



AGENDA

REGULAR CITY COUNCIL MEETING DECEMBER 7, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

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

Meeting Location:

(City Council and staff only - no public attendance)

Council Chambers, 10890 San Pablo Ave
El Cerrito, CA 94530

Join Via Zoom:

<https://us06web.zoom.us/j/85118160588?pwd=S2tzZlN3VkVOMVVtbDBCc2h4YlEzZz09>

Meeting ID: 851 1816 0588 **Password:** 830570
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.

This meeting will be conducted as a "hybrid" meeting, which will provide options for both in-person and remote participation. For the December 7, 2021 meeting, ONLY City Council and staff will be permitted to attend in-person. Members of the public will be able to participate remotely using any of the methods listed below.

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

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

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

- Via Zoom using the "[Raise Hand](#)" icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.

- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #**.

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

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

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

1. 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 the minutes from the meetings of November 2 and 16, 2021.

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

B. Approve the 2022 Regular Meeting Schedule for City Council

Action Proposed: Pass a motion to approve the regular meeting schedule for 2022, which includes reducing to the third Tuesday only for the months of January, July, August and September; and modification to 6:00 p.m. for the meeting start time in the summer months.

Contact: Holly Charl  ty, City Clerk, City Management

C. Proclamation Upon Retirement of Detective Christopher Purdy

Action Proposed: Pass motion to approve a proclamation in recognition upon retirement of Detective Christopher Purdy of the El Cerrito Police Department.

Contact: Paul Keith, Chief of Police, Police Department

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. Charl  ty, City Clerk, City Management

E. 2nd Reading and Adoption of an ordinance of the City of El Cerrito Amending Chapter 8.12 of the City of El Cerrito Municipal Code "Collection and Disposal of Waste Stream" to Implement Mandatory Organic Waste Reduction Programs in compliance with Senate Bill 1383 1st Reading 11/16/2021

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2021-05 to amend Chapter 8.12 of the City of El Cerrito Municipal Code "Collection and Disposal of Waste Stream" to Implement Mandatory Organic Waste Reduction Programs in compliance with Senate Bill 1383

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

F. Amendment of Consulting Services Agreement with BKF Engineers

Action Proposed: Adopt a resolution authorizing the City Manager to amend the Consulting Services Agreement with BKF Engineers (BKF) for an additional amount of \$99,500 for a total contract amount of \$299,500 in Fiscal Year 2021-22 to complete preliminary engineering and project

development services for the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project.
Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

G. Amendment of Professional Services Agreement with Management Partners

Action Proposed: Adopt a resolution to authorize the City Manager to amend the professional services agreement with Management Partners for Financial Consulting Services.

Contact: Alexandra Orologas, Assistant City Manager, City Management

6. PRESENTATIONS

7. PUBLIC HEARINGS

8. POLICY MATTERS

A. City Council Reorganization

The City Council will elect a Mayor and Mayor Pro-Tempore to serve a term of one year.

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, December 21, 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

AGENDA

REGULAR CITY COUNCIL MEETING NOVEMBER 2, 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/87016725087?pwd=V3Q4bDYvMS91S1ZRMFV5cjB5TEtOUT09>

Meeting ID: 870 1672 5087 **Password:** 582825
or Dial in: 1-408-638-0968

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

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

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

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

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

1. 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 - provided an update on public health conditions, vaccination approval for 5-11 year olds, and virtual meetings.

Mayor Pro Tem Quinto - reported attendance at press conference on October 25th at Temple Beth Abraham in Oakland.

Councilmember Motoyama - commented on shooting on Carmel Street, Police response and planned discussion with concerned neighbors.

Mayor Fadelli - provided a report out on October 25th closed session, announced issuance of Mayoral Proclamation in recognition of the 100th birthday of Phyllis Cobb, third year of Holiday lights on San Pablo Avenue with event on November 12th at Elevation 66.

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 Cordell Hindler, Steve Bonini, and Eevelyn Janean Mitchell.

Oral Public Comments:

Dave Weinstein - commented on contributions and expressed appreciation for Chris Treadway.

Dave Gibson - spoke against recent modifications to retiree medical rates.

Indy Rishi Singh - spoke regarding equity, Human Relations Commission, discrimination, and health and wellness.

Patricia Durham - commented on contributions and expressed appreciation for Chris Treadway.

John Stashik - commented on contributions and expressed appreciation for Chris Treadway.

Steve Bonini - spoke regarding family's service to the City, and against recent modifications to retiree medical rates.

Evelyn Janean Mitchell - announced block party event to be held on November 13th at St. Peters Church.

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 Abelson/Councilmember Motoyama

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

A. **Approval of Minutes**

Action Proposed: Pass a motion to approve the minutes from the meetings of October 19 and 25, 2021.

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

Action: Approved minutes

B. **Shelter in Place Education Day Proclamation**

Action Proposed: Pass a motion to approve a proclamation recognizing November 3, 2021 as Shelter in Place Education Day in El Cerrito.

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

Action: Approved proclamation

C. **United Against Hate Week**

Action Proposed: Pass a motion to approve a proclamation declaring November 14 - 20, 2021 as United Against Hate Week in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved revised proclamation

D. Proclamation Recognizing Chris Treadway

Action Proposed: Pass a motion to approve a proclamation recognizing Chris Treadway.

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

Action: Approved proclamation

E. 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 2021-57

F. Extension of the Contra Costa County Abandoned Vehicle Abatement Program

Action Proposed: Adopt a resolution to extend the Contra Costa County Abandoned Vehicle Abatement Program and associated Fee for an additional ten years, subject to voter approval.

Contact: Karen Pinkos, City Manager, City Management

Action: Approved Resolution 2021-58

6. PRESENTATIONS

A. Update from Pacific Gas and Electric

Action Proposed: Report back from Pacific Gas and Electric (PG&E) on recent power outages in El Cerrito and response/planned modifications to address the affected areas.

Contact: Nkiruka C. Ohaegbu, Local Government Affairs, Pacific Gas and Electric Company

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding dirty water runoff to the storm drains, northside safety risks and challenges with consistent power outages, infrastructure variations in this area, long term plans for updating infrastructure, undergrounding power poles, and effect on buildup due to proximity of refinery.

Action: Received and file

7. PUBLIC HEARINGS

A. Fire Hazard Abatement

Exempt from CEQA review pursuant to Sections 15304 and 15308. Notice published on 10/23/2021

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 Pighi, Fire Chief, Fire Department

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama

Action: Approved Resolution 2021-59 (Declare 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: Councilmember Rudnick/Councilmember

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

Moved/Seconded: Councilmember Abelson/Councilmember Rudnick

Action: Approved Resolution 2021-60 (Overriding Objections).

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

B. Accessory Dwelling Unit Regulations Ordinance

Exempt from CEQA pursuant to section 15282(h). Notice published on 10/23/2021

Action Proposed: Conduct a public hearing and upon conclusion, introduce by title and waive any further reading of an Ordinance to repeal and replace Section 19.20.190 (Accessory Dwelling Units); add Section 19.20.195 (Junior Accessory Dwelling Units); and approve amendments to Section 19.46.030 (Residential Use Classifications), Chapter 19.47 (Terms and Definitions), and Section 19.24.040 (Required Off-Street Parking Spaces) of the El Cerrito Municipal Code.

Contact: Sean Moss, Planning Manager; Diego Romero, Assistant Planner, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding limitations on building in amenity spaces, ability to convert sheds, potential loss of revenue, restrictions to short term rentals, design review, owner occupancy requirements, and fire safety.

Public Hearing: Mayor Fadelli opened the public hearing.

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 Jim Dolgonas, Gary Prost, and Sue Duncan. No oral public comments.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

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

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick

Action: Introduced by title and waived further reading of Ordinance 2021-3. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

C. Amended Foodware Ordinance Requiring Foodware to be Reusable or Compostable and Prohibiting the Use, Distribution, or Sale of Plastic Straws and Plastic Stirrers

*Exempt from CEQA review pursuant to section 15061(b)(3) and 15308.
Notice published on 10/23/2021*

Action Proposed: Conduct a public hearing, and upon conclusion, introduce by title and waive any further reading of an Ordinance amending Chapter 8.24 Foodware Regulations of the El Cerrito Municipal Code.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding using existing supplies, state funding options for implementation, outreach to Asian American business community, use of personally provided containers, exemptions and flexibility, clarification on preparation versus use within the city, and applicability to food trucks.

Public Hearing: Mayor Fadelli opened the public hearing.

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 Swee Peck Quek, Rebecca Anaya, Barbara Chan, and Anne Ogonowski.

Oral Public Comments:

Howdy Goudey - spoke in support of approving the ordinance with a shorter period of time prior to beginning enforcement.

Robin Mitchell - spoke in support of approving the ordinance.

Moved/Seconded: Councilmember Abelson/Councilmember Rudnick
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: Introduced by title and waived further reading of Ordinance 2021-3.
Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

A. FY 2021-22 General Fund Budget Quarterly Update through September 2021

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2021-22 through September 2021.

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 separation of transfer tax from property tax, contributions to slightly high personnel expenses, fund balance less redevelopment write-off and exclusion of American Rescue Plan Act (ARPA) funds, updated 10-year forecast, 115 trust, and timing on discussion for use of ARPA funds.

Action: Received and filed.

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

Mayor Fadelli - reported on attendance at West County Mayors meeting, and Contra Costa Transportation Authority (CCTA) meeting.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 10:05 PM in memory of El Cerrito resident Grace MacNeill.

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 November 2, 2021 as approved by the El Cerrito City Council.

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

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING NOVEMBER 16, 2021 – 5:30 p.m.

Members:

Mayor Paul Fadelli

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

Join Via Zoom:

<https://us06web.zoom.us/j/89452166317?pwd=c1VtWXRqamM2WTB1TjNwVXM5ZEFhQT09>

Meeting ID: 894 5216 6317 **Password:** 352391
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.

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

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

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

To ensure City Council receives your written comments prior to taking action, they must be received by **2:30 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

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5:30 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Fadelli called the meeting to order at 5:31 PM.
Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson,
Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

Cordell Hindler - commented on interest in discussion with labor negotiators.

2. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION

Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)

The City Council convened to closed session at 5:35 PM. No reportable action.

3. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; and Sky Woodruff, City Attorney

Employee Organizations: Management and Confidential Employees

Contact: Sky Woodruff, City Attorney, City Management

No reportable action.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 6:44 PM

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of November 16, 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 NOVEMBER 16, 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/88156721012?pwd=Y2puY3ZRNXFVbkQrL0hLcDVMZ2VXUT09>

Meeting ID: 881 5672 1012 **Password:** 992836
or Dial in: 1-408-638-0968

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

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

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

1. 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 - provided an update on current vaccine availability and the continuance of teleconferencing; encouraged everyone to celebrate upcoming holidays safely; announced the upcoming San Pablo Avenue Development and Complete Streets Virtual Open House. In the spirit of upcoming Thanksgiving holiday, she thanked the City Council for their leadership, the staff for their dedication, and the community for their patience and compassion.

Mayor Fadelli - reported his attendance at the El Cerrito High School Home Coming Parade, El Cerrito Lion's Club and Boy Scouts' Veterans Day ceremony, a block party at St. Peter's Church, and a meeting with West County School Board Trustee, Leslie Reckler. Additionally received a presentation at the County Mayors Conference from the Racial Justice Task Force, which named El Cerrito Police Department as the best contributor to its survey on racial disparity in the criminal justice system.

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 Kenneth Epley (Committee on Aging), Cordell Hinder, Jose Castrejon (Public Safety Management Association and Police Employees Association), Sandra Chapek, Robert De la Campa, Steve Bonini, Joe Grupalo, Larry Carr, Brenda Navellier, Lisa Hirayama, Blair Akey, Lance Maples, Shawn Maples, Donal Crumpacker, Cheryl Mosby, and Peter Statton; and presentation item #6A from Tomi Nagia-Rothe, Miguel Gravelle Izaguirre, Robin Mitchell, Max Ferer, Leslie Adams, John Stashik, and Neil Tsutsui.

Oral Public Comments:

Larry Carr - requested rescinding decision on changes affecting medical rates for retirees.

Indy Rishi Singh - commented on mental health and wellbeing, position on Human Relations Commission, and challenges regarding interactions with city staff.

Buddy Akacic - requested opportunity for 8th grade presentation on climate change.

Joe Grupalo - commented on concern for recent changes affecting medical rates for retirees.

Dave Gibson - commented on concern for recent changes affecting medical rates for retirees.

Lance Maples - commented on concern for recent changes affecting medical rates for retirees, and staff leaving city services.

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 Abelson/Councilmember Motoyama

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

A. Proclamation Recognizing Sean Bennett

Action Proposed: Pass a motion to approve a proclamation recognizing Sean Bennett for his outstanding performance in the Tour de France 2021.

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

Action: Approved proclamation.

B. 2nd Reading and Adoption of an ordinance of the City of El Cerrito regarding Accessory Dwelling Unit Regulations

1st Reading 11/2/2021

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2021-03 to repeal and replace Section 19.20.190 (Accessory Dwelling Units); add Section 19.20.195 (Junior Accessory Dwelling Units); and approve amendments to Section 19.46.030 (Residential Use Classifications), Chapter 19.47 (Terms and Definitions), and Section 19.24.040 (Required Off-Street Parking Spaces) of the El Cerrito Municipal Code.

Contact: Sean Moss, Planning Manager; Diego Romero, Assistant Planner, Community Development Department

Action: Adopted Ordinance 2021-03

C. 2nd Reading and Adoption of an ordinance of the City of El Cerrito Amended Regulations Requiring Foodware to be Reusable or Compostable and Prohibiting the Use, Distribution, or Sale of Plastic Straws and Plastic Stirrers

1st Reading 11/2/2021

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2021-04 amending Chapter 8.24 (Foodware Regulations) of the El Cerrito Municipal Code.

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

Action: Adopted Ordinance 2021-04

6. PRESENTATIONS

A. Sogorea Te' Land Trust

Action Proposed: Receive and file a presentation by the Sogorea Te' Land Trust

Contact: Corrina Gould, Director, Sogorea Te' Land Trust

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 Tomi Nagai-Rothe, Miguel Gravelle Izaguirre, Robin Mitchell, Max Fefer, Leslie Adams, John Stashik, and Neil Tsutsui.

Oral Public Comments:

John Qua - spoke in support of deepening relationships and ways to support the work of the trust including shuumi (gift) payments.

Tomi Nagai-Rothe - spoke in support of the City paying shuumi.

Indy Rishi Singh - commented on conflict and interactions with city staff, and cultural makeup of voters.

Jessie Papalia - spoke in support of the City paying shuumi.

Allison Cooper - spoke in support of the City paying shuumi, rematriation and matching commitments made by the City of Albany.

Howdy Goudey – urged the Council to put equity and inclusion into action and move forward with meaningful changes.

Elli Nagai-Rothe - spoke in support of City paying shuumi and rematriation.

Sherry Drobner - commented on other similar efforts in the past and support of the City paying shuumi.

Nick Brooks - spoke in support of the City paying shuumi. Yari

Greaney - spoke in support of the City paying shuumi.

Sarah Klaurer - spoke in support of the City paying shuumi and rematriation.

Vanessa Warheit - commented on personal support and support of City paying shuumi.

Miguel Gravelle - commented on land acknowledgement not being sufficient and support of City paying shuumi.

Action: Received and filed.

B. Economic Development Committee Work Plan

Action Proposed: Receive and file a presentation from the Economic Development Committee on their Fiscal Year 2021-2022 Work Plan.

Contact: Jean Shrem, Chair, and Rachel Melby, Vice-Chair, Economic Development Committee; Aissia Ashoori, Community Development Department, Community Development Analyst

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding gap analysis, new business opportunities, timing for launch of new website, and outreach to restaurants.

Oral Public Comments:

Ira Sharenow - spoke in favor of pickleball courts and a dedicated website.

Sherry Drobner - commented on organization and regulations regarding popups.

Indy Rishi Singh - suggested a public input option on the new website and committee hosting a think tank.

Action: Received and filed.

7. PUBLIC HEARINGS

A. Ordinance Amending Chapter 8.12 of the City of El Cerrito Municipal Code “Collection and Disposal of Waste Stream” to Implement Mandatory Organic Waste Reduction Programs in compliance with Senate Bill 1383

Exempt from CEQA review pursuant to Section 15308. Notice published 11/6/2021

Action Proposed: Conduct a public hearing, and upon conclusion, introduce by title and waive any further reading of an Ordinance amending Chapter 8.12 “Collection and Disposal of Waste Stream” of the El Cerrito Municipal Code to implement mandatory organic waste reduction programs in compliance with Senate Bill 1383.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding pet waste, green hydrogen, member agencies on RecycleMore Joint Powers Authority, memorandum of understanding with RecycleMore, aligning the color of El Cerrito recycling bins, amount of increased needs for staff and funding to support the program, use of California Waste Solutions services, level of impacts to residents, process for bin inspections, and required amount of procurement for organics.

Public Hearing: Mayor Fadelli opened the public hearing.

Oral Public Comments:

Linda Cain - spoke in support of the ordinance, the importance of moving forward, the recent foodware ordinance changes and global warming.

