

AGENDA

SPECIAL CITY COUNCIL MEETING
Tuesday, February 7, 2017 – 6:00 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, February 7, 2017 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto
Councilmember Greg Lyman

Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

6:00 p.m. ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING **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 listed on this special meeting agenda only.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

ADJOURN SPECIAL CITY COUNCIL MEETING

7:00 p.m ROLL CALL

CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Mayor Abelson*

2. COUNCIL/STAFF COMMUNICATIONS/COUNCIL ASSIGNMENT AND LIAISON REPORTS

3. ORAL COMMUNICATIONS FROM THE PUBLIC

This place on the agenda is reserved for comments and inquiries from the public regarding matters on the agenda and matters which do not otherwise appear on the agenda. All persons wishing to speak should sign up with the City Clerk. Remarks are limited to 3 minutes per person. Please state your name and city of residence for the record. Comments regarding consent calendar items will be heard first. Comments

related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item.

4. PRESENTATIONS

A. Police Officer of the Year Proclamation

Approve a proclamation commending and congratulating Officer Jose Delatorre for his recognition by the Richmond Elks Lodge No. 1251 Police Officer Appreciation Program and for his selection as Officer of the year.

B. Strategic Plan Overview – *Presentation by Karen Pinkos, Assistant City Manager.*

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A – 5G

A. Approval of Minutes

Approve the December 20, 2016 regular City Council, January 17, special City Council meeting – Closed Session and January 17, 2017 regular City Council meeting minutes.

B. Black History Month Proclamation

Approve a proclamation declaring February as Black History Month in the City of El Cerrito, and inviting everyone to recognize this month in celebrating the diversity and character of our community and highlight the importance of sharing our culture, customs and traditions with those around us.

C. Proclamation Recognizing Berkeley Clinic Auxiliary's 100 Years of Service

Approve a proclamation recognizing and congratulating the Berkeley Clinic Auxiliary on the occasion of its centennial year and for its century of selfless service and wishing the organization continued success for the next 100 years.

D. Revised Amendment of El Cerrito Municipal Code Chapter 8.10 – Massage Establishments

Approve first reading of an ordinance amending El Cerrito Municipal Code Chapter 8.10 "Massage Establishments" by repealing it in its entirety and replacing it by adding and adopting El Cerrito Municipal Code Chapter 8.10 "Massage Businesses" including a modification of the previously introduced ordinance to allow affected businesses to close at 10:00 p.m. *Exempt from CEQA.*

E. Support for Assembly Bill 1/Senate Bill 1 Transportation Funding and Reform Package

Approve a recommendation authorizing Mayor Abelson to sign and send letters to the authors, and other appropriate legislators and legislative bodies, in support of Assembly Bill 1 (Frazier) / Senate Bill 1 (Beall) Transportation Funding and Reform Package for much-needed new statewide investment to maintain and improve the local street, road, and state highway systems.

F. Request for Development of Horse Boarding Facility at Point Pinole

At the request of Mayor Pro Tem Quinto and Councilmember Lyman adopt a resolution: 1) Requesting that the East Bay Regional Park District Board of Directors take expeditious action in allowing for the development of a horse boarding facility at the Point Pinole Regional Shoreline Park; 2) Recognizing the benefits to the West Contra Costa County community from equestrian activity which include outdoor education, participation in local festivities and events, stress reduction and life skills; and 3) Encouraging the East Bay Regional Park District to cooperate with the horse owners and managers at the Giant Road property, and work together to identify the necessary steps for successful development of a suitable horse boarding facility at Point Pinole.

G. Cash and Investments Report for Quarter Ending December 31, 2016

Receive and file the City's Quarterly Investment Report for the period ending December 31, 2016.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS – None

8. City Council Local and Regional Liaison Assignments

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next Regular City Council Meeting will be held on Tuesday, February 21, 2017 at 7:00 p.m.

The City of El Cerrito serves, leads and supports 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.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website at <http://www.el-cerrito.org/streamingmedia>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library, and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- The Deadline for agenda items and communications is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us.
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.



Date: February 7, 2017
To: Honorable Mayor and Members of the City Council
From: Cheryl Morse, City Clerk
Subject: Commission Interviews

FEBRUARY 7 INTERVIEW SCHEDULE

Candidates listed below are scheduled for an interview this evening:

6:00 p.m.	Carl Groch [DRB & PLN]
6:15 p.m.	Julia Pon [PLN 1 st , EDC 2 nd , DRB 3 rd]
6:30 p.m.	Erin Gillett [PLN 1 st , DRB 2 nd]
6:45 p.m.	<i>Council deliberation</i>

BACKGROUND

Staff began publicizing vacancies on all the Boards, Commissions and Committees in September 2016. Vacancies were published on the City's website and in the West County Times, posted at City Hall, the Community Center and Library and appeared as a lead article on the City newsletter *News and Views*. Although the City conducts a continuous recruitment, the deadline for submitting applications for the first round of interviews was set at December 5 however additional applications continued to be submitted throughout December 2016. At the conclusion of the recruitment 39 applications for boards, commissions and committees had been received. In accordance with new rules adopted by the City Council on December 3, 2013, some board and commission members termed out on January 1, 2017 but were agreeable to serving in an interim capacity through March 1, 2017. The City Council approved these interim appointments at its December 20, 2016 meeting. New appointments resulting from the interviews conducted throughout February will either fill existing vacant unexpired terms or become effective March 1, 2017. Candidates who have listed a committee as a preferred choice on their application are contacted by the City Clerk and the staff liaison to discuss the committee appointment process.

VACANCIES

Existing and upcoming vacancies on each board, commission and committee are listed on the attached matrix and are also listed below for ease of reference:

**Special City Council Meeting
Commission Applicant Interviews**

EL CERRITO BOARDS AND COMMISSIONS

Arts and Culture Commission	4 Vacancies [3 eligible for reappointment]
Centennial Task Force	3 Vacancies
Citizens Street Oversight Committee	2 Vacancies
Civil Service Commission	2 Vacancies
Design Review Board	1 Vacancy [1 eligible for reappointment]
Financial Advisory Board	3 Vacancies [1 eligible for reappointment]
Human Relations Commission	4 Vacancies [1 eligible for reappointment]
Parks and Recreation Commission	2 Vacancies
Planning Commission	2 Vacancies [1 eligible for reappointment]

REGIONAL APPOINTMENTS

Contra Costa Library Commission	[Delegate vacancy. Alternate vacancy expires 6/30]
Contra Costa Transportation Authority Citizens Advisory Committee	[1 Vacancy]
WCUSD Citizens Bond Oversight Committee	[Delegate vacancy expires 4/12/17]

TIMING OF FUTURE INTERVIEWS

At the conclusion of the meeting this evening, staff will confer with the City Council regarding extended recruitments for any remaining vacancies and the scheduling of future special meetings to conduct interviews.

Attachments:

1. Applicant Matrix
2. Candidate Applications
3. Interview questions for consideration
4. Board, Commission and Committee Function Summary
5. Appointment list

Attachment 1 - 2017 Board and Commission Applicant Matrix

Revised 2/2/2017

* Currently serving /eligible for re-appointment

	<i>Arts & Culture (4)</i>	<i>Centennial Celebration (3)</i>	<i>Citizens Street Oversight (2)</i>	<i>Civil Service Commission (2)</i>	<i>Committee on Aging (0)</i>	<i>Crime Prevention (8)</i>	<i>Design Review Board (1)</i>	<i>Economic Devt. Cmte (5)</i>	<i>Environmental Quality (3)</i>	<i>Financial Advisory Bd (3)</i>	<i>Human Relations (4)</i>	<i>Park and Recreation (2)</i>	<i>Planning Commission (2)</i>	<i>Tree Committee (6)</i>	<i>CC Library (1)</i>	<i>WCCUSD Bond(Delegate)</i>	<i>Appointed?</i>
Richard Brooks	2	1															
Ruth Cazden*	1																
Georgina Edwards*											1						
Farhad Farahmand									2	1							
Michael A Fischer															1		
Kathleen Fleming	4										2	3				1	
Erin Gillett							2						1				
Carl Groch*							X						X				
Gabriel Guenette						3					1	2					
Cathy Hanville								2		1			3				
Mollie Hazen*	1								3			2					
Phyllis Hoffman				1							2						
Nicholas Kam				3						2			1				
Lee Kariuki								2			1					3	
Marlene Keller										1			2				
Sam A. Kohan				X							X		X				
C. William "Bill" Kuhlman								1		2							
Jessica Nicole Laird						2		3			1						
Susan Leach						1		2			3						
Andrea M. Lucas*													1				
Laura Lundy	1																
Elli ¹ Matejka	3										1	2					

Attachment 1 - 2017 Board and Commission Applicant Matrix

	<i>Arts & Culture (4)</i>	<i>Centennial Celebration (3)</i>	<i>Citizens Advisory Cmte. (1)</i>	<i>Citizens Street Oversight (2)</i>	<i>Civil Service Commission (2)</i>	<i>Committee on Aging (0)</i>	<i>Crime Prevention (8)</i>	<i>Design Review Board (1)</i>	<i>Economic Devt. Cmte. (5)</i>	<i>Environmental Quality (3)</i>	<i>Financial Advisory Bd (3)</i>	<i>Human Relations (5)</i>	<i>Park and Recreation (2)</i>	<i>Planning Commission (2)</i>	<i>Tree Committee (6)</i>	<i>CC Library (2)</i>	<i>WCCUSD Bond(Delegate)</i>	<i>Appointed?</i>
Tara McIntire										2			1		3			
Leslie Mendez														1				
Eugene Park					1													
Julia Pon								3	2					1				
Melanie L. Proctor						2						1						
Heidi Rand*	1																	
Patrick Riley								1	3					2				
Judith Tannenbaum	1											2						
Peter F. Vranich*									2		1							
Christopher Walsh	1												2		3			
Christopher Whaley									2					1				
Wilhelmenia Wilson												1						
Bruce L. Yow											1		2			3		
Shengyi Yue (Shen)										2			1		3			
David Zuckermann													1					

Revised 2/1/2017



**February 7, 2017
Special City Council Meeting**

Commission Interviews

Attachment 2 Applications

are available for review in hardcopy format at the following
locations:

Office of the City Clerk
10940 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue

City of El Cerrito
BOARD/COMMISSION INTERVIEW QUESTIONS

1. Will you give us a quick summary of why you chose to apply or how you selected the _____ commission/board?
2. Briefly outline what in your professional background, work experience, education, or volunteer work would be relevant to the commission/board and highlight any special or unique qualifications or qualities you feel would contribute to the commission?
3. Are you aware of any issues that this commission addressed recently? Have you attended any commission or council meetings?
4. Do you have any thoughts or ideas on how this commission might contribute to the quality of life in El Cerrito?
5. In the few minutes remaining do you have any questions for us?

City of El Cerrito
REAPPOINTMENT INTERVIEW QUESTIONS

1. How is the commission currently functioning?

2. What suggestions for change might you have for this commission? Please briefly outline them.

3. Are there any Council policies affecting this particular commission which you especially agree with? Disagree with?

COMMISSION FUNCTION SUMMARIES

Arts and Culture Commission

Meetings 4th Monday, 7:00 p.m., City Hall – Council Chambers

The Arts and Culture Commission consists of seven members who demonstrate a commitment to various arts disciplines, including but not limited to: fine arts, visual arts, performing arts, literary arts, art history, and arts education.

