

Mayor
Lisa Motoyama
Mayor Pro Tem
Tessa Rudnick



Councilmembers
Paul Fadelli
Gabriel Quinto
Carolyn Wysinger

TUESDAY, JANUARY 17, 2023

SPECIAL CITY COUNCIL MEETING (5:00 PM)

Hillside Conference Room - 10890 San Pablo Ave, El Cerrito

Join Via Zoom:

<https://us06web.zoom.us/j/81375737877?pwd=aW9yZkRpNE44SjNpZVBDbm9CQXdKQT09>

Meeting ID: 813 7573 7877 **Password:** 011031 **Dial in:** 1-408-638-0968

**CONCURRENT SPECIAL MEETING OF THE
REDEVELOPMENT AGENCY SUCCESSOR AGENCY
AND REGULAR CITY COUNCIL MEETING (6:00 PM)**

City Council Chambers - 10890 San Pablo Ave, El Cerrito

Join Via Zoom:

<https://us06web.zoom.us/j/81421722756?pwd=TjJCZVdhbHdua3VYR1J0Q0xubmNLdz09>

Meeting ID: 814 2172 2756 **Password:** 474691 **Dial in:** 1-408-638-0968

View:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments:

1. *In-person* by submitting a request to speak to the City Clerk
2. *Via Zoom* using the "[Raise Hand](#)" icon to request to speak
3. *By Phone* at 1-408-638-0968, dial *9 to "raise your hand"
4. *By Email* cityclerk@ci.el-cerrito.ca.us identified as Public Comments-Agenda Item #

Written comments received by **2:00 p.m. the day of the meeting** 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 will be posted after the meeting.

Teleconferencing: Consistent with the Brown Act as amended by AB 361 (2021), all individuals may participate in-person at the location listed above, or remotely via zoom. In-person attendance limited to available seats and designated accessible spaces only (no standing room). Masks are strongly recommended ([full in-person protocols](#).)

Accommodations: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations. Closed Captions available via zoom.

Conduct: This meeting shall be conducted pursuant to the El Cerrito [City Council Rules of Order and Procedure](#), including adjourning by 11:00 PM unless extended to a specific time determined by a majority of the Council.

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5:00 P.M. ROLL CALL – CONVENE SPECIAL CITY COUNCIL MEETING

1. ORAL COMMUNICATIONS FROM THE PUBLIC

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

2. CLOSED SESSION CONFERENCE WITH NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Shannon Bassi, Senior Human Resources Analyst; Glenn Berkheimer, Labor Negotiator; and Sky Woodruff, City Attorney.

Employee Organizations: Public Safety Management Association (PSMA); and United Professional Firefighters Local 1230.

Contact: Sky Woodruff, City Attorney, City Management

3. ADJOURN SPECIAL CITY COUNCIL MEETING

**6:00 P.M. ROLL CALL – CONVENE CONCURRENT REDEVELOPMENT
AGENCY SUCCESSOR AGENCY SPECIAL MEETING/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. PRESENTATIONS

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6. 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. Economic Development Committee Appointment

Action Proposed: Approve one Economic Development Committee recommendation to appoint member, Ivan Rothman, effective January 17, 2023.

Contact: Aissia Ashoori, Housing-Economic Development Manager/EDC Staff Liaison

B. FY 2022-23 Second Quarter Cash and Investment Report

Action Proposed: Receive and file the City's second quarterly cash and investment report covering the period of October 1, 2022 - December 31, 2022.

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department

C. 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

D. Amendment to Existing Agreements for On-Call Engineering and Project Management Services

Action Proposed: Adopt a resolution authorizing the City Manager to execute amendments to existing agreements for on-call engineering and project management services with three consulting firms to extend the contract term by one additional year; and to increase the contract amount for one firm by an additional \$250,000 in Fiscal Year (FY) 22-23.

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

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AGENDA

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Gabriel Quinto
Carolyn Wysinger

E. Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding Grant Application for the El Cerrito del Norte Transit-Oriented Development Complete Streets Improvement Project

Action Proposed: Adopt a resolution approving a Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding (TDA) grant application in the amount of \$140,000 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

F. Ordinance Introduction: Amending City Council Regular Meeting Start Time

Notice Published on 1/7/2023

Action Proposed: Introduce an Ordinance amending Section 2.04.010 to change the Regular City Council meeting start time from 7:00 p.m. to 6:00 p.m.

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

G. REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM: Approve Draft Annual Recognized Obligations Payment Schedule 23-24 (July 1, 2023 - June 30, 2024)

Action Proposed: Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 23-24.

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department; Karen Pinkos, City Manager, City Management

7. PUBLIC HEARINGS

A. Temporary Outdoor Dining and Retail Program Urgency Ordinance
Notice Published 01/07/23; 4/5 vote required for adoption; exempt from CEQA per Section 15061(b)(3)

Action Proposed: Conduct a public hearing and, upon conclusion, adopt an interim urgency ordinance extending urgency [Ordinance 2022-04](#) regarding the Temporary Outdoor Dining and Retail Program to support business recovery.

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A four-fifths vote of the City Council is necessary to adopt an interim urgency ordinance.

Contact: Sean Moss, Planning Manager; Diego Romero, Assistant Planner; Aissia Ashoori, Housing-Economic Development Manager, Community Development Department; Yvetteh Ortiz, City Engineer/Public Works Director

8. POLICY MATTERS

A. Amendment to City's Classification Plan and Agreement with Pedro (Pete) Salazar for Information Technology Services

Action Proposed: 1) Adopt a resolution amending the City's Classification Plan to add the position of Extra Help Retired Annuitant and 2) Adopt a resolution authorizing the City Manager to enter into an agreement with Pete Salazar, as a CalPERS retired annuitant, to provide Information Technology services to the City of El Cerrito.

Contact: Shannon Bassi, Senior Human Resources Analyst, City Management

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

A. 2023 Local Liaison Assignments

The Mayor will announce the 2023 City Council Liaison Assignments to City Boards, Commissions, and Committees and to Regional Bodies.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, February 7, 2023 at 6:00 p.m.

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



AGENDA BILL

Agenda Item No. 6.A.

Date: January 17, 2023
To: El Cerrito City Council
From: Aissia Ashoori, Housing-Economic Development Manager/EDC Staff Liaison
Subject: Economic Development Committee Appointment

ACTION PROPOSED

Approve one Economic Development Committee recommendation to appoint member, Ivan Rothman, effective January 17, 2023.

BACKGROUND/ANALYSIS

Ivan Rothman has been an El Cerrito resident for two decades. He is an Attorney at Squire Patton Boggs LLC. As a longtime resident, economic development interests him greatly and believes that his experience/skills as an attorney, focused primarily on business-related matters will be of value to the EDC.

Mr. Rothman has demonstrated through his participation in EDC meetings that he is committed to economic prosperity which is aligned with the mission of EDC and adds value to community involvement.

The Economic Development Committee voted unanimously to recommend his appointment at its regular meeting on December 12, 2022. If the Council approves this recommendation for reappointment, the number of committee members will be 11 out of a possible membership total of 15, as established by Resolution 2013-66.

STRATEGIC PLAN CONSIDERATIONS

This section is not applicable to this agenda item.

ENVIRONMENTAL CONSIDERATIONS

The recommended appointments fulfill the City Strategic Plan Goal C: Deepen a sense of place and community identity.

FINANCIAL CONSIDERATIONS

There are no financial considerations with this action.

LEGAL CONSIDERATIONS

There are no legal considerations with this action.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

Application(s) on file with City Clerk



AGENDA BILL

Agenda Item No. 6.B.

Date: January 17, 2023
To: El Cerrito City Council
From: Sandra Dalida, Finance Director/City Treasurer, Finance Department
Subject: FY 2022-23 Second Quarter Cash and Investment Report

ACTION PROPOSED

Receive and file the City's second quarterly cash and investment report covering the period of October 1, 2022 - December 31, 2022.

BACKGROUND

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

ANALYSIS

The Quarterly Cash and Investment Report for October 1, 2022 through December 31, 2022 shows that the City's total cash and investments as of December 31, 2022, had a par value of \$28,052,440.76. These funds are available to meet operating expenses for the next six months.

- \$21,945,900.43 of the total cash and investment funds were invested in the pooled funds with the State Treasurer's Local Agency Investment Fund (LAIF). Interest earnings are not posted to LAIF accounts until the month following the close of the quarter. Accordingly, the total cash and investment funds include interest earnings of \$61,672.20 for the quarter ending September 30, 2022, which was posted to the City's account on October 15, 2022. Interest earnings for the quarter ending December 31, 2022, will be reflected in the subsequent report.
- \$6,104,190.33 of the total funds includes cash in accounts with Mechanics Bank. Monthly interest earnings posted to the City account, and included in the total funds with Mechanics Bank, for the quarter totaled \$124.11 as follows:
 - \$44.02 October 31, 2022
 - \$35.65 November 30, 2022
 - \$44.44 December 30, 2022
- \$2,350.00 is the total balance in Petty Cash Funds.

STRATEGIC PLAN CONSIDERATIONS

The City's Investment Policy, Comprehensive Financial Policy, and Strategic Plan sets form guidelines for the investment of City funds and aligns with California Government code, Section 53646 and Section 53600-53609. The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and ensure policies, procedures, systems, and best practices in fiscal management (Goal B).

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The Quarterly Cash and Investment Report is in compliance with the City of El Cerrito Investment Policy and California Government Code Section 53646. The City will have sufficient cash flow to meet the next six months of estimated expenditures as required by Code 53646.

LEGAL CONSIDERATIONS

The City's investments comply with standards reflected in the City of El Cerrito Investment Policy.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Qtr 2 FY 2022-23 Cash and Investment Report

City of El Cerrito
Quarterly Cash and Investment Report
for the Quarter Ending December 31, 2022

Category	Trustee/Broker	Month Ending	PAR Value (Actual Value)	Quarter End Interest Rate	Market Value
Pooled Investments	California State Treasurer	December 31, 2022	\$ 21,945,900.43	2.173%	\$ 21,945,900.43
Cash with Bank	Mechanics Bank	December 31, 2022	\$ 6,104,190.33	0.01%	\$ 6,104,190.33
Petty Cash Funds	City Management	December 31, 2022	\$ 2,350.00	N/A	\$ 2,350.00
Total Cash and Investments			\$ 28,052,440.76		\$ 28,052,440.76

I certify that this report is in compliance with the City of El Cerrito Investment Policy and the California Government Code Section 53646.
The City has sufficient cash to meet the next six months of estimated expenditures as required by the Code.



Sandra Dalida, Finance Director/City Treasurer



AGENDA BILL

Agenda Item No. 6.C.

Date: January 17, 2023
To: El Cerrito City Council
From: Holly M. Charl  ty, 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 certain conditions exist and the legislative body makes 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 necessary findings for the period between October 5, 2021 through January 19, 2023. 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 20, 2023 -

February 19, 2023.

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.

As long as there is not a change in public health conditions, city staff is planning to continue holding hybrid meetings for City Council which will allow for City Council, staff, presenters, and members of the public to attend either in-person or via zoom. Due to

staffing resources and limitations of technology, staff is planning for the continuation of city board, commission and committee meetings via zoom with no in-person option for attendance.

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
2. County Recommendation for Safe Public Meetings

RESOLUTION 2023-XX

A RESOLUTION AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING JANUARY 20, 2023 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, 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, if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, the legislative body shall make findings that it reconsidered the circumstances of the state of emergency and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, such conditions now exist in the City, specifically, a State of Emergency due to COVID-19 continues; and

WHEREAS, on October 21, 2022 the Contra Costa County Health Officer rescinded all active health orders pertaining to COVID-19 but confirmed that the recommendations for safely holding public meetings (last revised on January 5, 2023) remains in place; 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, City remains concerned about COVID-19 and 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 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 that state or local officials continue to impose or recommend measures to promote social distancing; 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, 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 20, 2023 through February 19, 2023. 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 17, 2023, 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 _____, 2023.

Holly M. Charléty, City Clerk

APPROVED:

Lisa Motoyama, Mayor



Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of January 5, 2023 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are stable but remain elevated. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart. If unable to host outdoors, consider ways to [increase ventilation and flow](#) of the indoor space to reduce the risk of COVID-19 while indoors.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 1-5-2023

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County





AGENDA BILL

Agenda Item No. 6.D.

Date: January 17, 2023
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Amendment to Existing Agreements for On-Call Engineering and Project Management Services

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute amendments to existing agreements for on-call engineering and project management services with three consulting firms to extend the contract term by one additional year; and to increase the contract amount for one firm by an additional \$250,000 in Fiscal Year (FY) 22-23.

BACKGROUND

The City regularly requires the assistance of consulting firms to provide a range of engineering services and deliver capital projects. The type of work performed by these firms varies in scope and duration. The work may be an urgent, short-term assignment or may be part of a larger capital project or planning process. As such, agreements for on-call services with multiple consulting firms are appropriate to allow for prompt procurement of services as needs arise and to assure that specialties are covered.

In March 2018, to meet current and anticipated needs, City staff issued a Request for Qualifications (RFQ) seeking qualified consultants to provide on-call engineering and project management services. Eleven firms submitted Statement of Qualifications (SOQs) and the following four emerged as the most qualified to provide the required services: Parisi-CSW Design Group, BKF Engineers, Avila Project Management, and Coastland Engineering. The four firms possessed key areas of expertise, demonstrated experience handling on-call services for municipalities, and were available to immediately begin work. The City Council subsequently adopted Resolution No. 2018-34 authorizing the City Manager to execute agreements with these four firms for an amount not to exceed \$200,000 per fiscal year for each firm. Each agreement was authorized to have an initial term of three years with the option to extend for an additional two years.

The scope of services provided by these firms includes, but is not limited to, engineering evaluations, review of private development applications, design development and cost estimating, detailed design with preparation of plans, specifications and estimates, feasibility and alternative analysis, and management and reporting for capital projects and grant funding. Over the last couple of years, the Public Works Department has more heavily relied on consulting firms to augment staffing levels. Staff augmentation is needed to fill vacancies and backfill for reduced staffing in order to maintain timely delivery of both services and projects.

ANALYSIS

Each agreement for on-call services is written as a master agreement, deferring the specific scope of services, schedule, and fee to be determined on a task order basis. As needs arise depending on their complexity and specialty required, City staff request that one or more of the firms submit a proposal on the scope, schedule and fee for an individual task. Once a proposal is agreed upon with one of the firms, City staff issue a task order subject to available funding in the adopted fiscal year budget. The total task order amount authorized and typical services provided by each firm, spanning FY 2019-20 to current, is summarized below.

Firm	Typical Services	FY19-20	FY19-20	FY20-21	FY21-22	FY22-23 (to date)
Parisi-CSW	Engineering & Development Review	\$89,177	\$8,500	-	-	-
BKF	Development Review, Design & Capital Project Delivery	\$8,900	\$231,400*	\$185,000	\$299,500**	-
Avila PM	Engineering, Capital Project Delivery, and Staff Augmentation	\$243,855*	\$217,575*	\$160,076	\$242,925*	\$244,735*
Coastland	Design	\$28,190	\$13,435	\$3,690	-	-

Notes:

*The additional amount above the initial \$200,000 contract amount was authorized under the City Manager's purchasing authority of up to \$45,000 for any vendor within one fiscal year (Resolution 2017-71A).

**The additional amount above the initial \$200,000 contract amount was authorized by City Council Resolution 2021-63 for an additional \$99,500 for services related to the Del Norte Complete Streets Improvement Project.

The Parisi-CSW Design Group was a joint venture that has since dissolved. The agreements with the remaining firms, BKF Engineers, Avila Project Management, and Coastland Engineering, were extended for an additional two years, as authorized by Resolution 2018-34, and will expire in May 2023. These firms are providing much needed, timely assistance and City staff are satisfied with their performance.

City staff request that the term for each of these agreements be extended by another year. This additional time will provide City staff with sufficient time and flexibility, given current staffing levels, to prepare and issue a new RFQ, evaluate the SOQ's, select the

most qualified firms, and present them for City Council consideration. Staff is also requesting contract authority of an additional \$250,000 for Avila Project Management, bringing the total contract amount to \$450,000 for the current fiscal year. This firm has provided efficient and effective staff augmentation throughout the year to backfill the current Senior Engineer vacancy and other staffing needs, as well as continues to provide project management services for several capital projects. City staff are working to fill the vacant position and evaluating staffing needs within the next several months and, in the meantime, need these staff augmentation services.

STRATEGIC PLAN CONSIDERATIONS

Performing engineering services and delivering capital projects in a professional, efficient, and timely manner is consistent with El Cerrito Strategic Plan Goal A of Delivering Exemplary Government Services.

ENVIRONMENTAL CONSIDERATIONS

This proposed action will not result in a project as defined by the California Environmental Quality Act (CEQA). No further environmental review is needed.

FINANCIAL CONSIDERATIONS

No funding is being requested as a part of this action. An executed agreement and any amendments do not guarantee any task orders will be issued and a firm will only perform work that has been approved in a task order. Each task order will be subject to funding available for a specific project in the Capital Improvement Program or department operating budgets, which are both approved by the City Council as part of the annual budget or mid-year update. Most of the project and operational expenses will be paid for by Special Funds, including salary savings from a vacant Senior Engineer position in the Public Works Department. General Fund expenses, if any, are subject to City Council approval as described above.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION NO 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENTS TO EXTEND BY ONE ADDITIONAL YEAR THE CONTRACT TERM OF EXISTING AGREEMENTS FOR ON-CALL ENGINEERING AND PROJECT MANAGEMENT SERVICES WITH BKF ENGINEERS, AVILA PROJECT MANAGEMENT, AND COASTLAND ENGINEERING AND INCREASE THE CONTRACT AMOUNT BY AN ADDITIONAL \$250,000 IN FISCAL YEAR 2022-23 FOR AVILA PROJECT MANAGEMENT

WHEREAS, the City requires the assistance of consulting firms to provide a range of engineering services and deliver capital projects; and

WHEREAS, it is common for cities to enter into one or more agreements for these services on an on-call basis; and

WHEREAS, Resolution No. 2018-34 authorized the City Manager to execute agreements with Parisi-CSW Design Group, BKF Engineers, Avila Project Management, and Coastland Engineering to provide on-call engineering and project management services for an amount not to exceed \$200,000 per fiscal year for each firm; and

WHEREAS, the authorization allowed an initial term of three years with an option to extend for up to two additional years; and

WHEREAS, Parisi-CSW Design Group was a joint venture that has since dissolved and the extensions for the remaining three firms are set to expire in May 2023; and

WHEREAS, City staff need to continue the services provided by these three firms while conducting a new Request for Qualifications process within the next year; and

WHEREAS, each task order under the agreements will be subject to funding available for a specific project in the Capital Improvement Program or department operating budgets, which are both approved by the City Council as part of the annual budget or mid-year update; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of El Cerrito that the City Manager is hereby authorized to amend the agreement with Avila Project Management to extend the contract term by one additional year and contract amount by an additional \$250,000 in Fiscal Year 2022-23, bringing the total contract to an amount not to exceed \$450,000.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to amend the agreements with BKF Engineers and Coastland Engineering to extend the contract terms by one additional year, with no change to the current contract amount not to exceed \$200,000 per fiscal year.

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

I CERTIFY that at a regular meeting on January 17, 2023 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 _____, 2023.

Holly M. Charléty, City Clerk

APPROVED:

Lisa Motoyama, Mayor



AGENDA BILL

Agenda Item No. 6.E.

Date: January 17, 2023
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding Grant Application for the El Cerrito del Norte Transit-Oriented Development Complete Streets Improvement Project

ACTION PROPOSED

Adopt a resolution approving a Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding (TDA) grant application in the amount of \$140,000 for the El Cerrito del Norte Transit-Oriented Development (TOD) Complete Streets Improvement Project.