Moved/Seconded: Councilmember Abelson/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 Abelson

Action: Introduced by title and waived further reading of Ordinance 2021-05. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. **POLICY MATTERS**

A. **Adoption of Vehicle Miles Traveled Thresholds of Significance for California Environmental Quality Act Transportation Analyses**

Action Proposed: Approve a resolution adopting Vehicle Miles Traveled (VMT) thresholds of significance and local criteria for purposes of analyzing transportation impacts under the California Environmental Quality Act (CEQA).

Contact: Sean Moss, Planning Manager; Diego Romero, Assistant Planner, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding the inclusion of a multimodal level of service analysis, what neighboring jurisdictions are doing, the uniqueness of adoption in El Cerrito, and CEQA transportation analysis.

Oral Public Comments:

Howdy Goudey - spoke in support of approval, nada action missing subtleties related to greenhouse gas emissions and thresholds of significance for upcoming Specific Plan update.

Denise Sangster - commented on the negative implications of adoption regarding increasing distances traveled to work.

Moved/Seconded: Councilmember Motoyama/Councilmember Abelson

Action: Approved Resolution 2021-61. **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.

Councilmember Rudnick - reported on attendance at RecycleMore meeting.

10. **ADJOURN REGULAR CITY COUNCIL MEETING**

The regular meeting adjourned at 10:08 PM in memory of Alameda County Supervisor Wilma Chan, and El Cerrito Resident and journalist Chris Treadway.

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 November 16, 2021 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk



2022 City Council Regular Meeting Schedule

City Holiday/Closed
 Regular Meeting (7:00 pm start)
 Regular Meeting (6:00 pm start)
Location: Via Zoom or in-person at
 Council Chambers (10890 San Pablo Ave)

JANUARY 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

FEBRUARY 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					

MARCH 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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27	28	29	30	31		

APRIL 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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MAY 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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22	23	24	25	26	27	28
29	30	31				

JUNE 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
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12	13	14	15	16	17	18
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JULY 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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24	25	26	27	28	29	30
31						

AUGUST 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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28	29	30	31			

SEPTEMBER 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
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OCTOBER 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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30	31					

NOVEMBER 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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DECEMBER 2022						
Sun	Mon	Tue	Wed	Thur	Fri	Sat
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Notes: 1st Tues. in January cancelled due to holidays, reducing summer months to 3rd Tuesday only.

EL CERRITO CITY COUNCIL PROCLAMATION
Commending and Congratulating Detective Christopher Purdy on his retirement
from the El Cerrito Police Department

WHEREAS, Detective Christopher Purdy, served the community of El Cerrito with honor and integrity for 18 years as a member of the El Cerrito Police Department; and

WHEREAS, Christopher Purdy was first hired as a reserve officer in February 2003 and became a police officer in July 2003, assigned to the Field Operations Division; and

WHEREAS, Christopher Purdy became a member of the Mutual Aid Mobile Field Force (MAMFF), a force tasked with response to natural disaster, civil unrest, and other major incidents; and

WHEREAS, Christopher Purdy in December 2009 was appointed to the position of Traffic Officer and assigned to the Special Operations Division, where he enforced traffic laws, engaged in educational campaigns, and investigated collisions, becoming well-known in the community for his passionate commitment to enhancing safety and fairly and consistently enforcing the law; and

WHEREAS, Christopher Purdy earned the El Cerrito Police Department Kenneth Zink Memorial Award in 2012, given to officers who best represent the ideals of crime fighting, teamwork, and dedication; and

WHEREAS, Christopher Purdy in August 2017 earned the El Cerrito Police Department Distinguished Service Award for developing the “Barks and Bells” event, where people could learn about dog adoption, home safety, and how canine companionship can enhance health and home safety; and

WHEREAS, Christopher Purdy since September 2019 has served as a detective investigating property crimes and has played an essential role in reducing residential burglaries and catalytic converter thefts; and

WHEREAS, Christopher Purdy served in the United States National Guard in Operation Desert Storm.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend Detective Christopher Purdy on his honorable retirement. The City Council extends sincere appreciation to Detective Christopher Purdy for his devotion to the mission, vision, and values of the El Cerrito Police Department.

Dated: December 7, 2021

Paul Fadelli, Mayor



AGENDA BILL

Agenda Item No. 5.D.

Date: December 7, 2021
To: El Cerrito City Council
From: Holly M. Charléty, City Clerk, City Management
Subject: 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.

BACKGROUND/ANALYSIS

All meetings of the City Council and the City's other legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all City Council meetings and other City legislative bodies. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means.

On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361") into law which provides the ability for legislative bodies to continue meetings via teleconferencing under specified conditions and includes a requirement that the legislative body make specified findings. AB 361 took effect upon the expiration of Executive Order N-29-20 on October 1, 2021. AB 361 allows a local agency legislative body to hold a meeting utilizing teleconferencing without complying with the standard teleconferencing requirements if the Governor has proclaimed a State of Emergency and if state or local officials have imposed or recommended measures to promote social distancing. These conditions continue to exist. AB 361 further states that a local agency must make certain findings by a majority vote in order to use the bill's exemptions to the Brown Act teleconferencing rules. Any such findings are effective for a period of 30 days, after which such findings must again be declared in order to continue meeting under the provisions of AB 361.

To date, the City Council has adopted resolutions making the aforementioned findings for the period between October 5 through December 5, 2021. Staff is requesting that the City Council again adopt the proposed resolution, directing staff to continue facilitating all meetings of the City of El Cerrito and City Advisory Bodies pursuant to the

requirements of AB 361 in order to better ensure the health and safety of the public. If adopted, this resolution would be in effect for the 30 day period of December 7 - January 6, 2021. The attached resolution makes the findings to confirm the current conditions to allow teleconference meetings pursuant to AB 361 for the City Council and on behalf of all of the commissions and committees created by the City Council pursuant to Government Code section 54952(b). The attached resolution also authorizes hybrid meetings held both via teleconference and in-person. This resolution will allow members of the public to safely observe and participate in local government teleconference meetings during the continued pandemic.

If a meeting is held via teleconference, including a hybrid meeting, the following requirements apply under AB 361:

1. Notices and agenda requirements remain the same under the Brown Act;
2. No physical location is required for public attendance or public comment. However, the public must be able to access and participate in the meeting through a call-in or an internet-based service, and instructions for how to participate must appear in the posted notices or agenda;
3. Teleconference meetings must protect the statutory and constitutional rights of the parties and the public;
4. If there is any disruption of the call-in or internet-based service, the agency must suspend the meeting until the problem is fixed;
5. Legislative bodies may allow public comments to be submitted prior to a meeting but must also allow the public to participate in real time through call-in or internet-based service;
6. If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting; and
7. When providing a public comment period, whether after each item or during a general comment period, a legislative body must allow reasonable time for members of the public to comment and must also include reasonable time for members to register with a third-party host if applicable.

In order to continue to hold teleconference or hybrid meetings, the City Council must continue to declare every 30 days that either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

STRATEGIC PLAN CONSIDERATIONS

This action is aligned with Goal E: Ensure the Public's Health and Safety.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and legal considerations have been addressed.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2021-XX

A RESOLUTION AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING DECEMBER 7, 2021 AND MAKING RELATED FINDINGS PURSUANT TO AB 361

WHEREAS, all meetings of the City of El Cerrito's legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, in addition to the City Council, the City's legislative bodies include all boards, commissions, and committees created by the City Council pursuant to Government Code section 54952(b) (hereafter "Advisory Bodies"); and

WHEREAS, on March 4, 2020, the State of California declared a statewide emergency over the COVID-19 pandemic; and

WHEREAS, on March 10, 2020, the County of Contra Costa adopted Resolution 2020-92 declared a countywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-12 declaring a citywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Governor signed Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up teleconference meetings for all City Council meetings and all Advisory Body meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which ended the applicable provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, the Contra Costa County Health Department issued a Health Order requiring masks indoors in public places, regardless of vaccination status, starting August 3, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) into law allowing legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including the requirement that the legislative body make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, AB 361 (2021) requires that the Governor declare a State of Emergency pursuant to Government Code section 8625; and

WHEREAS, AB 361 (2021) further requires that state or local officials have imposed or recommended measures to promote social distancing, or, requires that the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the City, specifically, Governor Newsom has declared a State of Emergency due to COVID-19 and on September 20, 2021, the Contra Costa County Health Officer issued recommendations for safely holding public meetings; and

WHEREAS, the Contra Costa County Health Officer's recommendations for safely holding public meetings include, but are not limited to, holding online meetings, as they present the lowest risk of virus transmission, and imposing social distancing measures for in-person meetings; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, since issuance of Executive Order N-08-21, the highly contagious Delta variant of COVID-19 has emerged, causing an increase in COVID-19 cases throughout the State; and

WHEREAS, because of the rise in cases due to the Delta variant of COVID-19, the City is concerned about the health and safety of all individuals who intend to attend City Council and Advisory Body meetings; and

WHEREAS, the City Council hereby finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of City Advisory Body created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the increase of cases due to the Delta variant would present imminent risks to the health or safety of attendees, staff, and members of the City Council and Advisory Bodies, should those bodies hold entirely in-person meetings; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the City Council or Advisory Body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta variant; and

WHEREAS, the City shall ensure that all City Council and City Advisory Body meetings subject to AB 361 (2021), including hybrid meetings, comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby makes the following findings:

1. The above recitals are true and correct, and incorporated into this resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings pursuant thereto, the City Council hereby finds that:
 - a. The City Council has considered the circumstances of the state of emergency; and
 - b. The state of emergency, as declared by the Governor, and the local emergency proclaimed by the City Council, continue to directly impact the ability of the City Council and the Advisory Bodies, as well as staff and members of the public, from meeting safely in person; and
 - c. The CDC and the Contra Costa County Health Officer continue to recommend social distancing due to COVID-19 and as a result of the presence of COVID-19 and the Delta variant, meeting in person would present imminent risks to the health or safety of attendees, the members of City Council and the City's Advisory Bodies, and staff.

BE IT FURTHER RESOLVED that city staff is directed to facilitate any teleconference meetings of the City Council and City Advisory Bodies subject to AB 361 (2021), including any hybrid meetings, pursuant to the requirements of AB 361 (2021) in order to better ensure the health and safety of the public.

BE IT FURTHER RESOLVED that this resolution shall be in effect for the 30 day period of December 7, 2021 through January 6, 2021. The City Council may reconsider the circumstances necessitating this resolution within 30 days of the adoption of this resolution.

I CERTIFY that at a regular meeting on December 7, 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 December _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

ORDINANCE NO. 2021-05

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING CHAPTER 8.12 OF THE EL CERRITO MUNICIPAL CODE REGARDING "COLLECTION AND DISPOSAL OF WASTE STREAM" TO IMPLEMENT MANDATORY ORGANIC WASTE REDUCTION PROGRAMS IN COMPLIANCE WITH SENATE BILL 1383.

WHEREAS, the purpose of this Ordinance is to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators; and

WHEREAS, state recycling law, Assembly Bill 939, the California Integrated Waste Management Act of 1989, requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment; and

WHEREAS, state recycling law, Assembly Bill 341 of 2011, places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a Mandatory Commercial Recycling program; and

WHEREAS, state organics recycling law, Assembly Bill 1826 of 2014, requires businesses and multi-family property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires counties and cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and to implement a Mandatory Commercial Organics Recycling program; and

WHEREAS, state organics recycling law, Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016, took effect on January 1, 2017 and set Statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires California's Department of Resources Recycling and Recovery (CalRecycle) to develop regulations to reduce organics in landfills as a source of methane ("SB 1383 Regulations"); and

WHEREAS, the SB 1383 Regulations place requirements on multiple entities, including counties, cities, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets with compliance required beginning January 1, 2022; and

WHEREAS, by January 1, 2022, the SB 1383 Regulations require jurisdictions to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations; and

WHEREAS, this Ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption.

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

Section 1: Incorporation of Recitals. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2: Amendment of the El Cerrito Municipal Code. Chapter 8.12 of Title 8 of the El Cerrito Municipal Code, "Collection and Disposal of Waste Stream," is hereby deleted in its entirety and replaced with a new Chapter 8.12 to read as follows:

Title:

Chapter 8.12 – REQUIREMENTS FOR SEPARATION, COLLECTION, DISPOSAL AND RECOVERY OF ORGANICS, RECYCLABLES, AND SOLID WASTE

Sections:

8.12.010 - Purpose

The reduction of Solid Waste landfilling through waste prevention, Reuse, recycling, and composting, is a statewide mandate (California Integrated Waste Management Act of 1989). In addition, reduction of Solid Waste is a key component of meeting the statewide climate protection mandate (California Global Warming Solutions Act of 2006). Furthermore, AB 341, the Jobs and Recycling Act of 2011, and AB 1826, the Mandatory Commercial Organics Recycling Act of 2014, require businesses and Multi-Family property owners to arrange for recycling and organics services. Additionally, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, seeks to reduce organics in landfills, to reduce methane emissions and to increase Edible Food recovery to reduce human food insecurity. To that end, the State of California's Department of Resources Recycling and Recovery (CalRecycle) developed regulations that place requirements on multiple entities, many of which are contained herein. Therefore, to protect the public peace, health, safety, and general welfare, to reduce the Solid Waste stream, to reduce methane emissions from landfills, and to comply with state regulations, the City deems it necessary to regulate the separation, collection, disposal and recovery of recyclable materials, organic waste, and other Solid Waste as set forth in this chapter.

8.12.020 - Definitions

A. As used in this chapter:

1. "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
2. "Collection Services" means the collection of Solid Waste originating in the City from Compost Containers, Recycling Containers, and/or Landfill Containers by a Franchised Collector.
3. "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise

defined in 14 (CCR) Section 18982(a)(6). A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this chapter.

4. "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator, as defined in 14 CCR Section 18982(a)(73) and (a)(74).
5. "Community Composting" means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4), or as otherwise defined by 14 CCR Section 18982(a)(8).
6. "Compost" means the product resulting from the managed and controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
7. "Compost Container" has the same meaning as "Green Container" in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
8. "C&D" means Construction and Demolition debris, which includes the waste building materials, packaging, and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, Commercial buildings, and other structures.
9. "Designated Entity" means a person or entity that the City assigns, contracts with, or otherwise arranges to carry out any of the City's responsibilities of this chapter, as authorized in 14 CCR Section 18981.2. A Designated Entity may be a government employee, government entity, private entity, or a combination of those entities. Nothing in this chapter authorizing an entity, other than a City employee, to carry out any of the City's responsibilities of this chapter shall permit or require that entity to undertake such actions unless agreed to by the entity and the City. The issuance of civil penalties shall remain the authority of public agencies and shall not be delegated to a private entity.
10. "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), Edible Food is not Solid Waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
11. "Enforcement Agency" means an entity, which may include a Designated Entity, with the authority to enforce part, or all, of this chapter, as specified herein. Employees and agents of an Enforcement Agency may carry out inspections and enforcement activities pursuant to this chapter. Nothing in this chapter authorizing an entity to enforce its terms shall permit or require that entity to undertake such enforcement except as agreed to by that entity and the City. The City is an Enforcement Agency for all Sections of this chapter. The City may choose to additionally delegate enforcement responsibility for certain sections, to other public entities, including, but not limited to, the West Contra Costa Integrated Waste Management Authority (RecycleMore) and the County of Contra Costa. The issuance of civil penalties shall remain the authority of public agencies and shall not be delegated to a private entity.
12. "Excluded Wastes" means hazardous substances, hazardous waste, infectious waste, designated waste, waste that is volatile, corrosive or infectious, medical waste, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its Generators, reasonably

believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in the reasonable opinion of the City or its Designated Entity's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City or its Designated Entity to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Wastes do not include used motor oil and filters, household batteries, Universal Wastes, and/or latex paint when such materials are defined as allowable materials for collection through the City's collection programs and the Generator or customer has properly placed the materials for collection pursuant to instructions provided by the Franchised Collector providing service to the Generator.

13. "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
14. "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
15. "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - a) A food bank as defined in Section 113783 of the Health and Safety Code;
 - b) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - c) A nonprofit charitable temporary Food Facility as defined in Section 113842 of the Health and Safety Code.
16. "Food Recovery Service" means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
17. "Food Scraps" means all edible or inedible food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, dairy, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
18. "Food Service Provider" means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
19. "Food Soiled Paper" means paper plates, paper cups, napkins, paper bags, and any other items as determined by the City or Designated Entity.
20. "Food Waste" means Food Scraps and Food Soiled Paper.

