understand that a FAB “recommendation” is only that—a recommendation, with the City Council under no obligation to adopt it. I also understand, at least for now, the proposed SRI clause is largely symbolic as the City’s reserves have been depleted, leaving almost nothing to invest. Hopefully that will change.

I am concerned that FAB’s recommendation was not on either the October 5th or October 19th City Council meeting agenda. I understand that discussion may have been delayed in order to have the proposed policy first reviewed by the City’s legal counsel, which would be understandable and appropriate. However, I am also concerned that FAB’s recommendation may simply be ignored, particularly given past history and the recent criticism some have expressed towards resident participation on various Boards and Commissions.

I am writing to ask that the “3.6 Responsible Investing” clause recommended by the Financial Advisory Board be added to the City Council’s agenda and brought up for a vote in November.

Respectfully,

William Ktsanes
FAB Member

From: [Sue Duncan](#)
To: [City Clerk](#)
Subject: Agenda Item 8A
Date: Tuesday, October 19, 2021 3:39:46 PM

City Council Members,

As you consider new rules for the city's boards, commissions and committees, I hope you will establish rules of conduct for members of each. In a democracy, people need to remember to agree to disagree, politely and civilly. If a member of one of the 3 entities cannot do this, this person should be removed. If a person is inappropriate toward a staff member or another member, that person should be censored. After a second occurrence, the person should be removed from the entity and not allowed to be on any other city commissions, boards or committees.

Unfortunately, in the current political climate, some people have become more polarized and have lost or don't pay attention to their social filters anymore. This can not be tolerated and there must be consequences for unacceptable actions and words.

All members of these 3 entities should be given the rules in writing and must have to sign them in order to serve. The staff shouldn't have to be kindergarten teachers trying to keep someone under control.

Thank you,
Sue Duncan

PARK & REC 2021-22 WORK PLAN PRESENTATION

PARK & REC COMMISSION MEMBERS

Chair Ben Chuaqui

Vice-Chair Avis Codron

Kathy Fleming

Jennifer Kaczor

Norman La Force

Art Machado

Megan Wier

STAFF LIASON

Chris Jones

PARKS & REC

16 PARKS THROUGH OUT THE CITY

City Parks	
Name	
Arlington Park	El Cerrito
Baxter Creek Gateway Park	El Cerrito
Bruce King Memorial Park	El Cerrito
Canyon Trail Park (Lower Park and Upper Playfield)	El Cerrito
Castro Park	WCCUSD
Centennial Park (formerly Fairmont Park)	El Cerrito
Central Park	Richmond and El Cerrito
Cerrito Vista Park	El Cerrito
Creekside Park	El Cerrito
Fairmont Playfield	WCCUSD
Harding Park	WCCUSD
Huber Park	El Cerrito
Madera Playground	WCCUSD
Poinsett Park	El Cerrito
Richmond/Blake Pocket Park	El Cerrito
Tassajara Park	El Cerrito
Greenway	
Name	
Ohlone Greenway	BART and El Cerrito
Open Space and Special-Use Areas	
Name	
Cerrito Creek (at El Cerrito Plaza)	El Cerrito
Hillside Natural Area	El Cerrito
Undeveloped Park Space	
Name	
Dorothy Rosenberg Memorial Park	El Cerrito

COMMUNITY PROGRAMS

AQUATICS PROGRAMS

SCHOOL AGED CHILD CARE PROGRAMS

TEEN PROGRAMS

SENIOR

SPORTS FIELD

SPECIAL EVENTS

FACILITY RENTALS



CITY PARKS AND CLUB HOUSE MAP

PARKS & RECREATION OVERVIEW

RECREATION DEPARTMENT PROGRAMS

The Recreation Department provides a wide variety of programs and activities each season for the El Cerrito community. In 2017, the Department processed 90,000 transactions, including 3,200 rentals, and distributed 144,000 marketing pieces, demonstrating an active and comprehensive level of service. With over 500 programs offered each season (Fall, Winter-Spring, and Summer), the Department far exceeds program offerings provided by typical parks and recreation agencies, according to the NRPA's 2017 *Agency Performance Review* (typical park and recreation agencies offer 175 programs per season). The Department's program offerings follow.

PARK & RECREATION COMMISSION 2021-22 WORK PLAN

10/19/21 CITY COUNCIL PRESENTATION

Supplemental Packet Page 9 of 14

Agenda Packet Page 60 of 65





FISCAL YEAR 2021-2022 WORK PLAN AND 2019-2021 ACCOMPLISHMENTS

EL CERRITO PARK AND RECREATION COMMISSION

Staff Liaison

Christopher Jones | (510) 559-7005
cjones@ci.el-cerrito.ca.us

1. **Chair** Ben Chuaqui; **Vice-Chair** Avis Codron; **Members** Kathy Fleming, Jennifer Kaczor, Norman La Force, Art Machado, Megan Wier

MISSION STATEMENT: El Cerrito Municipal Code Section 2.04.240

There shall be a park and recreation commission. It shall have the powers and duties stated below, and such others as the council may decide:

- A. To act in an advisory capacity to the council and the city manager on all matters pertaining to public recreation, including parks, playgrounds, landscaping within the boundaries of parks, playgrounds and recreation facilities, child care, educational courses, and entertainment;
- B. To make recommendations regarding the annual budget, within its scope of concern, to the city manager and the council;
- C. To make recommendations to the council, annually, concerning fees for city sponsored programs;
- D. To assist in planning recreation programs for the residents of the city, to promote public interest therein, and to solicit the cooperation of other public and private agencies;
- E. To make recommendations to the council regarding present and future needs for park and recreation facilities.