Citizens Street Oversight Committee

Meetings 4th Monday in January and September, 2nd Monday in November, 7:00 p.m., City Hall – Hillside Conference Room

The Citizens Street Oversight Committee monitors the expenditures of revenue collected pursuant to ECMC Chapter 4.60 (the “Pothole Repair and Local Street Improvement and Maintenance Transactions and Use Tax”) to determine whether such funds are expended for the purposes specified in the then-current Street Repair and Maintenance Expenditure Plan, and issues reports on their findings to the City Council and public at least annually. The Committee may also review the annual financial or performance audits performed by an independent auditor.

Civil Service Commission

Meetings On-Call, 7:00 p.m., City Hall – Council Chambers

Hears appeals submitted by any person in the competitive civil service relative to any disciplinary action, dismissal, demotion, or alleged violation of the municipal code or the personnel rules and certifies its findings and recommendations. Holds hearings and makes recommendations on any matter of personnel administration requested by the Council or the City Manager.

Committee on Aging

Meetings 3rd Wednesday, 3:00 p.m., City Hall – Council Chambers

Membership on the Committee on Aging is open to any and all interested adult residents of El Cerrito. Members are appointed by the City Council upon recommendation of the Committee and there is no limit on the number of Committee members. The Committee has established four long-term goals as follows: 1) Affordable housing options for older and disabled residents 2) Adequate space and facilities for, and the provision of, quality programs and services for seniors 3) Improved accessible public transportation and paratransit services for persons unable to use public transit facilities and 4) Increased support services to assist frail older adults and their families both within and outside of their homes.

Crime Prevention Committee

Meetings 2nd Wednesday, 7:00 p.m., City Hall – Hillside Conference Room

The Citizen’s Crime Prevention Committee was formed by resolution of the City Council in 1975. Membership is composed of El Cerrito residents interested in or knowledgeable of the criminal justice system. Appointments to the committee are made by the City Council upon

recommendation of the committee. The committee has received awards for “National Night Out” and has conducted identity theft workshops.

Design Review Board

Meetings 1st Wednesday, 7:30 p.m., City Hall – Council Chambers

The Design Review Board reviews all development (public or private), including all buildings, site layouts, and signing in all districts, except single-family, for the purpose of encouraging quality design of such facilities. The Board provides a framework by which elements of poor layout and design of a project may be prevented. Membership on this Board requires the filing of a Statement of Economic Interests – FPPC Form 700.

Economic Development Committee

Meetings are held on the 4th Wednesday of each month at 7:30 p.m., City Hall – Hillside Conference Room

The Economic Development Committee (EDC) acts in an advisory capacity to perform tasks and duties identified by the Economic Development Strategy and Action Plan. The Committee advises the Council on economic development matters, makes recommendations on the annual economic development work plan, and oversees the work of subcommittees established to concentrate on creating plans for high-priority areas. The Committee also provides input to other City boards and commissions on economic development matters and reviews progress towards achieving the annual work plan goals and long range economic development goals. The EDC encourages community involvement in economic development. The Chamber of Commerce President serves on the Economic Development Committee for one year.

Environmental Quality Committee

Meetings 2nd Tuesday, 7:00 p.m., City Hall – Council Chambers

The fifteen member Environmental Quality Committee serves in an advisory capacity to the City Council, staff, other boards, commissions, and committees, and the residents of the City with regard to environmental quality issues within the City of El Cerrito. The Committee recommends programs, policies, and ordinances to the City Council and promotes the City’s environmental quality efforts. The Committee also promotes and fosters public awareness, education, interest and support for environmental quality efforts, fosters volunteer opportunities, and educates El Cerrito residents regarding environmental quality and issues relating to environmental impacts.

Financial Advisory Board

Meetings 2nd Tuesday, 7:00 p.m., City Hall – Hillside Conference Room

The Financial Advisory Board (FAB) conducts a review of the proposed annual budget and long-term financial plan for the City and the Redevelopment Agency to assist the City Council and Redevelopment Agency in making decisions on major expenditures and revenue sources. The FAB develops a long-term financial plan for the City and the Redevelopment Agency, conducts an annual review of the City’s investment policies and gives consideration to the managing of the City’s financial reserves to assure maximum returns on approved investments. The FAB also reviews the annual audit and management letter and provides the City Council and the Redevelopment Agency with recommended changes in financial practices and reviews and

makes recommendations on all proposed bonds or other debt instruments to be issued by the City and the Redevelopment Agency.

Human Relations Commission

Meetings 1st Wednesday, 7:00 p.m., City Hall – Hillside Conference Room

The purpose of the Human Relations Commission is to initiate educational and cultural programs, and promote tolerance and mutual respect between all persons. When requested by the City Council, the Commission will evaluate and make recommendations regarding discrimination charges levied against the City. Commission members shall be generally representative of the demographics of the City including the racial, religious, age, gender, ethnic, and other groups.

Parks and Recreation Commission

4th Wednesday, 7:00 p.m., City Hall – Council Chambers

The Parks and Recreation Commission acts in an advisory capacity to the City Council on all matters pertaining to public recreation, including parks, playgrounds, landscaping, childcare, the arts, educational courses and entertainment. Current projects include an Urban Forest Plan and the Ohlone Greenway. The Commission considers the annual budget of the Recreation Department during its preparation and makes recommendations with respect thereto. Additionally, the Parks Commission assists in the planning of a recreation program for the City-promoting and stimulating public interest; and to that end, solicits to the fullest possible extent the cooperation of special authorities and other interested public and private agencies. The Commission studies present and future needs of the City with regard to park and recreation facilities.

Planning Commission

3rd Wednesday, 7:30 p.m., City Hall – Council Chambers

The Planning Commission, which is a mandated advisory body under the California Conservation and Planning Law, is appointed by the legislative body, with powers and duties as defined by that law. It functions as an advisory body to the City Council in matters relating to planning and the physical development of the City. The Planning Commission reviews the General Plan annually, makes modifications or additions as necessary, hears and acts upon use and variance permits, initiates required zoning amendments or changes to the zoning map, conducts public hearings on subdivisions and other matters, makes recommendations to the City Council, and considers other matters referred by the City Council. Membership on this Board requires the filing of a Statement of Economic Interests – FPPC Form 700.

Tree Committee

2nd Monday, 7:00 p.m., City Hall – Hillside Room

The Tree Committee serves in an advisory capacity to the City Council, other commissions, and the citizens of the City with regard to the growth, maintenance, and location of trees within the City. The Committee recommends programs, policies, and ordinances to implement and promote the City's Master Street Tree Plan and Urban Forest Management Plan and to coordinate with the Public Works staff regarding management and maintenance efforts. The Committee promotes and fosters public awareness, education, interest and support for urban

forestry efforts, fosters volunteer opportunities for tree planting and irrigation along the city's streets and in residential front yards, and educates El Cerrito residents regarding selecting, planting and maintaining trees. The Committee also promotes and fosters public awareness and education about potential hazards of trees near underground and above ground utilities and the appropriate tree species for avoiding such hazards.

2017 EL CERRITO BOARD AND COMMISSION APPOINTMENT LIST
Most appointments become effective March 1, 2017

ARTS & CULTURE COMMISSION

(4 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2020
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021

CITIZENS STREET OVERSIGHT COMMITTEE

(2 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021

CIVIL SERVICE COMMISSION

(2 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021

DESIGN REVIEW BOARD

(1 Vacancy)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2021

FINANCIAL ADVISORY BOARD

(3 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021

HUMAN RELATIONS COMMISSION

(4 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2018
_____	_____	3/1/2017	3/1/2019
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021

PARKS & RECREATION COMMISSION

(2 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2017	3/1/2021

PLANNING COMMISSION

(2 Vacancies)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/1/2017	3/1/2021
_____	_____	3/1/2016	3/1/2021

CONTRA COSTA TRANSPORTATION AUTHORITY CITIZENS ADVISORY COMMITTEE
(1 Vacancy)

Name	Date Appointed	Start	Term Expiration
_____	_____	_____	4 year term

CONTRA COSTA LIBRARY COMMISSION **(1 Delegate Vacancy)**

Name	Date Appointed	Start	Term Expiration
_____	_____	_____	4 year term
<i>Alternate position expires 6/30/17</i>			

WCUSD BOND OVERSIGHT COMMITTEE **(Alternate Vacancy)**

Name	Date Appointed	Start	Term Expiration
_____	_____	_____	2021
<i>Expires 4/12/17.</i>			

Updated: February ____, 2017

EL CERRITO CITY COUNCIL PROCLAMATION

Commending and Congratulating Officer Jose Delatorre for his recognition by the Richmond Elks Lodge No. 1251 Police Officer Appreciation Program and for his selection as Officer of the Year

WHEREAS, Jose Delatorre assumed the position of Police Officer with the El Cerrito Police Department on March 24th, 2015; and

WHEREAS, Officer Jose Delatorre is a certified instructor and trainer in Electronic Control Weapons, Force Options, and Firearms; and

WHEREAS, Officer Jose Delatorre was selected as a Field Training Officer, tasked with teaching tactics, report writing, and mentoring; as well as instilling the Mission, Vision, and Values of the Police Department into newly hired officers; and

WHEREAS, Officer Jose Delatorre received the El Cerrito Police Department's Life Saving Award on Dec 14, 2016 for his actions in administering CPR to save a child's on life Tuesday, May 31, 2016; and

WHEREAS, Officer Jose Delatorre has initiated investigations that have resulted in the recovery of stolen vehicles and removed guns, drugs, and violent offenders from the streets of El Cerrito; and

WHEREAS, Officer Jose Delatorre has displayed his dedication to the community and his fellow Law Enforcement Professionals by working tirelessly to enhance readiness, train new officers, and bring criminals to justice. Officer Delatorre possesses a commendable work ethic and through his performance during the year, has indeed been exemplary, and has been selected by his peers for special recognition.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby commend and congratulate Officer Jose Delatorre on the occasion of his recognition by the Richmond Elks Lodge No. 1251 – Police Officer Appreciation Night. The City Council extends sincere appreciation to Officer Delatorre for his devotion to the mission, vision and values of the El Cerrito Police Department.

Dated: February 7, 2017

Janet Abelson, Mayor



City of El Cerrito

Strategic Plan 2015 to 2020

Updated in April 2015



April 2, 2015

Mr. Scott Hanin
City Manager
City of El Cerrito
10890 San Pablo Ave
El Cerrito, CA 94530

Dear Mr. Hanin:

Management Partners is pleased to deliver this updated strategic plan for the City of El Cerrito. The first version of this plan was developed in 2013 using broad-based input from the community and City organization and two facilitated strategic planning sessions conducted with the City Council. This updated version reflects the changes made during the City Council study session held on March 28, 2015. In its updated form, this plan articulates the City's vision, mission, and values, as well as important goals and strategies to be pursued over the next three to five years. Changes are highlighted in yellow. The graphics contained in the document are from the 2013 plan and do not reflect the 2015 updates.

