



AGENDA

REGULAR CITY COUNCIL MEETING JANUARY 18, 2022 – 7:00 p.m.

Members:

Mayor Gabe Quinto

Mayor Pro Tem Lisa Motoyama • Councilmember Janet Abelson
Councilmember Paul Fadelli • Councilmember Tessa Rudnick

Join Via Zoom:

<https://us06web.zoom.us/j/85649989714?pwd=Z3ZFd1ZFhVc3eCtNcit2STh1R2RIUT09>

Meeting ID: 856 4998 9714 **Password:** 939831
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.

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

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

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- 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.

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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 December 7 and 21, 2021.

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

B. 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

C. Professional Services Agreement to Complete an Inventory and Analysis of Soft Story Residential Buildings and Develop Program Recommendations

Action Proposed: Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement between the City of El

Cerrito and David Bonowitz, S.E. to complete an Inventory and Analysis of Soft Story Residential Buildings for an amount of \$50,000 and approving a contingency amount not to exceed 10% of the contract amount, for a total not to exceed amount of \$55,000.

Contact: Aissia Ashoori, Housing Analyst; Keith Marks, Chief Building Official; Melanie Mintz, Community Development Director, Community Development Department

D. Consultant Services Award for the El Cerrito 6th Cycle Housing Element Update

Action Proposed: Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement between the City of El Cerrito and Ascent Environmental, Inc. to prepare the 6th Cycle (2023-2031) Housing Element Update in an amount of \$150,000 and approving a contingency amount not to exceed 10% of the contract amount, for a total not to exceed amount of \$165,000.

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

E. Continuation of Emergency Work for Public Safety Building Roof Repair

4/5 Vote Required to Pass

Action Proposed: Adopt a resolution authorizing the continuation of emergency work to repair the Public Safety Building roof.

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

6. PRESENTATIONS

7. PUBLIC HEARINGS

8. POLICY MATTERS

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 IN MEMORY OF OFFICER JERRICK BERNSTINE

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/CouncilMeetingMaterials> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 11:00 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING 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=S2tzZlN3VkVOMVVtbDBCCc2h4YlEzZz09>

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:

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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 the local emergency and encouraged everyone to get vaccinated.

Chief Keith - provided an update regarding the investigation on the recent vandalism and hate crime at Korematsu Middle School.

Councilmember Rudnick - reported attendance at Cal Cities Joint Division meeting on Sea Level Rise with Mayor Pro Tem Quinto.

Mayor Fadelli - announced a letter was sent to California Earthquake Authority in support of their Building Resilient Infrastructure and Communities (BRIC) Grant application; reported attendance in meeting regarding potential Joint Power Authority for regional fire protections; announced the issuance of a Mayoral Certificate of Recognition honoring Grace MacNeill for her contributions to the EL Cerrito Library Community.

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 Kenneth Epley on behalf of Committee on Aging; Cordell Hindler, and the El Cerrito Progressives.

Oral Public Comments:

William Ktsanes - commented on the audio quality of the meeting.

Sherry Drobner - commented on the audio quality and available resources for the unhoused community.

Lynne Noone, Deputy County Librarian - extended sorrow to the family of Grace MacNeill and spoke on her contributions to the library.

Miguel Gravelle - appreciated the update on Korematsu Middle School and commented on the damaging psychological and physical effects of hate speech. Commented on the possibility of setting up a community fridge and a future meeting between the City and Sogorea Te' Land Trust.

5. ADOPTION OF THE CONSENT CALENDAR

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

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick

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 November 2 and 16, 2021.

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

Action: Approved Minutes.

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

Action: Approved meeting schedule.

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

Action: Approved Proclamation.

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

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

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

Action: Approved Resolution 2021-62

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

Action: Adopted Ordinance 2021-05

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

Action: Approved Resolution 2021-63

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

Action: Approved Resolution 2021-64

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

Mayor Fadelli shared remarks on his year as Mayor and called for reorganization. Councilmember Motoyama nominated Councilmember Quinto for Mayor.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Passed a motion to close nominations and elect Councilmember Quinto as Mayor for 2022. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Mayor Quinto shared remarks on his vision as Mayor for the upcoming year. Councilmember Rudnick nominated Councilmember Motoyama for Mayor Pro Tem.

Moved/Seconded: Mayor Fadelli/Councilmember Abelson

Action: Passed a motion to close nominations and elect Councilmember Motoyama as Mayor Pro Tem. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Mayor Pro Tem Motoyama shared remarks on her vision as Mayor Pro Tem.

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 was received from Cordell Hindler.

Oral Public Comments:

Supervisor John Gioia - shared well wishes and thanks to both outgoing Mayor Fadelli and incoming Mayor Quinto.

Rhovy Lyn Antonio - offered congratulations to the new Mayor Quinto and Mayor Pro Tem Motoyama.

San Pablo Mayor Rita Xavier - offered thanks to both outgoing Mayor Fadelli and incoming Mayor Quinto.

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

None

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 regular meeting adjourned at 8:15 PM

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of December 7, 2021 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING DECEMBER 21, 2021 – 6:00 p.m.

Members:

Mayor Gabe Quinto

Mayor Pro Tem Lisa Motoyama • Councilmember Janet Abelson
Councilmember Paul Fadelli • Councilmember Tessa Rudnick

Join Via Zoom:

<https://us06web.zoom.us/j/82882159611?pwd=ZDlMY2dRVm9lTHdJWU52NjBUWk1xZz09>

Meeting ID: 828 8215 9611 **Password:** 236534
or Dial in: 1-408-638-0968

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

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

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

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

To ensure City Council receives your written comments prior to taking action, they must be received by **3:00 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.**

6:00 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Quinto called the meeting to order at 6:01 p.m.

Present:, Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, 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.

None

2. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)

Name of case: National Prescription Opiate Litigation (United States District Court, Northern District of Ohio, Case No. 1:17-MD-2804)

Contact: Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 6:02 p.m. No reportable action.

3. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code section 54956.9(d)(1)

Name of case: Boy Scouts of America and Delaware BSA, LLC (United States Bankruptcy Court for the District of Delaware, Case No. 20-10343 (LSS)) **Contact:** Sky Woodruff, City Attorney, City Management

No reportable action.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 6:33 p.m.

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of December 21, 2021 as approved by the El Cerrito City Council.

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

EL CERRITO CITY COUNCIL DRAFT MINUTES

CONCURRENT SPECIAL MEETING OF THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND REGULAR CITY COUNCIL MEETING DECEMBER 21, 2021 – 7:00 p.m.

Members:

Mayor Gabe Quinto

Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson
Councilmember Paul Fadelli · Councilmember Tessa Rudnick

Join Via Zoom:

<https://us06web.zoom.us/j/83191016925?pwd=emVvQVNnVmMvb3Q0cVkrTTBtYU9HUT09>

Meeting ID: 831 9101 6925 **Password:** 096312
or Dial in: 1-408-638-0968

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7:00 P.M. ROLL CALL – CONVENE CONCURRENT SPECIAL MEETING OF THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND REGULAR CITY COUNCIL MEETING

Mayor Quinto called the meeting to order at 07:00 PM.

Present: Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, 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 health conditions, vaccinations and testing, City Hall holiday closure from 12/23/21-1/2/22

Mayor Pro Tem Motoyama - reported attendance at Contra Costa County event for Faraday School and announced the availability of rapid tests from Contra Costa County.

Councilmember Rudnick - announced hours for the availability of rapid tests from Supervisor Gioia's office.

Councilmember Fadelli - reported attendance at memorial service for Maria Sanders and Chris Treadway.

Mayor Quinto - announced no reportable action from the Closed Session held at 6:00 pm; Mayoral Certificate of Recognition issued to the Natural Grocery Company on their 40th anniversary serving El Cerrito; 4th quarter recognition of El Cerrito centenarians Florence Bryndza, Clara-Rae Genser, Walter De Mamiel, Eva Hapanowich, Lai Tsen, Theresa Parella, and Timothy Ho.