BACKGROUND

Annually, the Metropolitan Transportation Commission (MTC) notifies jurisdictions of available TDA grant funds for the design and construction of pedestrian and bicycle facilities and improvements as well as the development of pedestrian and bicycle master plans and education programs. The basic objective of TDA is to increase the safety and efficiency of bicycle and pedestrian travel and to encourage non-automobile modes of transportation. MTC requires a local bicycle advisory committee to review and approve the selected TDA grant project. If a local agency does not have a bicycle advisory committee, the local agency can utilize the county's bicycle and pedestrian advisory committee. The City Council adopted Resolution 2018-57 designating the Contra Costa County Countywide Bicycle Advisory (CBAC) as the review body for TDA grant projects.

In November 2022, Contra Costa County (County) notified the City regarding the 2023-2024 TDA Call for Projects. City staff submitted a preliminary application to fund elements of the El Cerrito del Norte TOD Complete Street Improvement Project (Project) to the CBAC on November 30, 2022 for review as required by the grant program. The requested funding amount of \$140,000 was kept in line with typical grant awards recommended by the County which range between \$25,000 and \$150,000 per project. The CBAC reviewed the City's preliminary application on December 12, 2022, and their comments were provided to the City on December 22, 2022.

The overall Project will implement multimodal transportation improvements identified in the San Pablo Avenue Specific Plan and Active Transportation Plan. Planned improvements consist of enhanced and new protected crosswalks, new context-sensitive bikeways, bus boarding islands, circulation improvements, and various streetscape enhancements. The project location is in the Uptown district of the Specific Plan area and spans several streets, including San Pablo Avenue from Ohlone

Greenway near the northern city limit to Potrero Avenue, Eastshore Boulevard from Potrero Avenue to San Pablo Avenue, Hill Street from San Pablo Avenue to Liberty Street, Cutting Boulevard from I-80 to Key Boulevard, and Knott Avenue from San Pablo Avenue to Key Boulevard. Detailed information on the project description and funding were previously provided in the [August 17, 2021 Agenda Bill](#).

ANALYSIS

There is a pressing need for additional funding for the Project as it is scheduled for bidding in Spring 2023 and a funding gap has developed due to the unanticipated high inflation and increased costs in the construction industry. As a result, City staff have been actively pursuing a variety of grants including TDA, Transportation Funds for Clean Air, and Safe Routes to BART. Concurrently, in case all needed funds are not secured, the project design team has begun a value engineering process and is developing additive alternates for the bidding of the Project so that all essential elements of the project can be constructed.

City staff have finalized the TDA grant application incorporating comments from the CBAC to strengthen it. The project elements proposed to be funded by the TDA grant funds are the Rectangular Rapid Flashing Beacons (RRFBs) at the I-80 on-ramps on Cutting Boulevard because their cost is within the typical amount for TDA grant awards and can be readily separated into a bid additive alternative. The application is provided as Attachment B to the Resolution.

City staff requests that the City Council approve the TDA grant application as required to comply with TDA Article 3 requirements. Final applications are due to the County on January 26, 2022. A field review will be conducted by the County's TDA Subcommittee in February 2023 as part of their evaluation of submitted applications. The Subcommittee will then recommend grant recipients and partial or full funding. Their recommendations will be presented to several entities for approval including the Contra Costa County City-County Engineering Advisory Committee (CCEAC) in March 2023, Mayor's Conference in April 2023, and County Board of Supervisors in May 2023. Lastly, the final recommendations will be forwarded by June 2023 to MTC for allocation approval.

STRATEGIC PLAN CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

The El Cerrito del Norte TOD Complete Streets Improvement Project is a combination of projects identified in the San Pablo Avenue Specific Plan and Active Transportation Plan. The City Council approved a programmatic Environmental Impact Report and associated Mitigation Monitoring and Reporting Program for the San Pablo Avenue Specific Plan in September 2014, and an Initial Study/Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the Active Transportation Plan in April 2016. Both documents were prepared per CEQA Guidelines. As part of the Caltrans project development process, City staff and consultants prepared a project checklist to confirm that all impacts of the Project were sufficiently evaluated in these documents. The mitigation measures identified in both Mitigation Monitoring and Reporting Programs will be implemented as appropriate in order to mitigate any identified environmental impacts of the Project under CEQA.

As part of the federal funding requirements, the Project was evaluated for compliance with the National Environmental Policy Act (NEPA), which included conducting several environmental studies. City staff and consultants prepared a Categorical Exclusion with Technical Studies. Caltrans is responsible for determining NEPA compliance and approved the NEPA document on March 1, 2022.

FINANCIAL CONSIDERATIONS

No additional funding is required for the City to submit the TDA grant application for the Project. If the grant application is successful, City staff will request an amendment to the Adopted Budget and Capital Improvement Program for expenditure of the awarded amount. This action will likely be requested when City staff request that Council award the construction contract.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and found that 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 (including Attachment A)
2. Attachment B to Resolution

RESOLUTION 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING THE REQUEST TO THE METROPOLITAN TRANSPORTATION COMMISSION FOR THE ALLOCATION OF FISCAL YEAR 2023/2024 TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDESTRIAN/BICYCLE PROJECT FUNDING IN THE AMOUNT OF \$140,000 FOR THE EL CERRITO DEL NORTE TRANSIT-ORIENTED DEVELOPMENT (TOD) COMPLETE STREETS IMPROVEMENT PROJECT

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 et seq., authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No. 4108, Revised, entitled "Transportation Development Act, Article 3, Pedestrian/Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108, Revised requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of El Cerrito desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the project described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code.

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might adversely affect the project described in Attachment B to this resolution, or that might impair the ability of the City of El Cerrito to carry out the project.

BE IT FURTHER RESOLVED that the City of El Cerrito attests to the accuracy of and approves the statements in Attachment A to this resolution.

BE IT FURTHER RESOLVED that a certified copy of this resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Contra Costa County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

I CERTIFY that at a regular meeting on January 17, 2023 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 _____, 2023.

Holly M. Charléty, City Clerk

APPROVED:

Lisa Motoyama, Mayor

RESOLUTION 2023-XX
Attachment A

Re: Request to the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2023/2024 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding

Findings

Page 1 of 2

1. That the City of El Cerrito is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of El Cerrito legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of El Cerrito has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or final design and engineering or quick build project; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic and/or Class IV separated bikeway; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of El Cerrito within the prior five fiscal years.
8. That the project(s) described in Attachment B which are bicycle projects have been included in a detailed bicycle circulation element included in an adopted general plan, or included in an adopted comprehensive bikeway plan (such as outlined in Section 2377 of the California Bikeways Act, Streets and Highways Code section 2370 et seq.) or responds to an immediate community need, such as a quick-build project.

RESOLUTION 2023-XX
Attachment A

Findings

Page 2 of 2

9. That any project described in Attachment B bicycle project meets the mandatory minimum safety design criteria published in the California Highway Design Manual or is in a National Association of City and Transportation Officials (NACTO) guidance or similar best practices document.
10. That the project(s) described in Attachment B will be completed in the allocated time (fiscal year of allocation plus two additional fiscal years).
11. That the City of El Cerrito agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

TDA Article 3 Project Application Form



FY 2023/2024 Transportation Development Act (TDA) Article 3 Fund
Application

El Cerrito del Norte TOD Complete Streets Improvement Project

City of El Cerrito

January 2023

1. Agency	City of El Cerrito		
2. Primary Contact	Yvetteh Ortiz, Public Works Director/City Engineer		
3. Mailing Address	10890 San Pablo Avenue, El Cerrito, CA 94530		
4. Email Address	YOrtiz@ci.el-cerrito.ca.us	5. Phone Number	(510) 215-4382
6. Secondary Contact (in the event primary is not available)	Jason Chen		
7. Mailing address (if different) N/A ☒			
8. Email Address	Jason@teamanchor.com	9. Phone Number	(415) 606-5317
10. Send allocation instructions to (if different from above):			
11. Project Title	El Cerrito del Norte TOD Complete Streets Improvement Project		
12. Amount requested	\$140,000	13. Fiscal Year of Claim	2023/2024

14. Description of Overall Project:

Please see description of overall project below.

15. Project Scope Proposed for Funding: (Project level environmental, preliminary planning, and ROW are ineligible uses of TDA funds.)

Construction: The intent is for TDA to fund the construction of the RRFB at the I-80 on ramps on Cutting Boulevard.

16. Project Location: A map of the project location is attached or a link to a online map of the project location is provided below:

Please see project location map attached.

Project Relation to Regional Policies (for information only)

17. Is the project in an [Equity Priority Community](#)?

Yes ☒ No ☐

18. Is this project in a [Priority Development Area](#) or a [Transit-Oriented Community](#)?

Yes ☒ No ☐

19. Project Budget and Schedule

Phase	TDA Funds	Other Funds	Total	Milestone
ENV			-	December 2016
PA&ED		1,110,050	1,110,050	May 2022
PS&E		1,355,250	1,355,250	March 2023
ROW		145,200	145,200	February 2023
CON	140,000	11,002,210	11,142,210	September 2024
Total Cost	140,000	13,612,710	13,752,710	

Project Eligibility

A. Has the project been reviewed by the Bicycle and Pedestrian Advisory Committee?

Yes ☒ No ☐

If "YES," identify the date and provide a copy or link to the agenda. December 12, 2022

If "NO," provide an explanation).

B. Has the project been approved by the claimant's governing body?

Yes ☒ No ☐

If "NO," provide expected date: _____

C. Has this project previously received TDA Article 3 funding?

Yes ☐ No ☒

(If "YES," provide an explanation on a separate page)

D. For "bikeways," does the project meet Caltrans minimum safety design criteria

Yes ☒ No ☐

pursuant to [Chapter 1000 of the California Highway Design Manual](#)?

E. 1. Is the project categorically exempt from CEQA, pursuant to CCR Section 15301(c),

Yes ☐ No ☒

Existing Facility?

2. If "NO" above, is the project is exempt from CEQA for another reason?

Yes ☐ No ☒

Cite the basis for the exemption. _____

N/A ☒

If the project is not exempt, please check “NO,” and provide environmental documentation, as appropriate. Please see attached the Notice of Determination for a Negative Declaration.

F. Estimated Completion Date of project (month and year):

September 2024

G. Have provisions been made by the claimant to maintain the project or facility, or has

Yes ☒ No ☐

the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility, please identify below and provide the agreement.

H. Is a Complete Streets Checklist required for this project ?

Yes ☒ No ☐

If the amount requested is over \$250,000 or if the total project phase or construction phase is over \$250,000, a Complete Streets checklist is likely required. Please attach the Complete Streets checklist or record of review, as applicable. More information and the form may be found here:

<https://mtc.ca.gov/planning/transportation/complete-streets>

Description of the overall project:

The overall project consists of safety and circulation improvements for pedestrians, bicyclists, transit users, and motorists to support the El Cerrito del Norte BART Station and transit-oriented development. Improvements include new signalized crossings for pedestrians; new bikeways; signalization changes on San Pablo Avenue at several intersections; signing and streetscape enhancements; and green infrastructure. Specific elements include the following:

- A combination of new and enhanced bike facilities on San Pablo Avenue, Cutting Boulevard, Hill Street, and Eastshore Boulevard, including on-street bike routes with sharrows, bike lanes, and separated bike lanes.
- Enhanced signalized intersection treatments for bikes and traffic signal optimization on San Pablo Avenue at the intersections of Cutting Boulevard and Hill Street/Eastshore Boulevard to better accommodate all street users
- New protected crosswalks, including the addition of complete crosswalks on all legs of the signalized San Pablo Avenue intersections at Knott Avenue, Cutting Boulevard, and Hill Street/Peerless Avenue/Eastshore Boulevard
- Pedestrian hybrid beacons/signals at the San Pablo Avenue/Wall Avenue intersection and Cutting Boulevard/Peerless Avenue intersection
- Sidewalk improvements including curb extensions (bulb-outs) at bus stops and pedestrian crossings
- ADA accessibility upgrades
- Narrowed travel lanes and a reduction in turning lanes/auxiliary lanes and conversion of one-way to two-way streets to better accommodate all street users

- Modification of the San Pablo Avenue/Hill Street/Eastshore Boulevard intersection to allow inbound traffic to the Shopping Center driveway (Peerless Avenue) and only right-turn outbound traffic on Eastshore Boulevard.
- Streetscape improvements including pedestrian-level lighting, landscaping, signage, trash and recycling receptacles, and benches and bike racks.

The intent is for TDA grant to fund the construction of Rectangular Rapid Flashing Beacon (RRFB) at the I-80 on-ramps on Cutting Boulevard.

Site Map:



Additional Information:

Photo of the existing intersection at San Pablo Avenue and Cutting Boulevard:



Rendering of the intersection at San Pablo Avenue and Cutting Boulevard:



Additional rendering of the intersection at San Pablo Avenue and Cutting of the proposed feature:

- Adding bicycle facilities, such as Class IV bike lane, protected intersection, etc.
- Adding a new crosswalk at the south side of this intersection.
- For bicyclists traveling EB along Cutting east of this intersection, the interim approach is for the bicyclists will utilize a shared transit-bike lanes. During City's outreach efforts for this Project, the City discussed the limited right of way situation with both Bike East Bay as well as the transit operators that utilize this short segment of Cutting Boulevard. All parties agreed given the limited right of way and the need to maintain enough travel lanes for bus operation efficiency, this interim situation was an acceptable approach agreed by parties involved. The City has been exploring a future project that would require entering into a license agreement with BART to construction Class IV bike lanes on BART property similar to the existing agreement for the Ohlone Greenway Class I path. The City has been in communication with BART and has received preliminary staff support.



Existing Condition at I-80 on-ramps on Cutting Boulevard:



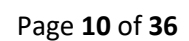
- Westbound On-ramp



- Eastbound On-ramp



- For the westbound direction, reduce 2 lanes to 1 lane at the on-ramp. The crosswalk distance has been reduced as well.
- At both on-ramps, bicycle facilities have been incorporated.
- A pedestrian push button will be located on each of the RRFB pole that is located before each crossing. The design team will also explore the feasibility of an additional push button on the bike lane side of these poles for the bicyclists to use.



Detail Cost Estimate

Phase	Committed								Pending		SUBTOTAL	TDA	TOTAL
	Measure J TLC Grant	OBAG2 Federal Grant	City SB 1	City TIF	Other City Dev Fees	Gas Tax	WCCTAC STMP	State AHSC Grant	TFCA	Estimate d Future TIF Fees			
Prelim Engin/Final Environ	-	-	101,680	703,657	139,713	15,000	150,000	-		-	1,110,050		1,110,050
Detailed Design/PS&E	850,000	-	-	-	-	-	505,250	-		-	1,355,250		1,355,250
ROW Support & Permitting	145,200	-	-	-	-	-	-	-		-	145,200		145,200
Construction Engineering	580,800	-	50,000	-	-	-	90,000	260,000		681,200	1,662,000		1,662,000
Construction	736,000	4,960,000	-	23,680	350,000	-	444,730	2,640,800	185,000	-	9,340,210	140,000	9,480,210
Total	2,312,000	4,960,000	151,680	727,337	489,713	15,000	1,189,980	2,900,800	185,000	681,200	13,612,710		13,752,710

95% CD Cost Estimate

City of El Cerrito

28-Oct-22

Item No.	DESCRIPTION	QTY.	UNIT	COST	COST
100 GENERAL CONDITIONS					
101	Mobilization/ Demobilization	1	LS	\$ 546,134	\$546,134
102	Traffic Management	1	LS	\$ 400,000	\$400,000
103	Project Information Area Signs	3	EA	\$ 1,000	\$3,000
104	Water Pollution Control	1	LS	\$ 25,000	\$25,000
105	Construction Layout	1	LS	\$ 50,000	\$50,000
106	Monument Preservation	1	LS	\$ 25,000	\$25,000
107	Utility Potholing	1	LS	\$ 35,000	\$35,000
Subtotal:					\$1,084,134
200 DEMOLITION					
201	Clear and Grub	19,500	SF	\$ 3	\$58,500
202	Remove Full Depth Asphalt Pavement (incl Temporary AC)	47,867	SF	\$ 6	\$287,200
203	Remove Concrete Pavement	24,800	SF	\$ 7	\$173,600
204	Remove Storm Drain Pipe	10	LF	\$ 150	\$1,500
205	Remove Storm Drain Inlet	4	EA	\$ 1,100	\$4,400
206	Remove Trees	20	EA	\$ 700	\$14,000
207	Relocate Chain Link Fence	30	LF	\$ 60	\$1,800
208	Relocate Wire Fence and Wooden Posts	90	LF	\$ 30	\$2,700
209	Remove Pedestrian Barrier	3	EA	\$ 500	\$1,500
210	Remove Bus Shelter	1	EA	\$ 2,000	\$2,000
211	Remove Bus Stop Bench	3	EA	\$ 500	\$1,500
212	Street Light Removal	2	EA	\$ 900	\$1,800
213	Remove Traffic Stripes, Pavement Markings and Markers	1	LS	\$ 35,000	\$35,000
Subtotal:					\$585,500
300 STREETS AND SIDEWALKS					
301	Hot Mix Asphalt - Vehicular Pavement	90	TONS	\$ 285	\$25,618
302	Rapid Strength Concrete Base	397	TONS	\$ 240	\$95,175
303	Hot Mix Asphalt - Plugs	1,270	TONS	\$ 205	\$260,350
304	Hot Mix Asphalt - Bike Lane	70	TONS	\$ 230	\$16,100
305	Pavement Digout	5,100	SF	\$ 45	\$229,500
306	Fog Seal Caltrans ROW	13	TONS	\$ 4,000	\$53,667
306b	Slurry Seal City ROW	18,889	SY	\$ 8	\$151,111

307	Concrete Flatwork (Non-Traffic Rated)	8,500	SF	\$ 25	\$212,500
308	Concrete Flatwork - Enhanced Finish (Non-Traffic Rated)	1,850	SF	\$ 30	\$55,500
309	Concrete Flatwork (Traffic Rated)	2,500	SF	\$ 45	\$112,500
310	Concrete Flatwork - Bus Platform (Non-Traffic Rated)	3,000	SF	\$ 35	\$105,000
311	Concrete Flatwork - Bus Pad (Traffic Rated)	1,800	SF	\$ 60	\$108,000
312	Class IV Buffer - Concrete (Type I)	3,025	SF	\$ 65	\$196,625
313	Class IV Buffer - Enhanced Concrete (Type I)	940	SF	\$ 75	\$70,500
314	Class IV Buffer - Pre-Cast	970	SF	\$ 50	\$48,500
315	Concrete Buffer/Median - Enhanced (Type II)	4,200	SF	\$ 75	\$315,000
316	Concrete Curb Ramp	4,800	SF	\$ 45	\$216,000
317	Concrete Valley Gutter	160	SF	\$ 45	\$7,200
318	Concrete Vertical Curb - Type A1-6	5,500	LF	\$ 65	\$357,500
319	Concrete Vertical Curb - Type A1-6 Modified - Sloped 1:1	1,290	LF	\$ 65	\$83,850
	Concrete Vertical Curb - Type A1-8 Modified	320	LF	\$ 65	\$20,800
320	Concrete Curb and Gutter (24-inch)	2,111	LF	\$ 100	\$211,100
321	Bollards	7	EA	\$ 1,750	\$12,250
322	Temporary Hot Mix Asphalt Pavement	290	TONS	\$ 320	\$92,800
Subtotal:					\$3,057,146
400	SIGNAGE AND STRIPING				
401	Limit Line (STOP BAR)	1,275	LF	\$ 10	\$12,750
402	6" White Stripe	281	LF	\$ 2.00	\$562
403	6" Blue Stripe	210	LF	\$ 2.00	\$420
404	Detail 12 - Laneline	6,300	LF	\$ 2.00	\$12,600
405	Detail 22 - Centerline	600	LF	\$ 5.00	\$3,000
406	Detail 24 - Left Edgeline	1,300	LF	\$ 5.00	\$6,500
407	Detail 27B- Right Edgeline	2,300	LF	\$ 5.00	\$11,500
408	Detail 31 - Two Way Turn Lane	1,000	LF	\$ 5.00	\$5,000
409	Detail 38A -Channelizing Line	1,700	LF	\$ 2.50	\$4,250
410	Detail 39- Bicycle Lane Line	900	LF	\$ 2.00	\$1,800
411	Detail 40 - Lane Line Extension	200	LF	\$ 2.50	\$500
412	6" White Stripped Buffer	32,500	LF	\$ 2.00	\$65,000
413	Pavement Markings	11,400	SF	\$ 10	\$114,000
414	Bike Lane - Green Thermo	1,100	SF	\$ 30	\$33,000
415	Bike Intersection - Green Boxes w/ White Stripe	2,000	SF	\$ 30	\$60,000
416	Bike Lane Symbol with Arrow & Green Thermo	400	SF	\$ 30	\$12,000
417	Shared Bike Lane Symbol with Arrow & Green Thermo	240	SF	\$ 30	\$7,200
418	Curb Paint	400	LF	\$ 5	\$2,000
419	Delineator (K71)	100	EA	\$ 350	\$35,000