We look forward to continuing to assist the City of El Cerrito as it continues to integrate and align services to achieve the community's vision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gerald E. Newfarmer', written in a cursive style.

Gerald E. Newfarmer
President and CEO

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Background

Updating the Strategic Plan

On March 28, 2015, the City Council held a study session to revisit the City of El Cerrito's strategic plan, which was originally adopted in 2013. During this session, Council members discussed changes to the City's vision, mission, values, goals and strategies. This version of the strategic plan incorporates those edits and advances El Cerrito on a path towards achieving its vision.

Developing the Original Strategic Plan

In June 2012 the City Council and City Manager initiated a strategic planning process to create a multi-year plan for the future. During the prior year the City Council had adopted a mission statement for the City and the strategic planning process was intended to build from there. The City of El Cerrito has a strong tradition of leadership, sound planning, prudent financial practices and a track record of accomplishment. Building on this tradition, City leaders launched a process to develop a plan that will guide decisions over the next several years.

This strategic plan provides a framework for linking identified priorities to the budget process, capital improvement program, important policy considerations, economic development initiatives, and the organization's desire for continuous improvement. Council members provided policy direction about priorities and the City's executive team provided professional input about the contents of the plan. Management Partners designed and facilitated the process and prepared the Strategic Plan.

Strategic Planning Process Overview

The strategic planning process began with an analysis of strengths, limitations, opportunities and threats (SLOT). These were identified through a series of interviews, focus groups with staff and community representatives, and through a variety of community outreach efforts, including an Open House at City Hall, an online survey, and community

events. Management Partners interviewed the Mayor, members of the City Council and the City Manager to confirm the strategic planning process and hear initial ideas.

Approximately 50 staff representatives were randomly selected to confidentially inform the process. Staff members were asked to identify the strengths, limitations, opportunities and threats of El Cerrito and to brainstorm words and phrases that define a vision of the City of El Cerrito and their vision for the future of the community. The staff focus groups were comprised of representatives from all levels of the organization, from line staff to management, and all City departments.

Six focus groups of community stakeholders were held to solicit input and ideas about what makes the City of El Cerrito special. As with the staff groups, participants were asked for their perspectives on the strengths, limitations, opportunities and threats of El Cerrito.

In addition, to further engage the community and hear perspectives about what makes El Cerrito unique, the City held a public open house. City staff attended community events and administered an online public forum. These efforts informed the creation of a vision for the City's future and helped to prioritize goals and strategies.

Finally, an online survey was administered to solicit input from members of the public. Using words and phrases identified through the online survey Management Partners created "word clouds" that visually present perceptions of the City today and a desired future five years from today. Those word clouds are included as Attachment A.

Management Partners provided guidance to staff who prepared an environmental scan of current and future factors influencing the City. The combination of broad-based qualitative input and quantitative trend data laid the foundation for a highly interactive study session with the City Council. A graphic recorder captured the results of the Council workshop conducted on January in a visual, "storyboard" format.

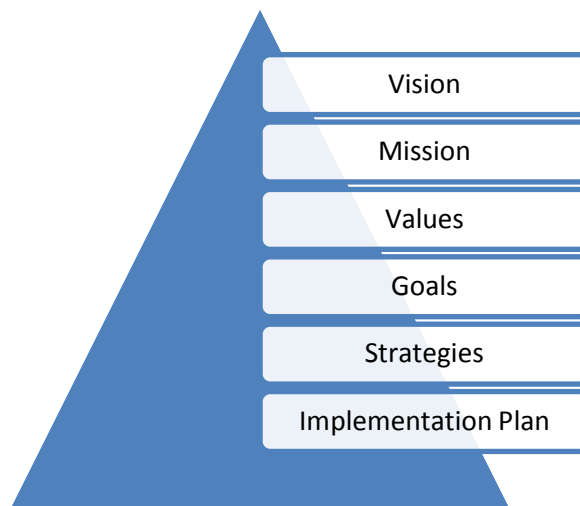
A graphic representation of the strategic planning process is presented on the following page.



The City of El Cerrito Strategic Plan sets a clear vision for the organization and establishes goals and strategies to move in that desired future direction. In addition, the plan articulates the organization's values and the behaviors that support them.

Figure 1 shows the core elements of the strategic plan.

Figure 1. El Cerrito Strategic Plan Components



A glossary of terms is provided in Attachment B.

These elements are graphically presented in the strategic plan. A summary presentation of the strategic plan elements is included as Attachment C.

City of El Cerrito Strategic Plan

The City of El Cerrito is committed to achieving a shared vision for the organization and its community. The vision, mission and values below are the result of a thoughtful and inclusive process designed to set the City on a course that meets the challenges of today and tomorrow. A glossary of terms is provided in Attachment B.

OUR VISION

The City of El Cerrito is a safe, connected, transit-oriented and environmentally focused destination with welcoming neighborhoods, thriving businesses and vibrant public spaces, and diverse cultural, educational and recreational opportunities for people of all ages. The vision is visually depicted below.



The City's *vision* sets the focus for the future. It is a statement of where the organization is going.

OUR MISSION

The City of El Cerrito serves, leads and supports 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 mission is visually depicted below.

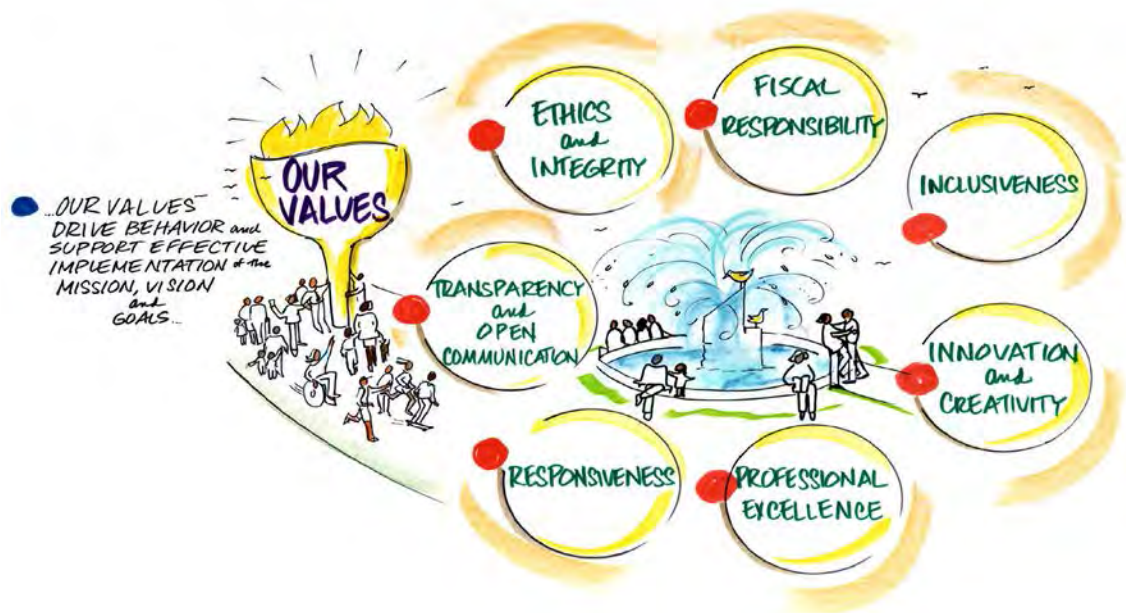


The City's *mission* is a statement of the purpose of the organization. It fundamentally defines what the organization stands for and what it will do.

OUR VALUES

Our values drive behavior and support effective implementation of the mission, vision, and goals. The City's values include:

- Ethics and Integrity
- Fiscal Responsibility
- Inclusiveness and Respect for Diversity
- Innovation and Creativity
- Professional Excellence
- Responsiveness
- Transparency and Open Communication
- Sustainability



Each of these organizational values has associated behaviors that can be demonstrated throughout the organization. The behaviors that were identified by executive staff and the City Council are listed below.

Value: Ethics and Integrity

- Keeps the public's interest always in mind
- Abides by professional codes of conduct
- Exercises good judgment
- Does the right thing even when no one is looking
- Knows and follows ethical rules
- Adheres to individual and organizational professional standards in the conduct of the organization's business

- Has the courage to say no
- Is accountable
- Stands for something
- Sets the example
- Remains steadfast
- Is willing to admit failures/faults
- Puts others first (emotional intelligence)

Value: Fiscal Responsibility

- Ensures responsible spending of the City revenues with services delivered in the most cost-effective, efficient manner
- Maintains financial reserves consistent with City Financial Policy
- Adheres to best practice financial policies and practices
- Attracts outside funding and resources when appropriate
- Forecasts
- Maintains fiscal discipline
- Addresses unfunded liabilities

Value: Inclusiveness and Respect for Diversity

- Treats others with dignity and respect
- Demonstrates a welcoming attitude at all times
- Demonstrates sensitivity to the needs, concerns and opinions of others
- Incorporates inclusiveness into programs and services
- Cultivates a broad and diverse network to exchange ideas and make decisions
- Models inclusive behavior when interacting with staff and the community
- Values and promotes full utilization of workforce diversity
- Successfully manages differences in primary language and culture
- Encourages and promotes a work environment in which all individual differences are valued, respected and welcomed
- Seeks or provides resources to promote and support inclusiveness
- Resolves complex issues by balancing needs of diverse groups
- Demonstrates compassion

Value: Innovation and Creativity

- Solves problems creatively and is open to new ideas
- Creates new ways of moving the organization forward to achieve its mission

- Fosters new and creative thinking and solutions
- Identifies new ideas/methods/techniques and embrace those that lead to improvement
- Uses emerging technology with purpose
- Takes risks (calculated)
- Encourages thinking outside-the-box
- Fosters empowerment
- Make it safe to make mistakes and to learn from them

Value: Professional Excellence

- Demonstrates respect
- Is dedicated
- Is dependable/reliable
- Keeps skills and knowledge current
- Exhibits excellent interpersonal skills
- Provides stewardship
- Identifies/forecasts issues
- Is solution-oriented
- Pays attention to detail
- Displays humility
- Sees the public and City employees as sources of creative ideas and effective solutions
- Has and communicates a vision
- Inspires results and effective teamwork
- Communicates and listens effectively
- Makes the hard decisions
- Sets the example; mentors others to be successful

Value: Responsiveness

- Seeks and utilizes community input
- Listens/responds actively
- Is timely
- Keeps others informed and up to date
- Keeps commitments and does what is said will be done; is reliable
- Engages – two way interaction
- Fulfills commitments and keeps promises that are made