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 Derene, Marti, and Lisa on behalf of the 350 Contra Costa, Climate Policy Team, and Cordell Hindler.

Oral Public Comments:

Linda Cain - spoke in support of the letter from Council regarding support of the adult programs in Contra Costa.

5. ADOPTION OF THE CONSENT CALENDAR

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

Moved/Seconded: Councilmember Rudnick/Councilmember Fadelli **Action:** Motion to Approve Items A-B, D-H, and J, on the consent calendar as indicated below. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

A. Letter of Support for the WCCUSD Older Adult Program

Action Proposed: At the request of Councilmember Abelson and the recommendation of the Committee on Aging, pass a motion to authorize the Mayor to sign a letter of support to the WCCUSD Board of Trustees regarding the Older Adult Program.

Contact: Holly Charlety, City Clerk, City Management

Action: Approved letter.

B. Resolution in support of Bay Adapt: Regional Strategy for a Rising Bay

Action Proposed: At the request of Mayor Quinto, adopt a resolution in support of Bay Adapt: Regional Strategy for a Rising Bay

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

Action: Approved Resolution 2021-65

C. Resolution Urging the California Public Utilities Commission to Adopt a Net Energy Metering Decision Which Supports Continuing Growth of Customer Sited Solar Energy Installations

Action Proposed: At the request of Mayor Quinto and as recommended by the Environmental Quality Committee, adopt a resolution urging the California Public Utilities Commission to adopt a Net Energy Metering decision which supports continuing growth of customer sited solar energy installations.

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

Moved/Seconded: Councilmember Rudnick/Councilmember Fadelli

Action: Pulled from consent by Mayor Pro Tem Motoyama, Approved Resolution 2021-66 amending the following clause to read: NOW THEREFORE BE IT RESOLVED by the City Council of the City of El Cerrito that it does not support the CPUC NEM 3.0 decision as drafted and instead supports a decision which emphasizes the sustainable growth of customer sited solar electric and energy storage facilities in order to meet California's clean energy targets, particularly residential customers in

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

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

Action: Approved Resolution 2021-67

E. Transportation Impact Fee Annual Report for Fiscal Year 2020-21

Action Proposed: Receive and file the Transportation Impact Fee Annual Report for Fiscal Year 2020-21, ending June 30, 2021.

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

Action: Received and filed.

F. Consulting Services Agreement with CSW-ST2 for Detailed Design of the El Cerrito del Norte Transit-Oriented Development Complete Streets Improvement Project C4014

Action Proposed: Adopt a resolution authorizing the City Manager to execute a consulting services agreement with CSW-Stuber-Stroeh Engineering Group (CSW-ST2) to provide detailed design services for the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project No. C4014, in the amount of \$790,219 and to approve amendments up to a cumulative amount of \$80,000 for design of the project.

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

Action: Approved Resolution 2021-68

G. Consulting Services Agreement with Ascent Environmental, Inc. for Temporary Staffing

Action Proposed: Adopt a resolution authorizing the City Manager to amend the Consulting Services Agreement between the City of El Cerrito and Ascent Environmental, Inc. in an amount not to exceed \$60,000, bringing the total contract to an amount not to exceed \$105,000, and extending the term of the Agreement through June 30, 2022.

Contact: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development

Action: Approved Resolution 2021-69

H. Agreement with St. Francis Electric for Electrical Traffic Control Devices and Lighting Maintenance and Repair Services

Action Proposed: Adopt a resolution authorizing the City Manager to execute an agreement with St. Francis Electric to provide Electrical Traffic Control Devices and Lighting Maintenance and Repair Services, effective January 1, 2022, for a period of three years, with an option to annually extend three years thereafter, for a cost not to exceed \$80,000 in the remainder of Fiscal Year 2021-22 and \$95,000 per fiscal year thereafter, contingent upon funding being appropriated by the City Council in future City budgets; and amending the Fiscal Year 2021-22 Adopted Budget to appropriate \$32,500 from the SB 1 – Road Maintenance and Rehabilitation Account Fund Balance for needed services this year.

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

Action: Approved Resolution 2021-70

I. Urgent Repairs of Public Safety Building Roof and City Hall Server Room Air Conditioning System

4/5 Vote Required to Pass

Action Proposed: Adopt a resolution adopting findings and authorizing the City Manager to negotiate and execute an agreement for emergency work to repair the Public Safety Building roof, and amending the Fiscal Year 2021-22 Adopted Budget to appropriate \$203,000 from the General Fund Balance to complete this work and the urgent repair of the air conditioning system for City Hall server room.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Karen Pinkos, City Manager, City Management

Moved/Seconded: Councilmember Fadelli/Councilmember Abelson **Action:** Pulled from consent by Councilmember Fadelli, Approved Resolution 2021-71. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

J. REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM: Approve Draft Annual Recognized Obligations Payment Schedule 21-23 (July 1, 2022 - June 30, 2023)

Action Proposed: Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 22-23.

Contact: Karen Pinkos, City Manager, City Management

Action: Approved SA Resolution 2021-02

6. PRESENTATIONS

A. Committee on Aging Work Plan

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

Contact: Kenneth Epley, Chair, Committee on Aging; Bridget Cooney, Senior Services Recreation Supervisor/Staff Liaison, Recreation Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding elder technology program, benches at bus stops, and bus stop maintenance responsibilities.

Action: Received and filed.

7. PUBLIC HEARINGS

A. Proposed East Bay Sanitary Garbage & Organic Waste Collection and Post-Collection Rates and Integrated Waste Management Fees - Effective January 1, 2022

Action Proposed: 1) Conduct a public hearing and upon conclusion adopt a resolution establishing maximum allowable East Bay Sanitary (EBS) garbage and organic waste collection and post-collection rates, effective January 1, 2022; and 2) Conduct a public hearing and upon conclusion adopt a resolution fixing and setting Integrated Waste Management (IWM) Fees, effective January 1, 2022.

Contact: 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 the status of evaluation for privatizing services, pickup schedule, annual franchise adjustment, process timeline, implementation of SB1383, revised sorting guide in utility bills, new regulations, expected staffing needs, proper sorting mechanisms, and resources.

Public Hearing: Mayor Quinto opened the EBS public hearing. No public comments.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

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

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Motoyama

Action: Approved Resolution 2021-72 (EBS Rates). **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Public Hearing: Mayor Quinto opened the IWM public hearing.

Public Comments:

Indy Rishi Singh - commented on self-care and public engagement.

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Motoyama

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

Moved/Seconded: Councilmember Fadelli/Councilmember Rudnick

Action: Approved Resolution 2021-73(IWM Rates). **Ayes:** Mayor Quinto, Councilmember Abelson, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Fadelli, Councilmember Rudnick, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

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

Councilmember Fadelli - reported on West Contra Costa Transportation Advisory Committee (WCCTAC) work on the Bay Trail.

A. 2022 Local Liaison Assignments

The Mayor will announce the 2022 City Council Liaison Assignments to City Boards, Commissions, and Committees and to Regional Bodies.

Mayor Quinto - Announced 2022 council liaison assignments and thanked councilmembers for their participation.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 9:02 PM.

Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of December 21, 2021 as approved by the El Cerrito City Council.

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



AGENDA BILL

Agenda Item No. 5.B.

Date: January 18, 2022
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, 2021 through January 20, 2022. 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 January 21, 2022 - February 20, 2022. 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 2022-XX

A RESOLUTION AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING JANUARY 21, 2022 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 and Omicron variants 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 and Omicron variants 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 and Omicron variants; 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 and Omicron variants, 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 January 21, 2022 through February 20, 2022. 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 January 18, 2022, 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 January _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



AGENDA BILL

Agenda Item No. 5.C.