420	Relocated Roadside Signs (incl new pole and foundation)	4	EA	\$ 550	\$2,200
421	Roadside Signs	20	EA	\$ 750	\$15,000
Subtotal:					\$404,282
500 STORM DRAINAGE					
501	Storm Drain Pipe (12-inch)	160	LF	\$ 370	\$59,200
502	Storm Drain Pipe (18-inch)	68	LF	\$ 400	\$27,200
503	Replace Existing Grate (600-12X Bicycle-Proof Grate)	14	EA	\$ 2,500	\$35,000
504	Storm Drain Inlet - Type GO	2	EA	\$ 9,500	\$19,000
505	Storm Drain Inlet - Type GDO	1	EA	\$ 9,500	\$9,500
506	Storm Drain Inlet - Type Mod GOL	1	EA	\$ 9,500	\$9,500
507	Storm Drain Curb Inlet	3	EA	\$ 9,500	\$28,500
508	Storm Drain Cap Inlet	1	EA	\$ 2,500	\$2,500
509	Storm Drain Junction Box - 24"x24"	2	EA	\$ 9,500	\$19,000
510	Adjust Drain Inlet to Grade	2	EA	\$ 3,500	\$7,000
511	Adjust Manhole to Grade	3	EA	\$ 1,860	\$5,580
512	Sidewalk Underdrain	40	EA	\$ 1,250	\$50,000
Subtotal:					\$271,980
600 TRAFFIC SIGNAL / ELECTRICAL					
601	Traffic Signal and Lighting System - San Pablo Ave./Cutting Blvd.	1	LS	\$ 700,000	\$700,000
602	Traffic Signal and Lighting System - Eastshore Blvd./San Pablo/Hill	1	LS	\$ 700,000	\$700,000
603	Pedestrian Hybrid Beacon System - Cutting/Peerless	1	LS	\$ 300,000	\$300,000
604	Pedestrian Hybrid Beacon System - San Pablo/Wall	1	LS	\$ 300,000	\$300,000
605	Rectangular Rapid Flashing Beacon & Push Button Pole	4	EA	\$ 35,000	\$140,000
606	Pedestrian Scale Lighting (incl foundation)	22	EA	\$ 10,000	\$220,000
607	Street Light Relocation (incl foundation)	2	EA	\$ 4,500	\$9,000
608	Pull Box Electrical	15	EA	\$ 1,350	\$20,250
609	Electrical Conductors / Conduits	2,500	LF	\$ 65	\$162,500
610	Electrical Connection	2	EA	\$ 15,000	\$30,000
Subtotal:					\$2,581,750
700 UTILITY RELOCATION					
701	Adjust Water Valve (Revocable)	5	EA	\$ 650	\$3,250
702	Adjust Water Meter Vertical (Revocable)	5	EA	\$ 650	\$3,250
703	Adjust Telecom Maintenance Hole (Revocable)	1	EA	\$ 1,000	\$1,000
704	Adjust Pull Box	10	EA	\$ 650	\$6,500
705	Adjust Gas Valve (Revocable)	1	EA	\$ 650	\$650
706	Adjust ATT Vault (Revocable)	1	EA	\$ 1,000	\$1,000
707	Adjust ATT Box or Manhole (Revocable)	6	EA	\$ 1,000	\$6,000
708	Adjust Utility Maintenance Hole	5	EA	\$ 1,300	\$6,500
Subtotal:					\$28,150
800 LANDSCAPE					
801	Landscape Irrigation	1	LS	\$ 400,000	\$400,000

802	Import Plant Soil	1,887	CY	\$ 200	\$377,400
803	24" Box Trees	95	EA	\$ 1,200	\$114,000
804	Root Barriers	2,102	LF	\$ 15	\$31,530
805	Planting (includes 3" mulch)	24,500	SF	\$ 20	\$490,000
806	Landscape Maintenance Period - 1 Year (Revocable)	1	LS	\$ 50,000	\$50,000
807	Bench	12	EA	\$ 3,000	\$36,000
808	Bike Racks	8	EA	\$ 1,000	\$8,000
809	Waste Receptacle	5	EA	\$ 3,500	\$17,500
810	Bioretention (Inc Subdrainage, PCC Walls, & Soil)	540	SF	\$ 150	\$81,000
811	Pedestrian Metal Railing	100	LF	\$ 300	\$30,000
Subtotal:					\$1,635,430

Subtotal					\$9,648,372
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Subtract Utility reimbursement items	-\$28,150
Subtract other value engineering items	-\$140,012
Project (including RRFB)	\$9,480,210
Subtract RRFB	-\$140,000
Revised Project	\$9,340,210



COUNTYWIDE BICYCLE ADVISORY COMMITTEE (CBAC)
DECEMBER 12, 2022
5:00 - 7:00 P.M.
VIA ZOOM

MEETING MINUTES

1. **Meeting began at 5:02 pm.** – Called to order by Chair Bruce "Ole" Ohlson.

ATTENDEES: Peter Culshaw, Jill Ray (District II), Glenn Umont (District II), Norm Cohen (District III), Bruce "Ole" Ohlson (District V), Mark Ross (Mayor's Conference), Jerry Fahy (County), and Sherri Reed (County)

Introduction of newest member, Norman Cohen.

2. **Public Comment:** There was no Public Comment.

3. **Nomination and Election of the Chair and Vice-Chair:** Peter Culshaw was nominated and selected as the new Chair. Norm Cohen was nominated and selected as Vice-Chair.

4. Review preliminary 2023/2024 Transportation Development Act (TDA), Article 3 applications for funding of bicycle and pedestrian projects:

General: The Committee commented they would like to see more applications include letters from the schools and other agencies supporting and/or acknowledging projects that are intended to reduce stress on bicyclists and pedestrians.

CONTRA COSTA HEALTH SERVICES

- Bicycle and Pedestrian Safety Education Project

CBAC Comments: The Committee commented their projects are well-deserved, plus the Committee noticed the in-kind contributions or Local Match.

CITY OF ANTIOCH

- West 10th Street Traffic Calming and Pedestrian Improvements

CBAC Comments: The Committee commented that crosswalks should be provided at all four quadrants of the intersections. The proposed project is expensive, and the City is not providing any Local Funds as a match. There is not clear signage for bicyclists or a stated bike lane, but 10-foot lanes are appreciated. Committee asked if 10-foot lane is for parking too. The submittal is unclear. Sharrows were suggested, but Committee is divided about how they feel about them, but okay with the recommendation. This project is all signage and stripping. Committee doesn't see how this design reduces stress on bicyclists. Committee recommends City add language as to how this project will reduce the level of stress.

CITY OF OAKLEY

- Pedestrian Crossing Lighting System Installation

CBAC Comments: The Committee would like to see the City include some Local Funds as a match for this project. Committee agrees there is not much traffic on Live Oak Avenue (at Big Break Trail), but more on O'Hara Avenue. Committee commented the buttons work well but recommend the pavement/concrete extends to the post and back to make the pushbuttons accessible for bicyclists and pedestrians. Committee would like to see on maps other areas in the community with similar signage. Committee commented the signage is for pedestrian crossing and not multi-use trail. There is a lot of signage for motorists. Trees should be trimmed around signs. Committee recommends green paint in the crosswalk for bicyclists. Committee members would like to see that bicycles and pedestrians are automatically detected as they are approaching the street-crossing while using the trail. This detection would be in addition to the push-button on the post.

CITY OF EL CERRITO

- El Cerrito del Norte TOD Complete Street Improvement Project

CBAC Comments: The Committee commented on how this project reduces the stress for bicyclists. County reminded Committee the City is only reimbursed for what they use and build. The Cost Estimate stated 'revocable' on many line items; County clarified definition. Committee complimented the use of crosswalks in all quadrants. Committee recommends push buttons and easy access to them. The placement of the button near on-ramp is unclear. If bicyclist doesn't see it, they may think they have

the right of way. Where the pole is located may work for the pedestrian but not the bicyclist. It's not clear how bicyclists are supposed to access the button. Committee commented that there is one way traffic and are concerned how bicyclists will get around. Committee felt that stronger riders would use the green markings and would travel through and go around. Committee commented travel for bicyclists should be counterclockwise. City should identify path of travel for bicyclists. Committee asked for definition on several words and acronyms. Members and other attendees provided definitions, but Committee would like City to make it clear.

CITY OF CLAYTON

- Town Center Pedestrian Improvement Project

CBAC Comments: The Committee is pleased to see the City is contributing a good Local Match to the project. Committee would like to see maps of a larger area and how this project fits in the community and library. The Committee feels better site maps are needed. The Committee commented this project looks like it may be more dangerous with improvements than as is. The crosswalks recommended appears to create blind spots for the bicyclists. Motorists coming out of the turn do not have enough time to see the bicyclists. The Committee commented the existing design may be better than what is proposed. The Committee discussed the use of pavers creating raised crosswalks. The Committee is divided on the use of pavers. The Committee doesn't fully understand what the project is proposing. The Committee asks where the storm drains are located and if there is flooding in this area. The contingency percentage seems high. Are they asking for the whole contingency? The Committee is unclear about what the City is asking for.

CITY OF BRENTWOOD

- Spruce Street Sidewalk

CBAC Comments: The Committee would like to see more bicyclist projects come from the City, instead of sidewalk projects. The Committee commented the school district should be building or at least contributing to the construction of sidewalks in and around the school. The Committee questioned other money sources as well. The Committee says the City can improve their application by getting other funding. The Committee would like to see a letter of support from the school.

CITY OF SAN PABLO

- Safe Routes to E.M. Downer Elementary School Project

CBAC Comments: The Committee commented that the City, at their own admittance, haven't even conducted their own studies yet, so project does not appear ready. On page 4 of the Cost Estimate, line 3, Remove Traffic Stripe, \$1.50 sf seems too cheap as it reads. Should it possibly be linear foot? The estimate should be reviewed to ensure accuracy. The City will maintain flex post marker. Committee didn't like the north arrow as it was tough to locate on certain pages.

CITY OF PLEASANT HILL

- Oak Park Boulevard Sidewalk Gap Closure Project

CBAC Comments: The Committee wasn't clear if the City needed to acquire land for this project. County commented TDA requires projects must have total right of way. The Committee is pleased about additional funding. This project will probably move forward even if not allocated TDA Funds. The Committee commented the area around the library is very active. The Committee is happy with this project but thinks the cost is high. Staff added the cost could be coming from the paving improvements. The Committee recommended relocating the radar sign for traffic calming. Also, the cost of Best Management Practices is high. The Committee would like to see the project upgraded from a Class 3 to a Class 2 bicycle facility. The Committee questions where the scope of the whole project is. On the table for 5-year plan, it is unclear what the blue represents. The Committee would like to see bike lanes put in after paving. The Committee wants assurance there will be a bike lane on Oak Park Road. If it's in the plan, the Committee would like to see crosswalks on the map. The Committee asks about line 17 of the Cost Estimate, is 'ca' a typo, should it be 'ea'? There are two contingencies, Estimated contingency and Construction contingency. It's unclear why there are two and what's the difference. On page 9, item D, there is a check box for yes and one for no. Neither box is checked. That should be clarified. The Committee asks if parking is allowed where the bike lane is indicated.

CONTRA COSTA COUNTY PUBLIC WORKS – WEST COUNTY

- Tara Hills Drive Crosswalk Improvements

CBAC Comments: The Committee recommends shark teeth striping/markings. The Committee asks why there are so many stop signs and if the reflective barrier is in the way of the crosswalk. The Committee commented there is no room for the

proposed pole. It is already too crowded there. The Committee questioned whether that area was even ADA compliant. The Committee doesn't see how this project is calming traffic. It seems pedestrians are in more danger. Speed is posted as 25 mph, but speeding is a problem. The Committee recommends implementing something to change the behavior of the motorists. Not sure how, maybe stop signs or speed humps. The Committee likes the idea of second crosswalk. The Committee asks whether bicycles will be able to pass bulbouts without having to enter the travel lane – maintain the bicycle lane along the bulbout. The Committee questions if this project can calm traffic. The Committee is happy about the Local Match provided for funding.

CONTRA COSTA COUNTY PUBLIC WORKS – CENTRAL COUNTY

- San Miguel Drive Pedestrian Path

CBAC Comments: The Committee asks about the City of Walnut Creek agreeing to match sidewalks. The City said they are committed to coordinating with the County. The Committee recognized this project was submitted before and the sidewalks weren't favorable because they couldn't be widened later for bike lane. The Committee noticed there are no page numbers on this application. The Committee asked if there would be asphalt berm cutouts along the right of way in case of an emergency. The Committee liked there were many letters of recommendations, but then realized they are several years old. The Committee would like current letters of support. On the Cost Estimate, item 4, should it be linear feet or lump sum since there is only one.

- Hemme Avenue Pedestrian Path

CBAC Comments: The Committee recommends connecting to the existing sidewalk; looks like it connects in front of the school to the Iron Horse Trail. There is no sidewalk around the park. The goal is to match width of existing sidewalk. The Committee agrees traffic is bad in this area.

CONTRA COSTA COUNTY PUBLIC WORKS – EAST COUNTY

- Kevin Drive Bike Lanes

CBAC Comments: Some of the Committee members questioned if this project is really needed. The Committee recommends a bike lane on Kevin Drive in its entirety. The Committee discussed why a bicyclist would cut through Kevin Drive instead of continuing along Willow Pass Road or Port Chicago Highway. Mostly because there is a slight incline and heavier traffic. The Committee recommends taking out red no parking zones in front of park to add bike lane. The Committee recommends a

crosswalk to the park and on both sides of Willow Pass Road. The Committee discussed parking near the park. There were many suggestions, but Committee was divided. The Committee recommends widening the sidewalk to 10 feet to make up for no bike lane in front of the park on Kevin Drive, possibly add crosswalk and curb cutout. The Committee would like to see more sharrows and signage for bicycles.

5. Next Steps – Jerry Fahy

- CBAC Comments sent out week of December 19, 2022- to be reviewed by Chair (Peter) and Vice-Chair (Norm). Peter will be out of town so Ole' will review.
- Final Applications Due Thursday, January 26, 2023
- Field Review – TBD (possibly end of February)

6. Adjourned – 7:40 p.m.

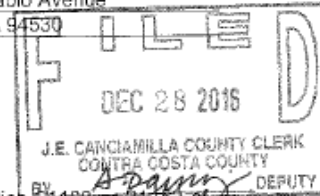
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NOTICE OF DETERMINATION

TO: ☐ Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814

FROM: City of El Cerrito
Public Works Department
10890 San Pablo Avenue
El Cerrito, CA 94530

☒ County Clerk
County of Contra Costa
555 Escobar Street
Martinez, CA 94553



SUBJECT: Filing of Notice of Determination in compliance with Section 21408 of 21402 of the Public Resources Code.

Project Title: City of El Cerrito Active Transportation Plan

Contact Person/
Telephone Number: Yvetteh Ortiz, Public Works Director/City Engineer (510) 215-4382

Project Location: Citywide Policy Document

Project Description:

The El Cerrito Active Transportation Plan represents the City of El Cerrito's vision for enhanced bicycle and pedestrian circulation. The Plan aims to identify needs, opportunities and strategies to continue to improve safety for bicyclists and pedestrians, update and enhance bicycle and pedestrian networks, and encourage more bicycling and walking in the City.

This is to advise that the City of El Cerrito, as Lead Agency approved the above described project on April 5, 2016 and has made the following determinations regarding the above described project:

1. The project ☐ will/ ☒ will not have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA

The Negative Declaration or EIR and record of project approval may be examined at:
City of El Cerrito Public Works Department, 10890 San Pablo Avenue, El Cerrito, CA 94530; or
www.el-cerrito.org/atp

3. Mitigation Measures ☒ were/ ☐ were not made a condition of the approval of the project.
4. A Statement of Overriding Considerations ☐ was/ ☒ was not adopted for this project.

Date Received for Filing: _____

Signature

Public Works Director/City Engineer
Title

June 10, 2016
Date



State of California - Department of Fish and Wildlife
2016 ENVIRONMENTAL FILING FEE CASH RECEIPT
DFW 753.5a (Rev. 12/15/15) Previously DFG 753.5a

RECEIPT NUMBER:
07 — 12282016 — 430
STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF EL CERRITO		LEAD AGENCY EMAIL		DATE 12/28/2016
COUNTY/STATE AGENCY OF FILING Contra Costa				DOCUMENT NUMBER E-0000535-00
PROJECT TITLE City of El Cerrito Active Transportation Plan				
PROJECT APPLICANT NAME YVETTEH ORTIZ		PROJECT APPLICANT EMAIL		PHONE NUMBER (510) 215-4382
PROJECT APPLICANT ADDRESS 10890 SAN PABLO AVENUE		CITY EL CERRITO	STATE CA	ZIP CODE 94530
PROJECT APPLICANT (Check appropriate box)				
☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity				

CHECK APPLICABLE FEES:

☐ Environmental Impact Report (EIR)	\$3,070.00	\$	0.00
☒ Mitigated/Negative Declaration (MND)(ND)	\$2,210.25	\$	2,210.25
☐ Certified Regulatory Program document (CRP)	\$1,043.75	\$	0.00

- ☐ Exempt from fee
- ☐ Notice of Exemption (attach)
- ☐ CDFW No Effect Determination (attach)
- ☐ Fee previously paid (attach previously issued cash receipt copy)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
☒ County documentary handling fee		\$	50.00
☐ Other		\$	

PAYMENT METHOD:

☐ Cash ☐ Credit ☐ Check ☐ Other

TOTAL RECEIVED \$ 2,260.25

SIGNATURE X A. Ramirez	AGENCY OF FILING PRINTED NAME AND TITLE A. RAMIREZ, DEPUTY CLERK
----------------------------------	--

County Receipt Number 2811383

RECEIVED

JAN 4 2017

City of El Cerrito
Public Works

ORIGINAL - PROJECT APPLICANT

COPY - CDFW/ASB

COPY - LEAD AGENCY

COPY - COUNTY CLERK

DFW 753.5a (Rev. 20151215)



Complete Streets Checklist

Implementation of MTC's Complete Streets Policy, Resolution 4493, Adopted 3/25/22

Background

Since 2006, MTC's Complete Streets (CS) Policy has promoted the development of transportation facilities that can be used by all modes. In March 2022, MTC updated its CS policy (Resolution 4493) with the goal of ensuring that people biking, walking, rolling, and taking transit are safely accommodated within the transportation network. This policy works to advance Plan Bay Area 2050 objectives of achieving mode shift, safety, equity, and vehicle miles traveled and greenhouse gas emission reductions, as well as state & local compliance with applicable CS-related laws, policies, and practices, specifically the California Complete Street Act of 2008 (Gov. Code Sections 65040.2 and 65302) and applicable local policies such as the CS resolutions adopted before January 16, 2016 (as part of MTC's OBAG 2 requirements.)

Requirements

MTC's CS Policy requires that all projects (with a total project cost of \$250,000 or more) applying for regional discretionary transportation funding – or requesting regional endorsement or approval through MTC – must submit a Complete Streets Checklist (Checklist) to MTC.

Please note that Projects claiming exceptions to CS Policy must complete the Exceptions section on the Checklist and provide a Department Director-level signature.

Additional information and guidance for completing this Checklist can be found at the MTC Administrative Guidance: Complete Streets Policy Guidance for public agency staff implementing MTC Resolution 4493 at <https://mtc.ca.gov/planning/transportation/complete-streets>

This form may be downloaded at <https://mtc.ca.gov/planning/transportation/complete-streets>.