Value: Transparency and Open Communication

- Operates in such a way that others can easily see one's actions

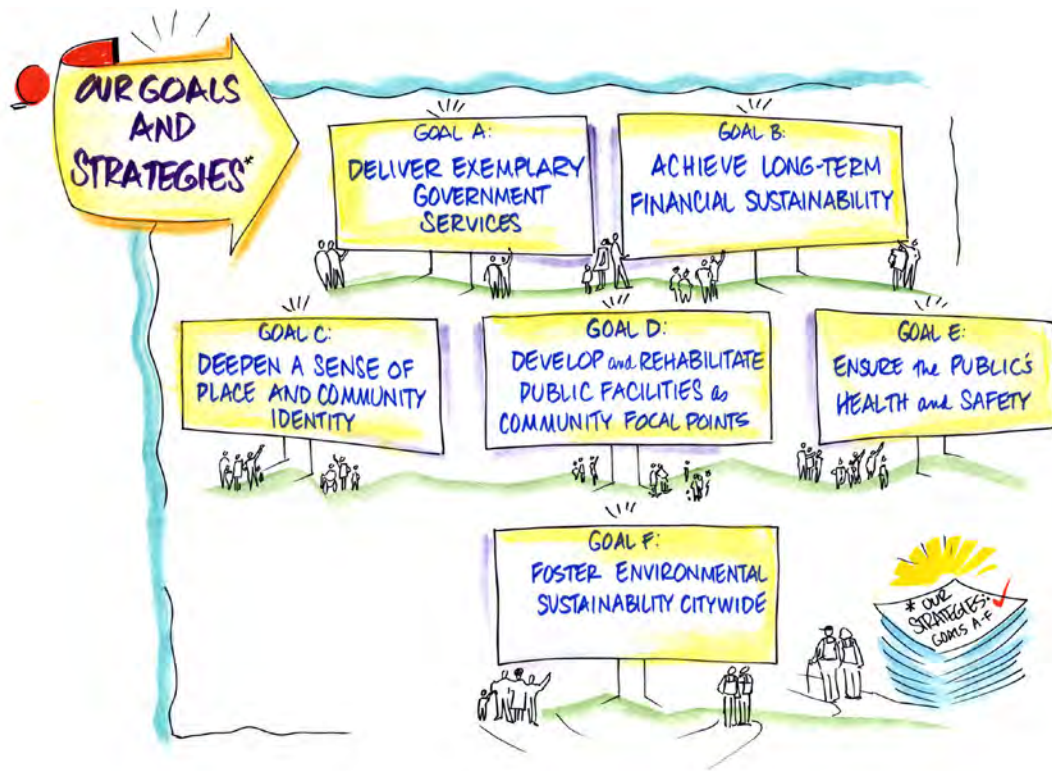
- Champions public transparency laws to enhance accountability and builds trust in government
- Follows open meeting laws in conducting the public's business
- Facilitates public participation in open meetings; encourages candor and welcomes input; **receptive to criticism**
- Provides free and easy access to information regarding matters of public interest
- Provides timely, accurate information that is easy to access and to understand
- Seeks ways to increase community participation and inclusion in government
- Considers media, technology and other channels to reach the public
- Listens carefully and remains open to different perspectives
- Explains policies, issues, and changes
- Develops creative ways to get the public productively involved
- Engages in open, honest communication
- Actively seeks citizen participation; strives to keep the public informed and educated about community issues
- Listens to other perspectives with an open mind and a sincere desire to understand

Value: Sustainability

- Take responsibility for the long-term health and well-being of residents and City employees
- Champion policies to protect, preserve and restore the natural environment
- Take steps to minimize waste and conserve resources

GOALS AND STRATEGIES

Goals are multi-year in nature. The timeframe for achieving goals is typically five to ten years. Strategies are the means to achieve the goals. The timeframe for implementing strategies can span several years as specific programs and projects are undertaken. It is recommended that the Council review the goals and strategies again in three to five years.



Goal A: Deliver exemplary government services

Strategies

- Increase productivity and efficiency by utilizing data-driven analysis to ensure appropriate resource allocation.
- Promote employee development and professional growth.
- Recruit and retain a talented and effective workforce.
- Ensure City programs and services are inclusive of people of diverse backgrounds.
- Develop and strengthen relationships with public and private partners, residents, businesses, schools, and community groups.
- Maintain emphasis on providing excellent customer service.

Goal B: Achieve long-term financial sustainability

Strategies

- Maintain financial discipline by establishing decision-making guidelines to evaluate whether or when to pursue a new project or program.

- Ensure policies, procedures and systems represent best practices in financial management.
- Maximize opportunities for existing and expanding businesses.
- Explore opportunities for public/private partnerships.
- Continue to pursue and support opportunities for new funding, including outside grants and ballot measures.
- Develop a financial plan to address ongoing and deferred maintenance of facilities and infrastructure.
- Develop a plan to ensure that Citywide revenue meets the cost of providing Citywide services, including adequate reserves for unanticipated revenue shortfalls.
- Track and promote State and Federal legislation that would create new funding opportunities.

Goal C: Deepen a sense of place and community identity

Strategies

- Promote strong neighborhoods.
- Celebrate the City's diversity by welcoming residents of all ages and cultures and encouraging their civic involvement.
- Adopt a Revised General Plan that meets the needs of the community now and in the future.
- Develop a vision for underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development.
- Develop an Economic Development action plan to build on our strengths, including our diversity, arts, culture, and environmental sustainability.
- Review and update policies on preservation of historic and cultural resources and develop an inventory of historical and cultural assets in the City.
- Encourage dense business nodes to minimize or eliminate automobile traffic.
- Identify, promote, and/or develop entertainment, recreational, and leisure activities for people of all ages and demographics.
- Promote arts and culture and community celebrations.
- Develop plans for the City's 100th year anniversary (2017).
- Be a strong partner with the schools.

Goal D: Develop and rehabilitate public facilities as community focal points

Strategies

- Develop a plan to address ongoing and deferred maintenance of facilities and infrastructure.
- Continue the facilities assessment to prioritize and strategize investment (i.e., library, public safety facility, senior center, community center).
- Revisit and update the Structural Facilities Management Plan.

Goal E: Ensure the public's health and safety

Strategies

- Provide transparent information on crime and address perceptions of safety through outreach and education.
- Utilize environmental design techniques to deter and prevent crimes
- Apply data-driven analysis to target law enforcement and fire resources and enhance safety.
- Maintain disaster preparedness programs and ensure emergency response plans are current.
- Continue multi-division/department teamwork to ensure and enhance the community's safety through a thorough, efficient and comprehensive plan review, permitting and inspection process.
- Continue to work with local partners (i.e., BART, the school district, other communities, East Bay Regional Park District) on a coordinated approach to public safety.
- Utilize community-oriented policing and problem solving.
- Utilize a diverse array of crime prevention techniques (e.g., School Resource Officer [SRO] program, Traffic Unit, Bike Patrol, etc.).
- Explore innovative and best practices for promoting public health (e.g., smoking ordinances, nutrition, obesity prevention, living wage, and strategies to promote walking/biking).

Goal F: Foster environmental sustainability citywide

Strategies

- Be a leader in setting policies and providing innovative programs that promote environmental sustainability.
- Promote environmental education to facilitate behavioral changes by working with the school district and other community groups.

- Implement policies to promote waste diversion (i.e., mandatory commercial recycling and green waste).
- Encourage alternative modes of transportation to the single occupancy vehicle.
- Implement and monitor the City's Climate Action Plan to:
 - o Reduce vehicle miles traveled (by creating a well connected, pedestrian, bicycle and transit-oriented urban forms that will make it easier for residents and visitors to leave their car behind.)
 - o Facilitate energy and water efficiency and greater use and generation of clean energy
 - o Reduce the amount of waste generated in El Cerrito
 - o Make municipal operations more resource efficient and environmentally friendly

This set of goals and strategies will guide and inform the City's annual priority-setting and resource decision-making processes and serve as a broad framework to achieve the exceptional quality of life expected and experienced by the residents of El Cerrito.

Attachment A – Word Clouds





Attachment B – Glossary of Terms

The following graphic shows the key components of a strategic plan.



A **vision** sets the focus for the future. It is a statement of where the organization is going.

A **mission** is a statement of the purpose of the organization. It fundamentally defines what the organization stands for and what it will do.

The **values** of an organization drive the goals created and the process of implementation. Values provide the basis for how the organization and its members will work to achieve the mission and vision. Examples include professional excellence, innovation, responsiveness, and integrity.

Goals set the framework that guides the direction and focus of the organization, budget decisions and allocation of other resources, such as staff time. They are “up on the balcony” wide views of opportunities for change and improvement and state the desired future. Goals or strategic priorities provide the “why” (larger meaning and context) of the specific actions the agency takes. They help the executive team decide which of the many worthy projects should be done and when, within available resources. Goals must be meaningful and attainable.

Strategies are the means to achieve the goals. They describe an approach or method and begin to answer the question: How will we go about accomplishing the goal? They may include broad areas to pursue, rather than individual projects. To assure that the goal is achieved, later in the process each objective must be assigned to an individual, with resources identified, and incorporated into a work plan.

An **implementation action plan** is the blueprint for carrying out the strategic plan. It contains the detailed steps that must be taken to assure that the goals and strategies are achieved. Action plans provide a framework for determining specific timelines, assignments, and resource allocations. They are designed to be a management tool to help the organization assure that goals are attained and are well-suited to periodic check-in about progress, changes or challenges.

Attachment C – Graphic Representation the Strategic Plan

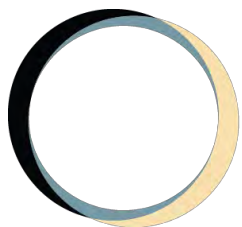




El Cerrito, CA

Community Livability Report

2016



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The National Citizen Survey™
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The NCS™ is presented by NRC in collaboration with ICMA.

NRC is a charter member of the AAPOR Transparency Initiative, providing clear disclosure of our sound and ethical survey research practices.

About

The National Citizen Survey™ (The NCS) report is about the “livability” of El Cerrito. The phrase “livable community” is used here to evoke a place that is not simply habitable, but that is desirable. It is not only where people do live, but where they want to live.

Great communities are partnerships of the government, private sector, community-based organizations and residents, all geographically connected. The NCS captures residents’ opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement).

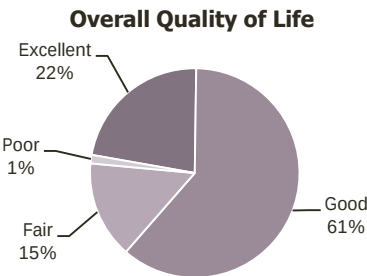
The Community Livability Report provides the opinions of a representative sample of 400 residents of the City of El Cerrito. The margin of error around any reported percentage is 5% for the entire sample. The full description of methods used to garner these opinions can be found in the *Technical Appendices* provided under separate cover.



Quality of Life in El Cerrito

Most residents rated the quality of life in El Cerrito as excellent or good. This rating was similar to comparison communities across the nation (see Appendix B of the *Technical Appendices* provided under separate cover).

Shown below are the eight facets of community. The color of each community facet summarizes how residents rated it across the three sections of the survey that represent the pillars of a community – Community Characteristics, Governance and Participation. When most ratings across the three pillars were higher than the benchmark, the color for that facet is the darkest shade; when most ratings were lower than the benchmark, the color is the lightest shade. A mix of ratings (higher and lower than the benchmark) results in a color between the extremes.