Date: January 18, 2022
To: El Cerrito City Council
From: Aissia Ashoori, Housing Analyst; Keith Marks, Chief Building Official; Melanie Mintz, Community Development Director, Community Development Department
Subject: Professional Services Agreement to Complete an Inventory and Analysis of Soft Story Residential Buildings and Develop Program Recommendations

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement between the City of El Cerrito and David Bonowitz, S.E. to complete an Inventory and Analysis of Soft Story Residential Buildings for an amount of \$50,000 and approving a contingency amount not to exceed 10% of the contract amount, for a total not to exceed amount of \$55,000.

BACKGROUND

The City of El Cerrito is located along the Hayward Fault Line which runs inside city limits. According to the USGS (2003), there is a 62% probability of 6.7 or greater earthquake occurring within the next 30 years. Given our geographic location, this means that vulnerable buildings are at risk in the event of a powerful earthquake.

The City has adopted multiple policies and plans to mitigate damage that may be a result of a hazardous event such as a powerful earthquake. A list of plans and implementation strategies is listed below.

1. [City of El Cerrito – 2015-2023 Housing Element – April 2015](#)

Program H1.8. Seismic Retrofit Program

Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings. Explore possible funding sources or programs to minimize the financial impact of retrofits on low- and moderate-income residents. Review upcoming grant opportunities on a quarterly basis and explore programs bi-annually.

2. [El Cerrito Affordable Housing Strategy, Adopted August 15, 2017](#)

Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations.

Strategy 4: Implement Policies to Preserve Low-Cost Housing Stock

While developing and maintaining the affordability of the City's deed-restricted units is the highest priority, the City's relatively low-cost, privately owned housing stock (sometimes referred to as "naturally occurring affordable housing" or NOAH) serves many low- and moderate-income residents. Some of the issues related to the

preservation of the City's low-cost housing stock include:

Need for seismic upgrade of soft-story buildings. Soft-story residential buildings are multi-story buildings constructed prior to modern building codes that have open parking or commercial space on the ground floor.

Implementation Actions

4-1. Explore possible funding sources or programs to minimize the financial impact of retrofits on low- and moderate-income residents. For example, FEMA, CDBG, and other sources of funding may be available. Some potential future sources of local funding for affordable housing discussed under Pillar 4 (such as a property transfer tax or countywide General Obligation bond measure) could also fund these activities.

3. City of El Cerrito 1999 General Plan, amended in 2014

Chapter 7: Resources and Hazards

C. Goals and Policies

Goal H1: Minimal potential for loss of life, injury, damage to property, economic and social dislocation and unusual public expense due to natural and man-made hazards, including protection from the risk of flood damage, hazards of soil erosion, fire hazards, weak and expansive soils, potentially hazardous soil materials, other hazardous materials, geologic instability, seismic activity, and release of hazardous materials from refineries and chemical plants in West County.

Policies:

H1.8: Seismic Safety. Assure existing and new structures are designed to contemporary standards of seismic safety. Review, amend, and update, at regular intervals, all relevant City codes and ordinances to incorporate the most current knowledge and highest standards of seismic safety.

4. Contra Costa County Operation Area Hazard Mitigation Plan, City of El Cerrito

The Hazard Mitigation Action Plan Matrix lists the following actions of El Cerrito hazard mitigation action by priority:

- *EC-1:* Where appropriate, support retrofitting or relocation of structures in high hazard areas, prioritizing structures that have experienced repetitive losses.
- *EC-2:* Integrate the hazard mitigation plan into other plans, ordinances and programs that dictate land use decisions in the community, including the General Plan.
- *EC-20:* Require engineered plan sets for retrofitting of heavy two-story homes with living spaces over garages, spilt level homes, homes on hillsides.
- *EC-21:* Require engineered plan sets for voluntary or mandatory soft-story retrofits until a standard plan set and construction details become available.

In January 2018, the California Governor's Office of Emergency Services (Cal OES), with funding from the Federal Emergency Management Agency (FEMA), released

a *Notice of Interest* (NOI) to participate in the funding through the *Disaster DR-4353 Hazard Mitigation Grant Program* (HMGP). The Community Development Department replied to the NOI on January 30, 2018 to request funding for a planning grant that would provide the City an opportunity to inventory at-risk residential buildings and to identify potential program options for to develop a risk-mitigation program. In response to the NOI, the City was invited to submit a full grant application in September 2018. On December 17, 2019, the City was successfully awarded \$49,511 to undertake this effort.

ANALYSIS

Housing Stock

The City's residential housing stock is comprised of approximately 10,700 units, of which 2,900 are multi-family units and 7,800 single-family properties primarily constructed between 1940-1980. Our resident occupancy is 60% owner-occupied and 40% rentals. By studying and inventorying the city's housing stock, staff and residents will have a professional analysis and clear understanding of the vulnerable buildings that exist. With this understanding, the City would be able to identify program options to preserve the City's existing housing stock for property owners and maintain affordable housing options for renters.

Scope of Work and Schedule

Cal OES authorized grant funding for the City to assess its housing inventory by identifying vulnerable buildings that may require hazard mitigation. The target hazard is soft story multi-unit wood frame residential buildings with soft, weak or open front ground stories constructed prior to January 1, 1978 that are at risk of failure. Two-thirds of the City's housing stock was built pre-1960, before current building codes, and could be at risk of collapse in the event of a powerful earthquake. This soft story inventory is a critical initial step in assessing our housing stock. The information collected will be shared with the community and the City Council as a tool to consider additional policies and programs that could be implemented to address seismically hazardous buildings.

Below is a summary of the tasks associated with this grant, including the project timeline.

Project Task	Start	End
Task 1: <i>Project Initiation and Database Assessment</i>	Feb 2022	Feb 2022
Task 2: <i>Compile Vulnerable Building Database Report</i>	Feb 2022	March 2022
Task 3: <i>Review Best Practices, Program Implementation and Provide Recommendations for El Cerrito</i>	Feb 2022	April 2022

Task 4: <i>Survey of property owners</i>	Feb 2022	May 2022
Task 5: <i>Prepare and Present Report to the City Council</i>	May 2022	June 2022

Upon completion of this inventory, there may be additional grant funding opportunities to assist property owners with seismic retrofits. City staff will continue to monitor funding sources that may become available. Any future policy considerations will be based on the direction provided by the City Council.

Request for Proposals/Qualifications

Initially, the City issued a Request for Proposals (RFP) on October 6, 2021, to qualified engineers/consultants to complete an inventory and analysis of soft story residential buildings and develop program recommendations. The RFP was circulated to engineering firms and posted on the City's website. There was one response received by the initial RFP deadline on October 28, 2021. Based on direction from Cal OES, a subsequent [Request for Qualifications](#) (RFQ) was issued on December 6, 2021. The RFQ was circulated again to engineering firms, posted on the City's website, and published in the West County Times. A total of three responses were received by the December 27, 2021, deadline. Staff believes that there is a narrow pool of candidates engineers/consultants that specialize in policy development, while there is a greater pool of engineers/consultants that have extensive knowledge and experience in designing/constructing seismic retrofits.

The scoring criteria were based on fifty percent of background experience and fifty percent of the proposed scope of work. The budget was open for negotiation and considered as part of the final score. The final ranking is listed below.

Firm	Budget
1. David Bonowitz, S.E.	\$40,000-\$50,000
1. ZFA Structural Engineers	\$80,940
1. W. Charles Perry & Associates	\$129,500

David Bonowitz, S.E. has a comprehensive and unique background in this area. He has undertaken soft story analysis in Albany, Hayward, Mountain View, Oakland, and Berkeley. He also took part in developing the Association of Bay Area Government (ABAG) Soft Story Model Ordinance. Given David Bonowitz's, S.E. experience, staff believes that his expertise will provide value to City and the community to better understand properties in El Cerrito.

In accordance with Cal OES requirements, City staff recommends that the City Council award the contract to David Bonowitz, S.E. in an amount of \$50,000 and approving a contingency amount not to exceed 10% of the contract amount, for a total not to exceed amount of \$55,000.