Submittal

Completed Checklists **must be emailed** to completestreets@bayareametro.gov.

PROJECT INFORMATION
Project Name/Title: El Cerrito del Norte TOD Complete Street Project
Project Area/Location(s): Within the public right of way (ROW) of portions of San Pablo Avenue (SR-123) in the City of El Cerrito between Potrero Avenue and the Ohlone Greenway, including

portions of Cutting Boulevard between I-80 and Key Boulevard, portions of Eastshore Boulevard from Potrero Avenue to San Pablo Avenue, a portion of Knott Avenue between San Pablo Avenue and Key Boulevard, and portions of Hill Street from San Pablo Avenue to Liberty Street.

Please see attached map.

PROJECT DESCRIPTION: (300-word limit)

Please indicate project phase (~~Planning~~, ~~PE~~, ~~ENV~~, ~~ROW~~, **CON, ~~O&M~~)**

May attach additional project documents, cross sections, plan view, or other supporting materials.

The Project consists of safety and circulation improvements for bicyclists, pedestrians, transit users and motorists to support the El Cerrito del Norte BART Station and transit-oriented development. Improvements include new signalized crossings for pedestrians; new bicycle lanes; signalization changes on San Pablo Avenue at several intersections; signing and streetscape enhancements; and green infrastructure. Specific elements include the following:

- A combination of new and enhanced bike facilities on San Pablo Avenue, Cutting Boulevard, Hill Street, and Eastshore Boulevard, including on-street bike routes with sharrows, bike lanes, and separated bike lanes.
- Enhanced signalized intersection treatments for bikes and traffic signal optimization on San Pablo Avenue at the intersections of Cutting Boulevard and Hill Street/Eastshore Boulevard to better accommodate all street users
- New protected crosswalks, including the addition of complete crosswalks on all legs of the signalized San Pablo Avenue intersections at Knott Avenue, Cutting Boulevard, and Hill Street/Peerless Avenue/Eastshore Boulevard
- Pedestrian hybrid beacons/signals at the San Pablo Avenue/Wall Avenue intersection and Cutting Boulevard/Peerless Avenue intersection
- Sidewalk improvements including curb extensions (bulb-outs) at bus stops and pedestrian crossings
- ADA accessibility upgrades
- Narrowed travel lanes and a reduction in turning lanes/auxiliary lanes and conversion of one-way to two-way streets to better accommodate all street users
- Modification of the San Pablo Avenue/Hill Street/Eastshore Boulevard intersection to allow inbound traffic to the Shopping Center driveway (Peerless Avenue) and only right-turn outbound traffic on Eastshore Boulevard.
- Streetscape improvements including pedestrian-level lighting, landscaping, signage, trash and recycling receptacles, and benches and bike racks.
- The intent is for TDA grant to fund the construction of Rectangular Rapid Flashing Beacon (RRFB) at the I-80 on-ramps on Cutting Boulevard.

CONTACT INFORMATION

Contact Name & Title:

Yvetteh Ortiz, Public
Works Director/City
Engineer

Contact Email:

YOrtiz@ci.el-cerrito.ca.us

Contact Phone:

(510) 215-4382

Agency: City of El Cerrito

Topic	CS Policy Consideration	YES	NO	Required Description
1. Bicycle, Pedestrian and Transit Planning	Does Project implement relevant Plans, or other locally adopted recommendations? Plan examples include: • City/County General + Area Plans • Bicycle, Pedestrian & Transit Plan • Community-Based Transportation Plan • ADA Transition Plan • Station Access Plan • Short-Range Transit Plan • Vision Zero/Systematic Safety Plan	☒	☐	The project includes recommendations from the 2018 CCTA County Bicycle and Pedestrian Plan, 2016 El Cerrito Active Transportation Plan, and 2014 San Pablo Avenue Specific Plan with Complete Street Plan,
2. Active Transportation Network	Does the project area contain segments of the regional Active Transportation (AT) Network? [See AT Network map on the MTC Complete Streets webpage.]	☒	☐	The project will improve pedestrian safety, and mobility, and access through ADA curb ramp upgrade, constructing missing crosswalk at intersections, systemic crosswalk safety enhancements. In addition, the project will construct street lighting that will improve accessibility. The project will also construct new bike facilities (Class II, III, and IV) that will connect to the nearby Ohlone

Topic	CS Policy Consideration	YES	NO	Required Description
				Greenway, which is an All Ages and Abilities bikeway.
3. Safety and Comfort	A. Is the Project on a known High Injury Network (HIN) or has a local traffic safety analysis found a high incidence of bicyclist/pedestrian-involved crashes within the project area?	☒	☐	The Contra Costa Countywide Transportation Safety Policy and Implementation Guide, the Vision Zero Plan, identified the San Pablo Avenue Corridor and the Cutting Boulevard Corridor as Safety Priority Locations for all modes, including people biking and walking. The Priority Locations were determined using a methodological approach typically described as a High-Injury Network (HIN). This project will be constructing new bike facilities, such as Class II, III, and IV bikeways as well as protected intersection along these corridors that currently do not have bike facilities. This project will also be constructing missing crosswalks at certain locations that current have missing crosswalk along one of the legs.
	B. Does the project seek to improve bicyclist and/or pedestrian conditions? If the project includes a bikeway, was a Level of Traffic Stress (LTS), or similar user experience analyses conducted?	☒	☐	This project will be constructing missing sidewalk at intersections. It will also construct bulb outs that will improve pedestrian conditions. As for the bicyclists, the project will construct class IV bikeways, which are considered lower stress facilities. _

Topic	CS Policy Consideration	YES	NO	Required Description
4. Transit Coordination	A. Are there existing public transit facilities (stop or station) in the project area?	☒	☐	The project will improve access, circulation, safety, and streetscape elements for bicyclists, pedestrians, and transit riders to local and regional buses, rapid buses, and the El Cerrito del Norte BART Station, including the bus depot at the BART Station. The list of transit includes: BART: Red and Orange lines AC Transit: Route 7, 72, 72M, 72R, 76, 376, 800, and L. Early Bird Express: Route 704 Golden Gate Transit" Route 40 Solano Express: Route 82, Green Express, and Red Line. Vine Transit: Route 29 WestCAT: Route JL, JR, and JPX.
	B. Have all potentially affected transit agencies had the opportunity to review this project?	☒	☐	The project has held a series of transit agency coordination meetings. Please see attached backup document for item 4.B.
	C. Is there a MTC Mobility Hub within the project area?	☒	☐	The El Cerrito del Norte BART station is a mobility hub located within the project area. The City of El Cerrito has been coordinating with BART and has been coordinating with AC Transit, which

Topic	CS Policy Consideration	YES	NO	Required Description
				oversee the paratransit services for the area. The City has recently established and hired a Sustainable Transportation Program Manager, to prioritize implementation of the mobility programs. The project's bike and pedestrian improvement elements help facilitate safer connection to the mobility hub.
5. Design	Does the project meet professional design standards or guidelines appropriate for bicycle and/or pedestrian facilities?	☒	☐	The project will meet ADA standards as well as Caltrans standards, including Design Information Bulletin Number 89-02 for Class IV Bikeway Guidance.
6. Equity	Will Project improve active transportation in an Equity Priority Community?	☒		The project is within Census Tract 38600, which has been designated as an EPC. Bicycle and pedestrian improvements will facilitate safer access to the del Norte BART Station, bus transit operates out of the bus depot at that BART station, and other destinations along San Pablo Avenue.
7. BPAC Review	Has a local (city or county) Bicycle and Pedestrian Advisory Commission (BPAC) reviewed this checklist (or for OBAG 3, this project)?	☒	☐	The City presented the Complete Street Checklist for review by the Contra Costa Countywide BPAC on December 12, 2022.

Statement of Compliance	YES
The proposed Project complies with California Complete Street Act of 2008 (<i>Gov. Code Sections 65040.2 and 65302, MTC Complete Streets Policy (Reso. 4493), and locally adopted Complete Streets resolutions (adopted as OBAG 2 (Reso. 4202) requirement, Resolution 4202).</i>	☒

If no, complete Statement of Exception and obtain necessary signature.

Statement of Exception	YES		Provide Documentation or Explanation
1. The affected roadway is legally prohibited for use by bicyclists and/or pedestrians.	☐		If yes, please cite language and agency citing prohibited use.
2. The costs of providing Complete Streets improvements are excessively disproportionate to the need or probable use (defined as more than 20 percent for Complete Streets elements of the total project cost).	☐		If claimed, the agency must include proportionate alternatives and still provide safe accommodation of people biking, walking and rolling.
3. There is a documented Alternative Plan to implement Complete Streets and/or on a nearby parallel route.	☐		Describe Alternative Plan/Project
4. Conditions exist in which policy requirements may not be able to be met, such as fire and safety specifications, spatial conflicts on the roadway with transit or environmental concerns, defined as abutting conservation land or severe topological constraints.	☐	☐	Describe condition(s) that prohibit implementation of CS policy requirements

SIGNATURES / NOTIFICATIONS

TRANSIT

The project sponsor shall communicate and coordinate with all transit agencies with operations affected by the proposed project. If a project includes a transit stop/station, or is located along a transit route, the Checklist must include written documentation (e.g. email) with the affected transit agency(ies) to confirm transit agency coordination and acknowledgement of the project. A [CS Checklist Transit Agency Contact List](#) is available for reference.

DEPARTMENT DIRECTOR-LEVEL SIGNATURE FOR EXCEPTIONS

Exceptions must be signed by a Department Director-level agency representative, or their designee, and not the Project Manager. Insert electronic signature or sign below:

Full Name: Yvetteh Ortiz

Title: Public Works Director/City Engineer

Date: _____

Signature: _____

ATTACHMENT 1 – All Ages and Abilities and Guidelines

1. All Ages and Abilities

Designing for All Ages & Abilities, Contextual Guidance for High-Comfort Bicycle Facilities, National Association of Transportation Officials, December 2017

Projects on the AT Network shall incorporate design principles based on designing for “All Ages and Abilities,” contextual guidance provided by the National Association of City Transportation Officials (NACTO), and consistent with state and national best practices. A facility that serves “all ages and abilities” is one that effectively serves the mobility needs of children, older adults, and people with disabilities and in doing so, works for everyone else. The all ages and abilities approach also strives to serve all users, regardless of age, ability, ethnicity, race, sex, income, or disability, by embodying national and international best practices related to traffic calming, speed reduction, and **roadway design to increase user safety and comfort. This approach also includes the** use of traffic calming elements or facilities separated from motor vehicle traffic, both of which can offer a greater feeling of safety and appeal to a wider spectrum of the public.

Design best practices for safe street crossings, pedestrian facilities, and Americans with Disabilities Act (ADA) accessibility at transit stops, and bicycle/micromobility facilities on the AT Network should be incorporated throughout the entirety of the project. The Proposed Public Rights-of-Way Accessibility Guidelines (PROWAG) by the U.S. Access Board should also be referenced during design. (See table on next page for guidelines)

2. Design Guidance

Examples of applicable design guidance documents include (but are not limited to): American Association of State Highway and Transportation Officials (AASHTO) – *A Policy on Geometric Design of Highway and Streets, Guide for the Development of Bicycle Facilities, Guide for the Planning, Design, and Operation of Pedestrian Facilities; Public Right-of-Way Accessibility Guide (PROWAG); Manual on Uniform Traffic Control Devices (MUTCD); Americans with Disabilities Act Accessibility Guidelines (ADAAG); National Association of City Transportation Officials (NACTO) – Urban Bikeway Design Guide.*

Contextual Guidance for Selecting All Ages & Abilities Bikeways				
Roadway Context				All Ages & Abilities Bicycle Facility
Target Motor Vehicle Speed	Target Max. Motor Vehicle Volume (ADT)	Motor Vehicle Lanes	Key Operational Considerations	
Any		Any	Any of the following: high curbside activity, frequent buses, motor vehicle congestion, or turning conflicts [‡]	Protected Bicycle Lane
< 10 mph	Less relevant	No centerline, or single lane one-way	Pedestrians share the roadway	Shared Street
≤ 20 mph	≤ 1,000 – 2,000		< 50 motor vehicles per hour in the peak direction at peak hour	Bicycle Boulevard
≤ 25 mph	≤ 500 – 1,500	Single lane each direction, or single lane one-way	Low curbside activity, or low congestion pressure	Conventional or Buffered Bicycle Lane, or Protected Bicycle Lane
	≤ 1,500 – 3,000			Buffered or Protected Bicycle Lane
	≤ 3,000 – 6,000			Protected Bicycle Lane
	Greater than 6,000	Multiple lanes per direction		Protected Bicycle Lane
Greater than 26 mph [†]	≤ 6,000	Single lane each direction	Low curbside activity, or low congestion pressure	Protected Bicycle Lane, or Reduce Speed
		Multiple lanes per direction		Protected Bicycle Lane, or Reduce to Single Lane & Reduce Speed
	Greater than 6,000	Any	Any	Protected Bicycle Lane, or Bicycle Path
High-speed limited access roadways, natural corridors, or geographic edge conditions with limited conflicts		Any	High pedestrian volume	Bike Path with Separate Walkway or Protected Bicycle Lane
			Low pedestrian volume	Shared-Use Path or Protected Bicycle Lane

* While posted or 85th percentile motor vehicle speed are commonly used design speed targets, 95th percentile speed captures high-end speeding, which causes greater stress to bicyclists and more frequent passing events. Setting target speed based on this threshold results in a higher level of bicycling comfort for the full range of riders.

[†] Setting 25 mph as a motor vehicle speed threshold for providing protected bikeways is consistent with many cities' traffic safety and Vision Zero policies. However, some cities use a 30 mph posted speed as a threshold for protected bikeways, consistent with providing Level of Traffic Stress level 2 (LTS 2) that can effectively reduce stress and accommodate more types of riders.¹⁸

[‡] Operational factors that lead to bikeway conflicts are reasons to provide protected bike lanes regardless of motor vehicle speed and volume.

Figure 1 Designing for All Ages & Abilities, NACTO https://nacto.org/wp-content/uploads/2017/12/NACTO_Designing-for-All-Ages-Abilities.pdf

Attachments

Site Map:



Item 4.B.: Outreach efforts to the transit operators

From: Larry Theis
Sent: Monday, February 14, 2022 9:29 PM
To: Jumana Nabti; Carissa Lee
Cc: Rob Thompson; David Davenport; James Grimes; John Lopez, Cynthia; Itimoth@bart.gov; Shaun Vigil; Villarreal, Amber; Wilcox, Matt; Schenck, Rebecca; Michael Eshleman; Joseph Eyer; Ricki Wells; Rachel Factor; Jaggi Bhandal; Yvetteh Ortiz; Robert Stevens; Rich Souza; Jason Chen; Robert Rees; Shawn O'Keefe; Olga Rodriguez
Subject: Upcoming San Pablo Avenue Complete Streets and TOD improvements (Const Summer 2023) in El Cerrito near the Del Norte BART station
Attachments: EL CERRITO DEL NORTE TOD Complete St_ACT comments.xlsx; 004_Del_Norte_Hampton Inn_Sightlines Exhibit.pdf; 003_Del_Norte_Geometric Approval_Drawing.pdf

Hello Jumana and Carissa, and all those copied,

My name is Larry Theis and I am an outside consultant providing staff augmentation to the City of El Cerrito to provide project delivery oversight on this upcoming important City project near the Del Norte BART station. The City has obtained several grant funding sources to install Complete Street improvements (bicycle and ped) which will modify the existing vehicle lanes along San Pablo Ave and surrounding roads (Cutting, Hill, Eastshore). We recognize there are numerous stakeholders in the project area – including the public transit operators using the roads to get to and around the del Norte BART station. We understand this is a heavily used connection/transfer location due to its close proximity to the freeway and being near the end of the Richmond BART line.

I have attached a preliminary overview of the layout of the proposed design (003 pdf) and a close up at Cutting/San Pablo Ave (004 pdf) and a list of comments that have been prepared by AC Transit. This information is being provided to help give you context and detail of the proposed project.

The purpose of this email is to engage with all the bus operators to participate in a Zoom meeting to be scheduled in the next 1-2 weeks. I have included a link to a Doodle poll that I am asking anyone who wants to participate in the meeting to indicate your availability. We will do our best to select a meeting time that works for most of the participants.

The meeting will begin with a presentation/slide show of the proposed changes by the traffic and design engineering consultants. We will provide an opportunity for the bus operators to give input to the design team.

https://doodle.com/poll/cd88vqkxhxfhqm?utm_source=poll&utm_medium=link

Sincerely,

Larry Theis, PE 

PRESIDENT
3685 Mt. Diablo Blvd. • Suite 345
Lafayette CA, 94549
ANCHOR CM

925-890-9732
ltheis@anchorcm.com
www.anchorcm.com



DEL NORTE COMPLETE STREETS

February 25, 2022



Contacts

Name	Firm	Email	Phone	Responsibility
Carissa Lee	AC Transit			Planner
Robert Del Rosario	AC Transit	rdelrosa@actransit.org		Planner
Wil Buller	AC Transit	wbuller@actransit.org		Engineer
Michael Eshleman	ACTRANSIT	meshleman@actransit.org		
Rachel Factor	BART	RFactor@bart.gov		
Ricki Wells	BART	RWells@bart.gov		
Jumana Nabti	BART	JNabti@bart.gov		
Shaun Vigil	FAIRFIELD.CA	svigil@fairfield.ca.gov		
Joseph Eyen	FLIXBUS	joe.eyen@flixbus.com		
David Davenport	GOLDENGATE	ddavenport@goldengate.org		
Rebecca Schenck	NVTA.CA	rschenck@nvta.ca.gov		
Matt Wilcox	NVTA.CA	mwilcox@nvta.ca.gov		
John	SOLTRANSRIDE	john@soltransride.com		
Lopez, Cynthia	TRANSDEV	Cynthia.Lopez@transdev.com		
James Grimes	WESTCAT	james@westcat.org		
Rob Thompson	WESTCAT	rob@westcat.org		
Laura Timothy	BART	ltimoth@bart.gov		
Robert Stevens	CSWST2	rstevens@cswst2.com	415.533.1864	Project Manger
Rich Souza	CSWST2	richs@cswst2.com	415-883-9850	Project Engineer
Larry Theis	Anchor	lthies@anchorcm.com	925-890-9732	Project Manager
Jason Chen	Anchor	jchen@anchorcm.com	415.606.5317	Engineering Manger
Shawn O'Keefe	Mark Thomas	sokkefe@markthomas.com	925.858.8581	Caltrans Coordinator
Rob Rees	Fehr and Peers	rrees@fehrandpeers.com	510.834.3200	Traffic Engineer
Poonam Narkar	WRT	pnarkar@wrtdesign.com	415.363.0438	Urban Planner
Yvetteh Ortiz	El Cerrito	yortiz@ci-el-cerrito.ca.us	510.215.4382	City Engineer
Nate Levine	Fehr and Peers	N.Levine@fehrandpeers.com		Project Engineer



AGENDA BILL

Agenda Item No. 6.F.

Date: January 17, 2023
To: El Cerrito City Council
From: Holly M. Charl  y, City Clerk, City Management
Subject: Ordinance Introduction: Amending City Council Regular Meeting Start Time

ACTION PROPOSED

Introduce an Ordinance amending Section 2.04.010 to change the Regular City Council meeting start time from 7:00 p.m. to 6:00 p.m.

BACKGROUND/ANALYSIS

On December 6, 2022, the City Council adopted its regular meeting calendar for 2023. As part of this action, the City Council provided staff with direction to return with applicable legislation to formally modify the regular meeting start time, which is indicated in the El Cerrito Municipal code section 2.04.010.

The Brown Act defines a regular meeting as those meetings occurring on the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body. Modification to section 2.04.010 of the Municipal Code will ensure that the City is in compliance with identification of regular meetings pursuant to California Government Code section 54954(a).

If approved, staff would return on February 7, 2023 to request approval and adoption of the ordinance, which would go into effect 30 days after adoption.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal A: Deliver Exemplary Government Services by ensuring city procedures represent best practices.