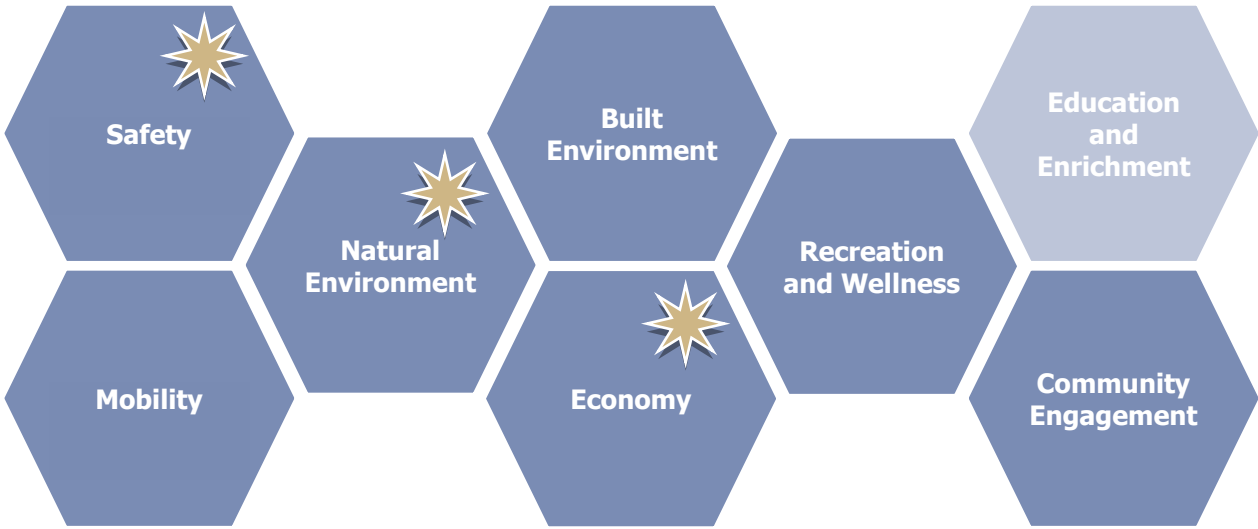
In addition to a summary of ratings, the image below includes one or more stars to indicate which community facets were the most important focus areas for the community. Residents identified Safety, Economy and Natural Environment as priorities for the El Cerrito community in the coming two years. El Cerrito residents gave favorable ratings to these facets of community as well as to Built Environment, Mobility, Recreation and Wellness and Community Engagement. This overview of the key aspects of community quality provides a quick summary of where residents see exceptionally strong performance and where performance offers the greatest opportunity for improvement. Linking quality to importance offers community members and leaders a view into the characteristics of the community that matter most and that seem to be working best.

Details that support these findings are contained in the remainder of this Livability Report, starting with the ratings for Community Characteristics, Governance and Participation and ending with results for El Cerrito's unique questions.

Legend

- Higher than national benchmark
- Similar to national benchmark
- Lower than national benchmark

★ Most important



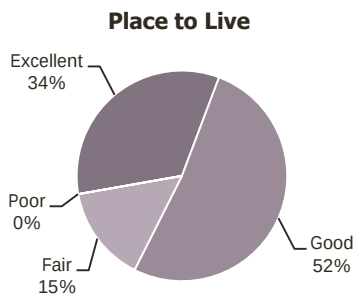
Community Characteristics

What makes a community livable, attractive and a place where people want to be?

Overall quality of community life represents the natural ambience, services and amenities that make for an attractive community. How residents rate their overall quality of life is an indicator of the overall health of a community. In the case of El Cerrito, 85% rated the City as an excellent or good place to live. Respondents' ratings of El Cerrito as a place to live were similar to ratings in other communities across the nation.

In addition to rating the City as a place to live, respondents rated several aspects of community quality including El Cerrito as a place to raise children and to retire, their neighborhood as a place to live, the overall image or reputation of El Cerrito and its overall appearance. All of these were similar to the national benchmark and were rated positively by at least 6 in 10 residents.

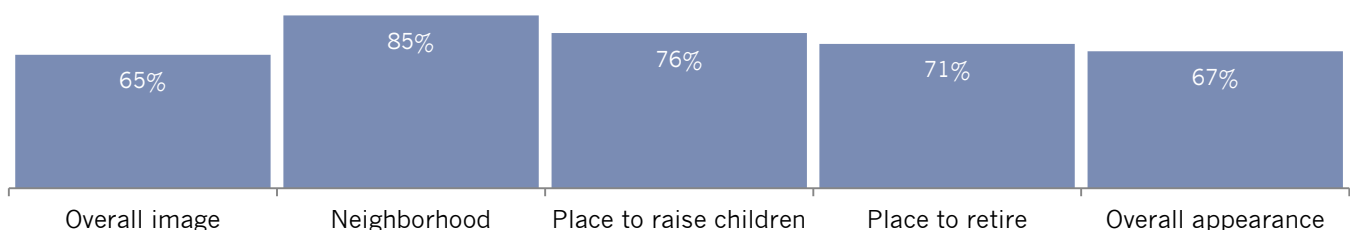
Delving deeper into Community Characteristics, survey respondents rated over 40 features of the community within the eight facets of Community Livability. Overall the majority of items were rated similar to the benchmark. Each item in Mobility was favorably rated by at least half of the participants and travel by bicycle, travel by public transportation and public parking were rated higher than the benchmark. Safety and Natural Environment were also strong with favorable ratings from at least 2 in 3 residents. Fewer than one-third of respondents gave positive ratings to affordable quality housing, El Cerrito's vibrant downtown/commercial area and employment opportunities. These ratings were all lower than ratings in comparison communities.



Percent rating positively (e.g., excellent/good)

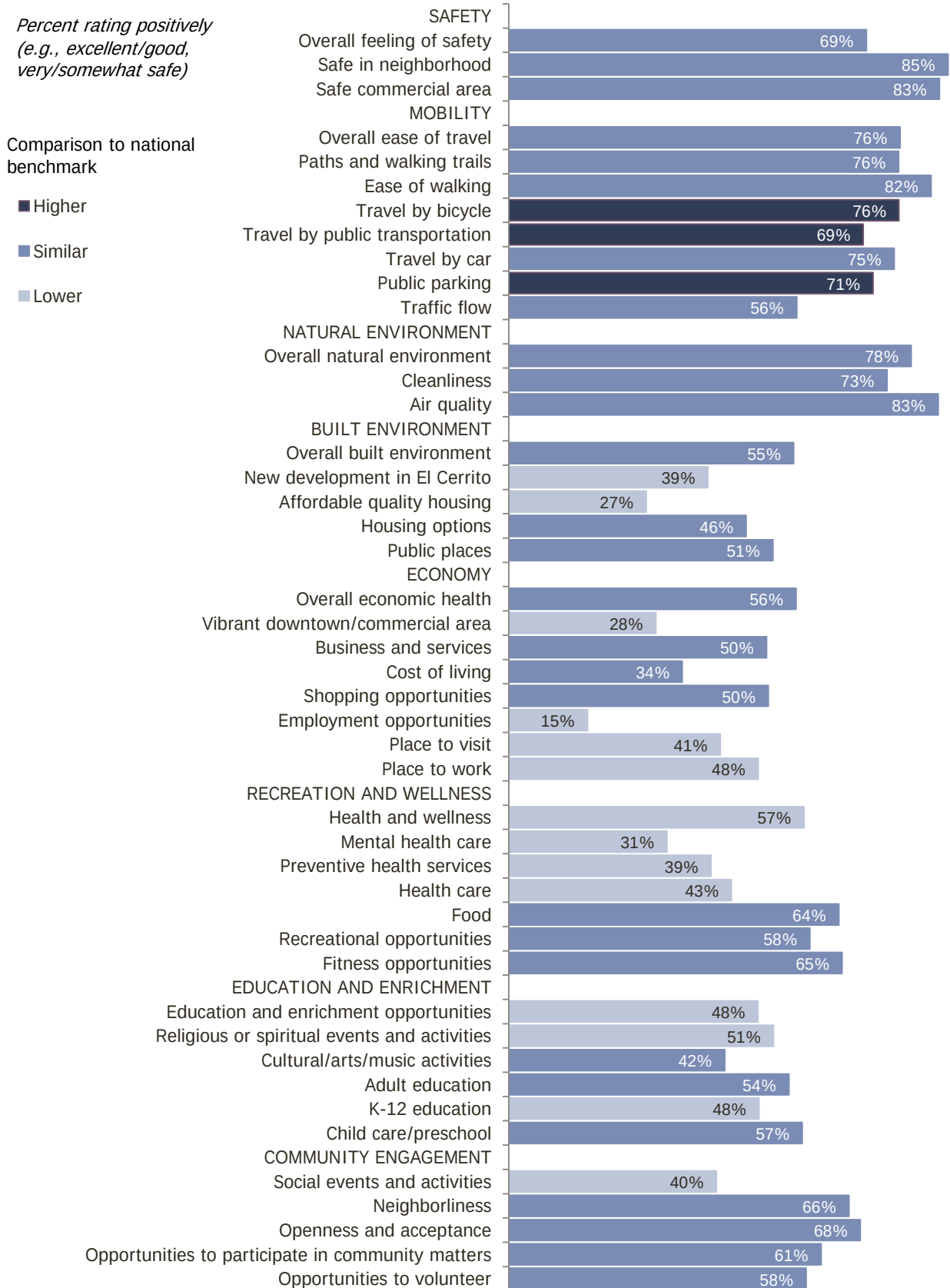
Comparison to national benchmark

■ Higher ■ Similar ■ Lower



The National Citizen Survey™

Figure 1: Aspects of Community Characteristics



Governance

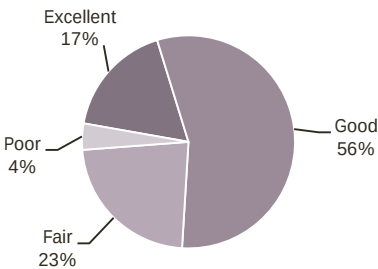
How well does the government of El Cerrito meet the needs and expectations of its residents?

The overall quality of the services provided by El Cerrito as well as the manner in which these services are provided are a key component of how residents rate their quality of life. About 7 in 10 residents gave positive ratings for the quality of services provided by the City of El Cerrito while around 5 in 10 participants gave favorable marks for the Federal Government. Ratings for both the City and Federal Governments were similar to the benchmark.

Survey respondents also rated various aspects of El Cerrito's leadership and governance. The value of services for taxes paid, welcoming citizen involvement, confidence in City government, overall direction, acting in the best interest of El Cerrito, being honest, treating all residents fairly and customer service were all rated positively by a majority of respondents. All of these aspects were similar to the benchmark.

Respondents evaluated over 30 individual services and amenities available in El Cerrito. The majority of services were similar to the benchmark. A majority of residents rated all services in Safety positively with about 4 in 5 residents giving positive marks for police, fire and EMS services. All aspects of Natural Environment were rated as excellent or good by at least 6 in 10 residents. Further, drinking water, garbage collection, recycling and yard waste pick-up services were rated favorably by about 9 in 10 residents. All services within the facets of Mobility, Economy, Built Environment and Community Engagement were rated similarly to communities across the nation. About 6 in 10 respondents gave positive ratings to both aspects of Education and Enrichment; however, ratings for public library services were lower than in comparison communities. Recreation and Wellness ratings were seen as excellent or good by about 7 in 10 participants and were similar to the benchmarks, except for health services. About 45% of residents positively rated health services and this rating was lower than the national benchmark comparison.