21. "Franchised Collector" means such persons, firms or corporations providing Collection Services or post-collection services including processing or disposal under a contract or franchise agreement with the City.
22. "Garbage" means those elements of the Solid Waste stream designated for the "Landfill Container", and excludes hazardous waste, universal waste, Excluded Wastes, materials designated for the "Compost Container" or "Recycling Container" or materials which have been separated for Reuse.
23. "Generator" means a person or entity that is responsible for the initial creation of Garbage, Organic Waste and/or Recyclables, including Commercial Businesses, Single-Family Residential Dwellings and Multi-Family Residential Dwellings.
24. "Grocery Store" means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
25. "High Diversion Organic Waste Processing Facility" means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the "Mixed waste organic collection stream" as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
26. "Inspection" means a site visit where the City or its Designated Entity reviews records, containers, and an entity's collection, handling, recycling, or landfill disposal of Garbage, Recyclables, Organic Waste and/or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).
27. "Landfill Container" has the same meaning as "Gray Container" in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste or Garbage.
28. "Landfill Container Waste" means Garbage that is collected in a Landfill Container.
29. "Multi-Family Residential Dwelling" or "Multi-Family" means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing SB 1383 requirements. Consistent with SB 1383 Regulations, residential premises that consist of fewer than five units are not "Multi-Family" and instead are "Single-Family" for the purposes of implementing this chapter. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses.
30. "Organic Waste" means Solid Waste containing material originated from living organisms and their metabolic waste products, including, but not limited to, Food Scraps, Food Soiled Paper, Yard Waste, organic textiles and organic carpets, lumber, wood, paper products, printing and writing paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46).
31. "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
32. "Non-Organic Recyclables" or "Recyclables" means non-putrescible and non-hazardous discarded materials which, when separated from other discarded materials and properly processed, can be turned into useful products through

- reprocessing or remanufacturing, including but not limited to bottles, cans, metals, plastics and glass, as determined by the City or Designated Entity.
33. "Pharmaceuticals and Personal Care Products (PPCPs)" means chemical substances, including prescription and over-the-counter therapeutic drugs, fragrances, cosmetics, sunscreen agents, diagnostic agents, nutraceuticals, and biopharmaceuticals.
 34. "Prohibited Container Contaminants" includes all of the following: (i) materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Recycling Container; (ii) materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste; (iii) materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials that can be placed in the Recycling Container and/or acceptable Source Separated Compost Container Organic Waste; and (iv) Excluded Wastes placed in any container.
 35. "Property Owner" means the owner of real property.
 36. "Recycling Container" has the same meaning as "Blue Container" in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
 37. "Reuse" occurs when an item of the Solid Waste stream is reused in its manufactured form without reprocessing. Reusable materials include but are not limited to clothing, indoor and outdoor furnishings, clean fill dirt, architectural detailing, art and art supplies, books and antiques.
 38. "Restricted Drop-Off Items" means those items collected at the El Cerrito Recycling + Environmental Resource Center (RERC) that, for reasons of safety, health, security, and/or cost-efficiency, are locked, secured, or otherwise made inaccessible to the public without the assistance of City staff. The proper procedure for dropping off restricted items at the RERC shall be posted at each restricted drop-off area, and shall instruct the public how to get staff assistance with those items.
 39. "Salvage" means the act of accessing and taking those materials from the El Cerrito Recycling + Environmental Resource Center that can be Reused or repurposed by individuals while providing equal or greater community and environmental benefits than would be realized if those items were recycled by the City. Salvage also means to access and take such materials.
 40. "Salvage Permit" means a granted exemption under Section 8.12.160 of this chapter.
 41. "SB 1383" means Senate Bill 1383, the Short-lived Climate Pollutant Reduction Act of 2016.
 42. "SB 1383 Regulations" means or refers to, for the purposes of this chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
 43. "Self-Hauler" means a person who self-hauls Solid Waste, Organic Waste and/or Recyclables they generated in accordance with Section 8.12.110. Self-Hauler also includes a person who back hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator's own employees and equipment, or as otherwise defined in 14 CCR Section 189881(a)(66)(A).
 44. "Sharps" means any potential biohazard device having acute rigid corners, edges, or protuberances capable of cutting or piercing, such as hypodermic needles,

hypodermic needles with syringes, lancets, blades, needles with attached tubing, syringes contaminated with biohazardous waste, acupuncture needles, root canal files, broken glass items such as Pasteur pipettes and blood vials contaminated with biohazardous waste, and any item capable of cutting or piercing that is contaminated with trauma scene waste. "Sharps" does not mean household disposable razors, box cutting knives, craft tools, or household glass.

45. "Single-Family Residential Dwelling" or "Single-Family" means, of, from, or pertaining to any residential premises with fewer than five (5) dwelling units.
46. "Solid Waste" has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including Garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-Solid Wastes, and other discarded solid and semi-Solid Wastes, with the exception that Solid Waste does not include any of the following wastes:
 - a) Hazardous waste, as defined in the Public Resources Code Section 40141.
 - b) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - c) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.
47. "Source Separated" means materials that have been kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing in order to return them to the economic mainstream in the form of raw material for new, Reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this chapter, Source Separated shall include separation of waste and materials into different containers for the purpose of complying with this chapter.
48. "Source Separated Compost Container Organic Waste" means Source Separated Organic Waste that can be placed in a Compost Container, including Food Scraps, Food Soiled Paper, Yard Waste, and any other items accepted in the Compost Container Collection Service, as determined by the City or Designated Entity.
49. "Source Separated Recycling Container Organic Waste" means Source Separated Organic Waste that can be placed in a Recycling Container, including unsoiled paper products, printing and writing paper, cardboard, and any other items accepted in the Recycling Container Collection Service, as determined by the City or Designated Entity.
50. "Source Separated Recyclable Materials" means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.
51. "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

52. "Tier 1 Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
- a) Supermarkets.
 - b) Grocery store with a total facility size equal to or greater than 10,000 square feet.
 - c) Food Service Provider.
 - d) Wholesale Food Vendor which means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76)
 - e) Food Distributor which means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores or as otherwise defined in 14 CCR Section 18982(a)(22).
53. "Tier 2 Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:
- a) Restaurant which means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64) and which has 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
 - b) Hotel with an on-site Food Facility and 200 or more rooms or as otherwise defined in 14 CCR Section 18982(a)(74)(B).
 - c) Health facility with an on-site Food Facility and 100 or more beds, or as otherwise defined in 14 CCR Section 18982(a)(73)(C).
 - d) Large Venue, which means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, or as otherwise defined in 14 CCR Section 18982(a)(39). For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue.
 - e) Large Event, which means an event, including, but not limited to, a sporting event or flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event, or as otherwise defined in 14 CCR Section 18982(a)(38).
 - f) A state agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
 - g) A local education agency, which means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40), and which has an on-site Food Facility.

54. "Universal Wastes" are hazardous wastes, including but, are not limited to, electronic devices, fluorescent lamps, cathode ray tubes, instruments that contain mercury, batteries, and many other items, as determined by the California Department of Toxic Substance Control pursuant to the California Code of Regulations (Title 22 Universal Waste Rule).
55. "Yard Waste" means grass clippings, yard trimmings, tree branches (up to 3 feet), weeds, leaves, flowers, pine needles, unpainted or untreated wood scraps, and any other items as determined by City or Designated Entity.

8.12.030 - Unlawful Collection and Disposal

- A. It is unlawful for any person to throw, place, or bury any Garbage, Recyclables, or Organic Waste, or other discarded materials anywhere in the City other than in an authorized private or public solid waste container.
- B. It is unlawful for any person to place Prohibited Container Contents in collection containers, including the placement of Garbage in a Compost Container or a Recycling Container.
- C. It is unlawful for any person to allow unseparated Garbage, Recyclables, or Organic Waste to accumulate in any place or container.
- D. It is unlawful for any person other than the Franchised Collectors to take any materials from a Recycling Container, Compost Container, or Landfill Container left on or near City curbs for Collection Services.
- E. It is unlawful to place Sharps in a Recycling Container, Compost Container, or Landfill Container. All Sharps must be taken to an appropriate medical waste disposal facility, the El Cerrito Recycling + Environmental Resource Center, or a household hazardous waste facility, if they are accepted there.
- F. Pharmaceuticals and Personal Care Products shall not be placed in Recycling Containers, Compost Containers, or Landfill Containers and must be taken to a household hazardous waste facility or the El Cerrito Recycling + Environmental Resource Center for appropriate disposal, when accepted there. A list of such products shall be available from the household hazardous waste facility.
- G. The state of California has deemed it illegal to dispose of Universal Wastes in landfills. Universal Wastes must be properly disposed or recycled pursuant to state law. Most Universal Wastes are accepted daily at the El Cerrito Recycling + Environmental Resource Center.
- H. It is unlawful to place hazardous waste or household hazardous waste in a Landfill Container, Recycling Container, or Compost Container nor shall such wastes be delivered by self-haul or otherwise to any landfill, transfer station, recycling facility materials recovery facility, organics processing facility, or any other facility which is not a regulated facility capable and permitted to handle such hazardous waste.
- I. Excluded Wastes must be handled and disposed of or recycled in a manner that protects human health and the environment and in accordance with all applicable regulations.
- J. It is unlawful for any person to place or dispose of items at the El Cerrito Recycling + Environmental Resource Center that are not accepted at that facility. Unlawful disposal includes, but is not limited to, placing Garbage, Compost Container Waste, or Excluded Wastes, and other items not listed as accepted, anywhere in the facility; placing any acceptable items in the incorrect containers; and placing Restricted Drop-Off Items anywhere in the facility without gaining appropriate access for restricted items.

- K. Except for materials designated by the El Cerrito Recycling + Environmental Resource Center staff as being available for Salvage, it is unlawful for any person, other than authorized employees of the City or Designated Entity, to remove Source Separated Recyclable Materials from any container, patron, contractor, employee, vehicle or area at El Cerrito Recycling + Environmental Resource Center or from public bins designated for the collection of such.

8.12.040 - Public Solid Waste Containers

It is the policy of the City to place and maintain Landfill Containers, Recycling Containers and Compost Containers at such locations as are deemed necessary for the public convenience for incidental materials generated while away from home. Residents using such containers shall place Garbage in the Landfill Container, Source Separated Recyclable Materials in the Recycling Container and Source Separated Compost Container Organic Waste in the Compost Container, should they be available. It is unlawful for any person to put any household or business Garbage, Recyclables, or Organic Waste into public containers.

8.12.050 - Collection – Subscription Required

- A. Every Generator in the City shall, within seven (7) days of occupancy of a property, subscribe to Collection Services, and comply with the requirements thereof, unless the Generator has received an applicable exemption or waiver as provided for in this chapter. Every Generator shall be required to subscribe with the Franchised Collectors to collect and dispose of such other elements of the Solid Waste stream as designated by the City, when the City Council has authorized a contract, or determined that the City shall provide such service. Subscription to Collection Services does not preclude a Generator from self-hauling in accordance with Section 8.12.110.
- B. Every Generator who subscribes to Collection Services shall be responsible for payment, even if the Generator is not the Property Owner. Upon a Generator's failure to pay for Collection Services, the Property Owner shall become responsible for the payment of all delinquent Collection Service fees and charges, and the Franchised Collector shall use the provisions contained in Section 8.12.080 to secure payment.
- C. Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a community composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws. Nor shall any provision of this chapter limit the right of any Generator to donate or sell their Recyclables to any other person, firm or organization who collects such Recyclables in the City. However, these allowances shall not relieve such Generator from subscribing to Collection Services as required in this Section.
- D. If a Generator has failed to subscribe to Collection Services, the City or Designated Entity shall serve written notice to the Generator. Such notice shall advise the Generator of the requirements of this chapter and the obligation to subscribe to Collection Services. Collection Service shall commence within ten (10) days of the date of this notice unless the Generator can demonstrate to the City Manager or Designated Entity's satisfaction that the Generator has obtained an applicable exemption or waiver as provided for in this chapter, and/or is otherwise not subject to this chapter.

8.12.060 - Collection – Containers, Participation and Separation

A. Every Generator in the City, except those with an applicable exemption or waiver as provided for in this chapter, shall:

1. Maintain separate Landfill Containers, Recycling Containers, and Compost Containers supplied by the Franchised Collector. Generators shall arrange for a sufficient number of such containers to adequately store all Garbage, Source Separated Recyclable Materials and Source Separated Compost Container Organic Waste generated in connection with the residence or business between the times designated for collection. The City shall have the right to review the number and size of such containers to evaluate the adequacy of capacity provided for each type of Collection Service and to review the separation and containment of materials. Generators shall adjust service levels for their Collection Services as requested by the City or its Designated Entity in order to meet the standards set forth in this chapter.
2. Participate in the Collection Services by placing designated materials in designated containers as described below, and by not placing Prohibited Container Contaminants in collection containers.
3. Place all Source Separated Compost Container Organic Waste in the Compost Container; Source Separated Recyclable Materials in the Recycling Container; and Landfill Container Waste (Garbage) in the Landfill Container. If any materials in a container are not collected by a Franchised Collector due to the presence of Prohibited Container Contaminants, the Generator shall properly Source Separate those materials and place them in their designated containers. The City or Designated Entity may charge a fee, approved in the Master Fee Schedule, if an additional Collection Services trip to collect properly Source Separated materials is requested or deemed necessary.
4. Place Landfill Containers, Recycling Containers, and/or Compost Containers on or near the curb on the day specified for collection. The City Manager or Designated Entity shall grant an alternate setout location to households whose occupants are physically unable to roll their containers to the curb. Households requesting an alternate setout location shall submit an application to the City Manager or Designated Entity. A doctor's note and a signed statement, under penalty of perjury, must accompany the application stating that neither the occupant, nor any member of the occupant's household, is physically able to move the containers to the curb. It shall be the responsibility of the holder of the allowance to arrange a suitable location for the container with the Franchised Collector. No additional fee will be charged for this service. The City Manager or Designated Entity may grant temporary allowances for persons with temporary disabilities.
5. Maintain Landfill Containers, Recycling Containers and Compost Containers in a sanitary condition at all times. Any bulky material must be reduced in size so that it may be placed in the appropriate container with the cover tightly closed and without excessive tamping, so that the container may be easily emptied.
6. Not place Landfill Containers, Recycling Containers and Compost Containers for collection at any time other than the day or days established for collection, or earlier than sunset of the day preceding the day designated for collection. All Landfill Containers, Recycling Containers, and Compost Containers shall be removed from the curb prior to midnight of the day the containers have been emptied.

- B. Every Commercial Business Generator in the City, except those with an applicable exemption or waiver as provided for in this chapter, shall supply and allow access to adequate number, size and location of containers with sufficient labels or colors, consistent with Sections 8.12.060(C)(1)-(2), for employees, contractors, tenants, and customers, consistent with Collection Services or, if self-hauling, in compliance with Section 8.12.110.
- C. Every Commercial Business Generator in the City, excluding Multi-Family Residential Dwellings and those with an applicable exemption or waiver as provided for in this chapter, shall provide containers for the collection of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials generated by that business in all areas where the Commercial Business provides disposal containers for employees, contractors, tenants, customers, and other users of the premises. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the Commercial Business does not have to provide that particular type of container in all areas where other containers are provided. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Commercial Business shall have either:
 - 1. A body and/or lid that conforms to the following container colors provided through the Collection Services: gray or black for Landfill Containers, blue for Recycling Containers, and green for Compost Containers. Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the color requirements of this Section prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first; or
 - 2. Container labels that include language or graphic images, or both, indicating the primary materials accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. The container labeling requirements are required on new containers commencing January 1, 2022.
- D. If a Commercial Business requires the use of more than four (4) Landfill Containers or the equivalent thereof, for the storage of Garbage, the Commercial Business shall provide a suitable screened area for these Landfill Containers. The design and location of this screened area must be approved by the City's Building Official.

8.12.065 - Education & Outreach Requirements for Commercial Businesses

- A. Every Commercial Business Generator in the City, except Multi-Family Residential Dwellings and those with an applicable exemption or waiver as provided for in this chapter, shall, to the extent practical through education, training, inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Landfill Container, Recycling Container, and/or Compost Container Collection Service, or if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 8.12.110.
- B. Every Commercial Business Generator in the City, except Multi-Family Residential Dwellings and those with an applicable exemption or waiver as provided for in this chapter, shall annually inspect all Landfill Containers, Recycling Containers, or Compost Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers.

- C. Every Commercial Business Generator in the City, except those with an applicable exemption or waiver as provided for in this chapter, shall annually provide information to employees, contractors, tenants, building residents, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials. A copy of such instructions shall be provided to the City Manager, and/or Designated Entity upon request.
- D. Every Commercial Business Generator in the City, except those with an applicable exemption or waiver as provided for in this chapter, shall provide education information to tenants that describes requirements to keep Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials separate from each other and from Landfill Container Waste, and the location of containers and the rules governing their use at the property. The education information shall be provided before or within fourteen (14) days of occupation of the premises to new tenants and no less than fourteen (14) days before tenants move out of the premises, unless a tenant does not provide fourteen (14) or more days' notice before moving out.

8.12.070 - Waivers for Generators

- A. De Minimis Waivers. The City Manager or Designated Entity may waive a Commercial Business' obligation to comply with some or all of the Organic Waste Collection Service subscription requirements of this chapter, if documentation is provided demonstrating that the Commercial Business generates a de minimis amount of Organic Waste material, as further described below.
 - 1. A Commercial Business requesting a de minimis waiver shall:
 - a) Submit an application to the City Manager or Designated Entity specifying the service or requirements for which it is requesting a waiver. Applicant shall supply all required proof of qualifications in writing along with the application submittal. Applicants may be required to provide information in forms provided by the City or Designated Entity. Applicants may be subject to one or more site Inspection(s) prior to approval of a waiver.
 - b) In support of a de minimis waiver application, Commercial Businesses shall provide documentation that either:
 - i) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 20 gallons per week per applicable container of the business' total waste; or
 - ii) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - 2. For the purposes of a de minimis waiver application, total Solid Waste shall be the sum of weekly Landfill Container Waste, Source Separated Recyclable Materials, and Source Separated Compost Container Organic Waste, measured in cubic yards.
 - 3. A Commercial Business that is granted a de minimis waiver shall:
 - a) Notify the City Manager or Designated Entity if circumstances change such that the Commercial Business' Organic Waste exceeds the threshold required for a waiver, in which case the waiver may be rescinded.