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 approved the proposed Ordinance.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Ordinance

ORDINANCE NO. 2023-XX

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE SECTION 2.04.010 MODIFYING THE START TIME OF REGULAR CITY COUNCIL MEETINGS FROM 7:00 P.M. TO 6:00 P.M.

WHEREAS, on Tuesday, December 6, 2022 the City Council adopted the 2023 Regular Meeting Calendar; and

WHEREAS, at the same meeting, the City Council directed staff to return with an ordinance to formally change the start time of regular meetings from 7:00 PM to 6:00 PM.

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

Section 1: Section 2.04.010 is hereby amended to read as follows (additions in underline, deletions in strikethrough):

2.04.010 - Meeting—Regular.

The council shall hold regular meetings on the first and third Tuesdays of each month at ~~7:00 p.m.~~ 6:00 p.m. It may adjourn any regular or special meeting to a date certain, which shall be specified in the order of adjournment, and such an adjourned meeting may likewise be adjourned. Any adjourned regular meeting shall be a regular meeting for all purposes. In the event that any order adjourning a meeting fails to state the hour at which the adjourned meeting is to be held, such adjourned meeting will be held at ~~7:00 p.m.~~ 6:00 p.m.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 3: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on January 17, 2023 and passed by the following vote:

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

ADOPTED AND ORDERED published at a regular meeting of the City Council held on February 7, 2023 and passed by the following vote:

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

APPROVED:

Lisa Motoyama, Mayor

ATTEST:

Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. (2023-XX) of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the (DD day of Month, 2023); and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _
_____ day of (Month), 2023.

Holly M. Charléty, City Clerk



AGENDA BILL

Agenda Item No. 6.G.

Date: January 17, 2023
To: El Cerrito City Council
From: Sandra Dalida, Finance Director/City Treasurer, Finance Department;
Karen Pinkos, City Manager, City Management
Subject: REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM: Approve
Draft Annual Recognized Obligations Payment Schedule 23-24 (July 1,
2023 - June 30, 2024)

ACTION PROPOSED

Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 23-24.

BACKGROUND

Recognized Obligation Payment Schedules

ABx1 26 (Dissolution Act) dissolved the El Cerrito Redevelopment Agency (RDA) and established the El Cerrito Redevelopment Successor Agency (Successor Agency) on February 1, 2012. Under the Dissolution Act, the portion of property tax revenues collected in the City of El Cerrito Redevelopment Project Area (Project Area) that was considered Tax Increment prior to the RDA's dissolution are called Redevelopment Property Tax and are deposited by the County Auditor-Controller (Auditor-Controller) into the Redevelopment Property Tax Trust Fund (RPTTF). The Auditor-Controller distributes the funds in the RPTTF with the following priority:

1. Auditor-Controller's administrative costs
2. Pass-through payments to the taxing entities affected by the Redevelopment Plan for the Project Area, calculated the same as prior to RDA dissolution
3. Distribution to the Successor Agency to retire the former RDA's obligations
4. Repayment of loans from the Housing Fund (starting in FY 2014-15)
5. Distribution of residual funds to taxing entities

Beginning with the 2016-17 ROPS period, the Successor Agency must review and authorize submittal of a Recognized Obligation Payment Schedule (ROPS) for each fiscal year. Each ROPS must then be approved by the Oversight Board to the Successor Agency (Oversight Board) and the California Department of Finance (DOF) before the Auditor-Controller disburses funding for payments on the approved ROPS.

The attached schedule is the draft ROPS 23-24 covering payments due during the period of July 2023 to June 2024. The Countywide Oversight Board has asked the Successor Agency to submit the materials for ROPS 23-24 to the County and is scheduled to consider ROPS 23-24 for approval at its upcoming meeting on January 23, 2022. The approved ROPS 23-24 must then be submitted to the DOF no later than February 1, 2023. After submittal, the DOF then has until April 15, 2023 to review the

ROPS and approve or disapprove of any items. The Successor Agency can request additional review by the DOF and an opportunity to meet and confer on disputed items, and must make that request within five business days of receiving a DOF determination. The DOF is required to notify the Successor Agency and Auditor-Controller of its final determination of the approved payments at least 15 days prior to the first distribution date of RPTTF for the ROPS, which is June 1, 2023. RPTTF will continue to be distributed twice annually, on June 1st and January 2nd of each year.

The annual ROPS can be amended once per year as long as the amendment is received by the DOF before October 1st of the applicable fiscal year.

ANALYSIS

The proposed ROPS 23-24 is Exhibit A to the attached Successor Agency resolution, authorizing its submittal. It includes: 1) a summary of the funding request, 2) an itemized listing of obligations ("ROPS Detail"), and 3) a report of cash balances. Obligations with remaining outstanding balances are included on ROPS 23-24, as follows:

- Tax Allocation Bond Debt Service: Debt service payment for this fiscal year is due as part of ROPS 23-24 in the amount of \$2,122,794.
- Union Bank Administrative Fee (\$10,000): This fee is to cover the fiscal agent service fees charged by Union Bank for the trust administration of the 2016 Series A and B Bonds.
- FY 2023-234Administrative Allowance (\$250,000): One half of the Successor Agency's administrative allowance is included in each six-month period on the ROPS.

The total amount of RPTTF funding required for ROPS 22-23 is estimated to be \$2,382,793.

STRATEGIC PLAN CONSIDERATIONS

The amended ROPS supports Goal B of the City's Strategic Plan to "Achieve long-term financial sustainability".

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

It is estimated that the total amount of RPTTF funding required for ROPS 23-24 is \$2,382,793. In order to repay the obligations of the Successor Agency, the ROPS must be approved and submitted to the DOF.

LEGAL CONSIDERATIONS

All actions being requested are consistent with the Dissolution Act, as amended and have been reviewed by the Agency attorney.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution

SUCCESSOR AGENCY RESOLUTION 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ACTING AS THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE PERIOD JULY 2023 THROUGH JUNE 2024 FOR THE CITY OF EL CERRITO SUCCESSOR AGENCY

WHEREAS, Section 34177(1) of the California Health and Safety Code requires the Successor Agency to submit to the Contra Costa Countywide Oversight Board (Board) for approval a Recognized Obligation Payment Schedule (ROPS); before each fiscal period identifying enforceable obligations and sources of payment; and

WHEREAS, in order for the ROPS to be deemed valid, and therefore eligible for payment, it must be approved by the Board and a copy of the approved ROPS must be submitted to the County Administrative Officers (CAO), the Contra Costa County Auditor-Controller (CAC), the State Controller's Office (SCO), and the State Department of Finance (DOF) by each February 1; and posted on the Successor Agency's website; and

WHEREAS, Health and Safety Code §34177(j) requires the Oversight Board to approve an Administrative Budget for administrative costs of the Successor Agency; and

WHEREAS, the Successor Agency's "administrative cost allowance" as defined and authorized pursuant to Health & Safety Code Section 34171(b), is a minimum of \$250,000 unless reduced by the Oversight Board or by agreement between the Successor Agency and the DOF for the ROPS time period; and

WHEREAS, the Successor Agency wishes to authorize Successor Agency staff to amend the ROPS 23-24 administratively to account for any additional changes made by the DOF to the ROPS form or changes made by the Countywide Oversight Board that occur after the Successor Agency's consideration; and

WHEREAS, the accompanying staff report provides supporting information upon which the actions set forth in this Resolution are based.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO ACTING AS THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

1. The ROPS 2023-24, in the form attached to this resolution as Exhibit A and incorporated herein by reference, is hereby approved.
2. The staff of the Successor Agency is hereby directed to submit the ROPS 23-24 to the CAO, CAC, the SCO, and DOF, and post it on the Successor Agency's website in accordance with State Health and Safety Code Section 34177(1)(2)(C), and to cooperate with the DOF to the extent necessary to obtain DOF's acceptance of the ROPS, including, if necessary, making modifications to the ROPS determined by

Successor Agency to be reasonable and financially feasible to meet its legally required financial obligations; and authorizes the City Manager to make such changes as necessary.

I CERTIFY that at the regular meeting on January 17, 2023, the City Council of the City of El Cerrito acting as the El Cerrito Redevelopment Agency Successor Agency passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January _____, 2023.

Holly M. Charl  ty, City Clerk

APPROVED:

Lisa Motoyama, Mayor

Recognized Obligation Payment Schedule (ROPS 23-24) - Summary
Filed for the July 1, 2023 through June 30, 2024 Period

Successor Agency: El Cerrito

County: Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	23-24A Total (July - December)	23-24B Total (January - June)	ROPS 23-24 Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ -	\$ -	\$ -
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 1,191,397	\$ 1,191,396	\$ 2,382,793
F RPTTF	1,066,397	1,066,396	2,132,793
G Administrative RPTTF	125,000	125,000	250,000
H Current Period Enforceable Obligations (A+E)	\$ 1,191,397	\$ 1,191,396	\$ 2,382,793

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Lisa Motoyama, Mayor

Name Title

/s/ _____
Signature Date

El Cerrito
Recognized Obligation Payment Schedule (ROPS 23-24) - ROPS Detail
July 1, 2023 through June 30, 2024

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 23-24 Total	ROPS 23-24A (Jul - Dec)					23-24A Total	ROPS 23-24B (Jan - Jun)					23-24B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$6,705,911		\$2,382,793	\$-	\$-	\$-	\$1,066,397	\$125,000	\$1,191,397	\$-	\$-	\$-	\$1,066,396	\$125,000	\$1,191,396
25	Administrative Allowance	Admin Costs	06/01/2014	09/01/2025	City of El Cerrito	Annual allowance	El Cerrito	500,000	N	\$250,000	-	-	-	-	125,000	\$125,000	-	-	-	-	125,000	\$125,000
29	2016 Tax Allocation Bonds	Bonds Issued After 12/31/10	08/04/2016	09/01/2025	Union Bank	Refunding of prior outstanding bonds.	El Cerrito	6,175,911	N	\$2,122,793	-	-	-	1,061,397	-	\$1,061,397	-	-	-	1,061,396	-	\$1,061,396
30	Fiscal Agent Fees	Bonds Issued After 12/31/10	08/04/2016	09/01/2025	Union Bank	Fees for fiscal agent	El Cerrito	30,000	N	\$10,000	-	-	-	5,000	-	\$5,000	-	-	-	5,000	-	\$5,000

El Cerrito
Recognized Obligation Payment Schedule (ROPS 23-24) - Report of Cash Balances
July 1, 2020 through June 30, 2021
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.							
A	B	C	D	E	F	G	H
	ROPS 20-21 Cash Balances (07/01/20 - 06/30/21)	Fund Sources					Comments
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
1	Beginning Available Cash Balance (Actual 07/01/20) RPTTF amount should exclude "A" period distribution amount.		1,137	9,507	176		
2	Revenue/Income (Actual 06/30/21) RPTTF amount should tie to the ROPS 20-21 total distribution from the County Auditor-Controller					2,320,624	
3	Expenditures for ROPS 20-21 Enforceable Obligations (Actual 06/30/21)					2,320,624	
4	Retention of Available Cash Balance (Actual 06/30/21) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)						
5	ROPS 20-21 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 20-21 PPA form submitted to the CAC		No entry required				
6	Ending Actual Available Cash Balance (06/30/21) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$-	\$1,137	\$9,507	\$176	\$-	

El Cerrito
Recognized Obligation Payment Schedule (ROPS 23-24) - Notes
July 1, 2023 through June 30, 2024

Item #	Notes/Comments
25	
29	
30	



AGENDA BILL

Agenda Item No. 7.A.

Date: January 17, 2023
To: El Cerrito City Council
From: Sean Moss, Planning Manager; Diego Romero, Assistant Planner; Aissia Ashoori, Housing-Economic Development Manager, Community Development Department; Yvetteh Ortiz, City Engineer/Public Works Director
Subject: Temporary Outdoor Dining and Retail Program Urgency Ordinance

ACTION PROPOSED

Conduct a public hearing and, upon conclusion, adopt an interim urgency ordinance extending urgency [Ordinance 2022-04](#) regarding the Temporary Outdoor Dining and Retail Program to support business recovery.

A four-fifths vote of the City Council is necessary to adopt an interim urgency ordinance.

BACKGROUND

The City Council enacted a Local Emergency on March 13, 2020 related to the COVID-19 pandemic via Resolution No. 2020-12 (Local Emergency). On July 31, 2020, the City Council adopted Resolution 2020-42 amending the Local Emergency to approve a Temporary Outdoor Dining and Retail Program in El Cerrito to enhance business recovery during the COVID-19 pandemic. On September 20, 2022, the City Council adopted Resolution 22-74 to end the Local Emergency effective December 31, 2022, at 11:59 pm. Given that the Local Emergency provided authority to enact temporary emergency measures, including the Temporary Outdoor Dining and Retail Program, staff began exploring mechanisms to continue to allow local businesses to operate outdoor dining and retail activities after January 1, 2023. On December 6, 2022, the City Council adopted interim urgency Ordinance No. 2022-04 in order to extend the Temporary Outdoor Dining and Retail Program (Program) while a permanent program is developed. Interim urgency ordinances are effective for 45 days, unless extended pursuant to the Government Code. Pursuant to Government Code Section 65858, the City Council may extend an interim urgency ordinance, by a four-fifths vote, when the ordinance contains legislative findings that there still exists a threat to public health, safety and welfare. When an initial interim ordinance is adopted following a duly-noticed public hearing, as was done here, the interim urgency ordinance may be extended for up to an additional 22 months and 15 days.

ANALYSIS

The details of the Temporary Outdoor Dining and Retail Program are described in the [December 6, 2022 agenda bill](#).

Unless extended, the interim urgency Ordinance No. 2022-04 will expire on January 20, 2023. Staff plans to bring a permanent Outdoor Dining and Retail Program ordinance to City Council for consideration in 2024. This timeline will allow staff to undertake a public process that will inform the development of permanent regulations. City staff proposes that the City Council extend the Temporary Outdoor Dining and Retail Program, as adopted by Ordinance No. 2022-04, without modification. The process of developing the permanent program will provide an opportunity for staff to evaluate changes to the Program and will allow an opportunity for concerned parties to provide feedback on changes to the Program.

All provisions of Ordinance No. 2022-04 shall remain in full force and effect during the term of this extension ordinance. This extension of the interim urgency ordinance will be effective on January 20, 2023 (the expiration date of Ordinance No. 2022-04) and shall expire when the City Council adopts the permanent ordinance, but no later than December 5, 2024 (22 months and 15 days following the effective date). The proposed extension ordinance requires a four-fifths vote of the City Council to pass.

STRATEGIC PLAN CONSIDERATIONS

The Temporary Outdoor Dining and Retail Program supports the City's Strategic Plan vision by establishing more flexible regulations to support a City with thriving businesses and vibrant public places. The Program supports Goal B: Achieve long-term financial sustainability by maximizing opportunities for existing and expanding businesses and exploring opportunities for public/private partnerships and Goal C: Deepen a sense of place and community identity.

ENVIRONMENTAL CONSIDERATIONS

The Temporary Outdoor Dining and Retail Program established by the urgency ordinance is exempt from review under the California Environmental Quality Act (CEQA), based on the Common Sense Exemption in Section 15061(b)(3) of the CEQA Guidelines, because the project does not have the potential for causing a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The Temporary Outdoor Dining and Retail Program waives fees for encroachment permits, Temporary Use Permits, and Administrative Use Permits for activities that support the purpose of the program. In order to reduce the cost of administering the program, the online platform aims to automate the process as much as possible. The program will be administered by existing staff and technology. There are no additional funds required to develop or implement the program.

LEGAL CONSIDERATIONS

The Temporary Outdoor Dining and Retail Program and the attached ordinance were prepared in collaboration and consultation with the City Attorney 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. Ordinance
2. Exhibit A to Ordinance

ORDINANCE NO. 2023–XX

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO PURSUANT TO GOVERNMENT CODE SECTION 65858 EXTENDING URGENCY ORDINANCE NO. 2022-04 REGARDING TEMPORARY OUTDOOR DINING AND RETAIL PROGRAM TO ENHANCE BUSINESS RECOVERY

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, and general welfare, of their citizens; and

WHEREAS, the City of El Cerrito proclaimed the existence of a Local Emergency related to the Novel Coronavirus (COVID-19) on March 13, 2020 via Resolution No. 2020-12 (the "Emergency Proclamation"); and

WHEREAS, on July 31, 2020, the El Cerrito City Council adopted Resolution 2020-42 amending the Emergency Proclamation to approve a temporary outdoor dining and retail program in the City of El Cerrito to enhance business recovery during the COVID-19 pandemic; and

WHEREAS, the City has an important governmental interest in maintaining a healthy, active, and thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, to achieve this purpose, the City wishes to extend the Temporary Outdoor Dining and Retail Program (the "Program"), which would continue to allow interested restaurants and businesses within the City to, by complying with standards established by the City, County and State and subject to review and approval by the City, utilize public right-of-way spaces, including certain public parking spaces, private outdoor spaces and certain private parking spaces (the "Outdoor Spaces"), for an expanded dining or retail area; and

WHEREAS, existing provisions of State law, the El Cerrito Municipal Code ("ECMC") and the San Pablo Avenue Specific Plan ("SPASP") regulate outdoor dining and retail, temporary uses, parking requirements, and encroachments onto the public streets and sidewalks, signage requirements; and

WHEREAS, for the City's business community to survive the challenges presented by COVID-19, the City Council finds that an urgency ordinance modifying existing policies and regulations is needed to extend the Program; and

WHEREAS, the City Council finds that it is in the best interest of public health, safety and welfare to continue to permit the temporary use of the Outdoor Spaces by restaurants and businesses, with appropriate conditions to preserve the public safety and necessary public access to those resources, and that modifications to existing City policies, procedures and regulations are in order to effectively assist the City's local businesses in their efforts; and

WHEREAS, California Government Code Section 36937 authorizes the City Council to introduce and adopt an ordinance it declares to be necessary as an emergency measure to preserve the public peace, health, and safety at one and the same meeting if passed by at least a four-fifths (4/5ths) vote; and

WHEREAS, California Government Code Section 65858 also authorizes a city to adopt an interim urgency measure by a four-fifths (4/5ths) vote where necessary to protect the public health, safety, and welfare without following the procedures otherwise required prior to adoption of a zoning ordinance; and

WHEREAS, notice of a public hearing was duly published on November 26, 2022 and the City Council held a duly noticed hearing on December 6, 2022; and

WHEREAS, on December 6, 2022, pursuant to Section 65858 of the California Government Code, the City Council adopted Ordinance No. 2022-04, an interim urgency ordinance, which temporarily amended the El Cerrito Municipal Code and the San Pablo Avenue Specific Plan; and

WHEREAS, any interim urgency measure adopted pursuant to Government Code Section 65858 shall be of no further force and effect forty-five (45) days from its date of adoption unless extended by the City Council.

WHEREAS, Section 65858(b) of the California Government Code provides that prior to the expiration of Ordinance No. 2022-04, the City Council may extend the ordinance for up to an additional twenty-two (22) months and fifteen (15) days after providing notice pursuant to Section 65090 of the California Government Code and conducting a public hearing; and

WHEREAS, notice of a public hearing was duly published on January 7, 2023 and the City Council held a duly noticed hearing on January 17, 2023; and

WHEREAS, the City Council has determined that the circumstances and conditions that led to the adoption of Ordinance No. 2022-04, which are set forth in the recitals of Ordinance No. 2022-04 and are fully incorporated herein by this reference, have not been alleviated as of the date of this Ordinance and continue to create the concerns described in Ordinance No. 2022-04; and

WHEREAS, the City Council now seeks to extend the Temporary Outdoor Dining and Retail Program adopted by Ordinance No. 2022-04 regulating outdoor dining and retail, temporary uses, parking requirements, and encroachments onto the public streets and sidewalks, signage; and

WHEREAS, the purpose of extending Ordinance No. 2022-04 is to avoid the potentially significant adverse impacts to the public's health, safety, and welfare described in Ordinance No. 2022-04; and

WHEREAS, the City Council has determined there is a need to extend Ordinance No. 2022-04 for up to an additional twenty-two (22) months and fifteen (15) days as authorized under section 65858(b) of the California Government Code, although it is the present intention of the City Council to keep this urgency interim ordinance in effect only until the adoption of an ordinance establishing permanent Outdoor Dining and Retail regulations; and

WHEREAS, adoption of this urgency interim ordinance shall constitute an extension of Ordinance No. 2022-04 pursuant to section 65858 of the California Government Code.