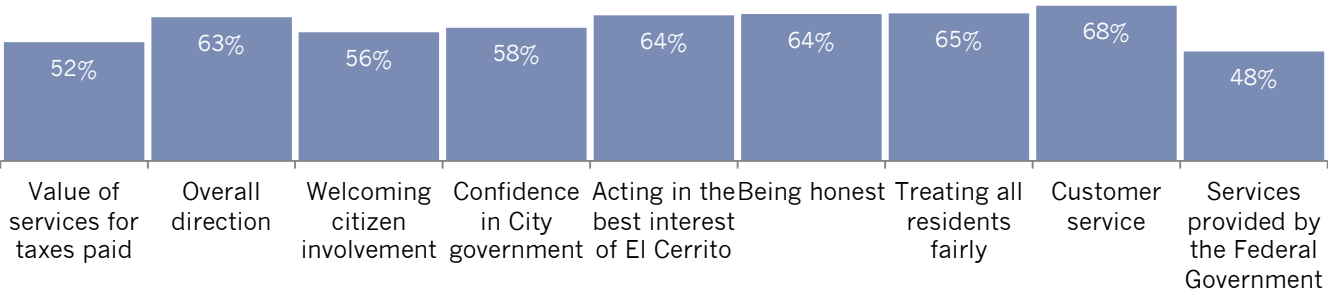
Overall Quality of City Services



Percent rating positively (e.g., excellent/good)

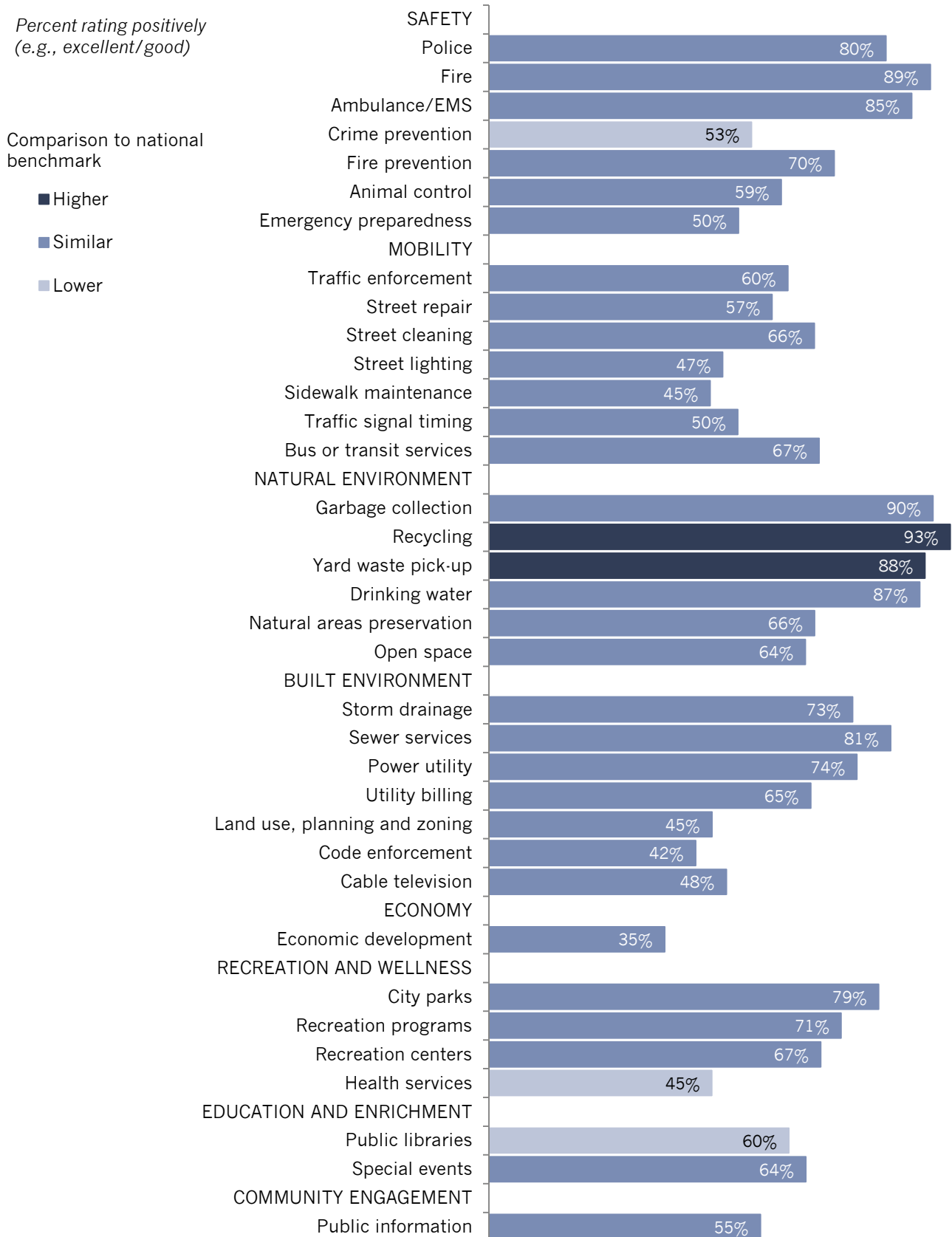
Comparison to national benchmark

■ Higher ■ Similar ■ Lower



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Figure 2: Aspects of Governance

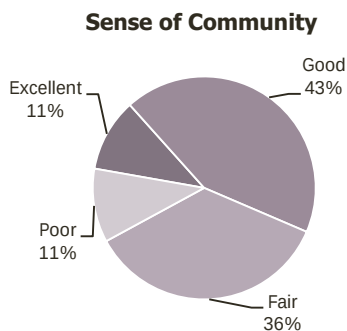


Participation

Are the residents of El Cerrito connected to the community and each other?

An engaged community harnesses its most valuable resource, its residents. The connections and trust among residents, government, businesses and other organizations help to create a sense of community; a shared sense of membership, belonging and history. Around half of residents reported an excellent or good sense of community and this rating was similar to the benchmark. About 4 in 5 participants indicated that they were likely to recommend El Cerrito and planned to remain in El Cerrito. These rates were similar to rates in comparison communities.

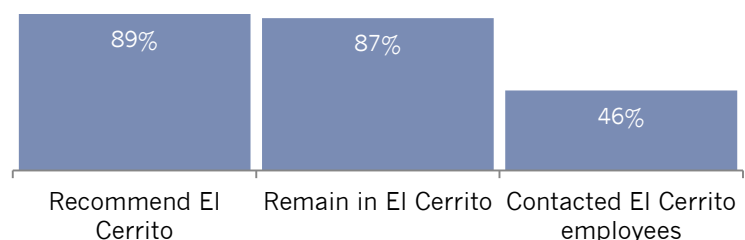
The survey included over 30 activities and behaviors for which respondents indicated how often they participated in or performed each, if at all. Most reported rates of Participation were similar to those in other communities. Within Mobility nearly 9 in 10 residents reported that they had used public transportation instead of driving and nearly 8 in 10 walked or biked instead of driving. These rates of Participation were higher than those in comparison jurisdictions. Nearly all residents reported that they conserved water and that they recycled at home, both higher rates than the national benchmark. About 9 in 10 residents reported that they ate 5 portions of fruit and vegetables which was higher than in comparison communities. When compared to other communities, fewer El Cerrito residents reported that they worked in El Cerrito, used El Cerrito public libraries, participated in religious or spiritual events or activities, attended a City-sponsored event, volunteered, participated in a club or watched a local public meeting.



Percent rating positively
(e.g., very/somewhat likely,
yes)

Comparison to national
benchmark

■ Higher ■ Similar ■ Lower



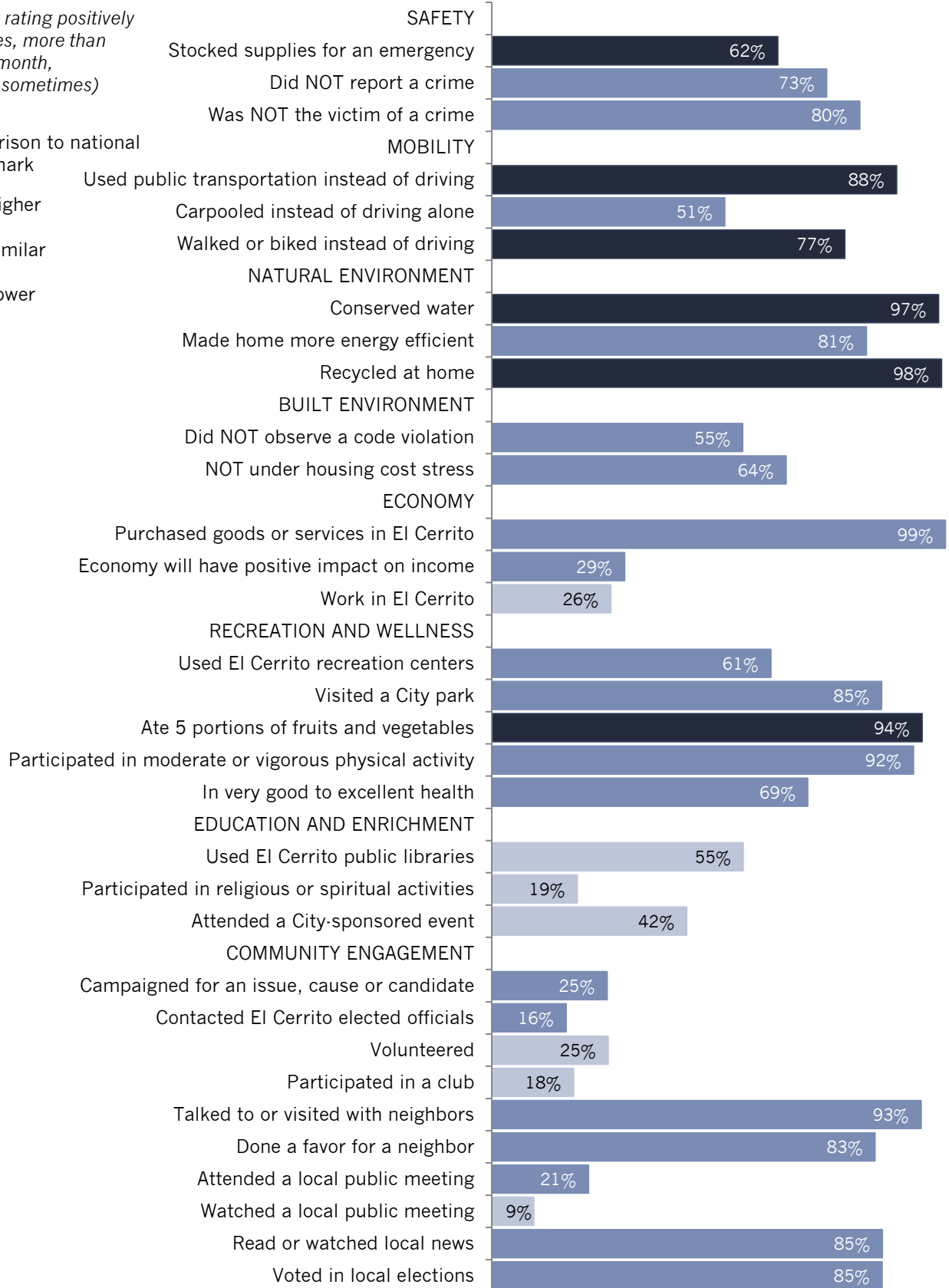
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Figure 3: Aspects of Participation