- b) Provide written verification of continued eligibility for de minimis waiver to the City Manager or Designated Entity every five (5) years.
- B. Physical Space Waivers. The City Manager or Designated Entity may waive a Generator's obligation to comply with some or all of the Recyclables and/or Organic Waste Collection Service subscription requirements of this chapter, if the City Manager or Designated Entity has evidence from the City, a Designated Entity, or a licensed architect or engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Recyclables and/or Organic Waste Collection Service requirements of this chapter.
 - 1. A Generator requesting a physical space waiver shall:
 - a) Submit an application to the City Manager or Designated Entity specifying the Collection Service(s) or requirements for which it is requesting a waiver.
 - b) Provide documentation that the premises lacks adequate space for Recycling Containers and/or Compost Containers, which shall include documentation from the City, a Designated Entity, and/or a licensed architect or engineer.
 - 2. A Generator that is granted a physical space waiver shall:
 - a) Notify the City Manager or Designated Entity if the Generator's physical space configurations or amounts of Solid Waste generation change, in which case the waiver may be rescinded.
 - b) Provide written verification of continued eligibility for a physical space waiver to the City Manager or Designated Entity every five (5) years.
- C. Container Waivers. The City Manager or Designated Entity may waive a Generator's obligation to comply with some or all of the Collection Service subscription requirements of this chapter, if documentation is provided demonstrating compliance with all of the requirements described below.
 - 1. A Generator requesting a Container Waiver shall:
 - a) Submit an application to the City Manager or Designated Entity specifying the Collection Services or requirements for which it is requesting a waiver.
 - b) Provide documentation proving that the applicant's applicable waste or materials diversion is equal to or greater than the Collection Services provided in this chapter.
 - c) Provide documentation proving that the applicant's applicable waste or materials diversion and disposal is completed with equal to or less environmental impacts than the Collection Services currently provide (e.g., meets carbon emissions standards per the California Global Warming Solutions Act of 2006, and meets best management practice standards as required by Contra Costa Clean Water Program).
 - d) Provide documentation proving that the applicant's applicable waste and materials diversion and disposal methods do not constitute a nuisance as defined in Chapter 8.34 and is not in violation of any other Municipal Code provisions.
 - e) Supply all required proof of qualifications in writing together with the application submittal. Applicants may be required to provide information in forms provided by the City or Designated Entity.
 - f) Pay an application fee as provided in the City's Master Fee Schedule.
 - g) Be subject to meetings with the City or Designated Entity, including any application hearings or site inspections as the City Manager or Designated Entity deems necessary to obtain all required information and proof.

D. All Waivers.

1. Change of ownership or occupants of a property automatically revokes a waiver.
2. Upon the determination of the City Manager or Designated Entity, a written notification of the approval or denial of a waiver shall be issued to the applicant.
3. If an application is denied or a waiver is revoked, an applicant may re-apply following the applicable process.
4. The City Manager or Designated Entity may revoke a waiver at any time if a nuisance as defined in Chapter 8.34 is found on the applicant's property or on another property as a result of Solid Waste generated by the applicant.
5. Applicants shall provide the written approved notification of waiver when requesting that a Franchised Collector terminate subscription to applicable Collection Services or when the City Manager or Designated Entity requests verification.
6. Any self-hauling of waste or materials shall comply with Section 8.12.110.

8.12.080 - Failure to Pay

- A. Each Franchised Collector shall be entitled to payment from the Generator or Property Owner for Collection Services provided by the Franchised Collector. In the event of nonpayment from a Generator or Property Owner, the Franchised Collector may temporarily stop collection as of the second scheduled collection day after the payment due date until payment has been secured, or until the City Manager or Designated Entity authorizes a waiver or exemption from Collection Services as provided for in this chapter. Prior to stopping Collection Services, the Franchised Collector shall individually notify the Generator and/or Property Owner in writing or by phone that service will be stopped if payment is not secured. If payment is not secured after thirty (30) days from the payment due date, the Franchised Collector shall notify the City Manager or Designated Entity in writing of the failure to pay and the date that Collection Service was stopped. Upon notification, the City Manager or Designated Entity will investigate whether the lack of Collection Service constitutes a nuisance as defined in Chapter 8.34 or whether a waiver or exemption from Collection Service as provided for in this chapter is allowable. The City Manager or Designated Entity may require the Franchised Collector to continue to provide Collection Services for occupied residences or businesses and may pursue nuisance abatement pursuant to Chapter 8.34. Any cost recovery of abatement costs, as authorized pursuant to Chapter 8.34, shall not be recoverable by recording a lien or special assessment against the parcel of land on which the nuisance is or was maintained.
- B. The Franchised Collector shall provide a written procedure through which a Generator may contest the charges imposed by the Franchised Collector.

8.12.090 - Commercial Edible Food Generator Requirements

- A. Tier One Commercial Edible Food Generators must comply with the requirements of Section 8.12.090(C) commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3 or such later deadline established by State law or regulations.
- B. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities, as defined in Section 113789 of the Health and Safety Code, operating at the Large Venue or Large Event to comply with the requirements of Section 8.12.090(C), commencing January 1, 2024 or such later deadline established by State law or regulations.

- c. Commercial Edible Food Generators shall, by the dates set forth above, comply with the following requirements:
1. Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.
 2. Enter into a contract or other written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection for Food Recovery of Edible Food that would otherwise be disposed; or, (ii) acceptance of Edible Food that would otherwise be disposed that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 3. Use best efforts to abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
 4. Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
 5. Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 6. Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises.
 7. Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - a. A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - b. A copy of all contracts and written agreements established under 14 CCR Section 18991.3(b) and/or this chapter.
 - c. A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - i. The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - ii. The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - iii. The established frequency that food will be collected or self-hauled.
 - iv. The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - d. If it has not entered into a contract or written agreement with Food Recovery Organizations or Food Recovery Service, a record that describes (i) its direct donation of Edible Food to end recipients (including employees) and/or (ii) its food waste prevention practices that result in it generating no surplus Edible Food that it can donate.
 8. Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the City or Designated Entity that includes the information in Section 8.12.090(C)(7). Said Generators shall provide the requested information within sixty (60) days of the request.
- D. Nothing in this chapter shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to

Senate Bill 557 of 2017 or (2) otherwise applicable food safety and handling laws and regulations.

- E. Nothing in this chapter prohibits a Commercial Edible Food Generator from donating Edible Food directly to end recipients for consumption, pursuant to Health and Safety Code Section 114432(a).

8.12.095 - Food Recovery Organizations and Services Requirements

- A. Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:
 - 1. The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - 2. The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - 3. The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - 4. The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- B. Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records:
 - 1. The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - 2. The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month. This may also include the total quantity in pounds of food collected that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - 3. The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- C. Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators shall report to the City, or its Designated Entity, the total pounds of Edible Food recovered from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with (regardless of whether those Generators are located in the City) according to the following schedule:
 - 1. No later than August 15, 2022, submit an initial report covering the period of January 1, 2022 to June 30, 2022; and
 - 2. No later than March 31, 2023, and no later than every March 31 thereafter, submit a report covering the period of January 1 to December 31 of the previous calendar year.
- D. In order to support Edible Food Recovery capacity planning assessments and similar studies, Food Recovery Services and Food Recovery Organizations operating in the City shall provide, upon request, information and consultation to the City or Designated Entity, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City or Designated Entity, and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization

contacted by the City or Designated Entity shall respond to such request for information within sixty (60) days unless a shorter timeframe is otherwise specified by the City or Designated Entity.

8.12.100 - Franchised Collector Requirements

- A. Every Franchised Collector providing Collection Services in the City shall meet the following requirements and standards in connection with collection of Organic Waste:
 - 1. Through written notice to the City or Designated Entity, annually identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Compost Container Organic Waste.
 - 2. Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Compost Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - 3. Obtain approval from the City or Designated Entity to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.

8.12.110 - Self-Hauler Requirements

- A. Self-Haulers shall Source Separate all Recyclables and Organic Waste generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- B. Self-Haulers shall self-haul their Source Separated Recyclable Materials to a facility that recovers those materials; self-haul their Source Separated Compost Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste or to a High Diversion Organic Waste Processing Facility; and self-haul their Garbage to a facility that is permitted to accept Garbage.
- C. Self-Haulers that are Commercial Businesses shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the City. The records shall include the following information:
 - 1. Delivery receipts and weight tickets from the entity accepting the waste.
 - 2. The amount of material in cubic yards or tons transported by the Generator to each entity.
 - 3. If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- D. Self-Haulers that are Commercial Businesses shall provide the above information, upon request, to the City Manager or Designated Entity within sixty (60) days of the request.
- E. Landscapers who self-haul Yard Waste generated at a customer's site, must also meet the requirements in this Section.

8.12.120 - Requirements for Facility Operators and Community Composting Operations

A. Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request from City or Designated Entity, provide within sixty (60) days, information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.

B. Community Composting operators shall, upon request from City or Designated Entity, provide within sixty (60) days, information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation.

8.12.130 - Collection and Disposal Contracts

At such times as there is in force, a contract entered into by the City with any Franchised Collector for Garbage, Recyclables and/or Organic Waste Collection Services in the City, it shall be unlawful for any person other than the Franchised Collector to collect and dispose of these materials within the City. In the event the City has not contracted with a Franchised Collector for Garbage, Recyclables and/or Organic Waste Collection Services, the City may, at its option, provide such Collection Services. For such Collection Services as the City provides, the City shall be deemed the Franchised Collector, and the City shall be entitled to enforce all of the rights and obligations of a Franchised Collector under the provisions of this chapter.

8.12.140 - Collection – Schedule

Collection Services shall be performed by the City, or the Franchised Collector selected by the City, in a manner and frequency which protects public health and safety.

8.12.150 - Collection – Service Rates

The City Council may, by resolution or an approved contract with any Franchised Collector, place a limit on the rates, fees and charges for Collection Services. No Franchised Collector shall impose any fee that is greater than the maximum permitted by the City Council, unless otherwise authorized in this chapter.

8.12.160 - Salvage and Application for Salvage Exemption

- A. The City Manager or Designated Entity may grant an exemption to Section 8.12.030(K) to individuals removing certain items collected at the El Cerrito Recycling + Environmental Resource Center for legitimate Salvage. Certain categories of items, as designated and specially marked by City staff, may be designated for ongoing Salvage and/or Reuse available to all patrons without a Salvage permit.
- B. Salvage of all other categories of materials that are not designated by City staff for ongoing Salvage and/or Reuse shall require an exemption via a Salvage permit application by the individual seeking permission to Salvage the materials. Such Salvage permit application is subject to the following qualifications:
 - 1. Applicant must demonstrate that the Salvaged materials will be legitimately Reused or repurposed through, for example: use as-is; repair and use; use in an art, school, or other project; use as parts; use in collections (e.g., stamps); or other personal uses.

2. Applicant must sign a statement, under penalty of perjury, that no materials taken for Salvage will be sold as Recyclables.
 3. Applicant will be subject to any limits on the quantity of Salvaged material that may be taken, as determined by the City Manager or Designated Entity. The City Manager or Designated Entity may require that applicants salvaging materials above certain limits purchase those materials at fair market value from the City. Applicant must sign a statement, under penalty of perjury, that the applicant will abide by all Salvage limits.
 4. Applicant must demonstrate that any Salvage proposed by applicant does not constitute a nuisance as specified in Chapter 8.34 and is not in violation of any other El Cerrito Municipal Code provisions.
 5. The mere payment of fees that fund Recyclables collection, the El Cerrito Recycling + Environmental Resource Center and El Cerrito environmental programs shall not constitute grounds for the granting of a Salvage permit.
- C. The Salvage permit application procedure is as follows:
1. Applicants may be required to provide information in forms provided by the City or Designated Entity. Applicants may be required to show proof of information provided on the application form. Salvage activities are subject to Inspection prior to approval of a permit.
 2. Applicant shall pay an application fee as provided in the City's Master Fee Schedule if one is established.
 3. Applicant may be required to meet with City staff or attend an application hearing as the City Manager or Designated Entity deems necessary to provide all required information and proof.
 4. Upon the determination of the City Manager or Designated Entity, a written notification of the approval or denial of permit shall be issued to the applicant.
 5. A Salvage permit may be granted only to an individual.
 6. If the application is denied or permit revoked, the applicant may re-apply following the above process, but no more than twice in one calendar year.
 7. The City Manager or Designated Entity may revoke a Salvage permit at any time if a nuisance as defined in Chapter 8.34 is found to be a result of the Salvage and/or if the City or Designated Entity determines that any permitted Salvage results in volumes that materially impact the El Cerrito Recycling + Environmental Resource Center operations.
- D. Permittees shall provide their written approved Salvage permit to City staff when engaging in permitted Salvage activities or when the City Manager or Designated Entity requests verification.

8.12.170 - El Cerrito Recycling + Environmental Resource Center Activities – Control

Whenever the City Manager or Designated Entity finds that the welfare of any person will be best served by restricting the use of any portion of the El Cerrito Recycling + Environmental Resource Center, they shall control activities which are deemed to be of a hazardous nature, or of a nature which would endanger property, or which are not in the best interest of the citizens of the City. These activities may include, but are not limited to, restricting the total length of all daily visits to the El Cerrito Recycling + Environmental Resource Center by an individual and limiting the duration of parking at the El Cerrito Recycling + Environmental Resource Center. The City Manager or Designated Entity shall cause signs or notices to be posted setting forth the controlled activities.

8.12.180 - El Cerrito Recycling + Environmental Resource Center Activities – Compliance Required

Any person entering, being or remaining in the El Cerrito Recycling + Environmental Resource Center shall comply with the provisions of this chapter, all other related provisions of this code, and any rules posted by the City Manager or Designated Entity as provided by Section 8.12.170.

8.12.190 - Inspections and Investigations

- A. An Enforcement Agency is authorized to conduct any Inspections, remote monitoring (cameras in collection containers to identify contamination), or other investigations as reasonably necessary to further the goals of this chapter, subject to applicable laws. This may include Inspections and investigations, at random or otherwise, of any collection container, collection vehicle load, or transfer, processing, or disposal facility to confirm compliance with this chapter, subject to applicable laws. This Section does not allow entry into a private residential dwelling unit for Inspection without an occupant's or owner's consent. For the purposes of inspecting Commercial Business containers for compliance, an Enforcement Agency may conduct container Inspections for Prohibited Container Contaminants using remote monitoring, and Commercial Businesses shall accommodate and cooperate with the remote monitoring.
- B. Every Generator subject to the requirements of this chapter shall provide or arrange for access during all Inspections (with the exception of a residential dwelling unit interiors) and shall cooperate with an Enforcement Agency during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this chapter. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of remote monitoring equipment; or (iii) access to records for any Inspection or investigation is in violation of this chapter and may result in penalties as provided for herein.
- C. Any records obtained by an Enforcement Agency during Inspections, remote monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the California Public Records Act.
- D. An Enforcement Agency shall accept written complaints from persons, including anonymous complaints, regarding a Generator or other entity that may be potentially non-compliant with this chapter.

8.12.200 - Enforcement

A violation of any provision of this chapter shall be subject to any of the following enforcement mechanisms: (i) general penalty process set forth in Chapter 1.08; (ii) administrative citation process set forth in Chapter 1.14; (iii) nuisance abatement process set forth in Chapter 8.34; and/or (iv) by any means available to the City to remedy a violation of the Municipal Code; except that fines, charges, and/or costs shall not be recoverable by recording a lien or special assessment against a property. Enforcement pursuant to this Section may be undertaken by any Enforcement Agency.

Section 3: Compliance with the California Environmental Quality Act. This Ordinance is adopted pursuant to CalRecycle's SB 1383 Regulations. The SB 1383 Regulations were the subject of a program environmental impact report (EIR) prepared

by CalRecycle, and the activities to be carried out under this Ordinance are entirely within the scope of the SB 1383 Regulations and that EIR. No mitigation measures identified in the EIR are applicable to the City of El Cerrito's enactment of this Ordinance. Moreover, none of the conditions requiring a subsequent or supplemental EIR, as described in Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15163, have occurred. The EIR therefore adequately analyzes any potential environmental effects of the Ordinance, and no additional environmental review is required. On a separate and independent basis, the Ordinance is exempt from CEQA pursuant to Section 15308, Class 8 of the CEQA Guidelines as an action that will not have a significant impact on the environment and as an action taken by a regulatory agency for the protection of the environment, specifically, for the protection of the climate. There are no unusual circumstances that would cause this Ordinance to have a significant effect on the environment.

Section 4: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

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

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on November 16, 2021 and passed by the following vote:

AYES:	Mayor Fadelli; Mayor Pro Tem Quinto; Councilmembers Abelson, Motoyama and Rudnick
NOES:	None
ABSENT:	None
ABSTAIN:	None

ADOPTED AND ORDERED published at a regular meeting of the City Council held on December 7, 2021 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

APPROVED:

Paul Fadelli, Mayor

ATTEST:

Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2021-05 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 7th day of December 2021; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _
_____ day of December, 2021.

Holly M. Charléty, City Clerk



AGENDA BILL

Agenda Item No. 5.F.