STRATEGIC PLAN CONSIDERATIONS

This contract award and the efforts described herein will assist the City in implementing the following goals of the Strategic Plan: *Goal A: Deliver Exemplary Government Services; Goal B: Achieve Long-Term Financial Sustainability; Goal C: Deepen a Sense of Place and Community Identity; and Goal F: Foster Environmental Sustainability Citywide.*

ENVIRONMENTAL CONSIDERATIONS

This action is categorically exempt from CEQA. Any future actions may be required to comply with CEQA.

FINANCIAL CONSIDERATIONS

The requested action will be fully funded through a grant from Federal Emergency Management Agency (FEMA) through their Hazard Mitigation Grant Program administered by the California Office of Emergency Services (Cal OES). In December 2019, the City received an award \$49,511 towards the estimated project cost of \$66,000. OES required the City contribute 25% (or \$16,504) of the project cost and allows in-kind services to fulfill the match. In addition, as a result of the public health pandemic, OES authorized an additional 5% (\$3,301) to be utilized towards staff time and administration. Currently, the schedule to complete the analysis is June 24, 2022, and conforms with the grant expenditure deadline of July 17, 2022. Expenses will be incurred during FY 2021-22.

LEGAL CONSIDERATIONS

All legal considerations have been reviewed by the City Attorney.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH DAVID BONOWITZ, S.E. TO COMPLETE AN INVENTORY AND ANALYSIS OF SOFT STORY RESIDENTIAL BUILDINGS AND DEVELOP PROGRAM RECOMMENDATIONS IN AN AMOUNT NOT TO EXCEED \$50,000 WITH A CONTINGENCY ALLOWANCE OF \$5,000.

WHEREAS, the Community Development Department, with direction from the City Council, identifies the City's goals, objectives, policies and action programs that directly address our housing needs;

WHEREAS, the Contra Costa County Operation Area Hazard Mitigation Plan was adopted by the City Council on April 4, 2018, and the El Cerrito Hazard Mitigation Action Plan Matrix lists retrofitting within multiple priorities; and

WHEREAS the 2015-2023 Housing Element was adopted by the City Council on April 21, 2015 and identified Program H1.8. Seismic Retrofit Program - Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings. Explore possible funding sources or programs to minimize the financial impact of retrofits on low- and moderate-income residents. Review upcoming grant opportunities on a quarterly basis and explore programs bi-annually; and

WHEREAS, the 2015-2023 Housing Element of the adopted El Cerrito General Plan identified in Chapter 7: Resources and Hazards C. Goals and Policies through Goal H1: Minimal potential for loss of life, injury, damage to property, economic and social dislocation and unusual public expense due to natural and man-made hazards, including protection from the risk of flood damage, hazards of soil erosion, fire hazards, weak and expansive soils, potentially hazard soils materials, other hazardous materials, geologic instability, seismic activity, and release of hazardous materials from refineries and chemical plants in West County. And, Goal H1.8: Seismic Safety. Assure existing and new structures are designed to contemporary standards of seismic safety. Review, amend, and update, at regular intervals, all relevant City codes and ordinances to incorporate the most current knowledge and highest standards of seismic safety; and

WHEREAS the El Cerrito Affordable Housing Strategy, adopted August 17, 2017, identified Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations. Strategy 4: Implement Policies to Preserve Low-Cost Housing Stock While maintaining the affordability of the City's existing deed-restricted units is the highest priority, the City's relatively low-cost, privately owned housing stock (sometimes referred to as "naturally occurring affordable housing" or NOAH) serves many low- and moderate-income residents. Some of the issues related to the preservation of the City's low-cost housing stock include: Need for seismic upgrade of soft-story buildings. Soft-story residential buildings are multi-story buildings constructed prior to modern building codes

that have open parking or commercial space on the ground floor. Implementation Actions - 4-1: Explore possible funding sources or programs to minimize the financial impact of retrofits on low- and moderate-income residents. For example, FEMA, CDBG, and other sources of funding may be available. Some potential future sources of local funding for affordable housing discussed under Pillar 4 (such as a property transfer tax or countywide General Obligation bond measure) could also fund these activities; and

WHEREAS, in January 2018, the California Governor's Office of Emergency Services (Cal OES), with funding from the Federal Emergency Management Agency (FEMA), released a Notice of Interest (NOI) to participate in the funding through disaster DR-4353 Hazard Mitigation Grant Program (HMGP); and

WHEREAS the Community Development Department replied to the NOI on January 30, 2018 to request funding for a planning grant that would provide the City an opportunity to inventory at risk residential buildings and to identify potential program options for implementation; and

WHEREAS, in response to the NOI, the City was invited to submit a full grant application in September 2018; and

WHEREAS, on December 17, 2019, the City was successfully awarded \$49,511 from Cal OES to undertake this effort; and

WHEREAS, the City issued a Request for Qualifications (RFQ) on December 6, 2021, to qualified engineers/consultants to complete an inventory and analysis of soft story residential buildings and develop program recommendations; and

WHEREAS the City received three submissions by the December 27, 2021, due date; and

WHEREAS a consultant selection panel of City staff evaluated the criteria listed in the RFQ; and

WHEREAS, David Bonowitz, S.E. was selected as the most qualified consultant team to provide the required services at a reasonable cost to the City within budget; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it authorizes the City Manager to execute a Consulting Services Agreement with David Bonowitz, S.E. to Complete an Inventory and Analysis of Soft Story Residential Buildings and Develop Program Recommendations in an amount not to exceed \$55,000.

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

I CERTIFY that at a regular meeting on January 18, 2022, 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 January____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



AGENDA BILL

Agenda Item No. 5.D.

Date: January 18, 2022
To: El Cerrito City Council
From: Aissia Ashoori, Housing Analyst; Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development Department
Subject: Consultant Services Award for the El Cerrito 6th Cycle Housing Element Update

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement between the City of El Cerrito and Ascent Environmental, Inc. to prepare the 6th Cycle (2023-2031) Housing Element Update in an amount of \$150,000 and approving a contingency amount not to exceed 10% of the contract amount, for a total not to exceed amount of \$165,000.

BACKGROUND

The Housing Element is one of seven mandatory elements of a local jurisdiction's General Plan. State law (Senate Bill 375) requires jurisdictions in the nine-county San Francisco Bay Area, including El Cerrito, to update their Housing Element based on an eight-year planning period that began in 2015 (e.g. 2015-2023; 2023-2031.) The Housing Element reflects the vision, opportunities and priorities of the El Cerrito community and must provide a plan for the City to be able to accommodate its fair share of the regional housing need for people of all income levels and to meet State statutory requirements. The City's existing 5th Cycle 2015-2023 Housing Element, as required by State Law, was adopted and certified by the California Department of Housing and Community Development (HCD) in 2015. The 6th cycle update must be adopted by January 31, 2023.

ANALYSIS

Regional Housing Needs Assessment

As part of the state mandated Housing Element, HCD identified the Regional Housing Needs Determination (RHND) and sets the number of homes that will need to be created to meet regional housing needs at all income levels. Subsequently, the Association of Bay Area Governments (ABAG) is tasked with developing the methodology through the Regional Housing Needs Assessment (RHNA) to allocate housing to all jurisdictions. Once a jurisdiction receives its final RHNA from ABAG, it must revise the Housing Element of its General Plan and update zoning ordinances to accommodate its portion of the region's housing needs. All jurisdictions are also required to report their progress to HCD annually.

On December 16, 2021, ABAG adopted the [Final RHNA Plan: San Francisco Bay Area, 2023-2031](#). The San Francisco Bay Area region was assigned 441,176 using four levels of affordability based on the [Area Median Income](#) (AMI). El Cerrito was assigned 1,391 units for the 6th Cycle, as shown in Table 1 by income category.

Table 1: El Cerrito, 6th Cycle RHND and RHNA by Income Category

2023-2031 RHNA	Very Low (<50% AMI)	Low (50%- 80%AMI)	Moderate (80%-120% AMI)	Above Moderate (>120% AMI)	Total
SF Bay Area	114,442	65,892	72,712	188,130	441,176
El Cerrito	334	192	241	624	1,391

For reference, El Cerrito's 5th Cycle RHNA was 398, and current progress - as of November 1, 2021 - is shown in Table 2.