Percent rating positively
(e.g., yes, more than
once a month,
always/sometimes)

Comparison to national
benchmark

- Higher
- Similar
- Lower

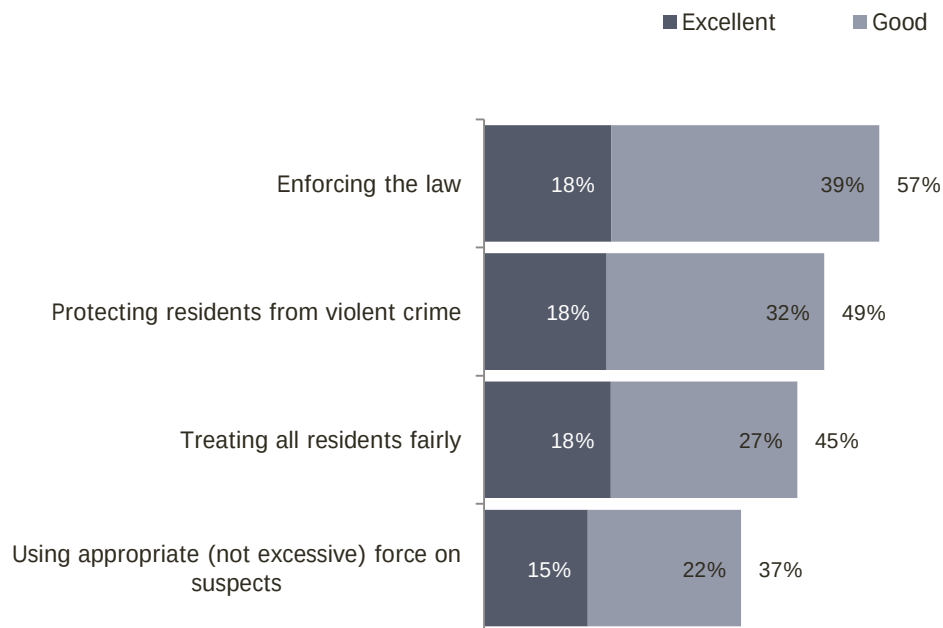


Special Topics

The City of El Cerrito included three questions of special interest on The NCS. The first question asked about the performance of the El Cerrito Police Department. A majority residents gave excellent or good ratings regarding the Police Department's job at enforcing the law while about one-third gave positive ratings to using appropriate (not excessive) force on suspects.

Figure 4: Quality of Police Department Performance

Please rate the job the City of El Cerrito Police Department does at each of the following:

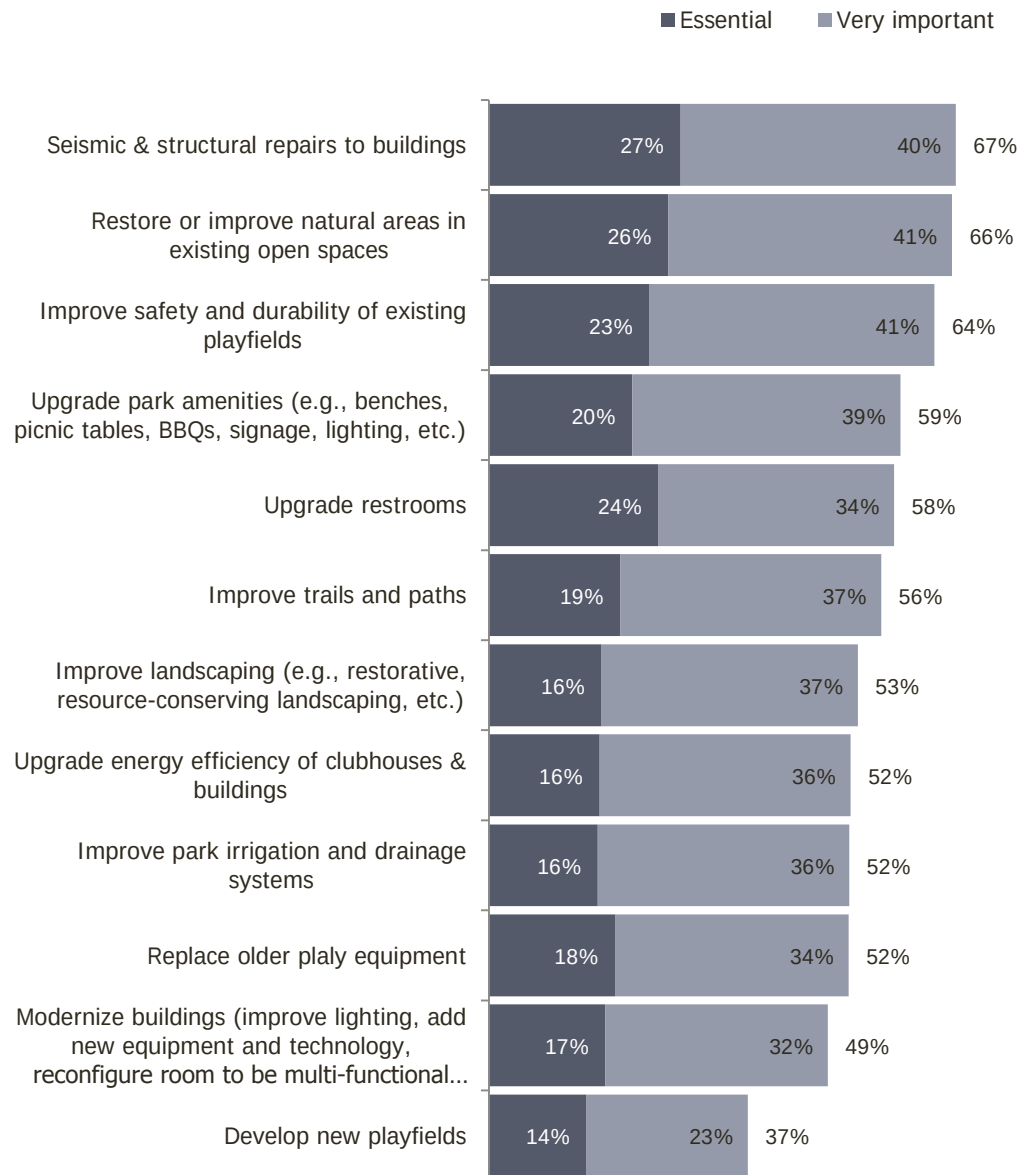


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The second question of special interest regarded resident opinion on parks and recreation facility improvements over the coming 5 to 10 years. A majority rated most of the potential improvements as essential or very important. Seismic & structural repairs to buildings, restoring or improving natural areas and improving safety and durability of existing playfields were rated the most important by residents.

Figure 5: Importance of Parks and Recreation Facility Improvements

Please rate how important, if at all, you think it is for the City to focus on each of the following parks and recreation facility improvements in the coming 5 to 10 years:

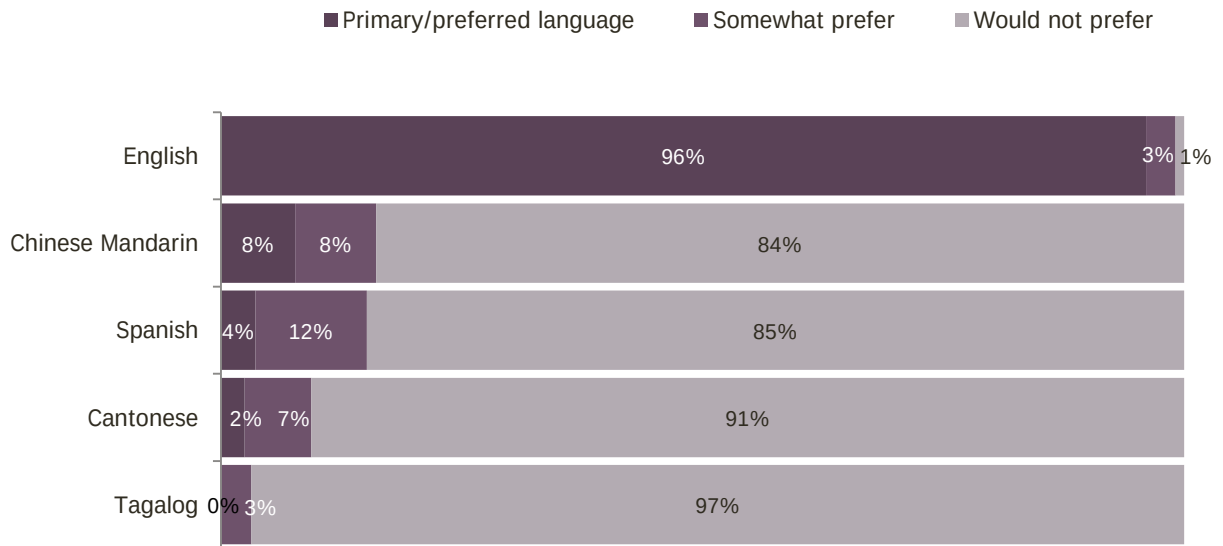


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The last special interest asked residents to rate their preferred language for receiving communications at home. Almost all residents indicated that they preferred English for communication. About 1 in 10 indicated a preference (either primary or somewhat prefer) for Chinese Mandarin or Spanish. Cantonese and Tagalog had less than 1 in 10 indicate that they preferred or somewhat preferred that language.

Figure 6: Preferred Languages

Thinking about the kinds of languages you might receive communications in at your home, please rate your preference for receiving communications in each of the following languages:



Conclusions

El Cerrito residents continue to enjoy a positive quality of life.

High quality of life is enjoyed by most El Cerrito Residents. About 8 in 10 residents reported that their overall quality of life was excellent or good. This rating was similar to comparison communities and remained stable from 2012 to 2016 (for more information see the *Trends over Time* report under separate cover). Further, about 8 in 10 residents gave positive ratings to their neighborhoods and to El Cerrito as a place to live while at least that many cited that they would recommend El Cerrito to someone who asked and planned to remain in the community. Most residents cited El Cerrito as an excellent or good place to raise children and to retire and also favorably rated the overall image and overall appearance of El Cerrito.

Safety is a priority for the community.

Residents gave positive ratings to most aspects of Safety in El Cerrito and indicated that it was a top priority for the next two years. Most residents gave positive ratings for fire and ambulance/EMS services. A vast majority of participants also indicated that they felt safe in their neighborhoods and safe in the commercial area. About half of residents gave positive ratings for emergency preparedness. Over 6 in 10 indicated that they had stocked supplies for an emergency. About 80% of participants gave favorable ratings for police services. When asked to rate the job that the El Cerrito Police Department does, a majority of respondents indicated that the police did an excellent or good job at enforcing the law. However, fewer than half of residents felt the police did an excellent or good job at protecting residents from violent crime, treating all residents fairly and using appropriate (not excessive) force on suspects.