Date: December 7, 2021
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Amendment of Consulting Services Agreement with BKF Engineers

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to amend the Consulting Services Agreement with BKF Engineers (BKF) for an additional amount of \$99,500 for a total contract amount of \$299,500 in Fiscal Year 2021-22 to complete preliminary engineering and project development services for the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project.

BACKGROUND/ANALYSIS

On-Call Engineering and Project Management Agreements

In May 2018, the City Council authorized the City Manager to execute consulting services agreements with four firms, of which BKF is one, to provide on-call engineering and project management services for three years with options to extend for an additional two years in an amount not to exceed \$200,000 per fiscal year for each agreement (Resolution 2018-34). The City regularly requires the services of consulting firms to provide engineering services and deliver capital projects. This type of work is usually variable in scope and may be short-term assignments or may be part of larger capital or planning projects. As a result, most cities enter into on-call agreements with consulting firms to assign work as needed. In addition, cities choose to enter into on-call agreements with multiple firms in order to assure that a consultant's workload issues will not get in the way of a city's critical-path needs, and also to allow staff to best fit the expertise of a particular firm with the specific needs of an assignment.

Similarly, in April 2017, the City Council authorized the City Manager to execute consulting services agreements with three firms to provide on-call transportation engineering services for an amount not to exceed \$150,000 per fiscal year. (Resolution 2017-23).

Each agreement for on-call services is written as a master agreement. As needs arise, City staff request that one or more of the firms submit a proposal on the scope, schedule and fee for an individual task. Once a proposal is agreed upon with one of the firms, City staff issue a task order subject to available funding in the adopted fiscal year budget. For the on-call engineering and project management agreements, if the task order amount, either individually or cumulatively, exceeds \$200,000 in any one fiscal year, City Council approval is required.

El Cerrito del Norte TOD Complete Streets Improvement Project

The El Cerrito del Norte TOD Complete Streets Improvement Project will implement multimodal transportation improvements identified in the San Pablo Avenue Specific Plan and Active Transportation Plan. Planned improvements consist of enhanced and new protected pedestrian crosswalks, new context-sensitive bikeways, bus boarding islands, vehicle circulation improvements, and various streetscape enhancements. The project location is in the Uptown district of the Specific Plan area and spans several streets, including San Pablo Avenue from Ohlone Greenway near the northern city limit to Potrero Avenue, Eastshore Boulevard from Potrero Avenue to San Pablo Avenue, Hill Street from San Pablo Avenue to Liberty Street, Cutting Boulevard from I-80 to Key Boulevard, and Knott Avenue from San Pablo Avenue to Key Boulevard. The total project cost, including preliminary engineering, environmental clearance, design, and construction, is estimated to be \$13.25 million. A significant portion of the project is on State Route 123, requiring that the project undergo an extensive California Department of Transportation (Caltrans) project development process. Detailed information on the project is provided in an [August 17, 2021 Agenda Bill](#) regarding the Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement for the project.

In October 2019, to efficiently move forward with delivery of the project, City staff issued a Request for Proposals (RFP) to three of the on-call engineering and project management firms that were qualified to provide the needed services and all three on-call transportation engineering firms. City staff received proposals from three firms, interviewed two firms, and selected BKF as the most qualified firm to provide these services. In February 2020, City staff issued an initial task order to BKF in the amount of \$162,200 to begin this phase of work, knowing that additional task orders would be required as the project advanced through the Caltrans project development process.

Since that time, BKF has assisted City staff in strategically advancing this complex project. City staff has issued two additional task orders to BKF, one in Fiscal Year 2020-21 in the amount of \$175,000 and one in the current Fiscal Year 2021-22 in the amount \$200,000. To complete the current phase of work, notably incorporating the final set of Caltrans comments and producing the final environmental documentation and the Project Study Report-Project Report (PSR-PR) for Caltrans approval, another final task order in the amount of \$99,500 is needed. BKF has provided a scope and timeline, contained in Attachment 2, for services provided in Fiscal Years 2020-21 and 2021-22.

Issuance of this task order is critical to keep the project on track per the schedule summarized below. Given federal funding secured for construction of the project, we have a compressed schedule of about ten months to complete the detailed design if we begin in late December 2021. A separate consultant procurement process is currently underway for the detailed design phase. City staff plan to bring an agreement to City Council for consideration at its regular meeting on December 21, 2021.

Project Task	Start	End
Preliminary Engineering	Summer 2019	Fall 2021
Caltrans PSR-PR Development Process	Fall 2019	Winter 2021/22
Project-Level Environmental Clearance	Winter 2019/20	Fall 2021
Detailed Design	Winter 2021/22	Fall 2022
ROW Certification	Fall 2022	Fall 2022
<i>Federal Authorization to Proceed with Construction</i>	<i>Fall 2022</i>	<i>Winter 2022/23</i>
<i>Advertisement/Bidding/Award</i>	<i>Winter 2022/23</i>	<i>Spring 2023</i>
Construction	Spring 2023	Spring 2024

Because this remaining task order would exceed the contract amount of \$200,000 per fiscal year previously authorized by the City Council for the on-call services agreement, City staff is requesting that the City Council authorize the City Manager to amend the agreement with BKF for an additional amount of \$99,500 for a total contract amount of \$299,500 in Fiscal Year 2021-22 so City staff can issue this task order.

STRATEGIC PLAN CONSIDERATIONS

The City's Strategic Plan articulates the mission of the City to serve, lead, and support our diverse and transit-rich community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety, and creating an economically and environmentally sustainable future. The El Cerrito del Norte TOD Complete Streets Improvement Project is consistent with various El Cerrito Strategic Plan goals, including Goal D – Develop and rehabilitate public facilities as community focal points; Goal C – Deepen a sense of place and community identity by promoting strong neighborhoods; and Goal F – Foster environmental sustainability citywide by encouraging alternative modes of transportation to the single occupancy vehicle.

ENVIRONMENTAL CONSIDERATIONS

California Environmental Quality Act ("CEQA") Guidelines require preparation of an Initial Study to identify whether a plan or project will have a significant effect on the environment. For projects with potentially significant impacts, proposed mitigations may be included as part of the environmental review process to ensure that such impacts are mitigated to a less than significant level where possible.

The El Cerrito del Norte TOD Complete Streets Improvement Project is a combination of projects identified in the San Pablo Avenue Specific Plan and Active Transportation Plan. The City Council approved a programmatic Environmental Impact Report and

associated Mitigation Monitoring and Reporting Program for the San Pablo Avenue Specific Plan in September 2014, and an Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the Active Transportation Plan in April 2016. Both documents were prepared per CEQA Guidelines. As part of the Caltrans project development process, City staff and consultants are finalizing a project checklist to determine whether all impacts of the projects were evaluated in these documents. The mitigation measures identified in both Mitigation Monitoring and Reporting Programs will be implemented as appropriate in order to mitigate any identified environmental impacts of the project under CEQA.

As part of the federal funding process, the project is being evaluated for compliance with the National Environmental Policy Act (NEPA), which has included conducting preliminary environmental studies and various technical studies. The document being prepared is a Categorical Exclusion with Technical Studies and is subject to Caltrans approval as the administrator of the federal funding.

FINANCIAL CONSIDERATIONS

Funding for the project is included in the Fiscal Year 2021-22 Adopted Budget and Capital Improvement Program under the Del Norte TOD Infrastructure Improvement Project, C4014, which has an expenditure appropriation of \$1,000,000. Of this amount, \$242,500 has been encumbered with the remaining available to cover the current phase of work including BKF's remaining services and a significant portion of the detailed design phase, the latter for which City staff will bring a separate agreement to City Council for consideration at its regular meeting of December 21, 2021. More specifically, the cost for BKF's services will be covered by an appropriation in the Capital Improvement Fund. This fund is used for expenditures that will be reimbursed by external sources after the expenditures are incurred, which in this case will be the West Contra Costa County Transportation Advisory Committee (WCCTAC), Subregional Transportation Mitigation Program (STMP) as approved by the City Council in August 2021 (Resolution 2021-44).

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. BKF Scope

RESOLUTION NO. 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO AMEND THE CONSULTING SERVICES AGREEMENT WITH BKF ENGINEERS (BKF) FOR AN ADDITIONAL AMOUNT OF \$99,500 FOR A TOTAL CONTRACT AMOUNT OF \$299,500 IN FISCAL YEAR 2021-22

WHEREAS, in May 2018, the City Council authorized the City Manager to execute consulting services agreements with four firms, of which BKF is one, to provide on-call engineering and project management services for three years with options to extend for an additional two years in an amount not to exceed \$200,000 per fiscal year for each agreement (Resolution 2018-34); and

WHEREAS, as needs arise, City staff issue task orders to these firms for agreed upon proposals subject to available funding in the adopted fiscal year budget and approved contract authority; and

WHEREAS, in October 2019 to efficiently move forward with delivery of the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project, City staff initiated a Request for Proposals process with several of the City's on-call firms to provide preliminary engineering and project development services; and

WHEREAS, on February 2020, City staff issued an initial task order to BKF to begin work knowing that additional task orders would be required as the project advanced through the California Department of Transportation (Caltrans) project development process; and

WHEREAS, in Fiscal Year 2021-22, City staff has issued a task order to BKF in the amount \$200,000 and another task order in the amount of \$99,500 is needed to finalize the environmental documentation and Caltrans Project Study Report-Project Report (PSR-PR); and

WHEREAS, funding to cover this task order amount is included in the Fiscal Year 2021-22 Adopted Budget and Capital Improvement Program under the Del Norte TOD Infrastructure Improvement Project, C4014 from an appropriation in the Capital Improvement Fund.

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 Consulting Services Agreement with BKF for an additional amount of \$99,500 for a total contract amount of \$299,500 in Fiscal Year 2021-22.

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

I CERTIFY that at a regular meeting on December 7, 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 December _____, 2021.

Holly M. Charléty, City Clerk

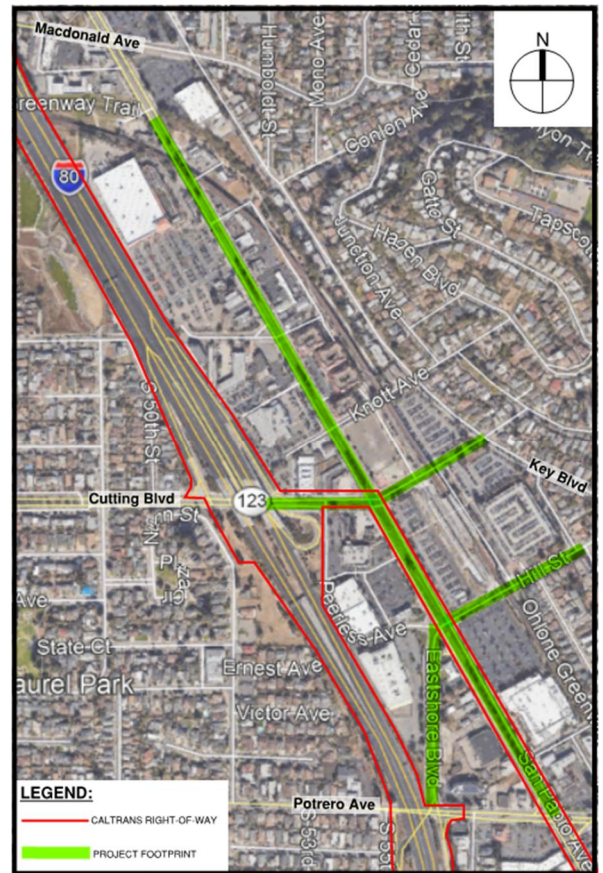
APPROVED:

Paul Fadelli, Mayor

PROJECT DESCRIPTION

The El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project (Project) is part of the City of El Cerrito's (City) San Pablo Avenue Specific Plan and Active Transportation Plan which proposes to implement multimodal transportation improvements along San Pablo Avenue. The proposed improvements consist of safety and circulation features on San Pablo Avenue from Ohlone Greenway near the northern City limits to Potrero Avenue, Cutting Boulevard from I-80 to Key Boulevard, Eastshore Boulevard from Potrero Avenue to San Pablo Avenue, Hill Street from San Pablo Avenue to Liberty Street, and Peerless Ave from Cutting Blvd to San Pablo Ave.

The Project supports the El Cerrito del Norte BART Station and Transit-Oriented Development in the San Pablo Avenue del Norte Area with numerous multi-modal and complete street features. The City has been able to obtain grants for the Project. The grants include federal funds which will require Caltrans District Local Assistance approval for the Requests for Authorizations (RFA) and trigger NEPA clearance of the Project. Given that a significant amount of the work is within Caltrans right of way, Caltrans Design Oversight process will be required and will consist of preparing and obtaining approval of a Project Initiation (PID) and Project Approval (PA/ED) Document per Caltrans Project Development Procedures Manual (PDPM). BKF has already assisted the City by confirming with Caltrans that the appropriate approval process will be a combined PSR/PR to obtain approval of these two phases. The following scope has been outlined to see the Project advance through the PSR/PR approval.



TASK 2: PROJECT MANAGEMENT AND ADMINISTRATION

Task 2.1 General Project Management – Throughout the duration of the Project, BKF's Project Manager, Jaggi Bhandal, will provide the general project administration and coordinate the design and approval process with the appropriate local, regional, state, and/or federal jurisdictions and stakeholders. Having the entire BKF resources available to him BKF's Project Manager, Jaggi, will be responsible for managing the Project team, providing the resources to complete the job, monitoring and updating the Project budget and schedule, implementing a quality assurance/quality control program and communicating regularly with the City and stakeholders.

Jaggi will provide project management services for each task for the entire duration of the projects. He will be responsible for ensuring that the project tasks are completed in a timely manner to the satisfaction of the City and will use the following management activities to facilitate the Project objectives:

Task 2.2 City Coordination – Jaggi will set up and run Progress Review Meeting with the City on a monthly basis or as needed depending on Project activity. We will discuss the Project progress, issues which may affect the Project schedule and budget, and any other agenda items that the City may request for discussion. Agendas, action logs, updated Project schedules and meeting minutes will be prepared and distributed. We will maintain continuous communication with the City and be continually available to the City as needed to ensure the City's goals and expectations are being satisfied. BKF will act as strategic counsel by flagging issues, providing recommended solutions for discussion and implementing the accepted action.

Task 2.3 Caltrans Coordination – Throughout the Project, BKF will continuously work with Caltrans to coordinate processes, schedule and project details. The BKF team will use their relationships with Caltrans personnel to advance the Project and advocate for processes that are in the best interest of the City and Project schedule. The City will be kept informed of all coordination with Caltrans. BKF will hold focus meetings with Caltrans at different stages of the Project in order to facilitate and/or expedite the approval of documentation needed to hold the Project schedule and objectives.

Task 2.4 Project Coordination Meetings – BKF will organize and coordinate Project Development Team (PDT) meetings, design review meetings, comment resolution meetings and other necessary coordination meetings with the City and Caltrans. For these meetings, BKF will prepare invitation notices, agendas, exhibits, handouts, meeting minutes, data request logs, action logs and joint resolution reports. Agendas will cover cost, schedule and scope issues and be transmitted one week prior to meetings and minutes and logs distributed to attendees within two weeks following the meeting. Jaggi will use the action logs and submittal logs to ensure that commitments are followed through and deliverables made. BKF will hold other coordination meetings as needed to facilitate Project coordination and approval.

Task 2.5 Project Team Coordination – BKF will lead the BKF team throughout the duration of the Project. We will ensure that the work is well coordinated and progressed based on the Project schedule and commitments. Having led several large project teams and worked with our BKF team for over 15 years on similar projects, our team expectation is high and BKF will ensure that this is maintained through the Project duration.

Task 2.6 Monitor Design for Conformance to Standards, Policies and Procedures – The standards and guidelines that will be adhered to for the Project both within and outside of Caltrans right of way will be confirmed with the City and Caltrans at the Project initiation. The BKF team is familiar with the local, State and federal standards and requirements. Jaggi with the assistance of Jason White, Quality Assurance/Quality Control Manager, will work together to ensure that these standards are incorporated and will supervise, coordinate, monitor and review the project for conformance with Caltrans and City standards, policies and procedures through the Project.

Task 2.7 Project CMP Schedule – For Project tracking of progress, BKF will prepare and maintain a comprehensive CPM schedule reflective of the scope and work plan for the Project using Microsoft Project software. The schedule will show relationships between tasks and identify the work responsibilities of the BKF Team, City, Caltrans, and any other stakeholders. The Project schedule will include key milestones and agency review periods and updated at a minimum on a monthly basis for distribution at the PDT meetings.

Task 2.8 Uniform Filing System – All documentation related to the Project will be filed and maintained in accordance with the Caltrans Uniform Filing System. BKF will also maintain documents and records needed for future audits by Federal, and State agencies such as tracking of time, costs, personnel and schedule.

Task 2.9 Monthly Invoices and Progress Status Reports – BKF will prepare monthly progress reports with our invoices. The report will include: (1) work accomplished during the reporting period, (2) work anticipated during the next reporting period, (3) issues, and (4) progress schedule.