HISTORICAL BACKGROUND: El Cerrito's Parks Commission was created in 1946 by the City Council. In 1949 a combined Park and Recreation Commission was created. The commission has been active ever since in all major park and recreation facility projects and plans. They were instrumental in the public process that ultimately saw the approval of Measure A in 2000 for the reconstruction of the El Cerrito Swim Center. Several plans were reviewed by the Commission including the Ohlone Greenway Master Plan, Urban Forest Plan, Urban Greening Plan, and others. They have reviewed and recommended all playground renovations over the past 15 years at nearly every City park. Most recently the Park and Recreation Commission helped oversee the development of the El Cerrito Parks and Recreation Facilities Master Plan which was adopted by the City Council on April 2, 2019. The Master Plan assess the needs of the Parks and Recreation system (parks, recreation facilities, open space and trails) in El Cerrito as well as plans for its future. After passage of the Master Plan, the Commission recommended the placement of Measure H on the November 2019 ballot which was ultimately approved by over 77% of El Cerrito voters.

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PRIOR YEAR ACCOMPLISHMENTS

	Goal/Objective	Activities Supporting Goal	Status
1.	Measure A Renewal	- Monitored and advised on development of Master Plan through City Council Adoption - Recommended City Council authorize ballot measure to extend Measure A funding after it sunset in June 2020 following to support Master Plan Implementation.	Measure H passed by voters in November 2019.
2.	Oversaw official naming process for Trails in the Hillside Natural Area	- Formed an Ad-Hoc Committee to research trail names of historical and cultural significance to El Cerrito. - Sought public input on proposed names	Recommended trail names incorporated in Hillside Natural Area Wayfinding signage
3.	Ensure Commissioners are familiar with El Cerrito Parks and Recreation Facilities	- Incorporated Commission meeting locations as various parks and facilities - Toured facilities and parks to see where recommended projects are located	Prior to pandemic, Commission determined to hold Late Spring and Summer Meetings at different recreation facilities
4.	Reviewed, discussed, and made recommendations for Parks and Recreation Facility Related Capital Improvement Program (CIP) Projects	- Received status updates for CIP Projects at most meetings - Reviewed and recommended Measure H spending priorities - Monitor alignment with Parks and Recreation Facilities Master Plan - Projects included: Ohlone Greenway Sidewalk Connection to Safeway project; Hillside Natural Area vegetation management and trail projects; Ohlone Greenway "Tot Lot" Location replacement and design; permanent pickleball courts	ongoing
5.	Reviewed, discussed and made recommendations regarding the El Cerrito Recreation Department	- Annually review proposed recreation fees - Received semi-annual reports from Recreation Supervisors on the programs	ongoing
		and activities within the different department divisions - Received semi-annual budget updates - Recreation Department highlights and updates reported at each meeting - Reviewed and discussed recreation programming during COVID-19 pandemic	

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ONGOING PROJECTS

	Project	Activities	Enabling Legislation Reference
1.	Measure H Funding	Monitor spending and allocations of Measure H Funds for Parks and Recreation Facilities maintenance and enhancements	A, B, E
2.	Monitor and document present and future needs of Park Facilities and Landscaping	- Monitor implementation of Parks & Recreation Facilities Master Plan - Commissioners visit priority parks together each year and split remaining parks to be visited individually; report back on conditions	E
3.	Gather information/communication/feedback from community	- Recommend resident surveys every 2-5 years - Publicize Park and Recreation Commission meeting dates and times in rECnews electronic newsletter. - Plan 4th of July booth and what the Commission would like to accomplish	A, D
4.	Receive regular updates on parks projects in the City's CIP	- Financial status; budget - Schedule/impactful changes - Design Review	A, B

FISCAL YEAR 2021-2022 WORK PLAN

	Goal/Objective	Proposed Activities	Enabling Legislation Reference	Priority Ranking	Timeline For Completion
1.	Monitor the implementation of the Parks & Recreation Facilities Master Plan	- Confirm project priorities as defined in the Master Plan - Review project designs - Advocate for funding to implement recommendations	A, B, E		Ongoing
2.	Open Spaces & Urban Trails	- Advocate and make recommendations regarding City's Current Practices: - Fuels management/wildfire study of 2017 - Volunteer efforts - Trail maintenance - Explore opportunities to support urban trails development and maintenance - Form recommendation(s) to City Council - Explore opportunities to support open space acquisition	A, E		October
3.	Monitor and make recommendations regarding the Recreation Department Budget	- Express concerns about budget cuts to City Council and public - Special concern for cuts to senior services and the closing of the Midtown Activity Center - Examine the issue of raising fees to meet revenue needs vs. ensuring access and affordability - Receive quarterly budget updates	A, B, C		October, January, April/May
4.	Create Engagement and Outreach Plan	Review public evaluations of programs and services	D		January
		- Regularly hold Park and Recreation Commission Meetings in different parks - Commissioners go to different parks individually to directly solicit feedback from park users			

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FISCAL YEAR 2021-2022 WORK PLAN (continued)

5.	Programs and Services	- Identify who we are serving and who we want to serve - Receive periodic presentations from the different Recreation Supervisors about the program areas and services that they manage - Actively pursue and work toward bringing back the 4th of July Festival in 2022. Collaborate with other organizations as appropriate.	D		January
6.	School District Partnership	- Detail facility usage by both organizations - Invite WCCUSD staff and area board member to future meetings to discuss relationship	A, D		December – objectives & future meeting
7.	Measure H	- Monitor spending - Where and how? - Communicating what Measure H is maintaining (i.e., signage at project sites) - Pie-chart of how Measure H is spent by category - Quarterly progress updates	B		October, January, April/May