Table 2: El Cerrito, 5th Cycle RHNA by Income Category

	Very Low	Low	Moderate	Above Moderate	Total
2015-22 RHNA	100	63	69	166	398
*Permitted/Built	62	6	15	509	592
Percent Achieved	62%	10%	22%	307%	149%

**Permitted/Built figures do not include BRIDGE Housing (Mayfair Affordable). However, if building permits are pulled by the end of 2022, an additional 69 (low and very low) affordable units will be added.*

Housing Element

The Housing Element analyzes conditions and identifies goals, objectives, policies, and action programs that directly address the housing needs of El Cerrito in consideration of RHNA goals. There are multiple components and include:

1. **Housing Needs Assessment:** Examine the City's demographics, population, employment, and housing trends/conditions that affect the housing needs of the community at all income levels including special needs populations.
2. **Evaluation of Past Performance:** Review of the current 5th Cycle Housing Element and identify the City's success in accomplishing/implementing the identified goals,

policies, and programs; and provide explanations and updates where goals, policies or programs are in progress, or have not proven effective.

3. **Housing Sites Inventory:** Conduct a sites inventory to demonstrate how the city will satisfy its RHNA in each income category. This includes evaluating sites and analyzing potential policy strategies to increase site capacity, demonstrating development viability (per State law). This assessment should also identify methods/strategies to affirmatively further fair housing (AFFH) through an analysis of the City's fair housing practices.
4. **Community Outreach and Engagement:** This will include multiple efforts/strategies to ensure broad inclusion, particularly of hard-to-reach groups and special needs populations, with special attention given to communicating information so it is accessible and easy to understand.
5. **Constraints Analysis:** Identify potential and actual governmental and nongovernmental constraints for the preservation, protection or production of housing across income levels within the City.
6. **Policies and Programs:** A thorough evaluation of policies and programs will be examined to fulfill the City's housing.

SPASP Update

The City's [San Pablo Avenue Specific Plan](#) (Plan) plays a substantial role in supporting the State's regional housing goals by increasing housing opportunities available to the community. Since 2014, implementation of the Plan has resulted in six projects being completed, providing 335 new housing units, including affordable housing opportunities at Hana Gardens (62 units) and Metro 510 (19 units). Currently, five additional projects are under construction, and once built will deliver 343 additional units, (Table 3) as shown in the [San Pablo Avenue Corridor, Major Projects Development Map](#) (Attachment 2). Beginning in 2019, staff kicked off an update to the Plan – www.el-cerrito.org/spaspcurrent - which will result in the preparation of a Supplemental Environmental Impact Report (SEIR) for the plan area. The SEIR analysis includes a development capacity of 2,500 new residential units and 100,000 square feet of new commercial space. The draft SEIR is scheduled for release in Spring 2022. The Plan update is an important component of the Housing Element as it will create additional capacity within the SEIR to provide substantial sites to be included in the Housing Element sites inventory and contribute towards achieving RHNA goals.

Table 3: Major Projects Under Construction

Project Address	Number of Market-Rate Units	Number of Affordable Units
5828 El Dorado Street	29	Exempt from inclusionary
11600 San Pablo Avenue	156	69 affordable units in Phase II
1715 Elm Street	12	2

10919 San Pablo Avenue	90	Exempt from inclusionary
10290 San Pablo Avenue	54	Inclusionary in-lieu fee
Total	341	71

General Plan and Other New Legislative Requirements

As part of the 6th Cycle Housing Element update, staff must also consider other legal requirements to ensure that the City's [1999: General Plan](#) further integrates climate resilience and environmental justice. Additional efforts are required to be undertaken to update the City's Safety Element and to draft an Environmental Justice Element (SB 1000 and SB 1241). The City must identify and allocate funding in order for a subsequent RFP to be issued in 2022 to undertake these required updates. As part of the 6th Cycle Housing Element Update, City staff must also respond to AB 686: Affirmatively Furthering Fair Housing (AFFH). According to AB 686, affirmatively furthering fair housing means taking "meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics" and is Federally mandated by the 1968 Fair Housing Act. The five main AFFH elements that all jurisdictions will need to incorporate into Housing Element updates are: (1) Targeted Community Outreach, (2) Assessment of Fair Housing, (3) Site Inventory, (4) Identification and Prioritization of Contributing Factors, and (5) Goals Policies and Actions. The City is deeply committed to developing a program that effectively reaches, educates and engages the community throughout the Housing Element update, reaching all economic segments of the community.

Request for Proposals

On December 20, 2021, the Community Development Department issued a [Request for Proposals](#) to update the 6th Cycle 2023-2031 Housing Element. The RFP was circulated to planning firms and posted on the City's website. The deadline for responses was January 4, 2022.

There was one response received to the RFP by the deadline from *Ascent Environmental*. Staff believes that the lack of responses is because all jurisdictions located in the nine-county ABAG region have Housing Element Updates actively underway and the City's timeframe is tight. A key member of *Ascent Environmental* staff worked on the City's 5th Cycle Housing Element and *Ascent* has also led over sixty other Housing Element Updates, including a dozen 6th Cycle updates in the SACOG region. *Ascent Environmental* also has staff specialized in fair housing, including AB 686, as well as compliance with the California Environmental Quality Act (CEQA). Given *Ascent's* extensive experience, they have the capacity and expertise to work with the City to meaningfully engage community members and adhere to the regulatory statutes, including the compressed timeline.

To meet HCD requirements, City staff recommends that the City Council award the contract to *Ascent Environmental* in the amount of \$150,000 and approving a contingency amount not

to exceed 10% of the contract amount, for a total not to exceed amount of \$165,000.

Schedule

Based on the schedule below, the City intends to circulate the first Draft Housing Element Update to the public in May 2022 with a 30-day comment period. The City must take an additional ten business days to consider and incorporate public comments before submitting the draft revision to HCD for review. Under AB 215, HCD has 90 days, instead of the previous 60 days, to provide its written report/findings. City staff and *Ascent* will revise, as needed, and work with the City Council to adopt the 6th Cycle Housing Element Update by HCD's January 31, 2023, deadline. However, HCD has also provided a 120-day grace period following the January 31, 2023, due date because of late guidance provided to jurisdictions by HCD related to the new legislative requirements, such as AB 686. If, for some reason, the City is unable to meet the grace period for adoption of March 31, 2023, we will be required to update our Housing Element every four years (instead of every eight years) and may face other fines/penalties. City staff are confident *Ascent Environmental's* track record proves that they are fully capable of working with staff to successfully accomplish the 6th Cycle Housing Element Update within the required timeframe.

Project Task	Start	End
Project Administration	Winter 2021	Spring 2023
Community Engagement	Spring 2022	Spring 2023
Draft Housing Element	Spring 2022	Summer 2022
HCD Review of Housing Element	Fall 2022	Winter 2022
Environmental Compliance	Winter 2022/3	Winter 2022/23
Final And Adoption	Winter 2022/3	Spring 2023 (Deadline: January 31, 2023/March 31, 2023)

STRATEGIC PLAN CONSIDERATIONS

This contract award and the efforts described herein will assist the City in implementing the following goals of the Strategic Plan: *Goal A: Deliver Exemplary Government Services; Goal B: Achieve Long-Term Financial Sustainability; Goal C: Deepen a Sense of Place and Community Identity; and Goal F: Foster Environmental Sustainability Citywide.*

ENVIRONMENTAL CONSIDERATIONS

All required documents for California Environmental Quality Act (CEQA) review and submittal, including the Initial Study and subsequent documents identified as needed

pursuant to CEQA will be met in the Housing Element Update. The City and consultant will detail assumptions made regarding the level of analysis that may be needed and will produce the necessary CEQA document and any prior environmental documents which may be relied on for tiering purposes pursuant to CEQA.