TASK 2- DELIVERABLES:

- Monthly project status reports and invoices
- Project CPM schedule
- Project coordination meeting agenda, minutes and logs

TASK 3 – RESEARCH, REVIEW AND MAPPING

After the initial meeting with the City, BKF will perform site investigations and review all available documentation. We will conduct preliminary investigations and verify right of way and utility locations. This task will consist of compiling, reviewing existing data pertinent to the Project necessary to verify the Projects criteria and scope. Also included are planning phase activities, identifying supplemental information, performing field survey work, conducting site visits, and obtaining information and requirements related to utility disposition and right of way conditions. BKF activities will include the following during this task:

Task 3.1 Data Collection and Review– There is considerable existing information available related to the Project site. BKF will obtain and review available data and information necessary for design of the Project. This information may be obtained from the City, utility companies, or other organizations.

Right-of-way Record Maps will be obtained from Caltrans for roadways controlled by the State. Other sources to access right of way information will be from BART records; and record maps, and other survey information from the Contra Costa County Recorder's Office and County Surveyor's office.

BKF will coordinate with third party utility owners to obtain utility information and identify potential utility conflicts. BKF will provide written notices describing the proposed construction schedule and Project limits. As part of the utility coordination work, BKF will:

- Request utility mapping from all affected utility owners
- Review as-built utility information for the Project area
- Update base mapping with existing utility information
- Coordinate the above work with the utility owners

Task 3.2 Perform Site Visits – In addition to obtaining existing information, information will be gathered via site visits by the BKF team. In this manner notable features can be highlighted and information obtained via data collection can be verified in the field for accuracy.

Task 3.3 Document and Summarize Research and Findings –After reviewing the existing information gathered through the data collection process and ensuring its accuracy, the BKF team will incorporate the information into the Project base sheets as needed and prepare a memo describing the information obtained, its relevance and how it has been incorporated/considered into the Project materials.

Task 3.4 Supplemental Survey– BKF will perform field survey to confirm existing conditions for the Project. The supplemental field surveys will supplement the aerial mapping to confirm the existing conditions that needed for engineering design and approval purposes. This may include confirmation of existing features near the right of way or parcel lines that may create obstructions or limit the Project improvements.

Task 3.5 Project Base Sheets – Given the length of the Project and how inexpensively information can be obtained via aerial photogrammetry, BKF recommends that photogrammetric mapping be performed along the Project corridor. The photogrammetric mapping will be used as project base sheets and accompanied with the Civil 3D surface may be used to enhance the existing conditions information.

The photogrammetric mapping will show existing site conditions of the Project area at 40 scale with a 1 foot contour interval and will show existing features such as fences, driveways, curb and gutter, sidewalks, buildings, structures, spot elevations, parking, roadway stripping, signage, walls, and visible surface structures for utilities.

The mapping will be used to develop Project base sheets. The supplemental survey and information obtained from site visit and data collected will be incorporated into the base sheets to provide a complete

existing base and form a clear background to be used for the proposed geometrics and assess constraints and issues.

TASK 3-DELIVERABLES:

- Request letters for information
- Memo summarizing research and data collection
- Project base sheets including utility base mapping and record right of way

TASK 5 – ENGINEERING STUDIES AND DESIGN OPTIONS/ALTERNATIVES

BKF understands that there is substantial existing information and design work performed for the Project and that the Project will complete the specific plans approved by the City. For this phase of work, existing work will be reviewed and design options or alternatives proposed. It is the intent of this task that the design options and alternatives be developed and evaluated so that they can be presented to the City and key stakeholders. To maintain the Project schedule, it would be optimal if a preferred alternative/design options can be selected by the City prior to the preparation of the environmental technical studies and Project Approval Documents. The BKF team will endeavor to provide the information needed by the City to be able to confirm a preferred alternative/design.

Task 5.1 Preliminary Geometrics and Alternatives – The BKF team will develop preliminary geometric options for the safe circulation of all modes of traffic in order to facilitate discussions with the City and assist with preliminarily defining the conditions, opportunities and constraints. The preliminary development of the alternatives will help to analyze the alignments and the conditions.

The BKF team will build off the conceptual engineering for Midtown (south of Potrero Avenue) and the Uptown work north of Hill Street to help tie these visions together to provide great transit, walking, and biking access to the Del Norte BART Station. The infusion of multimodal safety countermeasures, bicycle signal phasing, protected intersection design, and pedestrian safety at crosswalks will be addressed in the alternatives.

Additionally, the MMCIP and SPASP for Hill Street and the Eastshore Boulevard/Hill Street intersection may need to be refreshed and updated. The work will focus on the same kind of bicycle, pedestrian, safety, and traffic operational considerations used in the northern section of Uptown. Examples would include identifying opportunities to upgrade bicycle facilities to protected bikeways (including protected intersections), how to conform with the Midtown San Pablo Avenue project at Potrero Avenue and optimizing the intersection for multimodal safety and comfort. The San Pablo Avenue and Cutting Blvd intersection geometry will be refined to limit the impacts to existing businesses, while optimizing it for all pedestrian, bicycle, transit, and vehicular movements. The five-way San Pablo Ave/Hill Street/Eastshore Blvd intersection with complex turning movements and high volumes will also be examined to determine the best layout for all users while also minimizing the impacts to existing features.

BKF will layout the entire Project corridor. The drawings will include Project geometric design, striping, existing right of way mapping, curb ramps and driveways, median and fence locations, crosswalks, existing utilities plan and location of street lights.

The BKF team will conduct an alternative analysis, which is essentially an internal value analysis to optimize the project alternatives for further consideration. The alternative analysis will be used to validate and ensure well-defined definition of the alternatives and corresponding geometry and will consider several components that are sensitive to cost and constructability such as geometric constraints, right of way constraints and needs, storm water quality improvement requirements and magnitude of utility relocations. The preliminary refined geometric

alternatives will be presented to the City to create discussion and confirmation on the acceptability of the proposed alternatives for consideration and selection of the preferred alternative.

Task 5.2 Traffic Study Approach and Methodology – In consultation with El Cerrito and Caltrans, Fehr & Peers will prepare a stand-alone draft memorandum documenting the analysis assumptions and proposed approach to the traffic operational analysis including travel demand forecasting approach. This includes confirming the specific scope of the analysis, and the tools or models to be used. BKF will support Fehr+Peers with the necessary attachments and exhibits, while helping to identify project needs and proposed improvements. BKF will submit the Draft Traffic Study Approach and Methodology Memo, completed by Fehr+Peers, to Caltrans and receive comments, which will be reviewed and responded to by both consultants. BKF will organize a focus meeting with Caltrans Highway Operations to clarify some of the comments received, if required. BKF will resubmit the Final Traffic Study Approach and Methodology Memo to Caltrans for final approval. In addition, BKF will support Fehr+Peers with the operational analysis work that the City requests at the various intersections along the San Pablo Corridor as part of this task. BKF assumes the operational analysis work completed by Fehr+Peers directly with the City outside of this scope.

Task 5.3 Storm Water Data Report (SWDR) – As part of the Draft PR approval process, a SWDR will be prepared and embellished with project information. The SWDR is a report prepared to identify and confirm that the required permanent Best Management Practices (BMP) to maintain water quality are adhered to in compliance with the Regional Water Quality Control Board (RWQCB) and will include Treatment Best Management Practices Checklists. Prior to starting the SWDR, BKF will hold a discussion with Caltrans to confirm whose RWQCB permit and requirements will govern the storm water treatment analysis.

Task 5.4 Geometric Drawings – BKF will update the preferred alternative preliminary drawings to provide preliminary geometric plans that convey the Project scope and are able to define the geometry and verify that the work can be conducted within the right of way. The drawings will consist of the following

Typical Sections: will be prepared at select locations based on the surveyed base maps and field visit to show the proposed roadway section with respect to the City's and State's right of way and existing conditions. BKF will focus on the edge condition and conform along the back of walk or property line.

Layout Plan: will be prepared on 40-scale plan sheets. Base sheets will include basic horizontal layout information and identify all major construction features including sidewalk construction, bicycle facilities, edge conditions, curb ramp reconstruction and intersection conforms. The layout plans will also show proposed areas for permanent stormwater treatment within the City's and State's right of way. We will also look at the feasibility of implementing two curb ramps per curb return and the latest ADA guidelines.

Based on adjoining work by other projects, the background for the layout plan may need to be adjusted to reflect existing conditions at the time of Project construction.

Pavement Delineation: will be prepared at 40-scale, delineate the proposed striping the bicycle and pedestrian facilities and included in the layout plan if not too congested.

Utility Rearrangement: BKF will update the utility rearrangement based on any relocations or utilities that will need to be adjusted due to the proposed geometric layout.

Task 5.5 Design Standard Decision Document (DSDD) – In conjunction with the development of the geometric drawings, BKF will be required to draft a DSDD for existing and proposed Project features that are not in compliance with Caltrans current version of the Highway Design Manual. Based on our very relevant complete street experience through this corridor, the number of exceptions required for the installation of bicycle and pedestrian improvements

are considerable. BKF will use its prior DSDD for the San Pablo Avenue corridor as a springboard to draft the DDR for the Project and will work with the Caltrans Design Coordinator to obtain approval of the document.

Task 5.6 Policy Exception for Utilities and Access Standards– Given that the facility within Caltrans right of way has been developed over the years, there are numerous utilities found on San Pablo Avenue. These utilities may have not been installed per the current version of Caltrans Policy on High and Low Risk Underground Facilities within Highway Rights of Way (High/Low Risk Policy). Although existing facilities, violators of the policy will be required to be identified and a Policy Exception for Utilities and Access processed. BKF will review the utility arrangements and highlight those that need to be addressed in the Policy Exception. We will draft the exception and work with Caltrans to obtain its approval.

TASK 5 – DELIVERABLES:

- Geometric Alternatives
- Traffic Study Approach and Methodology
- Storm Water Data Report
- Geometric Drawings for inclusion into Project Approval Report
- Design Standards Decision Document
- Policy Exception Report

TASK 6 –ENVIRONMENTAL STUDIES AND DOCUMENTATION

Given the Project will be completing a combined PSR/PR for Caltrans approval, we assume no formal Caltrans PID documents will be prepared (i.e. Caltrans Preliminary Environmental Analysis Report (PEAR)). However, coordination with Caltrans District 4 will still be required to identify potential environmental constraints and determine the appropriate level of environmental document to clear the project under NEPA.

While prior environmental review for the project was completed for CEQA at a programmatic level, an environmental compliance checklist (a modified version of the CEQA Guidelines Appendix G checklist) will be prepared to determine if an addendum to the previous EIR will be required under CEQA. This scope assumes a checklist will be sufficient to determine no further action is required under CEQA. If a formal addendum is required, a supplemental scope and fee will be prepared.

BKF's subconsultant, Circlepoint, has reviewed the FHWA criteria for a categorical exclusion under NEPA and we believe the proposed safety and circulation improvements qualify for streamlined environmental review, under the assumption that these types of projects have been categorically determined not to have a significant effect on the environment and therefore are exempt from completing extensive NEPA documents.

The previously prepared CEQA Documents for El Cerrito, including the Programmatic EIR and Active Transportation Plan CEQA IS/MND, will be used to support preparation of the CEQA Environmental Compliance Checklist (and Addendum) and NEPA Categorical Exclusion (CE).

6.1 – NEPA - Categorical Exclusion with Technical Studies

Circlepoint has reviewed the FHWA criteria for a categorical exclusion under NEPA and we anticipate the proposed safety and circulation improvements will qualify for streamlined environmental review under the following statutes:

- Projects, as defined in 23 U.S.C. 101, that would take place entirely within the existing operational right-of-way (23 CFR 771.117(c)22)
- Modernization through restriping, adding shoulders, etc. (23 CFR 771.117(c)(26))
- Deployment of signal timing upgrades (23 CFR 771.117(c)(21));
- Installation of minor improvements such as pavement markings, traffic signals, and passenger shelters (23 CFR 771.117(c)(8)).

These types of projects have been categorically determined not to have a significant effect on the environment and therefore are exempt from completing extensive NEPA documents. However, the CE determination is dependent on supporting technical studies demonstrating that there are no unusual circumstances associated with the project that would result in adverse effects. For example, a CE cannot be used for a project which may cause a substantial adverse change in the significance of a historical resource.

To support the NEPA CE checklist, the following technical studies will be prepared:

- Air Quality Conformity Findings Checklist
- Cultural Resources Memorandum meeting the criteria for a Screened Undertaking (Section 106 Programmatic Agreement, 2014)
- Section 4(f) Memorandum documenting a *de minimis* finding for changes to the Ohlone Greenway
- Visual Resources No Effect Memorandum
- Land Use No Effect Memorandum

Task 6.1.1 – Technical Project Description and Initiation of NEPA CE/Technical Studies: As part of completing the CEQA Checklist Addendum, the BKF team will work with the City and develop a technical project description for submission and approval by Caltrans. The project description will address independent utility and logical termini, existing and proposed cross sections, and project map(s). This description will be used in the **NEPA Categorical Exclusion (CE)**, and the supporting technical studies. BKF's previously outlined scope to complete the PES will be used to complete the NEPA CE Checklist given that a PES is no longer required.

Categorical Exclusion (CE):

The Federal Highway Administration (FHWA) divides categorical exclusions (CEs) into two groups. The first group consists of project types that FHWA has determined almost never cause significant environmental impacts. A list of these project types is provided under subsection (c) of FHWA's categorical exclusion list (23 CFR 771.117). These actions are automatically classified as CEs, except where unusual circumstances occur. For projects that qualify under subsection (c), Caltrans requires completion of the CE checklist.

The project would qualify for an FHWA categorical exclusion under 23 CFR 771.117(c)(22) as a project that would take place within the existing right-of-way. However, the preliminary design phase has indicated right-of-way acquisition may be needed. Should any acquisitions be necessary, the project would still be anticipated to qualify under other FHWA categorical exclusions, including those for modernization through restriping, adding shoulders, etc. (23 CFR 771.117(c)(26)); deployment of signal timing upgrades (23 CFR 771.117(c)(21)); and installation of minor improvements such as pavement markings, traffic signals, and passenger shelters (23 CFR 771.117(c)(8)). All of these exclusions fall under subsection (c), and therefore the Caltrans CE checklist form will be used to document the categorical exclusion.

Based on our recent experience working on Caltrans projects in the greater Bay Area, we believe Caltrans will require the preparation of the following technical memos for the roadway improvements project.

Based on a review of prior environmental documents, project features included in the RFP, and aerial imagery, we do not anticipate the presence of any federally-protected species or habitat areas within the project footprint. Therefore, no Section 7 documentation is proposed.

The CP/BKF team will prepare the following technical memos in support of the NEPA CE Process. Circlepoint's efforts to complete this work are included in our original scope, however, additional support efforts by others will be required to finalize these technical documents. As a result, their scope is included here for reference as well.

Task 6.1.2 – Air Quality Conformity Checklist: The 23 USC 326 CE Assignment MOU between Caltrans and FHWA assigns Caltrans the responsibility for CE determinations under the 23 CFR 771.117 section (c). For projects covered by the MOU, air quality conformity determinations for individual projects have been assigned to Caltrans, and

determinations are made by the district/region. Accordingly, Circlepoint will compete Caltrans' air quality conformity checklist for the project file.

Task 6.1.3 – Cultural Resources: Circlepoint will prepare a brief Cultural Resources Memorandum meeting the criteria for a Screened Undertaking (Section 106 Programmatic Agreement, 2014). It is anticipated that a review of prior environmental documents, a CHRIS records search, NAHC Sacred Lands search, letters to NAHC-identified tribes, and review of project plans will be sufficient to demonstrate the project meets the criteria for a Screened Undertaking.

Task 6.1.4 – Section 4(f): Given that the project footprint crosses the Ohlone Greenway, and may be adjacent to other Section 4(f)-protected resources, a Section 4(f) Memorandum is required. Circlepoint will prepare a Section 4(f) Memorandum documenting a de minimis finding for changes to the Ohlone Greenway and other resources if present.

Task 6.1.5 – Water Quality Assessment Memo: Using memoranda and materials prepared by BKF under other tasks, Circlepoint will confirm no waters of the US would be effected, and will make the corresponding determination in the categorical exclusion checklist.

Task 6.1.6 – Visual Assessment/Land Use Memo: Circlepoint will prepare brief memos documenting that the project would not affect visual resources or land use.

Task 6.1.7 –Traffic Memo: Under this task, we will qualitatively describe VMT, induced demand, and consistency with long-range plans. This is consistent with SB 743, which is now state law. This scope assumes that the TOAR developed by Fehr and Peers should be adequate to support the NEPA process and additional traffic analysis to support the NEPA process will not be necessary.

Task 6.1.8 – Preliminary Site Investigation Report (PSIR): A PSIR (also referred to as Initial Site Assessment Phase I) in assessment for the hazardous waste related to lead paint compliance/thermoplastic striping will be provided.

Task 6.1.9 – Update and Finalize Technical Studies: The memos will be prepared based on Caltrans' Standard Environmental Reference (SER) and submitted to the City for their review. Circlepoint will revise the memos once and submit them back to the City for submittal to Caltrans.

Based upon review comments by Caltrans, Circlepoint, with concurrence from the City, will revise the memos once for resubmittal to Caltrans. After the memos are deemed complete by Caltrans, they will issue the NEPA Categorical Exclusion (CE) for use by the City in obtaining federal funding. We believe that the project will qualify as a Categorical Exclusion under NEPA (23 CFR 771.117 (c) (3): Construction of bicycle and pedestrian lanes, paths, and facilities).