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

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

Section 2. Establishment of Temporary Outdoor Dining and Retail Program. For the term of this Urgency Ordinance, and notwithstanding otherwise applicable regulations of the El Cerrito Municipal Code ("ECMC") and the San Pablo Avenue Specific Plan ("SPASP"), the City Council hereby establishes an Outdoor Dining and Retail Program in the City as set forth below.

1. **Allowable Use.** Notwithstanding applicable regulations of Title 19, Chapter 19.15, and Sections 19.20.150, and 19.20.160 of the ECMC, and applicable regulations of Section 2.02.03 of the SPASP, outdoor dining uses and outdoor retail sales may be considered an allowed use, subject to the City Manager's or their designee's discretionary approval of an Outdoor Dining & Retail Program Permit.
2. **Permit Application.** An applicant for an Outdoor Dining & Retail Program Permit shall submit an application form provided by the Community Development Department with all information requested on the form, including but not limited to:
 - a. Business entity and contact information
 - b. Site description and proposed activities
 - c. Site plan and pedestrian control plan, if required
 - d. Certificates of insurance and indemnification acknowledgments
 - e. Food and beverage, health and safety, accessibility, city business license, and other standard acknowledgments
3. **Standards.** Applications shall be reviewed for consistency with the standards set forth in the Outdoor Dining & Retail Program Guidelines, including but not limited to, the general standards for all outdoor dining and business activities, and the specific standards applicable to use of outdoor private property, use of public sidewalks and/or use of public parking spaces.

- a. *Encroachments*. Notwithstanding applicable regulations of Title 13, Chapter 13.12 relating to encroachments, an application consistent with the standards set forth in the Guidelines shall not require an encroachment permit.
 - b. *Parking*. Notwithstanding applicable regulations of Title 11, Chapters 11.40 and Title 19, Chapters 19.15 and 19.24 of the ECMC and applicable regulations of Section 2.05.08 of the SPASP, an application consistent with the standards set forth in the Guidelines shall not count towards on-site parking requirements, including any parking requirements related to the computation of spaces per ratio of gross floor area or customer seating area, for Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales, and parking spaces that would otherwise be required by Title 11, Chapters 11.40 and Title 19, Chapters 19.15 and 19.24 of the ECMC and applicable regulations of Section 2.05.08 of the SPASP may be repurposed for outdoor dining and outdoor retail sales uses consistent with the standards set forth the Guidelines.
 - c. *Signs*. Notwithstanding applicable regulations of Title 19, Chapter 19.15 and Sections 19.26.030, 19.26.050, 19.26.070, 19.26.090, and 19.26.100 of the ECMC, applicable regulations of Sections 2.05.09 and 2.05.10 of the SPASP, and applicable regulations of any adopted master sign programs, temporary signs for Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales that are consistent with the standards set forth the Guidelines shall be allowed.
 - d. *Outdoor alcohol consumption*. Notwithstanding application regulations of Section 10.20.010 of the ECMC, the outdoor consumption of alcohol in public places, including but not limited to streets, sidewalks, parking lots, as applicable, shall be allowed for Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales applications which comply with the standards set forth in the Guidelines. Other regulations applicable to alcohol consumption and sales, including regulations administered by the Department of Alcoholic Beverage Control (ABC) still apply, and if any of the current regulations related to ABC's COVID-19 Temporary Catering Authorization change or expire the applicant shall be required to comply with the most current regulation set forth by the Department of Alcoholic Beverage Control.
4. Approval.
- a. The City Manager or their designee is vested with the authority to (a) discretionarily approve an application for an Outdoor Dining & Retail Program Permit that is consistent with the Guidelines and/or (b) require that participating restaurants and businesses adhere to specific standards and conditions for approval of any application submitted pursuant to this ordinance, and/or (c) require that any necessary supporting documentation be submitted for approval of any application submitted pursuant to this ordinance.

- b. Notwithstanding the foregoing, nothing in this ordinance shall relieve a business from any the following:
- i. The requirement to comply with all applicable standards and conditions described herein, including any application or other documentation approved by or required by the City Manager or their designee pursuant to this ordinance.
 - ii. Any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain consent of any private property owners whose property will be used for outdoor operations.
 - iii. Any obligations or laws requiring consent from or approval by CalTrans for use of any public right-of-way subject to CalTrans' authority.
 - iv. The requirement to provide accessible parking spaces pursuant to the Americans with Disabilities Act.
 - v. The requirement to obtain a building permit for outdoor activities if a building permit would otherwise be required, and compliance with all provisions of the Building Code, including but not limited to, maximum occupancy requirements.
 - vi. The requirement to undergo design review for exterior alterations if such design review is otherwise required, except that temporary installations, including but not limited to tents, fencing, barriers, enclosures, and platforms and ramps, may be authorized by the City Manager or their designee to facilitate proposed outdoor activities consistent with the provisions of this ordinance.
 - vii. The requirement to obtain any and all County and State permits regarding the provision of food and dining services, including alcoholic beverages, including but not limited to the COVID-19 Temporary Catering Authorization required by the State Department of Alcoholic Beverage Control.

Section 3. Urgency Findings. The City Council of the City of El Cerrito hereby finds and determines that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated below, in the Recitals above, in the staff report, as well as any oral and written testimony given at the City Council meeting.

As a result of prior state and local health orders, a significant number of local restaurants and businesses were forced to close. The rapid, immediate and unexpected loss of revenue from closure was devastating to local businesses, and businesses that survived the most restrictive phase of the pandemic are struggling to rebuild. This Urgency Ordinance to continue allowing outdoor dining and retail will assist in the economic recovery of local businesses. This Urgency Ordinance is also beneficial to the public

health and safety because it will promote social distancing and make it easier to dine and patronize local business outdoors where COVID-19 transmission is less likely.

Section 4. Adoption of Outdoor Dining & Retail Program Guidelines. The City Council hereby adopts the Outdoor Dining & Retail Program Guidelines, attached hereto as Exhibit A and incorporated herein by reference. The City Council further authorizes the City Manager or their designee to approve revisions to the Guidelines, without further City Council action, provided the revisions are consistent with and in furtherance of the intent of this Urgency Ordinance.

Section 5. Clarification Regarding Updated SPASP. The City Council is considering an update to the SPASP. If adopted, above-referenced citations of the SPASP may be obsolete or renumbered and the references herein shall be modified accordingly. The intent of this Urgency Ordinance is to adopt the Program set forth in Section 2 as an interim zoning regulation pursuant to Government Code Sections 36937 and 65858, notwithstanding conflicts with the governing SPASP.

Section 6. Compliance with the California Environmental Quality Act. The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA") because the proposed program will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15060(c)(2)) and it can be seen with certainty that there is no possibility that the ordinance will have a significant impact on the environment (CEQA Guidelines Section 15061(b)(3)).

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

Section 8. Publication and Effective Date. Within fifteen (15) days from and after adoption, this Ordinance or a summary thereof shall be published in accordance with California Government Code Section 36933.

Following adoption by at least a four-fifths vote of the City Council, this Ordinance shall take effect and be enforced on January 20, 2022 and shall remain in effect for up to twenty-two (22) months and fifteen (15) days, unless repealed earlier by the City Council.

THE FOREGOING ORDINANCE was introduced, adopted, and ordered published at a special meeting of the City Council on January 17, 2023 and passed by the following vote:

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

APPROVED:

Lisa Motoyama, Mayor

ATTEST:

Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2023-XX of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 17th day of January, 2023; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this ____
_____ day of January, 2023.

Holly M. Charléty, City Clerk



Outdoor Dining & Retail Program Guidelines

If you are a business owner and want to use the outdoor private and/or public space in proximity to your business, the City has created a streamlined no-fee Outdoor Dining & Retail Permit Application for **three** categories of outdoor dining and business activities: **Use of Outdoor Private Property, Use of Public Sidewalks, and Use of Public Parking Spaces.**

The guidelines, including general and specific standards, for each of three categories are described below. Please review the guidelines before moving forward with the Outdoor Dining & Retail Permit Application.

General standards for Outdoor Dining and Business Activities (These general standards apply to all applications. Also review the specific standards listed in the three categories below.)

- **Adequate Clearance** – Permanently maintain a minimum sidewalk clearance and pedestrian through zone of 4 feet, and preferably 5 feet, from any physical obstruction including light poles, news racks, trees, benches or other barriers. Furnishings and merchandise shall not be placed in a manner that obstructs access to this pedestrian clearance.
- **ADA Compliance** - Outdoor seating and business activity areas must comply with all requirements of the Americans with Disabilities Act (ADA). Outdoor dining and business activity areas shall not utilize parking spaces required by ADA or interfere with the path of travel for the parking stalls. Outdoor activities must be conducted in a manner that would facilitate immediate removal of any obstruction of an accessible path of travel identified by a member of the public.
- **Temporary Furnishings** -Tables, seating, umbrellas, space heaters, planters, solid waste receptacles, racks, shelving for merchandize, other temporary furnishings needed to provide business services, and platforms or ramps to achieve ADA compliance, and physical barriers to mark the outdoor activity area are the only items permitted. These items must be designed to be weighted down so as not to be blown by the wind or easily tipped over and must be removable. Temporary furnishings shall not block visibility for required street signs, crosswalks, and intersections. No stacking or storage of furnishings in outdoor areas. If a tent or other barricade is used, exits must be clearly marked if the point of entry and exit is controlled.
- **Temporary Signs** - A maximum of one (1) free-standing menu or merchandizing boards may be displayed, which shall have no more than two (2) faces. Temporary signs may have a maximum total surface area of six (6) square feet per face and can be up to 42 inches tall by 30 inches wide. Free-standing signs must not encroach on the pedestrian right of way or the accessible path.

- **No Outdoor Food Preparation** - No heating, cooking or open flames (including candles) are permitted.
- **Site Maintenance** - The area shall be maintained in a sanitary condition free from litter, debris and infestation from pests, and the storm drain must be kept clear. At the end of each business day, establishments are required to clean (sweep and mop) the area in and around the outdoor use area. No debris shall be swept, washed, or blown into the sidewalk, gutter or street. Any discharge other than storm water into the storm water drainage system is prohibited.
- **Solid Waste** – All solid waste generated by the operation, including garbage, green waste and recycling, must be properly disposed of in receptacles provided and serviced by the business. City on-street trash and recycling receptacles shall not be used.
- **Hours of Operation** - The outdoor dining and business activity areas shall adhere to the same approved hours of operation as the existing business.
- **Driveways** - All driveways and drive aisles must be kept clear.
- **Fire Safety and Emergency Access** - All building exits, exit pathways and fire drive aisles must be kept clear. Access to building fire protection equipment (PIV, FDC, Riser) and sidewalk fire hydrants must be kept clear. A fire extinguisher inside the building must be quickly accessible and located no more than 75' (path of travel) from the furthest point of outside occupancy to the location inside the building with no locked doors. If patio heaters are going to be used, a fire extinguisher must be mounted outside with a sign and easily accessible.
- **Electrical Extension Cords** - All electrical outside must utilize heavy duty extension cords (minimum 14 gauge wire) plugged into GFCI receptacles. Cords cannot be in an area subject to damage or creating a trip hazard. Any electrical cords that cross drive aisles shall be protected, e.g. by a commercial raceway or 2x4 boards. At a minimum, any electrical cords that cross pedestrian paths of travel shall be taped down. Cords cannot be hung overhead by themselves unless supported by other means (e.g. attached to a cable). Any change in elevation to facilitate electrical on the ground must meet ADA standards.
- **Space Heater** - Space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.
- **Fire and Building codes** - Comply with all applicable Fire and Building codes at all times.
- **Temporary Use** – This Program only allows temporary use during the duration of the interim urgency ordinance and must discontinue and all materials and tables shall be removed when the interim urgency ordinance expires. Applicant agrees to discontinue use and remove any temporary improvements within 48 hours or notification by the City.
- **County and State Requirements** - Prior to use, applicant shall contact Contra Costa County Health and, if planning to serve alcohol outdoors, California Department of Alcohol Control (ABC) and comply with any requirements/ clearances.
- **Private Property Owner** – For use of outdoor private property such as plazas and parking areas, applicant is responsible to consult and receive authorization of your landlord (the property owner) for the temporary use, including the size and location of the temporary use. Prior to filing an application, please contact your landlord and confirm their agreement for your plan to use parts of the parking lot and exterior of the building for this temporary use. The City will not be a party to discussions or arrangements concerning the leasing or use of outdoor space on private property. City approval of the temporary outdoor use does not replace or supersede any private lease or contractual agreements between your business and the property owner/landlord or property owner's authority for use of their land/site.

New Alcohol Beverage Control (ABC) Regulatory Relief

ABC's COVID-19 Temporary Catering Authorization authorizes on-sale privileges to a property that is adjacent to the licensed premises so long as the property is under the control of the licensee, and where bona fide meals are being served and in accordance with state and local health and safety directives. [Learn more.](#)

Restaurants that wish to expand their permitted alcohol sales may do so by filing both of the following forms:

- [ABC Form 218 CV19 \(Temporary Catering Authorization\)](#)
- [ABC Form 253 Supplemental Diagram and the COVID Social Distancing Protocol Appendix](#)

These forms may be turned into an [ABC office](#) via mail or in person. A check or money order of \$100 will be accepted, no credit card payments.

General Application Requirements: In order to apply for a temporary outdoor dining & retail permit, you will need to have the following information ready before you complete the application form:

- *ABC Approval (only if you plan to serve alcohol outside)* – If alcohol is sold and served, you will be asked to upload proof of California Department of Alcoholic Beverage Control (ABC) approval. More ABC information: <https://www.abc.ca.gov/ninth-notice-of-regulatory-relief/>
- *Certificates of Insurance* - General Liability insurance is required, in an amount not less than \$1,000,000. Additional requirements apply for use of the public right-of-way as described below.

Use of Outdoor Private Property

Description: Any sidewalks, plazas or parking lots located on private property, including any that are part of a shopping center. The City of El Cerrito is temporarily suspending requirements restricting the provision of outdoor dining and business activities, minimum parking standards, and planning application Conditions of Approval related to parking and outdoor business. Suspending these requirements will temporarily allow restaurants and businesses to conduct outdoor dining and business activities in their respective private sidewalks, plazas, and parking lots.

Specific Standards: In addition to the general standards listed above, the following standards will be required to be met while the temporary outdoor dining/retail on private property:

- Dining and business activity area must be limited to the property on which the business is located.
- Restaurant patrons shall have access to the restroom(s) affiliated with the subject restaurant.

Additional Application Requirements: Property Owner Information - You will need to enter basic contact information for the property owner.

Fill out on-line application. Automatic permit, no fee.

Use of Public Sidewalks

Description: Public sidewalks are adjacent to public streets and building frontages.

Specific Standards: In addition to the common standards listed above, the following standards apply to a Use of Public Sidewalks:

- Dining and business activity area must be limited to the street frontage width of the business, unless reviewed and specifically approved by the City and adjacent business(es).
- Temporary furnishings shall not be secured to streetlights, trees or any other public street furniture.

Additional Application Requirements: Additional Insured Endorsement - An endorsement naming the City of El Cerrito and its officers, employees and agents as additional insureds is required.

Fill out on-line application. Automatic permit, no fee.

Use of Public Parking Spaces

Description: Public parking spaces are all parking on public streets that are not on Caltrans state right-of-way, which is San Pablo Avenue south of Cutting Boulevard. These are on streets in business districts such as Fairmount Avenue, Central Avenue, Stockton Avenue, Moeser Lane, Potrero Avenue and Knott Avenue. Parking spaces on Caltrans State right-of-way must follow Caltrans permitting process.

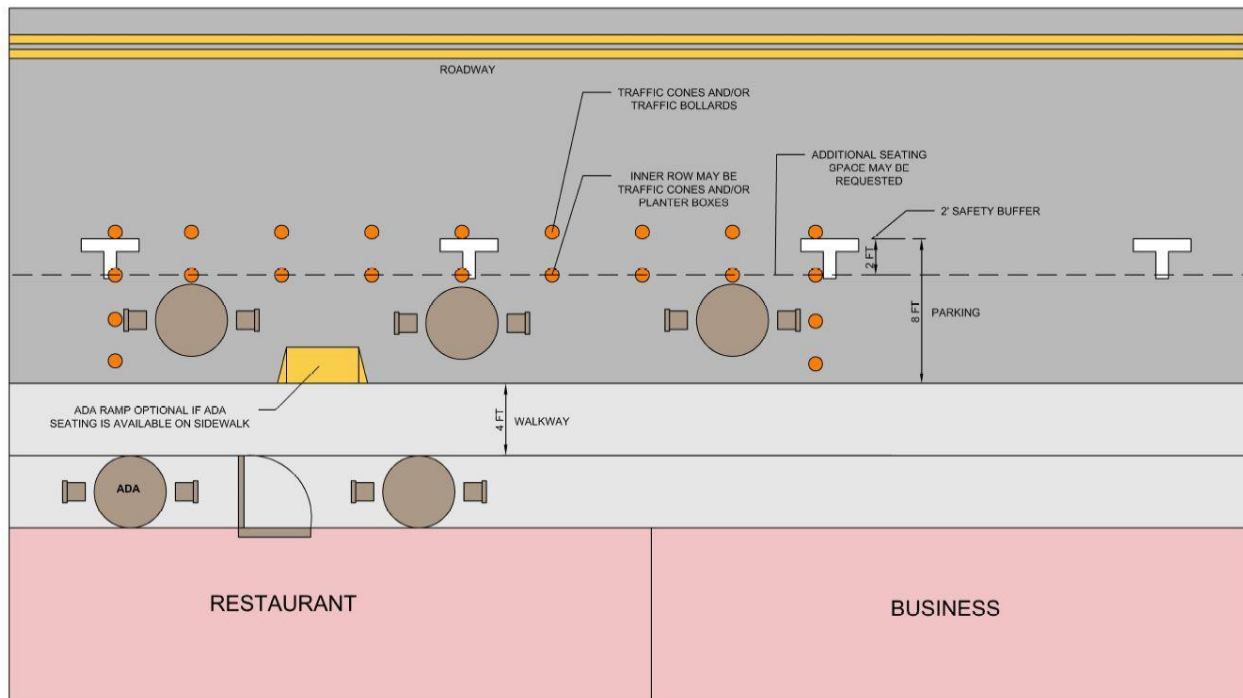
Specific Standards: In addition to the general standards listed above, the following standards apply to a Use of Public Parking Spaces

- Traffic control (traffic cones, posts) must be at least 28" tall, meet [California Manual on Uniform Traffic Control Devices standards](#) and be placed at the edges of the parking space. Traffic control must include reflection if parking space is to be utilized at night. A secondary barrier (traffic cones, planter boxes, posts with rope, etc.) must be placed 2 feet in from the external barrier — maintaining a 2-foot buffer between customers and vehicle traffic at all times. Water filled traffic rated barriers will be required to be used on San Pablo Avenue.
- Patio umbrellas may be used in the parking space. Umbrellas or shade structures may not intrude beyond the inner barrier of the 2-foot buffer zone, and they may not interfere with driver or pedestrian visibility of store signage, street signs, or traffic signals.
- Temporary furnishings shall not be secured to streetlights, trees, or any other public street furniture.
- Alternately, short-term parking for curbside pick-up can be implemented using temporary parking restriction signs available from the City. Signs will be available for pick-up at City Hall. Businesses should use temporary posts or similar to install the signs on curb fronting their business.

Additional Application Requirements:

Site Plan and Traffic and Pedestrian Control Plan - You must submit a Site Plan showing the layout of the outdoor space and any improvements, structures and/or materials to be used to facilitate outdoor activities, including where furnishings or merchandise will

be placed, and a Traffic and Pedestrian Control Plan ensuring the safety of customers and employees engaged in approved outdoor activities in public rights-of-way, and accounting for accessible pedestrian access through the area or improvements subject to this application.