FINANCIAL CONSIDERATIONS

Completion of the 6th Cycle 2022-2030 Housing Element Update will be fully funded through several grants that staff applied for in 2018-19. In 2020, HCD issued an award to the City in the amount of \$150,000 under the Local Early Action Planning (LEAP) Grant Program of which \$135,000 is earmarked for the Housing Element Update. In 2021; ABAG issued the City a \$30,000 award through the Regional Early Action Planning (REAP) Grant and \$15,000 will be allocated to the Housing Element. Both REAP and LEAP funds are intended to assist jurisdictions in the preparation and adoption of planning documents to facilitate compliance in implementing the sixth cycle of the Housing Element Update/RHNA. The contingency will be covered, if necessary, through the Department's adopted operating budget. The City is not required to provide matching funds toward these grants and the time of City employees toward administering them are not eligible for grant funds. The estimated deadline to complete the Housing Element Update is Spring 2023 and conforms with the grant expenditure deadline of December 31, 2023.

LEGAL CONSIDERATIONS

The proposed recommendation has been reviewed by the City Attorney and all legal considerations have been addressed.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution
2. El Cerrito San Pablo Avenue Corridor, Major Projects, Development Map

RESOLUTION 2022-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH ASCENT ENVIRONMENTAL, INC. TO PREPARE THE 6TH CYCLE (2023-2031) HOUSING ELEMENT UPDATE IN AN AMOUNT NOT TO EXCEED \$150,000, PLUS A CONTINGENCY ALLOWANCE OF \$15,000.

WHEREAS, the State of California Department of Housing and Community Development requires jurisdictions as part of their General Plan to update their Housing Elements every eight or five years each; and

WHEREAS, the current 5th Cycle Housing Element for the 2015-2023 period assigned the City of El Cerrito a total housing need of 398 units and was adopted by the City Council on April 21, 2015 and certified by HCD on May 18, 2015; and

WHEREAS, SB 375 specifies that if a local government on an eight-year planning cycle fails to adopt its Housing Element within 120-days of the statutory due date, the jurisdiction will be required to update its Housing Element every four years;

WHEREAS, the 6th Cycle Housing Element Update deadline set by HCD includes a statutory deadline of January 31, 2023 for adoption to submit for certification; and

WHEREAS, State law includes a 120-day grace period for the 6th Cycle Housing Element Update providing the City until March 31, 2023 for adoption; and

WHEREAS, on December 16, 2021 the Association of Bay Area Government (ABAG) adopted the *Final Regional Housing Needs Assessment (RHNA) Plan: San Francisco Bay Area, 2023-2031* assigning the San Francisco Bay Area region 441,176 housing units at all income levels; and

WHEREAS, the City of El Cerrito has a total housing need of 1,391 units assigned through the 6th Cycle RHNA, including 334 very-low, 192 low-, 241 moderate, and 624 above moderate income units, to meet future housing needs; and

WHEREAS, the City released the Request for Proposals (RFP) for the 6th Cycle 2023-2031 Housing Element Update on December 20, 2021; and

WHEREAS, the City received one proposal by the January 4, 2022 due date; and

WHEREAS, a consultant selection panel of City staff evaluated the criteria listed in the RFP; and

WHEREAS, Ascent Environmental, Inc. was selected as the most qualified consultant team to provide the required services at a reasonable cost to the City within budget; and

WHEREAS, funding for the 6th Cycle Housing Element Update of \$150,000 will be fully covered by grants from the HCD Local Early Action Planning (LEAP) Grant in the amount of \$135,000 with additional funds of \$15,000 from ABAG's the Regional Early Action Planning (REAP) Grant; and

WHEREAS, the City Council goals, objectives, policies and action programs prioritize the City's housing needs through the El Cerrito *General Plan*, *San Pablo Avenue Specific Plan* and *Affordable Housing Strategy* all of which further support the Housing Element Update; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it authorizes the City Manager to execute a Professional Services Agreement with Ascent Environmental, Inc. to prepare the 6th Cycle (2023-031) Housing Element Update in an amount of \$150,000 and approving a contingency amount not to exceed 10% of the contract amount, for a total not to exceed amount of \$165,000.

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

I CERTIFY that at a regular meeting on January 18, 2022 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 January____, 2022.

Holly M. Charléty, City Clerk

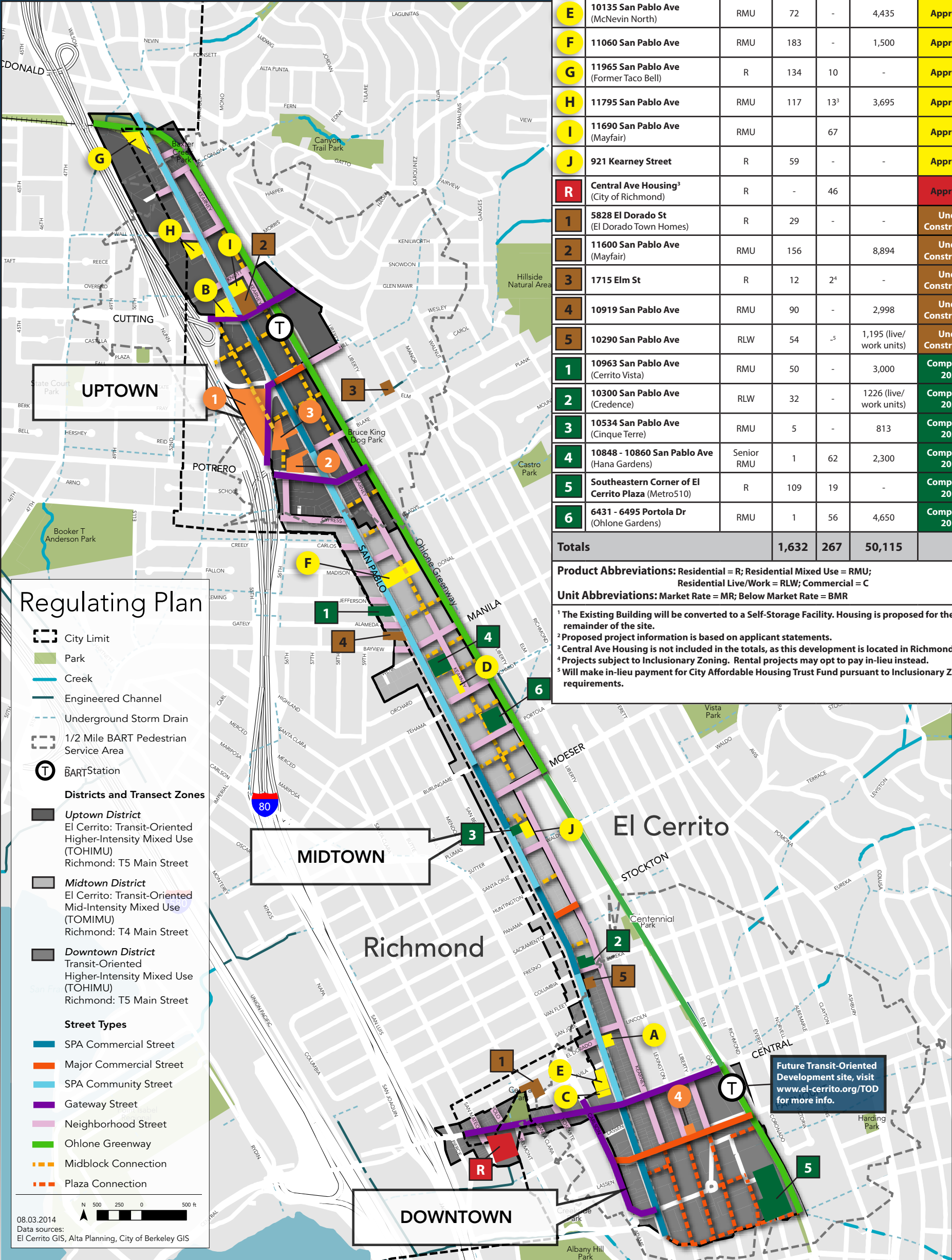
APPROVED:

Gabe Quinto, Mayor



El Cerrito San Pablo Avenue Corridor, Major Projects:

Proposed, Approved, Under Construction, and Completed (as of 11/18/2021)



Key	Project	Product	Units		Commercial Space (SF)	Status
			MR	BMR		
1	1755 Eastshore Blvd (Former OSH)	RMU	279	31	- ¹	Proposed ²
2	6115 Potrero Ave & 11335-41 San Pablo Ave	RMU	63	- ⁵	4,292	Proposed
3	1612 & 1718 Eastshore Blvd (TRU by Hilton)	RMU & Hotel (84 rooms)	18	2 ⁴	4,839 office; 1,005 retail	Proposed
4	6501 Fairmount Ave.	RMU	40	5	1,842 SF commercial	Proposed
A	10192 San Pablo Ave	R	26	-	-	Approved
B	11645 San Pablo Ave (Hampton Inn)	Hotel (124 Rms)	-	-	3,431	Approved
C	10167 San Pablo Ave (McNevin South)	R	62	-	-	Approved
D	10810 San Pablo Ave (Village at Town Center)	R	40	-	-	Approved
E	10135 San Pablo Ave (McNevin North)	RMU	72	-	4,435	Approved
F	11060 San Pablo Ave	RMU	183	-	1,500	Approved
G	11965 San Pablo Ave (Former Taco Bell)	R	134	10	-	Approved
H	11795 San Pablo Ave	RMU	117	13 ³	3,695	Approved
I	11690 San Pablo Ave (Mayfair)	RMU		67		Approved
J	921 Kearney Street	R	59	-	-	Approved
R	Central Ave Housing ³ (City of Richmond)	R	-	46		Approved
1	5828 El Dorado St (El Dorado Town Homes)	R	29	-	-	Under Construction
2	11600 San Pablo Ave (Mayfair)	RMU	156		8,894	Under Construction
3	1715 Elm St	R	12	2 ⁴	-	Under Construction
4	10919 San Pablo Ave	RMU	90	-	2,998	Under Construction
5	10290 San Pablo Ave	RLW	54	- ⁵	1,195 (live/work units)	Under Construction
1	10963 San Pablo Ave (Cerrito Vista)	RMU	50	-	3,000	Completed; 2021
2	10300 San Pablo Ave (Credence)	RLW	32	-	1226 (live/work units)	Completed; 2021
3	10534 San Pablo Ave (Cinque Terre)	RMU	5	-	813	Completed; 2020
4	10848 - 10860 San Pablo Ave (Hana Gardens)	Senior RMU	1	62	2,300	Completed; 2018
5	Southeastern Corner of El Cerrito Plaza (Metro510)	R	109	19	-	Completed; 2018
6	6431 - 6495 Portola Dr (Ohlone Gardens)	RMU	1	56	4,650	Completed; 2015
Totals			1,632	267	50,115	

Product Abbreviations: Residential = R; Residential Mixed Use = RMU; Residential Live/Work = RLW; Commercial = C
Unit Abbreviations: Market Rate = MR; Below Market Rate = BMR

¹ The Existing Building will be converted to a Self-Storage Facility. Housing is proposed for the remainder of the site.
² Proposed project information is based on applicant statements.
³ Central Ave Housing is not included in the totals, as this development is located in Richmond.
⁴ Projects subject to Inclusionary Zoning. Rental projects may opt to pay in-lieu instead.
⁵ Will make in-lieu payment for City Affordable Housing Trust Fund pursuant to Inclusionary Zoning requirements.

For more information on these development projects, visit www.el-cerrito.org/CommDev/MajorProjects or contact the Community Development Department at (510) 215-4362. For a copy of the San Pablo Avenue Specific Plan/Complete Streets Plan, visit www.el-cerrito.org/SPASP.



AGENDA BILL

Agenda Item No. 5.E.

Date: January 18, 2022
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Continuation of Emergency Work for Public Safety Building Roof Repair

ACTION PROPOSED

Adopt a resolution authorizing the continuation of emergency work to repair the Public Safety Building roof.

BACKGROUND/ANALYSIS

On December 21, 2021, the City Council adopted a resolution adopting findings and authorizing emergency work to repair the Public Safety Building roof (Resolution 2021-71). Because the roof leaks pose immediate health, safety and welfare risks for City employees and are damaging City property, the City Council authorized the City Manager to negotiate and execute any contracts necessary to repair the Public Safety Building roof in an amount not to exceed \$89,300 and to approve change orders not to exceed \$8,900 and to take any other related action necessary to further the intent of the resolution. The City Council also amended the Fiscal Year 2021-22 Adopted Budget to appropriate \$115,000 from the General Fund Balance to complete this emergency work. This funding amount was to additionally cover separate agreements for removal and reinstallation of the solar panels and assessment and construction support.

On December 22, 2021, the City Manager executed an agreement with Stronger Building Services in the amount of \$89,300 for the roof repair work. The Public Works Director, under a Department Director's purchasing authority of \$25,000, executed an agreement with Quattro Solar in the amount of \$16,400 for the solar panel work. Both contractors attended a pre-construction meeting on December 22, 2021 and began mobilizing. As of the first week in January 2022, Quattro Solar obtained a City Building Permit, removed 25 solar panels and transported them to a storage facility. Stronger Building Services has made significant progress on the roof repair work, including removal of roofing tile covering six valley locations, replacement of the entire valley flashing system, and removal and replacement of roofing materials. Although a substantial amount of work has been completed, essential components of the repair work remain to be completed, including reinstallation of the roof tiles and cleaning and sealing of the gutters.

Because of the potential health, safety and welfare impacts on City employees and damage to City property, City staff recommends that the City Council find that substantial evidence establishes that the emergency conditions at the Public Safety Building remain and authorize continuation of emergency work to repair the Public Safety Building roof.

As required by Public Contract Code section 22050(c)(1), this emergency repair work will be placed back on future regular meeting agendas of the City Council for the City Council to review this emergency action and determine, by a four-fifths vote, whether there is a need to continue the action, until such emergency repairs have been completed and the project terminated. City staff anticipate that the roof repair work and reinstallation of the solar panels will be completed by the end of January 2022.

STRATEGIC PLAN CONSIDERATIONS

The proposed action is consistent with the El Cerrito Strategic Plan Goal D – Develop and rehabilitate public facilities as community focal points by addressing ongoing and deferred maintenance of facilities and infrastructure.

ENVIRONMENTAL CONSIDERATIONS

The projects are categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 because the projects involve a repair to an existing facility involving negligible or no expansion of use beyond that presently existing. More specifically, restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood, is exempt from CEQA. Furthermore, the Public Safety Building roof repair is statutorily exempt pursuant to CEQA Guidelines Section 15269 as an emergency project.

FINANCIAL CONSIDERATIONS

No budget amendments are being proposed at this time although the entire contingency has been encumbered. This is because the cost of the solar panel work was higher than estimated. The current project budget is summarized below.