Task 6.2 – CEQA – Environmental Checklist

Circlepoint will prepare an **Environmental Compliance Checklist** incorporating technical studies described in task 6.1, for the City to review. The draft checklist will include a summary of CEQA Guidelines streamlining provisions that apply to the project. All environmental topics included in the City's Environmental Compliance Checklist example will be covered in the draft. For each topic, analysis will draw on information from the Programmatic EIR and other resource material previously referenced herein. These materials will help determine if the project would result in any new significant impacts or a substantial increase in the severity of previously identified impacts. We anticipated the Checklist will confirm no further action is required under CEQA.

Circlepoint will prepare and submit the administrative draft checklist and associated appendices. Circlepoint assumes one round of revisions on the administrative draft checklist and addendum. Circlepoint will revise the document in response to one round of review by City staff and will submit one screencheck draft to the City for final review. Circlepoint will revise the document to respond to one round of City comments on the screencheck draft and will prepare a final version of the document. All draft and final documents will be transmitted electronically (Microsoft Word and PDF versions).

Task 6.2.1 – Caltrans Review and Coordination of CEQA Documents

Based on initial coordination with Caltrans, we understand Caltrans' environmental team will request to review all CEQA materials as a responsible agency, but that CEQA materials will be prepared to the City's standards using the City's preferred format. Under this task, Circlepoint will coordinate with Caltrans on an as-needed basis up to the level of effort reflected in our fee proposal, in support of Caltrans' review of CEQA documents.

Optional Task – Public Meetings and Outreach: Also if not needed, how the City may want to do so and what we can offer in scope related to this. If desired by the City, Circlepoint will help prepare for and attend one public meeting.

TASK 6 – DELIVERABLES:

- CEQA Environmental Checklist (modified CEQA Guidelines Appendix G Checklist)
- NEPA Categorical Exclusion
- Technical Studies to support NEPA Categorical Exclusion

Quality Assurance/Quality Control (QA/QC): BKF will perform an in-house QA/QC review of the documents submitted to the City and Caltrans. BKF's quality control review will include the review of the documents for compliance with the governing jurisdictional standards and completeness.

TASK 7 – PREPARE PSR/PR

Based on our project understanding, we believe the Project can qualify for a Combined Project Study Report/Project Report (PSR/PR) in accordance with the Caltrans Project Development Procedures Manual. This will need to be discussed and confirmed with Caltrans but BKF has been very successful in obtaining similar approvals.

Task 7.1 Prepare Supporting Memos/Reports – With the development of the solid geometric base for the PSR/PR, the BKF team can move forward with the development of the required supporting memos and reports that will be needed to complete the PSR/PR:

Preliminary Geotechnical Report (PGR) - A Preliminary Geotechnical Report for roadway work is proposed for this project to support the PID and PA&ED requirements of a combined PSR/PR in compliance with Caltrans guidelines. A portion of the project will be within Caltrans ROW and is expected to be reviewed by the Materials Division. The PGR will primarily focus on the pavement design aspects of the project. No sign structures are included in this scope. It is unclear to what extent the Materials Division of Caltrans will require the report to cover. No field explorations are planned. The preliminary recommendations for the pavement design and roadway civil improvements will be developed based on the readily available data, including published geologic maps, as-built Log of Test Borings (LOTB) from the public agencies. The potential pavement sections can be provided in a discussion format, which would be helpful in defining the overall design program and evaluating the cost impacts.

It should be noted that the Caltrans guidelines (new Pavement Design Report Guidelines as of 9/9/2020 for PS&E) require separate reports for PID and PA&ED, but the Guidelines are not particularly specific on the format combined PSR/PR. It is assumed Caltrans may have some comment, but BKF/PCI assume 1 report to cover roadway geotechnical coverage for the PSR/PR.

Drainage Memo- A preliminary drainage memo will be prepared outlining the design criteria, existing conditions and proposed drainage objectives.

Traffic Management Plan- Stage construction concepts will be developed to support the preparation of a Transportation Management Plan (TMP). In ensuring that all elements have been considered to mitigate traffic impacts during construction through the TMP, the TMP checklist will be reviewed and completed for the Project.

Task 7.2 Right of Way Data Sheet –BKF will prepare the right of way certification identifying the right of way needs for the Project including the status of required right of way and the status of required utility relocation. Utilities to be adjusted to grade will also be included in the list of impacted facilities.

Task 7.3 Risk Management Plan– As part of the Draft PR approval process, it is essential to obtain approval of not only the geometry but other project documents. A Risk Management Plan (RMP) will be prepared to track issues. The RMP will be a “live” document that is updated continuously throughout the life of the Project. BKF will work with RMP Manager and the PDT to update the RMP items, including inputting and tracking status, changes, and resolutions on a monthly basis.

Task 7.4 PSR/PR Narrative– A narrative with the project description will be drafted to include existing and proposed conditions as well as the Project Need and Purpose.

Task 7.5 Cost Estimates – BKF will prepare an order of magnitude estimate of probable cost for the proposed improvements.

Task 7.6 Draft PSR/PR – With the results of these above tasks, the cost estimates and schedule will be confirmed and incorporated into the Draft PSR/PR. A brief description and explanation of rejected alternatives will be provided and a preferred alternative recommended. The remaining Draft PSR/PR narratives will be written based on existing Project information and information developed from the work within this task.

Task 7.7 Final PSR/PR – After the review of the Draft PSR/PR, comments will be reviewed and discussed. Comment resolutions will be documents. The Draft PSR/PR will be updated and submitted as a Final PSR/PR for approval.

TASK 7 – DELIVERABLES:

- Draft PSR-PR
- Final PSR-PR

TASK 8 – GRANT FUNDING ASSISTANCE

The City intends to use a combination of state and federal grant funds to support the preliminary engineering and environmental studies of this Project, which must be dispersed through the Caltrans Local Assistance Program. BKF was requested by the City to assist in completing the Request for Authorization (RFA) to Caltrans in conformance with their Local Assistance requirements. BKF completed a Preliminary Cost Estimate to assess the anticipated total construction cost of the Project in order to determine the additional funds required to supplement the funds already secured for the Project.

BKF was also requested to prepare a cost estimate for the Affordable Housing and Sustainable Communities (AHSC) Application, which will be submitted by the City as part of a grant application for project construction. As part of this task, BKF will include additional time to continue assisting the City with grant funding pursuits. The hours identified

for this task are an estimate and subject to change based on the City's future requests. BKF will bill towards this task on a time and materials basis. Additional fee may be necessary if the estimated time is not sufficient to meet the City's needs.

TASK 8 – DELIVERABLES:

- Request for Authorization (LAPM 3-A)
- Preliminary Cost Estimate
- AHSC Application Cost Estimate

COST CONTROL AND BUDGETING

Efficient project management and cost control is critical to the success of the City's Project. BKF repeatedly manages projects that require a consistent approach with integrated scheduling and reporting.

Control of project costs, schedule and team organization are key elements outlined in our work plan during the initial stages of project development. Our work plan clearly identifies the client's project goals and requirements. By clearly understanding these goals and requirements, we can establish a baseline budget, maintain the schedule and establish standards for team coordination.

BKF has developed a detailed fee for our team's services based on the work plan and schedule. Jaggi will be responsible for closely monitoring that the team's "burn rate" is consistent with the status of the design and to ensure that all work is completed within the negotiated budget for the Project. By simultaneously tracking cost and schedule, BKF will establish budgetary regulation to ensure the City's commitments are met, resources are efficiently utilized on a task by task basis, and duplication of work is avoided.

El Cerrito Del Norte TOD Complete Streets Improvements Project			BKF Engineers								CirclePoint					Parikh Consultants					Contract Total Fee	
			Project Management - Civil Engineering - Surveying								Environmental Assessment					Geotechnical - Haz Mat						
			Principal Natalina Bernardi	QA/QC Engineer Jason White	Project Manager Jaggi Bhandal	Senior Engineer	Project Engineer	Professional Surveyor	Project Surveyor	2-Person Field Crew	Managing Principal	Associate Principal	Env. Project Manager Briana Bohonok	Associate	Assistant	Principal	Project Manager	Sen. Project Engineer	Project Engineer	Staff Engineer		CAD Drafting
5/10/2021			\$246	\$220	\$214	\$204	\$154	\$204	\$154	\$288	\$275	\$250	\$155	\$100	\$90	\$295	\$214	\$192	\$138	\$116	\$117	\$
Task 2 Project Management & Admin																						
2.1	General Project Management - Monitor and Report Project Progress	12		24																		\$ 8,088
2.2	City Coordination	18	4	12	4	9																\$ 10,078
2.3	Caltrans Coordination	12	8	14	2	4																\$ 8,732
2.4	Project Coordination Meetings	24		40																		\$ 14,464
2.5	Project Team Coordination	14		40		20																\$ 15,084
2.6	Monitor Design for Conformance to Standards, Policies and Procedures	4	12	8	16	16																\$ 11,064
2.7	Prepare and Maintain Project CPM Schedule	4		16																		\$ 4,408
2.8	Set and Maintain Uniform Filing System	2		2	16																	\$ 4,184
2.9	Prepare Monthly Invoices and Progress Status Reports	4		20	10							4	6	6			4					\$ 10,690
Task 2 Contract Subtotal			94	24	176	48	49	0	0	0	0	4	6	6	0	0	4	0	0	0	0	\$ 86,792
Task 3 Research, Review and Mapping																						
3.1	Data Collection and Review					20																\$ 3,080
3.2	Perform Site Visits	2		8	4	4		4														\$ 4,252
3.3	Document and Summarize Research and Findings				12	30																\$ 7,068
3.4	Conduct Supplemental Field Survey			4	4	6		14	4													\$ 5,904
3.5	Project Base Sheets							14														\$ 2,156
Task 3 Contract Subtotal			2	0	12	20	60	0	32	4	0	0	0	0	0	0	0	0	0	0	0	\$ 22,460
Task 5 Engineering Studies and Design Options/Alternatives																						
5.1	Prepare Preliminary Geometrics and Alternatives for Studies	4		10	8																	\$ 4,756
5.2	Traffic Study Approach and Methodology			8	20																	\$ 5,792
5.3	Prepare Storm Water Data Report (PA/ED Level)			8	32	24																\$ 11,936
5.4	Prepare Geometric Drawings (Geometry, Cross Section, Identify Design Exception and Utility/Policy Exceptions)	4	12	40	60	80																\$ 36,744
5.5	Prepare Design Decision Report (DDR) for Design Standard Exception	4	8	20	40	40																\$ 21,344
5.6	Prepare Policy Exception for Utilities and Access Standards	4	8	10	20	20																\$ 12,044
Task 5 Contract Subtotal			16	28	96	180	164	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ 92,616
Task 6 Environmental Studies and Documentation																						
6.1	NEPA CE Checklist			4						2	15	24	70	70								\$ 22,176
6.1.1	Develop Technical Project Description					2						4	8									\$ 1,728
6.1.2	Prepare Air Quality Conformity Checklist																					\$ -
6.1.3	Cultural Resources Screening Memo																					\$ -
6.1.4	Section 4(f) Memo																					\$ -
6.1.5	Prepare Water Quality Assessment Memo			4	4																	\$ 1,672
6.1.6	Prepare Visual Assessment / Land Use Memo					2																\$ 308
6.1.7	Prepare Traffic Memo			2		2																\$ 736
6.1.8	Prepare Preliminary Site Assessment Phase I)											2							14			\$ 1,928
6.1.9	Update and Finalize Studies					2																\$ 308
6.2	CEQA Checklist			4						2	12	28	50	79								\$ 20,856
6.2.1	CEQA Coordination with Caltrans			4							12	25	32									\$ 10,931
Task 6 Revised Contract Subtotal			0	0	18	4	8	0	0	0	4	39	83	160	149	0	0	0	0	14	0	\$ 60,643
Task 7 Prepare PSR/PR																						
7.1	Prepare Supporting Memos/Reports (Geotechnical/Drainage/TMP)	10	6	36	60	68										3	6	10	46	34	2	\$ 48,791
7.2	Prepare Right of Way Data Sheet	2	2	2	8	8																\$ 4,224

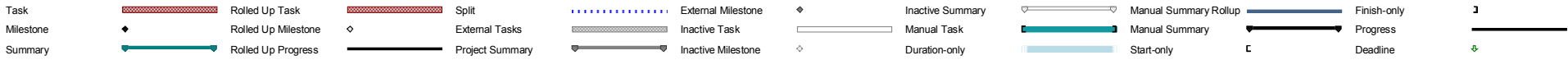
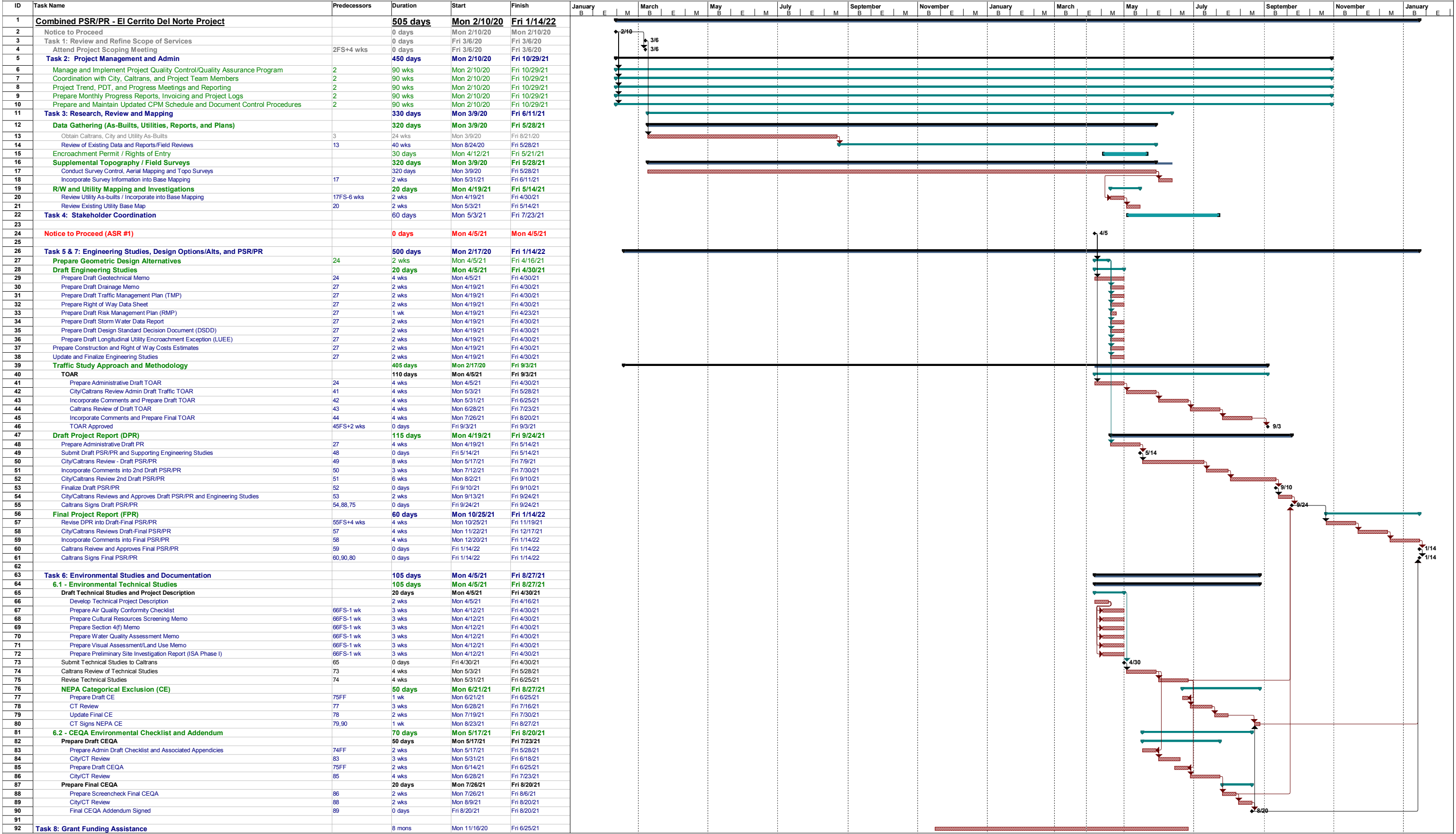
El Cerrito Del Norte TOD Complete Streets Improvements Project			BKF Engineers								CirclePoint					Parikh Consultants					Contract Total Fee	
			Project Management - Civil Engineering - Surveying								Environmental Assessment					Geotechnical - Haz Mat						
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5/10/2021																						
			\$246	\$220	\$214	\$204	\$154	\$204	\$154	\$288	\$275	\$250	\$155	\$100	\$90	\$295	\$214	\$192	\$138	\$116	\$117	\$
7.3	Prepare Risk Management Plan		4	4	10	6															\$ 5,228	
7.4	Prepare Narratives for Draft PSR/PR		8	12	42	60	20	80													\$ 45,236	
7.5	Prepare Cost Estimates			8	20	20	40														\$ 16,280	
7.6	Assemble Information and Prepare Draft PSR/PR		12	12	40	60	80														\$ 38,712	
7.7	Prepare Final PSR/PR		8	12	28	48	60														\$ 29,632	
Task 7 Contract Subtotal			44	56	178	262	276	80	0	0	0	0	0	0	0	3	6	10	46	34	2	\$ 188,103
Task 8 Grant Funding Assistance																						
Request for Authorization					2	4	10														\$ 2,784	
Preliminary Cost Estimate					6	4	30														\$ 6,720	
AHSC Application					2		8														\$ 1,660	
Task 8 Contract Subtotal			0	0	10	8	48	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$ 11,164
Contract Subtotal Labor:			156	108	490	522	605	80	32	4	4	43	89	166	149	3	10	10	46	48	2	\$ 461,778
Reimbursable Expenses																						
Printing, Postage, and Travel			\$8,510																		\$ 8,510	
Caltrans Permit Fee			\$500																		\$ 500	
Aerial Mapping			\$3,688																		\$ 3,688	
Revised Contract Subtotal Reimbursable Expenses			\$12,698								\$0					\$0					\$ 12,698	
Revised Contract Total Labor Plus Reimbursable Expenses			\$401,752								\$55,655					\$17,069					\$ 474,476	

Assumptions:

1. Traffic control expenses for site investigations are excluded.
2. Utility potholing to be conducted during PS&E and is excluded during this phase.
3. Right of Way Boundary resolution, if needed, to be conducted during PS&E.
4. The Project will not impact private Right of Way, therefore Right of Way engineering efforts are excluded. BKF assumes City can sign Right of Way Certification if needed.
5. Environmental impacts will be evaluated for 1 build alternative.
6. Major utility relocations are not required.
7. PSR/PR will include 1 Build and No-Build Alternatives.
8. PS&E design services are excluded.