This diagram is provided for illustration purposes only.

- Applicant may request to utilize any parking spaces fully within their storefrontage. Parking spaces partially within a business' storefrontage can be requested for outdoor dining on a case by case basis. **No spaces other than those fully or partially in front of business will be made available for use under this permit.**

Fill out on-line application. Application requires staff review prior to approval.



AGENDA BILL

Agenda Item No. 8.A.

Date: January 17, 2023
To: El Cerrito City Council
From: Shannon Bassi, Senior Human Resources Analyst, City Management
Subject: Amendment to City's Classification Plan and Agreement with Pedro (Pete) Salazar for Information Technology Services

ACTION PROPOSED

1) Adopt a resolution amending the City's Classification Plan to add the position of Extra Help Retired Annuitant and 2) Adopt a resolution authorizing the City Manager to enter into an agreement with Pete Salazar, as a CalPERS retired annuitant, to provide Information Technology services to the City of El Cerrito.

BACKGROUND/ANALYSIS

Pedro (Pete) Salazar retired from the City of El Cerrito on December 30, 2022 in the position of Information Technology Manager. An acting Information Technology Manager has been appointed. However, the City has a need to provide continuity of Information Technology management services, as these services are critical to the City's ability to serve residents, businesses, and customers, as well as careful monitoring of the budget process with respect to the City's technological needs. Mr. Salazar has agreed to assist and train the acting Information Technology Manager in performing these services as well as assist in the transition to a permanent appointment for Information Technology Manager in the coming months.

State law and CalPERS policies set forth various restrictions for any post-retirement services provided by a retired annuitant. Some of these requirements include that the provision of services be of limited duration, that such work not exceed 960 hours in any fiscal year, and that if work is provided within 180 days of the retired annuitant's retirement date that the contract be formally reviewed and presented at a City Council Meeting. In addition, CalPERS requires employers to be in compliance with Government Code section 7522.56 of the Public Employees' Retirement Law. Government Code section 7522.56 provides an exception to the 180-day wait period.

In order to meet these CalPERS requirements, staff is recommending the approval of two resolutions. The first resolution (Attachment 1) is requesting the addition of a new Extra Help Retired Annuitant position to the City's Classification Plan to meet the CalPERS regulations governing situations where there is an exception to the 180-day wait period. Pete Salazar is available to serve in compliance with extra help retired annuitant rules established by CalPERS as an employee that has specialized skills needed in performing work of limited duration that is critical to prevent the stoppage of public business, which this classification would fulfill. The second resolution (Attachment 3) sets out the necessary findings for the City Council to allow for Pete Salazar to be appointed as an Extra Help Retired Annuitant, thus making the agreement consistent

with CalPERS regulations. Compensation must be in accordance with strict guidelines established by state law. The proposed hourly rate of \$108.47 is consistent with the pay steps applicable to the Information Technology Manager's compensation, and Mr. Salazar will receive no additional employment benefits (e.g. health insurance) as an Extra Help Retired Annuitant.

STRATEGIC PLAN CONSIDERATIONS

Authorization of these actions help fulfill City of El Cerrito Strategic Plan Goal A: Deliver Exemplary Government Services.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

Funding for this request is available in the FY 2022-23 Adopted Operating Budget. No additional funding is requested.

LEGAL CONSIDERATIONS

This action is in accordance with state law and CalPERS regulations.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution (Classification Plan)
2. Job Description
3. Resolution (Agreement)
4. Draft Agreement

RESOLUTION 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING
THE CITY'S CLASSIFICATION PLAN TO ADD THE POSITION OF
EXTRA HELP RETIRED ANNUITANT

WHEREAS, the City Council of the City of El Cerrito has an adopted Classification Plan for positions in the City's service; and

WHEREAS, staff has proposed personnel changes that allow the establishment of Extra Hire Retired Annuitant to better reflect the duties to be performed and the desired level of service to be provided.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby amend the City's Classification Plan to establish the classification of Extra Help Retired Annuitant; and

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

I CERTIFY that at a regular meeting on January 17, 2023 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 _____, 2023.

Holly M. Charléty, City Clerk

APPROVED:

Lisa Motoyama, Mayor

Extra Help Retired Annuitant

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

DEFINITION

The classification exists to facilitate the temporary re-employment of retirees pursuant to California Government Code Sections 7522.56 thereby effecting appointment without reinstating the appointee to active status in a retirement system and without termination or suspension of his/her retirement allowances. The nature of this class, including its unique appointment standards and limitations as to the nature and duration of incumbency, reflects the requirements of those sections of the Government Code.

DISTINGUISHING CHARACTERISTICS

Classes in this series do not have specifically assigned duties and may work on special projects as needed. Appointees are assigned the responsibilities by the City Manager, Human Resources, or the City Manager Designee. The appointment of a specific individual to a position in this series, or a combination of positions in the series, is limited to a maximum of 960 working hours in any one fiscal year.

SUPERVISION RECEIVED AND EXERCISED

- Receives general supervision from the City Manager.
- May receive administrative direction from City Council.
- Exercises technical and functional supervision to other clerical positions.

ESSENTIAL FUNCTION STATEMENTS

Essential responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

- Perform a variety of specialized work, which may involve organizing, coordinating and managing one or more significant projects and/or programs, coordinating administrative functions including budget preparation, financial management, contract administration and personnel administration for the project/program.
- Participate in the development of recommendations for and implementation of short and long-term strategies, plans and programs for furthering the City's goals.
- Oversees staff, if assigned.
- Perform related duties and responsibilities as required

QUALIFICATIONS

Knowledge of and Ability to:

- Appointees to this class must possess the knowledge, skills and abilities described in the classification assigned to.
- Understand the organization and operation of the city and of outside agencies, as necessary to assume assigned responsibilities.
- Communicate effectively, both orally and in writing.
- Coordinate multi-faceted programs or projects and direct work of others as needed.
- Understand and carry out oral and written directions.
- Establish and maintain effective working relationships with those contacted in the course of work, including elected officials, staff and the public.

- Maintain physical and mental capacities appropriate to the performance of assigned duties and responsibilities.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

- The proposed appointee must have current and continuing (through the term of appointment to the Retired Annuitant position) status as a retiree.
- The proposed appointee must possess the “Minimum Qualifications”, “Licenses” and “Special Requirements” described in the specification for the City of El Cerrito classification that ordinarily performs the duties that are to be assigned to the Retired Annuitant position to which his/her appointment is proposed.
- The proposed appointee must meet all other requirements for employment in the City of El Cerrito class that ordinarily performs the duties that are to be assigned to the Retired Annuitant position such as (including but not limited to education, licensure, certification or experience requirements imposed by regulatory agency rules, federal, state or local law, ordinance or regulation.)

PHYSICAL DEMANDS:

Sitting: Frequently	Lifting:	
Standing: Occasionally	up to 10 lbs: Occasionally to Frequently	
Walking: Occasionally	11 to 25 lbs: Occasionally	
Bending: Occasionally	26 to 50 lbs: Occasionally	
Crouching: Occasionally	51 to 75 lbs: Never	
Stooping: Occasionally	76 to 100 lbs: Never	
Kneeling: Never	100 + lbs: Never	
Crawling: Never	Carrying:	
Climbing: Occasionally	up to 10 lbs: Occasionally to Frequently	
Balancing: Never	11 to 25 lbs: Occasionally	
Running: Never	26 to 50 lbs: Occasionally	
Twisting: Occasionally	51 to 75 lbs: Never	
Turning: Occasionally	76 to 100 lbs: Never	
Jumping: Never	100 + lbs: Never	

Pushing/Pulling:	
up to 10 lbs: Occasionally	
11 to 25 lbs: Occasionally	
26 to 50 lbs: Never	
51 to 75 lbs: Never	
76 to 100 lbs: Never	
100 + lbs: Never	

PHYSICAL DEMANDS: (continued)

Grasping – firm:	Occasionally
Finger dexterity:	Frequently
Reaching forward:	Frequently
Reaching overhead:	Occasionally
Pinch grasp:	Occasionally
Grasp – light:	Frequently

Coordination	-	Eye-hand: Occasionally Eye-hand-foot: Never Driving: Occasionally
Talking	-	Face-to-face: Frequently Verbal contact: Frequently Public: Occasionally
Vision	-	Acuity far: Required Acuity, near: Required Depth perception: Not Required Field of vision: Not Required Accommodation: Not Required Color vision: Not Required
Hearing	-	Conversation: Frequently Telephone: Frequently Earplugs: Never

MENTAL REQUIREMENTS

Abstract variables, Interpret instructions, Problems-standard, Detailed, uninvolved instructions, One or two-step instructions, Reading-simple, Reading-complex, Writing-simple, Writing-complex, Math skills-simple, Math skills-complex, Clerical, Coordination, Analyzing, Compiling, Computing, Copying, Comparing, Negotiating, Instructing, Supervising, Persuading, Speaking-signaling, Serving, Taking instructions-helping, Setting-up, Comprehend/follow instructions, Perform simple-repetitive tasks, Maintain work pace, Relate to other people, Influence other people, Perform varied-complex tasks, Generalizations/evaluations, Responsibility for direction.

WORK ENVIRONMENT

Indoors, using computer/computer monitor screen, Works around others, Works alone, Works with others.

Est. 1/2023

RESOLUTION NO. 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PEDRO (PETE) SALAZAR, AS A CALPERS RETIRED ANNUITANT, TO PROVIDE INFORMATION TECHNOLOGY SERVICES TO THE CITY OF EL CERRITO

WHEREAS, in compliance with Government Code section 7522.56 the City Council of the City of El Cerrito must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Pete Salazar retired from the City of El Cerrito in the position of Information Technology Manager effective December 30, 2022; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is July 1, 2023 without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the City Council of the City of El Cerrito and Pete Salazar certify that Pete Salazar has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the City of El Cerrito hereby appoints Pete Salazar as an extra-help retired annuitant to perform similar duties to an Information Technology Manager under Government Code section 21224, effective January 18, 2023; and

WHEREAS, the entire employment agreement, contract or appointment document between Pete Salazar and the City of El Cerrito has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for classifications performing comparable duties is \$17,627 per month and the hourly equivalent is \$108.47 per hour; the minimum base salary is \$11,281 per month and the hourly equivalent is \$69.42 per hour; and

WHEREAS, the hourly rate paid to Pete Salazar will be \$108.47 per hour; and

WHEREAS, Pete Salazar has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW THEREFORE, BE IT RESOLVED THAT the City Council of the City of El Cerrito hereby certifies the nature of the appointment of Pete Salazar as described herein and detailed in the attached employment agreement document, and that this appointment is necessary to provide Information Technology services for the City of El Cerrito, as of January 18, 2023 because of his specialized skills needed in performing work of limited duration that is critical to prevent the stoppage of public business.

I CERTIFY that at a regular meeting on January 17, 2023 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 _____, 2023.

Holly M. Charléty, City Clerk

APPROVED:

Lisa Motoyama, Mayor

AGREEMENT FOR TEMPORARY EXTRA HELP APPOINTMENT
OF PEDRO (PETE) SALAZAR
A CALPERS RETIRED ANNUITANT

THIS AGREEMENT FOR TEMPORARY EXTRA HELP APPOINTMENT OF PEDRO (PETE) SALAZAR A CALPERS RETIRED ANNUITANT ("Agreement") is between the CITY OF EL CERRITO (hereinafter "CITY"), and PEDRO (PETE) SALAZAR, an individual and a CalPERS Retired Annuitant (hereinafter "SALAZAR") (collectively, the "Parties"). This Agreement is effective on upon approval of the El Cerrito City Council.

RECITALS

WHEREAS, in compliance with Government Code section 7522.56 of the Public Employees' Retirement Law, the CITY must provide CalPERS a certification resolution when hiring a retiree before 180 days has passed since their retirement date; and

WHEREAS, SALAZAR (CalPERS ID 1481094061) retired from the CITY in the position of Information Technology Manager, effective December 31, 2022; and

WHEREAS, Government Code section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 30, 2023 without a certification resolution; and

WHEREAS, Government Code section 7522.56 provides that this exception to the 180-day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Parties certify that SALAZAR has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the CITY appoints SALAZAR as an extra help retired annuitant to perform similar duties to an Information Technology Manager for the City of El Cerrito under Government Code section 21224 effective January 18, 2023; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year for all CalPERS employers; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for classifications performing comparable duties is \$17,627 per month and the hourly equivalent is \$108.47 per hour, and the minimum base salary is \$11,281 per month and the hourly equivalent is \$69.42 per hour; and

WHEREAS, the hourly rate paid to SALAZAR will be \$108.47 per hour; and

WHEREAS, SALAZAR has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, the parties do mutually agree as follows:

1. The Parties agree to follow all CalPERS requirements related to post-retirement employment.

2. Beginning January 18, 2023, CITY shall, as needed, request necessary critical services from SALAZAR and SALAZAR will perform such services as an Extra Help Retired Annuitant. Such appointment is temporary, extra help, and "at will", and is subject to the terms of this Agreement. SALAZAR shall perform said duties at the pleasure and under the direct supervision of the City Manager or her designee. CITY and SALAZAR agree that such temporary assignments may occur more than once during the term of this Agreement, and that the Agreement shall be valid and applicable to each assignment, until the Agreement expires, SALAZAR has reached his 960-hour limitation, or the Agreement is cancelled by either of the parties.

3. Compensation and Work Schedule:

a. Rate of Pay. SALAZAR shall be paid at the rate of \$108.47 per hour, a rate that does not exceed the maximum monthly base salary paid to other employees performing comparable duties. As required under CalPERS law, such compensation shall be the sole compensation for SALAZAR's services under this Agreement.

b. Time-keeping and Payment Dates. SALAZAR shall be subject to all applicable payroll taxes. CITY shall comply with CalPERS requirements regarding reporting the hours and compensation of retired annuitant employees.

c. Work Schedule and 960-hour limitation. For work assignments agreed to by the Parties, SALAZAR is expected to devote necessary time, within and outside normal business hours, to the business of the CITY; however, pursuant to Government Code section 21224, SALAZAR is allowed to work a maximum of 960 hours per fiscal year for all public employers that contract with CalPERS for retirement benefits. The CITY retains the right to designate, reduce, change, or

amend the assignments and/or number of hours assigned to SALAZAR consistent with the City's workload and other needs. If SALAZAR's annual hours worked during the fiscal year are approaching 960, SALAZAR shall be responsible for informing CITY to ensure he does not exceed the legal maximum limit. SALAZAR shall be responsible for keeping track of the hours worked for the CITY and any other CalPERS employer, and notify the City Manager if at any time his cumulative hours reach 900 during the Fiscal Year. Should SALAZAR's duties and assignments need to be suspended at any time, the CITY shall be responsible for reassignment of such duties or any scheduled hours, as needed.

d. Exempt Position. The performance of duties under this Agreement is exempt from Fair Labor Standards Act overtime pay requirements.

4. Employment Status.

a. Benefits. Other than the compensation described above in Section 3, SALAZAR will receive no other benefits, incentives, compensation in lieu of benefits, or any other form of compensation. SALAZAR understands and agrees that he is not, and will not be, eligible to receive any benefits available to an employee in the regular service of the City, except for Worker's Compensation Insurance coverage. All applicable tax withholdings will be made as with any other employee.

b. No Property Right in Employment. SALAZAR understands and agrees that the terms of his employment are governed only by this Agreement and that no right of regular employment for any specific term is created by this Agreement. SALAZAR further understands that he acquires no property interest in his employment by virtue of this agreement, that the employment is "at will" as defined by the laws of the State of California (meaning that he can be terminated at any time for any reason or for no reason), and that he is not entitled to any pre- or post-deprivation administrative hearing or other due process upon termination or any disciplinary action.

c. Employment of a Retiree. SALAZAR understands that CalPERS retired annuitants may be employed by a CalPERS public agency employer for limited duration assignments not to exceed a total 960 hours in any fiscal year for any CalPERS employer. In addition, prior to any work being performed before the lapse of 180 days after retirement, the City Council must approve a resolution certifying the nature of the assignment(s) and that the appointment is necessary to fill a critical need before 180 days has passed. SALAZAR certifies that he has not received any unemployment payments resulting from employment with any

CalPERS agency in the last 12 months; and did not receive any special inducement to retire from CalPERS employment.

5. Effective Date and Term of Agreement. This Agreement shall be effective January 18, 2023 (Effective Date), and shall terminate automatically at midnight on June 30, 2023, or earlier if SALAZAR works a total of 960 hours for a CalPERS employer in a fiscal year. Employment is temporary, at-will, and may be terminated with or without cause and with or without notice at any time by SALAZAR or the City.

6. Non-Assignment of Agreement. This Agreement is intended to secure the individual services of SALAZAR, if needed; and is not assignable or transferable by employee to any third party.

7. Governing Law/Venue. This Agreement shall be interpreted according to the laws of the State of California. Venue for any action or proceeding regarding this contract shall be in Contra Costa County.

8. Enforceability. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

9. Conflict of Interest. SALAZAR agrees that prior to accepting any assignment under this Agreement, he will take steps to divest himself of any financial interest known to him, and separate from any other contract employment, occupation, work, endeavor or association, whether compensated for or not, that would in any way conflict with, or impair his ability to the perform the assignment. In performing work for the City pursuant to this Agreement, SALAZAR agrees to abide by the City's ethical and professional standards, as outlined in its Administrative Policies and Procedures and Personnel Rules and Regulations, including the City's Conflict of Interest policy. Prior to accepting any assignment, SALAZAR shall also disclose to the City Manager whether he is or is expecting to be performing work for any other employer while engaged by the City.

10. Entire Agreement and Modification. This Agreement constitutes the entire understanding of the parties hereto. This Agreement supersedes any previous contract, agreements, negotiations or understandings, whether written or oral, between the parties. SALAZAR shall be entitled to no other compensation or benefits than those specified herein, and SALAZAR acknowledges that no representation, inducements or promises not contained in this Agreement have been made to induce SALAZAR to enter into this Agreement. No changes, amendments, or alterations hereto shall be effective unless in writing and signed by both parties. SALAZAR understands that no oral modification of this Agreement made by any officer, agent, or employee of the City is effective. SALAZAR

specifically acknowledges that in entering into and executing this Agreement, he relies solely upon the provisions contained herein and no others.

11. Support Services and Equipment. SALAZAR shall be provided office space and necessary equipment sufficient to fulfill obligations under this Agreement when they are performed at City Hall, as determined by the City, at no cost to employee.

12. Reimbursement for Expenses. SALAZAR shall be reimbursed by City in accordance with City policy (and federal and state law) for all authorized and necessary travel undertaken by SALAZAR in performance of services pursuant to this Agreement. SALAZAR shall document and claim said reimbursement for such travel in the manner and forms required by the City. Other than as specifically provided herein, SALAZAR shall receive no other compensation or reimbursements for expenses incurred in performance of assignments under this Agreement.

13. Notices. All notices permitted or required under this Agreement shall be given to the respective parties by hand - delivery or by mail at the following address, or at such other address as the respective parties may provide in writing for this purpose, by deposit in the U.S. Mail, postage pre-paid, addressed as follows:

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

PEDRO (PETE) SALAZAR
City of El Cerrito
10890 San Pablo Avenue
El Cerrito CA 94530

14. Indemnification. The City shall defend, save harmless and indemnify SALAZAR against any tort, professional liability, claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of SALAZAR's services, except that this provision shall not apply with respect to any intentional tort or crime committed by SALAZAR, or any actions outside the course and scope of his employment pursuant to this Agreement.

15. Parity in Construing Agreement. Both parties have had sufficient opportunity to review this Agreement and to consult with legal counsel before executing it. This Agreement shall therefore be construed in accordance with its plain meaning and not in favor of or against any party.

NOW, THEREFORE the parties hereto have executed this Agreement on the date indicated below commencing the initial Term as provided in this Agreement.