Roof Assessment & Construction Support	\$9,300
Roof Repair Contract	\$89,300
Solar Panel Contract	\$16,400
Total	\$115,000

During the course of the emergency repair, additional work may be needed due to unforeseen conditions. This would require an additional budget amendment, which would be brought forward for City Council consideration at a future meeting.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and found that legal considerations have been addressed. As noted above, a four-fifths vote of the City Council is required to pass the attached resolution.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CONTINUATION OF EMERGENCY WORK TO REPAIR THE PUBLIC SAFETY BUILDING ROOF

WHEREAS, since the start of the rainy season in October 2021, the Public Safety Building has experienced worsening leaks despite repairs in previous years; and

WHEREAS, there is an urgent concern for the potential health, safety and welfare impacts of the leaks on City employees and damage to critical City property; and

WHEREAS, on December 21, 2021, the City Council adopted a resolution adopting findings and authorizing emergency work to repair the Public Safety Building roof (Resolution 2021-71);

WHEREAS, as part of that resolution, the City Council authorized the City Manager to negotiate and execute any contracts necessary to repair the Public Safety Building roof in an amount not to exceed \$89,300 and to approve change orders not to exceed \$8,900 and to take any other related action necessary to further the intent of the resolution; and

WHEREAS, the City Council also amended the Fiscal Year 2021-22 Adopted Budget to appropriate \$115,000 from the General Fund Balance to complete the emergency work including additional agreements for removal and reinstallation of the solar panels and assessment and construction support; and

WHEREAS, on December 22, 2021, the City Manager executed an agreement with Stronger Building Services in the amount of \$89,300 for the roof repair work, and the Public Works Director, under a Department Director's purchasing authority of \$25,000, executed an agreement with Quattro Solar in the amount of \$16,400 for the solar panel work; and

WHEREAS, although a substantial amount of work has been completed as of the first week in January 2022, essential components of the roof repair work remain to be completed including reinstallation of the roof tiles and cleaning and sealing of the gutters; and

WHEREAS, Public Contract Code Section 22050 authorizes in the case of an emergency a public agency, pursuant to a four-fifths vote of its governing body, to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes without giving notice for bids to let contracts; and

WHEREAS, the above projects are categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the projects involve a repair to an existing facility involving negligible or no expansion of use beyond that presently existing; and

WHEREAS, the City Council of the City of El Cerrito hereby finds as follows:

- A. Pursuant to California Public Contract Code Section 20168, the public interest and necessity demand the immediate commencement of the above-described work for the Public Safety Building and the expenditure of public money for such work to safeguard life, health and property; and
- B. Pursuant to California Public Contract Code Section 22050, substantial evidence as set forth in the record concerning this resolution establishes that the emergency conditions at the Public Safety Building continue to exist and do not permit delay resulting from competitive solicitation for bids for the roof repair work and that the repair work is necessary to respond to the emergency; and
- C. Terminating the emergency repair project now and competitive bidding for the remaining work would jeopardize the health, safety and welfare of City employees, and risk permanent damage to critical City property, and result in the public incurring additional expense, including, but not limited to, additional expense due to delay and further damage, and therefore competitive bidding of such work would not produce an advantage for the public; and
- D. The emergency work at the Public Safety Building in the City is also statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269, subparagraphs (b) and (c).

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito, by at least a fourth-fifths vote, that it hereby finds as follows:

- 1. The above recitals are true and correct and hereby declared to be findings of the City Council of the City of El Cerrito.
- 2. The emergency conditions at the Public Safety Building jeopardizing the health, safety and welfare of City employees and risking permanent damage to critical City property continue to exist and thus authorizes the continuation of emergency work to address the needed roof repairs.
- 3. City staff is directed, in accordance with California Public Contract Code Section 22050(c)(1), to place on future regular agendas of the City Council an item concerning the contact authorized pursuant to this resolution so that the City Council may determine, by at least a four-fifths vote, whether there is a need to continue the emergency work described above or whether such work may be terminated.
- 4. Each portion of this resolution is severable. Should any portion of this resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining resolution portions shall be and continue in full force and effect, except as to those resolution portions that have been adjudged invalid. The City Council hereby declares that it would have adopted this resolution and each section, subsection, clause, sentence, phrase and other portion thereof, irrespective of the fact

that one or more section, subsection, clause sentence, phrase or other portion may be held invalid or unconstitutional.

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

I CERTIFY that at a regular meeting on January 18, 2022 the City Council of the City of El Cerrito passed this Resolution, requiring 4/5 approval, 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 January _____, 2022.

Holly M. Charl  ty, City Clerk

APPROVED:

Gabe Quinto, Mayor



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING January 18, 2022

The following Public Comments were **received by 4:00 p.m. 1/18/2022**, were provided directly to City Councilmembers in advance of the meeting, and were posted online as supplemental materials at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments – Items Not on the Agenda

1. Cordell Hindler
2. Gary Prost for Make El Cerrito Fire Safe
3. Susan Duncan

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments- Not on the agenda
Date: Thursday, January 13, 2022 2:42:48 PM

good Evening Mayor Quinto, councilmembers and staff, I have a couple of comments for the record

1. for a future Agenda, The Council should invite the Northern California College coalition for a presentation on their program
2. also to Have Ken Kirkey to make a Presentation on the Housing Element

Sincerely
Cordell

From: [Gary Prost](#)
To: [City Clerk](#)
Subject: Public Comments - Not on the Agenda
Date: Tuesday, January 18, 2022 10:18:06 AM

El Cerrito City Council Meeting 18 January 2022

Public Comments - Not On the Agenda: Emergency Evacuation Plans for Wildfire and Earthquakes

Honorable Mayor Quinto and City Council:

First off, I'd like to wish the Council a happy and safe new year.

As you know, one of the priorities of Make El Cerrito Fire Safe has been a robust evacuation plan for the city in case of a wildfire and other emergencies. We hear about the need for this almost daily in the news. In particular, we are concerned that, with the existing parking allowed on many of our narrow streets, there will be bottlenecks both for vehicles exiting an evacuation area, as well as roadblocks to fire engines and emergency vehicles attempting to access the area.

The City has stated in the past that it is looking into limiting parking on one or both sides of specified roads on Red Flag Days. We encourage this effort, and feel strongly that any city road that is too narrow *with* street parking to allow the longest/widest fire truck to pass should, through the affected section, have *no* parking on either side of the road on Red Flag Days. Slightly wider roads should allow street parking *on one side only* on Red Flag Days. These would be clearly posted, with the penalty being towing of cars at the owner's expense. Limiting parking on Red Flag Days is not new: it is already being done in places like Los Angeles.

As always, our group of neighbors is here to help you in any way we can, and appreciate all you are doing to keep us safe.

Sincerely,

Gary Prost, for Make El Cerrito Fire Safe
<https://www.makeelcerritofiresafe.com/about>

 El Cerrito 94530



Virus-free. www.avg.com

Good evening,

It is time to remind everyone that even with all of the rains that we've had so far this season, we are still in a drought and the threat of wildfire still exists.

After seeing the stories of the horrific Marshall Colorado wildfire on December 30th, hearing that in 6 hours 1,084 homes and 7 businesses were destroyed and another 149 homes and 30 businesses were damaged and 2 lives were lost, we cannot let down our guard.

It is time for residents to make plans to reduce the risk of ignition of their homes by hardening them and by changing their landscaping to be more fire-resistant.

There are many reliable websites online for suggestions on landscaping and home hardening. Some of these can be found on the Fire Wise, Oakland Fire Safe and Marin Fire Safe Councils websites. I urge the city to start a very vocal program to educate and encourage residents to start if they haven't already, making changes. I am asking for a stronger vegetation management code that includes among other things, elimination of junipers from properties. The city should consider adding a requirement that before close of escrow, a property must be in compliance with the vegetation code.

I also encourage El Cerrito to seriously consider adding certain completed home hardening projects to the list of items that will give a rebate of the transfer tax upon sale of a property. Isn't lessening a property's chance of ignition and saving human lives as important as having electric car chargers, roof solar systems, seismic safety and water conservation systems? Think of how the environmental quality and property values within the city will decrease if dozens or more of El Cerrito's houses and businesses burn. As wildfire prevention and preparedness is now one of the top priorities of the city, it is time to encourage property owners to act in a preventative way by adding home hardening projects to the transfer tax rebates.

Remember, what happened in Superior and Louisville, and other unincorporated Boulder County, Colorado areas could just as easily have happened here in the East Bay Hills last fall when, just before the rains started, the East Bay vegetation was at a record low moisture content. We were just lucky that we didn't have as many days this last year as we had in the recent previous years where we experienced more very high temperatures and strong Diablo Winds. We were just lucky. How long will we keep dodging the bullet?

Thank you.

Susan Duncan

Make El Cerrito Fire Safe