Combined PSR-PR
Project Initiation Document (PID) & Project Approval / Environmental Document (PA/ED) Services

El Cerrito Del Norte TOD Complete Streets Improvement Project





AGENDA BILL

Agenda Item No. 5.G.

Date: December 7, 2021
To: El Cerrito City Council
From: Alexandra Orologas, Assistant City Manager, City Management
Subject: Amendment of Professional Services Agreement with Management Partners

ACTION PROPOSED

Adopt a resolution to authorize the City Manager to amend the professional services agreement with Management Partners for Financial Consulting Services.

BACKGROUND/ANALYSIS

The City's Finance Director/City Treasurer position has been vacant since October 15, 2021, and a recruitment is currently underway to fill this position. The City Manager is seeking financial management consulting assistance in the Finance Department to assist and support the City Manager and Finance staff to keep operations running and to help complete the annual independent audit and the resulting annual comprehensive financial statements.

The City has contracted with Management Partners, a local government consulting firm, for various activities including the most recent Strategic Plan, the Fiscal Recovery Plan, facilitation services, and most recently has provided assistance with financial analysis, reporting, and modeling. The City wishes to extend the agreement with Management Partners to provide financial management consulting services in the interim period until the Finance Director/City Treasurer position is filled. The activities contemplated are included in the attached Proposal/Scope of Work (Attachment 2) and can be summarized as follows:

- Provide advice and assistance preparing the Annual Comprehensive Financial Report and the related FY 2021 Financial Audit;
- Provide advice and assistance preparing reports detailing the continued financial sustainability efforts of the City to the State Auditor;
- Provide a needs assessment of the Finance Department including staffing, financial practices, and other issues;
- Provide assistance preparing budget monitoring reports to the City Council; and
- Conduct additional specific financial analyses that the City Manager may identify.

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 Management Partners in the amount of \$35,000 for a total amount of \$80,000.

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

The cost of this engagement is proposed not to exceed \$35,000. As the Finance Director/City Treasurer position is currently vacant, no new budget appropriation is necessary as salary savings are being realized. The Finance Department budget will be adjusted to reflect a decrease in salaries and wages and an increase in professional services for this amended agreement.

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:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Proposal - Financial Management Consulting

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 MANAGEMENT PARTNERS FOR AN AMOUNT NOT TO EXCEED \$80,000

WHEREAS, in July and August 2021 the City of El Cerrito entered into a professional services agreement with Management Partners in an amount not to exceed \$45,000 to provide facilitation services and financial analysis services; and

WHEREAS, the City's Finance Director/City Treasurer left employment with the City, creating a vacancy in this position, and the City would like to utilize the services of Management Partners for financial management consulting services until the position is filled; and

WHEREAS, the agreement with Management Partners will be amended to include financial management consulting services, included in the attached scope of work, for a total of not more than \$35,000; and

WHEREAS, funding for the additional \$35,000 is included as a result of salary savings in the FY 2021-22 Finance 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 Management Partners by \$35,000 for a total amount not to exceed \$80,000.

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

I CERTIFY that at a regular meeting on December 7, 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 December _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor



November 18, 2021

Ms. Karen Pinkos
City Manager
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Dear Ms. Pinkos:

Thank you for the opportunity to submit a proposal to provide expert financial management consulting services to the City of El Cerrito. Management Partners has the expertise and skills necessary to provide this assistance and we would be pleased to do so. Before we provide further details about our approach, we would like to share some brief information about our firm.

About Management Partners

As you may know, Management Partners was founded in 1994 with a specific mission to help local government leaders improve their service to the public. Since then, we have worked with cities, counties, towns, and special districts of all sizes across the United States to help them work more effectively and run more efficiently.

We offer a balance of perspectives with a practitioner's bias and a proven track record of successful consulting engagements. This experience gives us a sensitivity that produces positive outcomes. We are proud to say that as a result of our quality work, many of our clients ask us to complete subsequent assignments.

- *We Know Local Government.* Our associates have served in local governments, so we have a deep understanding of the operating and political environments in which you work.
- *We Take a Collaborative Approach.* We consider ourselves part of your team and strive to ensure our work supports your overall corporate strategy and goals.
- *We Have Extensive Experience.* Each of our more than 100 associates is an expert in one or more service areas, and our firm has assisted hundreds of jurisdictions in 42 states.
- *We Have Developed Proven Methodologies.* We understand the importance of a holistic approach to improving organizations, using field-tested techniques for each aspect of the work.
- *Our Work Plan is Tailored to Your Needs.* Each of our projects is individually tailored to our client's unique needs, starting with a careful learning process.
- *We Take Pride in the Quality of Our Work.* Our internal processes ensure first-rate, complete staff work and adherence to the highest of ethical standards in public service.
- *We Are Focused on Implementation.* As practitioners, our recommendations make practical sense and are able to be implemented.

- *We Provide a Full Suite of Services.* Management Partners' services include everything required to support local government leaders, including organization assessments, performance management, process improvement, strategic planning, and financial planning, budgeting and analysis.

Understanding of the Engagement

The City of El Cerrito has a need for financial management consulting assistance in the Finance Department. The Finance Director resigned last month, and while a recruitment is conducted, there is a need for assistance to support the Finance Department and City management. The scope of work for this engagement is summarized below.

- Provide advice and assistance preparing the Comprehensive Annual Financial Report and the related FY 2021 Financial Audit;
- Provide advice and assistance preparing reports detailing the continued financial sustainability efforts of the City to the State Auditor;
- Provide a needs assessment of the Finance Department including staffing, financial practices and other issues;
- Provide assistance preparing budget monitoring reports to the City Council; and
- Conduct additional specific financial analyses that the City Manager may identify.

These projects will be prioritized in collaboration with you within the scope of the contract. Management Partners will provide periodic reports to the City of El Cerrito summarizing the consulting assistance our firm has provided.

Consultants

We have a team of experts available for this engagement. We anticipate this work will be conducted remotely, with up to two on-site visits (which will necessitate travel expenses). We will assign Chris Bigham as our lead financial management consultant. We anticipate Chris will allocate approximately 10 hours a week for these projects. He will be assisted by management analysts and others who can help with other projects that may arise.

Management Partners will determine when other experts from the firm are needed to assist in order to meet project requirements. We also use an internal peer review process and others in the firm will review deliverables prepared by our lead consultant. Our commitment is to provide high quality consulting expertise to the City of El Cerrito.

Our consultants are employed by Management Partners and work for and at the direction of Management Partners. Chris Bigham and all consultants report to Andrew Belknap, Senior Vice President of Management Partners. Additionally, our consultants are part of our overall team and are available for assignments on other engagements, consistent with our responsibility to the City of El Cerrito, at the discretion of Management Partners.

Management Partners and our consultants will determine the method and manner of carrying out the work and achieving the desired result. We will also determine the schedule of our consultants, including onsite or offsite hours.

Matters pertaining to personnel, such as discipline, hiring, or evaluations, are not part of the scope of work, nor are execution of contracts or other written documents obligating the City of El Cerrito. All



such matters will be the responsibility of the City of El Cerrito. Management Partners provides all insurance (including workers' compensation, liability and professional errors and omissions), training and administrative support (including equipment such as phones and computers) as necessary during the assignment.

Our consultants use their Management Partners business cards and email address and will identify themselves as consultants with our firm. Our consultants will only use City of El Cerrito systems and equipment if required to access data and information essential for our consulting engagement. Such instances will be authorized by Andrew Belknap or his designee from Management Partners.

The City of El Cerrito may provide conference room or office space if needed when our consultants are working onsite. It is important to the City of El Cerrito, our consultants, and our firm to be clear that we are doing this work for the City of El Cerrito as a firm and that our consultants work for Management Partners.

Christopher A. Bigham, CPA, Special Advisor

- Over 30 years of local government experience specializing in **management of support services** and financial services including **budget, finance, internal audit, pension, human resources, information technology and data analytics**.
- Former assistant city manager for the City of Cincinnati, **responsible for an all-funds budget of \$1.4 billion**.
- As **budget director** for seven years, worked directly with the city manager and elected officials to get the **annual budget adopted**.
- Led Cincinnati's Recreation Department, gaining valuable **perspective on front-line operations**.
- As **finance manager**, was responsible for **estimating annual revenues for all City funds** and reviewing and adjusting estimates during the fiscal year.
- Has repeatedly demonstrated a **proactive approach to decision-making and implementing change** in an organization.



Other Consultants Available to assist the City of El Cerrito

Among our many other consultants who will be available to provide assistance, and will be assigned by Management Partners as needed, are the individuals listed below. Additionally, members of our firm will conduct a peer review process of deliverables.

- Steve Toler, Partner (financial forecasting, budgeting, analysis)
- Ashley Garcia, Senior Management Analyst (analytical, budget, human resources, and project management experience in local governments)
- Jessica Oliphant, Management Analyst (analytical, budget, financial forecasting expertise)

Fee Proposal and Term of Engagement

We propose an initial not-to-exceed contract in the amount of \$35,000. This will provide approximately 10 hours a week for up to four months of project time, depending on the associates assigned, and including up to two on-site visits, which will necessitate air travel and other travel expenses.

During this engagement, the actual consultant hours will be paid by the City of El Cerrito at the rates shown below. We will charge \$165 per hour for Chris Bigham's time, which is a reduced rate in consideration of the length of the engagement. Other consultants will be charged at their regularly



hourly rates, ranging from \$90 to \$240 per hour depending on the individual assigned to the project. Travel expenses will be billed as incurred.

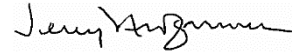
Associate	Hourly Rate
Vice President/Senior Partner	\$240
Partner	\$220
Special Advisor	\$210*
Senior Manager	\$190
Senior Management Analyst	\$130
Management Analyst	\$ 90

**Chris Bigham's rate has been discounted to \$165 for this engagement*

Conclusion

We appreciate the opportunity to be of assistance to the City of El Cerrito. Please feel free to contact Dan Keen at (415) 328-3187 if you have any questions about this proposal.

Sincerely,



Jerry Newfarmer
President and CEO

Accepted for the City of El Cerrito by:

Name: _____

Title: _____

Date: _____



Selection of City Council Officers

Adopted December 1, 2020 Resolution No. 2020-59

At the first regular City Council Meeting in December of each year or when appropriate, the City Council shall select from among its members a Mayor and a Mayor Pro Tempore (Mayor Pro Tem) to serve for the following year in accordance with the following process:

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

Mayor Pro Tem will replace the outgoing Mayor.

Mayor Pro Tem will be the Councilmember who has received the highest number of votes, compared to the other Councilmembers elected at the same time. Preference will be given to those who have not yet served as Mayor. This process continues until all Councilmembers elected in the same year have served as mayor.

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

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

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

This format will be followed unless altered by a majority vote of the City Council. The City Council has the ultimate discretion to elect or not elect any Councilmember for any office.

The new Mayor and Mayor Pro Tem shall take office upon a majority vote of the Council. The term of office for the Mayor and Mayor Pro Tem shall be for one calendar year or until the next rotation occurs.

At any time during the term of office for a Mayor or Mayor Pro Tem, an agenda item may be requested by vote of a majority of the City Council to consider removal of a Mayor or Mayor Pro Tem from their appointed role. Subsequently, the formal action of removing a member from their appointed role shall require the vote of a super majority. In the case of removal, the City Council shall select a new member to complete the remaining term of office in place of the removed member.

Most recent Election results for all members		
2018	Gabriel Quinto	8,730
	Janet Abelson	8,344
2020	Lisa Motoyama	8,365
	Paul Fadelli	7,131
	Tessa Rudnick	7,015
Year	Mayor	Mayor Pro Tem
2021	Paul Fadelli	Gabe Quinto
2020	Gregory B. Lyman	Paul Fadelli
2019	Rochelle Pardue-Okimoto	Gregory B. Lyman
2018	Gabriel Quinto	Rochelle Pardue-Okimoto
2017	Janet Abelson	Gabriel Quinto



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING December 7, 2021

The following Public Comments were **received by 4:00 p.m. 12/07/2021**, 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. Kenneth Epley on behalf of Committee on Aging
2. Cordell Hindler
3. El Cerrito Progressives

Agenda Item 8A – City Council Reorganization

1. Cordell Hindler

Date: November 23, 2021

To: Mayor Paul Fadelli

Cc: City Clerk, Holly Charlety, Staff Liaison, Bridget Cooney

From: Chair Kenneth Epley, City of El Cerrito Committee on Aging

Dear Honorable Mayor Paul Fadelli and Council Members,

The Committee on Aging would recommend to City Council that a letter in support of continued funding for the Older Adult Education Programs in El Cerrito be sent to the Superintendent of Schools for the West Contra Costa Unified School District (WCCUSD). The Committee on Aging recommends that City Council recognize that WCCUSD Adult Education classes for older adults are a vital resource for residents of the City of El Cerrito and that Governor Gavin Newsom has made healthy aging a priority for the state of California.

Our seniors in El Cerrito cherish the stimulating classes that are offered through the Older Adult Education Program, funded by WCCUSD Adult Education, and held at senior centers in El Cerrito. These classes keep our older adults connected and builds community which helps to prevent isolation and depression. Isolation is one of the most serious challenges facing older Americans, as it can lead to physical and mental deterioration and even death. Education programs are a low-cost, effective way to combat isolation and promote healthy aging.

Older Adult programs provide the support needed for seniors to add significant value to their communities through volunteer work, as demonstrated by an informal study of participants in two West Contra Costa Older Adult Education Programs which found that students in the programs provided over 6,000 hours of volunteer service during one school year, at an estimated value of approximately \$76,780 per year. If the Adult Education, Older Adult Programs close, the City of El Cerrito stands to lose two senior centers leaving close to 100 El Cerrito seniors with no place to go.

Thank you for your consideration.

El Cerrito Committee On Aging

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments- not on the agenda
Date: Thursday, December 2, 2021 2:29:23 PM

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

1. I am asking that the council to approve the consent calendar as presented
2. also I am requesting that the council should consider a class and comp study

Sincerely
Cordell

December 5, 2021

Dear El Cerrito City Council,

We hope that this letter finds you well this holiday season. As we approach the New Year, we send you wishes of health, happiness, and overall well being in your lives.



The purpose of the letter is to support you with addressing the hate crime that took the form of racist vandalism at Korematsu Middle School. This incident broke our hearts, as we live in a community where so many members proudly have the El Cerrito “Not in Our Town” sign on their homes. This was a harsh reminder that any community can have individuals or organized groups act with racist intent. Furthermore, it spurred us into meetings to discuss how to support our beloved City of El Cerrito in addressing this, so as to further strengthen anti-racist culture, policy, and habits in our town. This is crucial in light of the scientific evidence that shows how hate speech and other forms of individual or systemic oppressions actually harm the physical health up to the point of shortening the life spans of survivors of such oppressions.¹

First, we would like to thank the City for identifying it as a hate crime and solicit community support with finding evidence to help identify who caused this harm.

Second, we ask that the City update the public at each City Council meeting and that the ECPD website show weekly progress on this case.

Third, to send a message of support to the community, we ask that the City redouble its efforts to foster a culture of zero tolerance for hate speech among employees or volunteers who work on behalf of our City. In light of the recent scientific evidence, mentioned above, hate speech causes physical harm and therefore meets the criteria to be exempted from the protections of freedom of speech, at least in the sphere of government affairs.

Thank you kindly for your support on this crucial matter and we look forward to continuing to work with you towards the betterment of our City in service of all members of our community.

Respectfully,

El Cerrito Progressives

Progressi

¹ Please refer to these sources: (1) [Greenberg, 2020](#), (2) [Nat, 2010](#), (3) [Bichell, 2017](#), and (4) [Chae, 2014](#).

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments- Policy Matters 8.a
Date: Thursday, December 2, 2021 2:34:27 PM

good evening Mayor Fadelli, council members and staff, In my Opinion I would select Mayor Pro TEM Gabe Quinto as the next Mayor, and Janet Abelson as Mayor Pro tem,

Sincerely
Cordell