Pedro (Pete) Salazar

Date: _____

Karen Pinkos, City Manager

Date: _____

2023 CITY COUNCIL LIAISON ASSIGNMENTS			
LEGISLATIVE BODY	Meeting Schedule Meeting Location	2022 Appointee Alternate	2023 Appointee Alternate
Association of Bay Area Governments (ABAG), General Assembly	June (Annually) Bay Area Metro Center Board Room, SF	Quinto Rudnick	Motoyama
League of California Cities East Bay Division (Delegate) <i>(Includes League Annual Conf.)</i>	4th Thurs at 7:00 pm (most months) Various East Bay Cities	Motoyama Rudnick	Rudnick Wysinger
Contra Costa Mayors' Conference (Delegate)	1st Thursday at 6:30 p.m. (Monthly) Various Contra Costa County Cities	Mayor Mayor Pro Tem	Mayor Mayor Pro Tem
West County Mayors' & Supervisors' Assosiation	4th Thursday at 8:30 a.m. (Monthly) Richmond (Jan - Jun) San Pablo (July - Dec)	Mayor Mayor Pro Tem	Mayor Mayor Pro Tem
Marin Clean Energy Board (Delegate)	3rd Thursday at 7:00 p.m. (Monthly) San Rafael	Quinto Motoyama	Quinto Motoyama
West Contra Costa Transportation Advisory Committee (Delegate) <i>(Makes appointment to CCTA)</i>	4th Friday at 8:00 a.m. (Monthly) Council Chambers	Fadelli Quinto	Fadelli Quinto
Tom Bates Regional Sports Field JPA	As Needed Albany	Motoyama Rudnick	Motoyamaa Rudnick
West County Integrated Waste Management Authority (Delegate) <i>RecycleMore</i>	2nd Thursday at 6:15 p.m. (Monthly) San Pablo	Rudnick Abelson	Rudnick Wysinger
Arts & Culture Commission	4th Monday at 7:00 p.m. (Monthly) Council Chambers	Abelson	Motoyama
Committee on Aging	3rd Wednesday at 3:00 p.m. (Monthly) Council Chambers	Abelson Quinto	Fadelli
Crime Prevention Committee	1st Monday at 7:00 p.m. (Monthly) Council Chambers	Quinto	Quinto
Design Review Board	1st Wednesday at 7:30 p.m. (Monthly) Council Chambers	Rudnick	Wysinger
Economic Development Committee	3rd Monday at 7:00 p.m. (Monthly) Council Chambers	Quinto	Wysinger
Environmental Quality Committee	2nd Tuesday at 7:00 p.m. (Monthly) Council Chambers	Motoyama	Motoyama
Financial Advisory Board	4th Tuesday at 7:00 p.m. (Monthly) Council Chambers	Rudnick	Wysinger
Human Relations Commission	2nd Wednesday at 7:00 p.m. (Monthly) Council Chambers	Fadelli	Rudnick
Park and Recreation Commission	4th Wednesday at 7:00 p.m. (Monthly) Council Chambers	Motoyama	Rudnick
Planning Commission	3rd Wednesday at 7:30 p.m. (Monthly) Council Chambers	Abelson	Quinto
Urban Forest Committee	2nd Monday at 7:00 p.m. (Monthly) Council Chambers	Fadelli	Fadelli
Municipal Services Corporation Chair/Vice Chair <i>(Per bylaws)</i>	As needed Council Chambers	Mayor Mayor Pro Tem	Mayor Mayor Pro Tem
Pension Board Chair <i>(Meets same as Council)</i>	As needed Council Chambers	Mayor Mayor Pro Tem	Mayor Mayor Pro Tem

(Physical locations noted for when meeting are no longer held virtually)



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING January 17, 2023

The following Public Comments were **received by 2:00:00 p.m. 1/17/2023**, 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. Robin Michell
3. Howdy Goudey, Chair, Environmental Quality Committee

Agenda Item 7A – Temporary Outdoor Dining and Retail Program Urgency Ordinance

1. Howdy Goudey, Chair, Environmental Quality Committee

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: public comments- 4.
Date: Thursday, January 12, 2023 4:05:00 PM

Good Evening Mayor Motoyama, Council members and Staff,

I have some comments to go into the Record

1. for the February 21st Agenda, the Council should consider inviting Danny Wan to provide a Presentation on how the Port of Oakland is recovering from the Pandemic
2. The Residents are Concerned of Cars Speeding Along Ashbury Avenue

Sincerely
Cordell

“When we try to pick out anything by itself, we find it hitched to everything else in the universe.”
John Muir.

The headlines are full of information about species extinction. In 2018, the New York Times ran an article with the title “The Insect Apocalypse is Here”. In 2019, the Washington Post published an article saying that “North America has lost 3 billion birds in 50 years”, as well as another saying that “One million species face extinction” based on a U.N. report. In 2020, the World Wildlife Fund said that “Two-thirds of wildlife have vanished since 1970.”

This loss of species in our ecosystem will mean that the planet will be much less habitable for humans. In a paper published in 1987, E.O. Wilson wrote that insects are [“The Little Things that Run the World”](#).

In 2016, E.O. Wilson published his book [“Half-Earth: Our Planet’s Fight for Life”](#), where he says that to save life on earth, we must save half the planet for nature.

But how is that possible when so much of the earth has been developed? For example, only about 5% of the lower 48 states is in anything close to a pristine ecological state.

According to Dr. Doug Tallamy, professor of entomology at the University of Delaware, if insects were to disappear

- Most flower plants would go extinct
- That would change the physical structure and energy flow of most terrestrial habitats
- Which would cause the rapid collapse of the food web that support amphibians, reptiles, birds and mammals
- The biosphere would rot due to the loss of insect decomposers
- Humanity would be doomed

Dr. Tallamy goes on to say the good news is that we can save our insects, our birds and nature itself, but we have to change the way we landscape to do it. ***We need to learn to live with nature and allow it to thrive in human-dominated landscapes.***

He advocates starting with the species that contribute the most to ecosystem function. To sustain flowering plants, we need bees (and not honeybees; we need native bees). To sustain food webs, we need caterpillars. According to research done in 1988 by DH Janzen, “Caterpillars transfer more energy from plants to other animals than any other plant-eaters”. Most birds rear their young on caterpillars. So if we want birds to reproduce, we need to provide habitat in our landscapes conducive to caterpillars.

Dr. Tallamy argues that we don't have enough pristine natural areas to support robust food webs, and to restore our ecosystems. Therefore, we need to plant native plants in all human controlled landscapes, such as private gardens and public areas such as parks.

In order for El Cerrito to help in this effort, I would like to suggest that the city begin a strategy of planting natives on all city property when new landscaping is installed or when plants need to be replaced.

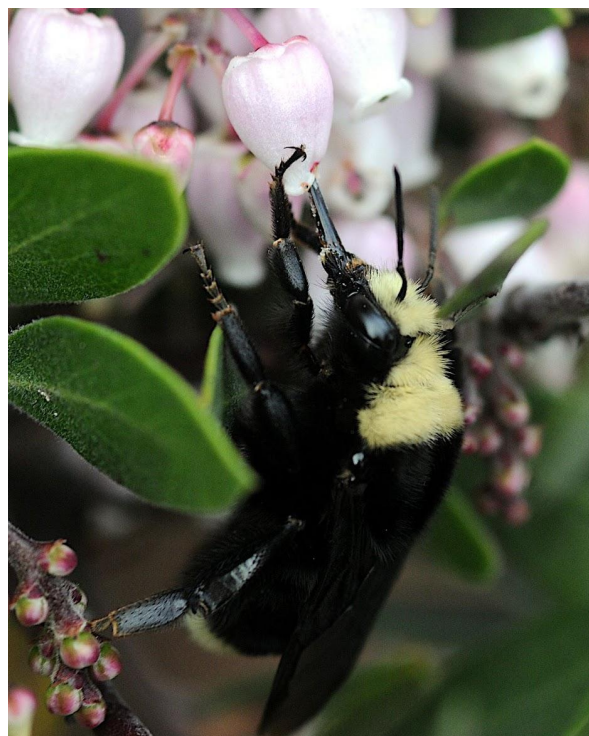
City property can serve as restorative habitats to help heal our ecosystem. And in the process, the city can show residents, by example, how to create such habitats in their own gardens.

Because native insects and animals evolved with the native plants, it is recommended that at least 70% of landscaping be planted in locally native plants in order to support native insects and animals. In addition, native plants are adapted to the local soil and climate conditions (such as our Mediterranean climate with dry summers), and are generally low maintenance.

One great example of how easy it is to support insects and birds is to look at the California native manzanitas planted next to the EL Cerrito Community Center on Moeser.

Tom Gehling, El Cerrito resident and photographer extraordinaire, has photographed insects and birds feasting from the nectar on those manzanitas, which bloom in the winter (ie, now, in January) when not much else is in bloom and when those critters are in need of food.

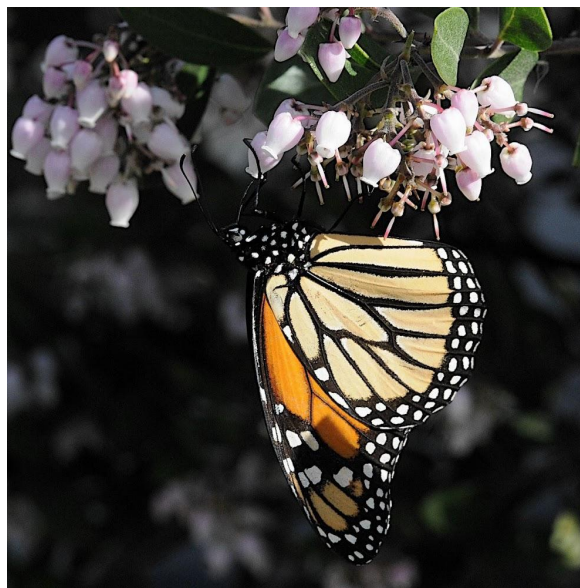
Below are a few of the photos Tom has taken.



[Native bumblebee on Manzanita](#), El Cerrito Community Center. Photo by TJ Gehling.



[Anna's hummingbird on Manzanita](#), El Cerrito Community Center. Photo by TJ Gehling.



[Monarch butterfly on Manzanita](#), December, El Cerrito Community Center. Photo by TJ Gehling.

Monarchs overwinter on Albany Hill and having a source of nectar in the winter is very important to them.

It is clear from these photographs that even just those few manzanitas planted next to the sidewalk on the south side of the El Cerrito Community Center are invaluable for supporting these birds and insects, and likely many more.

I would be interested in helping the city come up with a list of native landscaping plants that are both beautiful and provide ecosystem services, so that our city can contribute to healing our planet.

Resources:

1. [Bringing Back the Natives Garden Tour](#), with information about previous year's gardens as well as the upcoming tour May 6 and 7, 2023
2. [California Native Plants](#), UC Sonoma Master Gardeners.
3. [California Native Plant Society](#)
4. [Calscape](#), a database of native plants by the California Native Plant Society, including nurseries which carry the plants. It is possible to find the plants that are native to a particular zip code in this database.
5. [Homegrown National Park](#), a project by Dr. Tallamy to encourage landscaping with local natives all over the country. We should get El Cerrito on his [map](#) !!
6. [Protect & Encourage Wildlife](#), UC Sonoma Master Gardeners.

Thank you

Robin Mitchell
El Cerrito Resident

1/17/2023

El Cerrito City Council
El Cerrito City Hall
10890 San Pablo Ave.
El Cerrito, CA 94530

Mayor Motoyama and City Council Members,

The following recommendations regarding City advisory body communication with Council and Staff were unanimously approved at our October 2022 meeting and presented to City staff for feedback.

10/11/2022 - Move/Second: Members Weinstein/O'Connor **Action:** Passed a motion to recommend the EQC support the sending of the memo from the EQC Goals Subcommittee to the City Manager. **Ayes:** Goudey, Vekony, Akacic, Miner, Mitchell, Molnar, O'Connor, Tarbet, and Weinstein **Noes:** None **Absent:** Pavel, Spitalnik, and Tsutsui

After waiting two months for a response, The EQC was informed at our December meeting that Staff chose to take no action on the memo we sent, and there would be no response or dialog on the topic.

At our January 10th 2023 meeting, the EQC voted unanimously to send the same document to the Council for your consideration, enclosed below.

Thank you for your consideration,


Howdy Goudey
Chair, Environmental Quality Committee

Report from EQC's Goals Subcommittee on improved communication with City Council, staff, other boards. Oct. 10, 2022

Introduction. The Environmental Quality Committee has been serving the city since the advisory committee was created 14 years ago, with a purpose that includes “to serve in an advisory capacity to the City Council, staff, other boards, commissions and committees.”

In an effort to better utilize the skills of the EQC, which includes many people in environmental professions and academia, and to improve communications between the EQC and other city operations, the EQC makes the following recommendations.

They answer to concerns among members of the EQC, and some members of the public, that some EQC recommendations in the recent past have not been presented to the council in an effective way, and have not elicited response or dialog.

In addition, the EQC's role in advising city staff and other committees has been hindered because there is no effective path for such communications to occur.

The EQC hopes to work with the city manager and/or the manager's designees to develop these ideas in order to boost the EQC's ability to help the city address the ongoing climate crisis and other environmental concerns.

Our recommendations:

How EQC proposals and other ideas are presented. We propose that EQC policy proposals be presented to the City Council and other committees and commissions in the form of written EQC reports that would be prepared by members of the EQC and generally vetted by the EQC's staff liaison.

These would be short of “staff reports,” requiring very little staff time, and would represent the views not of city staff but of the majority of the EQC.

These could come before Council or other committees as agenda items, either on the consent calendar or action items, or could be included within a council packet, for example, as part of a larger matter (for example, Climate Action Plan or San Pablo Specific Plan revisions.)

Currently, the presentation of EQC proposals and other advice to the council and other boards comes through 3-minute public comment, or informally through the EQC liaison. This does not give our proposals the weight they deserve. A distinction needs to be seen between general public comment and a report from an official advisory body.

The EQC should play a role early in the process of developing environmental policies. The EQC could more often serve as a sounding board for public input by hosting public hearings on proposed policies.

This is something the EQC has done periodically, starting with the animal ordinance in 2009, which arose from public comment to the EQC before we hosted hearings and the council passed an ordinance allowing for the keeping of chickens and goats.

But often, environmental policy has come down to the EQC from staff and council after it has been substantially developed, and the EQC can only comment, somewhat after the fact.

It would be good to clarify how the EQC communicates with city staff. One of our charges is to oversee how city staff actions affect the environment. We are cognizant that city staff is busy and that frequent communication, especially from individual members, would be a problem.

But once a majority of the EQC reaches a conclusion about city operations that affect the environment for good or ill, and when the EQC has developed recommendations, we need a formal way to present them, and when warranted, receive feedback and/or take part in a discussion.

1/17/2023

El Cerrito City Council
El Cerrito City Hall
10890 San Pablo Ave.
El Cerrito, CA 94530

Mayor Motoyama and City Council Members,

The following recommendation regarding Agenda Item 7A, the Outdoor Dining Ordinance, was unanimously approved by the EQC at our December 2022 meeting.

12/13/2022 - Move/Second: Members Weinstein/Dhoot **Action:** Passed a motion to make a recommendation to City Council to include encouragement to choose electric outdoor heating over fossil gas outdoor heating in the outdoor dining and retail program guidelines when renewed by City Council in January 2023. **Ayes:** Unanimous **Noes:** None **Absent:** O'Connor

Please see the enclosed document below for supporting background.

Thank you for your consideration,
Howdy Goudey



Chair, Environmental Quality Committee

Heating for Outdoor Seating

Promoting outdoor seating is an important way to sustain and develop viable food service businesses, and emergency regulatory processes have been appropriately applied to ease access to outdoor seating to help businesses weather the impacts of the Covid pandemic. However, as part of the City's declared Climate Emergency Declaration, it is also important to include considerations relevant to the climate emergency when crafting City policies.

While the scope of emissions is relatively small, promoting alternatives to fossil fuel based outdoor heaters is an important opportunity to raise awareness of climate action in a highly visible area that has not yet received much attention. Often, false perceptions of alternatives to fossil fuels lead to assumptions that the alternative will be more expensive and/or less effective. While there is currently not a rich selection of purpose built, non-fossil-fuel, heating options for outdoor restaurant seating, the following will show that, even before that market fully develops, there are viable electric heating products that provide equivalent, and perhaps superior, performance with lower overall costs. Given that the action to ease access to outdoor seating aims to improve the financial viability of, often struggling, businesses, it is significant that the alternatives offer cost savings for the businesses, as well as greenhouse gas emission savings.

Please consider something along the lines of the proposed changes below in the space heater section of the Outdoor Dining & Retail Program Guidelines when it is renewed by Council in January.

- **Space Heater** - Electric and fossil-gas space heaters are permitted if they are an outdoor approved type, are located in accordance with the manufacturer's recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material. Electric heating is recommended for lower costs and lower carbon emissions. Lower temperature electric seat heating pads (like car seat heaters) can be more efficient and effective than high temperature radiant heaters (whether gas or electric). Outdoor heating is only allowed in applications where the customer or vendor is typically seated for more than 10min. (i.e. not for heating areas of outdoor retail browsing). Conserve energy and curb costs by turning off heating in areas without occupants (eye catching flames should not be used as a stand-in for signage to attract passersby).

The following table contains some example hardware and costs for both gas and electric outdoor heating options. Gas heaters have higher peak heating power, but that does not necessarily result in greater comfort. Often this type of heater provides excessive heat when too close and not enough heat when too far. The lower power (intensity) of the electric radiant heaters supports more distributed and uniform moderate heating that should provide greater consistency in thermal comfort. The upfront cost of gas and electric radiant heaters are comparable, but the need to provide a number of dedicated outdoor electric circuits to power the electric radiant heaters adds upfront cost for the electric option. The operating ("fuel") cost of the electric heaters is lower than gas and, over a few years, will cost less than using gas heaters. An even more efficient and economical option is to concentrate the heating exactly where it is needed, by using electric seat heaters similar to those that are common in car seats. Modestly priced heated pads can be easily added to existing seating and probably offers the

most consistent and user trailered heating option. These very safe low voltage heaters (typically 12V) can be wired to AC power supplies with short detachable wiring tethers from the chair to the table, but a more flexible option is to power these heaters with a chair mounted battery. The size listed below can run the heater at full power for about 5 hours. While the upfront cost of the pads and the batteries is about twice that of the gas radiant heaters, it doesn't require wiring and protection throughout the site and it easily costs less within a couple years because of significantly lower operating costs. Electric radiant costs are similar to the gas option over 2 years, even with the cost of installing several dedicated circuits, but the electric heating will likely be better distributed and more comfortable. After 2 years the electric radiant heaters will be saving money compared to operating gas heaters.

Heater type	Example products (heating power and price)	Example Upfront costs	Operating Cost per night	2 year cost
Fossil-gas radiant heater	 14kW, \$200 12kW, \$315	2 pole units 28kW, \$400 3 pyramid units 36kW, \$945	\$30-40 (full power) \$15-20 ($\frac{1}{2}$ power) \$8-10 ($\frac{1}{4}$ power)	\$400-945 (hardware) + \$3600-4800 (op) = \$4000 - \$5745 (total)
Electric Radiant heater	 1.5kW, \$90 1.5kW, \$150 6kW, \$900 1.5kW, \$160	6 stand units 9kW, \$900 5 umbrella units 7.5kW \$460 2 large units 12kW, \$1800 6 hanging units 9kW, \$960	\$11-18 full power \$6-9 half power	\$460-1800 (hardware) + \$2000 (circuit wiring) + \$2640-4320(op) = \$5000 - \$6780 (total)
Electric Seat heater	 45W, \$35 256Wh, \$76	20 seat heaters <1kW, \$700 20 batteries \$1520	<\$2 full power <\$1 half power	\$2220 (hardware) + \$480 (op) = \$2700 (total)

The table above assumes an outdoor seating area with 5 tables and 4 chairs each with a 5 hour evening runtime. Assume propane has 26.8kWhs/gal and costs \$6/gallon (tank exchange). Assume \$0.30/kWh electric rate. Assume 120 nights/year of operation. The red operating costs are assumed to provide similar performance even though power levels are not identical.