Residents value Economy and emphasize its importance.

Participants cited Economy as being a key focus area for the next two years for El Cerrito community. About half of residents gave positive ratings for overall economic health, businesses and services, shopping opportunities and to El Cerrito as a place to work. About a quarter of residents reported working in El Cerrito, which was a lower rate than in comparison communities. Fewer than 2 in 10 gave positive ratings for employment opportunities. This rating decreased from 2012 to 2016 and was lower than the national benchmark comparison. About 30% indicated that they expect the economy to have a positive impact on their household income, this was an increase from the 2012 survey, and similar to other communities across the nation. Ratings for economic development decreased from 2012 to 2016, but were similar to ratings in comparison communities.

The Natural Environment is a key feature of El Cerrito.

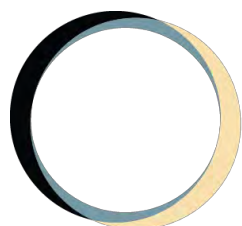
Natural Environment had strong ratings and residents indicated its importance for the community in the next two years. Around 78% of residents gave favorable ratings for the overall natural environment. About 8 in 10 residents rated air quality favorably and this rating increased from 2012 to 2016. Most participants gave positive ratings for garbage collection, yard waste pick-up and drinking water. About 8 in 10 residents reported that they had made efforts to make their home more energy efficient. Almost all residents indicated that they had conserved water and recycled, both of these rates were higher than in comparison communities. Further, almost all respondents gave excellent or good ratings to recycling services and this rating was higher than the national benchmark.



El Cerrito, CA

Dashboard Summary of Findings

2016



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Summary

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The survey and its administration are standardized to assure high quality research methods and directly comparable results across The NCS communities. The NCS captures residents' opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement). This report summarizes El Cerrito's performance in the eight facets of community livability with the "General" rating as a summary of results from the overarching questions not shown within any of the eight facets. The "Overall" represents the community pillar in its entirety (the eight facets and general).

By summarizing resident ratings across the eight facets and three pillars of a livable community, a picture of El Cerrito's community livability emerges. Below, the color of each community facet summarizes how residents rated each of the pillars that support it – Community Characteristics, Governance and Participation. When most ratings were higher than the benchmark, the color is the darkest shade; when most ratings were lower than the benchmark, the color is the lightest shade. A mix of ratings (higher and lower than the benchmark) results in a color between the extremes.

Overall ratings for El Cerrito were strong and similar to comparison communities. Within Community Characteristics, Recreation and Wellness tended to receive lower ratings than the national benchmarks. In Participation, aspects of Mobility and Natural Environment tended to receive higher ratings while Education and Enrichment tended to receive lower ratings than in comparison jurisdictions. This information can be helpful in identifying the areas that merit more attention.

Figure 1: Dashboard Summary

	Community Characteristics			Governance			Participation		
	Higher	Similar	Lower	Higher	Similar	Lower	Higher	Similar	Lower
Overall	3	35	14	2	40	3	6	23	7
General	0	7	0	0	3	0	0	3	0
Safety	0	3	0	0	6	1	1	2	0
Mobility	3	5	0	0	7	0	2	1	0
Natural Environment	0	3	0	2	4	0	2	1	0
Built Environment	0	3	2	0	7	0	0	2	0
Economy	0	4	4	0	1	0	0	2	1
Recreation and Wellness	0	3	4	0	3	1	1	4	0
Education and Enrichment	0	3	3	0	1	1	0	0	3
Community Engagement	0	4	1	0	8	0	0	8	3

Legend	
	Higher
	Similar
	Lower

The National Citizen Survey™

Figure 2: Detailed Dashboard

	Community Characteristics	Trend	Benchmark	Percent positive	Governance	Trend	Benchmark	Percent positive	Participation	Trend	Benchmark	Percent positive
General	Overall appearance	↔	↔	67%	Customer service	↓	↔	68%	Recommend El Cerrito	↔	↔	89%
	Overall quality of life	↔	↔	84%	Services provided by El Cerrito	↔	↔	73%	Remain in El Cerrito	↔	↔	87%
	Place to retire	↔	↔	71%	Services provided by the Federal Government	↑	↔	48%	Contacted El Cerrito employees	↔	↔	46%
	Place to raise children	↔	↔	76%								
	Place to live	↔	↔	85%								
	Neighborhood	↔	↔	85%								
	Overall image	↔	↔	65%								
Safety	Overall feeling of safety	*	↔	69%	Police	↔	↔	80%	Was NOT the victim of a crime	↓	↔	80%
	Safe in neighborhood	↓	↔	85%	Crime prevention	↓	↓	53%	Did NOT report a crime	*	↔	73%
	Safe commercial area	↔	↔	83%	Fire	↔	↔	89%	Stocked supplies for an emergency	*	↑↑	62%
					Fire prevention	↔	↔	70%				
					Ambulance/EMS	↔	↔	85%				
					Emergency preparedness	↔	↔	50%				
					Animal control	↔	↔	59%				
Mobility	Traffic flow	↔	↔	56%	Traffic enforcement	↔	↔	60%	Carpooled instead of driving alone	*	↔	51%
	Travel by car	↔	↔	75%	Street repair	↔	↔	57%	Walked or biked instead of driving	*	↑	77%
	Travel by bicycle	↔	↑	76%	Street cleaning	↔	↔	66%	Used public transportation instead of driving	*	↑↑	88%
	Ease of walking	↔	↔	82%	Street lighting	↔	↔	47%				
	Travel by public transportation	↓	↑	69%	Sidewalk maintenance	↔	↔	45%				
	Overall ease travel	*	↔	76%	Traffic signal timing	↔	↔	50%				
	Public parking	*	↑	71%	Bus or transit services	↔	↔	67%				
Natural Environment	Paths and walking trails	↔	↔	76%								
	Overall natural environment	↔	↔	78%	Garbage collection	↔	↔	90%	Recycled at home	↔	↑	98%
	Air quality	↑	↔	83%	Recycling	↔	↑	93%	Conserved water	*	↑	97%
	Cleanliness	↔	↔	73%	Yard waste pick-up	↔	↑	88%	Made home more energy efficient	*	↔	81%
					Drinking water	*	↔	87%				
					Open space	*	↔	64%				
					Natural areas preservation	↔	↔	66%				
Built Environment	New development in El Cerrito	↓	↓	39%	Sewer services	↑	↔	81%	NOT experiencing housing cost stress	↔	↔	64%
	Affordable quality housing	↓	↓	27%	Storm drainage	↔	↔	73%	Did NOT observe a code violation	*	↔	55%
	Housing options	↓	↔	46%	Power utility	*	↔	74%				
	Overall built environment	*	↔	55%	Utility billing	*	↔	65%				
	Public places	*	↔	51%	Land use, planning and zoning	↓	↔	45%				
					Code enforcement	↔	↔	42%				
					Cable television	↔	↔	48%				

Legend

↑↑ Much higher ↑ Higher ↔ Similar ↓ Lower ↓↓ Much lower * Not available

The National Citizen Survey™

	Community Characteristics	Trend	Benchmark	Percent positive	Governance	Trend	Benchmark	Percent positive	Participation	Trend	Benchmark	Percent positive
Economy	Overall economic health	*	↔	56%	Economic development	↓	↔	35%	Economy will have positive impact on income	↑	↔	29%
	Shopping opportunities	↔	↔	50%					Purchased goods or services in El Cerrito	*	↔	99%
	Employment opportunities	↓	↓	15%					Work in El Cerrito	*	↓	26%
	Place to visit	*	↓	41%								
	Cost of living	*	↔	34%								
	Vibrant downtown/commercial area	*	↓	28%								
	Place to work	↔	↓	48%								
Recreation and Wellness	Business and services	↓	↔	50%								
	Fitness opportunities	*	↔	65%	City parks	↓	↔	79%	In very good to excellent health	*	↔	69%
	Recreational opportunities	↔	↔	58%	Recreation centers	↓	↔	67%	Used El Cerrito recreation centers	↑	↔	61%
	Health care	↔	↓	43%	Recreation programs	↔	↔	71%	Visited a City park	↔	↔	85%
	Food	↔	↔	64%	Health services	↑	↓	45%	Ate 5 portions of fruits and vegetables	*	↑	94%
	Mental health care	*	↓	31%					Participated in moderate or vigorous physical activity	*	↔	92%
	Health and wellness	*	↓	57%								
Education and Enrichment	Preventive health services	↓	↓	39%								
	K-12 education	↔	↓	48%	Public libraries	↔	↓	60%	Used El Cerrito public libraries	↔	↓	55%
	Cultural/arts/music activities	↔	↔	42%	Special events	*	↔	64%	Participated in religious or spiritual activities	↔	↓↓	19%
	Child care/preschool	↔	↔	57%					Attended a City-sponsored event	*	↓	42%
	Religious or spiritual events and activities	↓	↓	51%								
	Adult education	*	↔	54%								
	Overall education and enrichment	*	↓	48%								
Community Engagement	Opportunities to participate in community matters	↔	↔	61%	Public information	↓	↔	55%	Sense of community	↓	↔	54%
	Opportunities to volunteer	↓	↔	58%	Overall direction	↔	↔	63%	Voted in local elections	↑	↔	85%
	Openness and acceptance	↓	↔	68%	Value of services for taxes paid	↓	↔	52%	Talked to or visited with neighbors	*	↔	93%
	Social events and activities	↓	↓	40%	Welcoming citizen involvement	↔	↔	56%	Attended a local public meeting	↔	↔	21%
	Neighborliness	*	↔	66%	Confidence in City government	*	↔	58%	Watched a local public meeting	↓	↓	9%
					Acting in the best interest of El Cerrito	*	↔	64%	Volunteered	↔	↓	25%
					Being honest	*	↔	64%	Participated in a club	↔	↓	18%
					Treating all residents fairly	*	↔	65%	Campaigned for an issue, cause or candidate	*	↔	25%
									Contacted El Cerrito elected officials	*	↔	16%
									Read or watched local news	*	↔	85%
									Done a favor for a neighbor	*	↔	83%

Legend

↑↑ Much higher ↑ Higher ↔ Similar ↓ Lower ↓↓ Much lower * Not available

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, December 20, 2016 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall – City Council Chambers
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Mark Friedman
Councilmember-Elect Rochelle Pardue-Okimoto

Councilmember Jan Bridges
Councilmember Gabriel Quinto
Councilmember-Elect Paul Fadelli

ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.
Councilmembers-Elect Fadelli and Pardue-Okimoto also present.

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:00 p.m.

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG** was led by Councilmember Jan Bridges.
- 2. COUNCIL / STAFF COMMUNICATIONS/COUNCIL ASSIGNMENT AND LIAISON REPORTS**

Metropolitan Transportation Commission StreetSaver Award for Best All-Around Pavement Management Program 2015 – Announcement by Yvetteh Ortiz, Public Works Director.

Yvetteh Ortiz, Public Works Director, announced the City's receipt of the prestigious "Best All-Around Pavement Management Program 2015 Award" and said the City has the most improved roads over any other city in the Bay Area and is close to paving 90% of its streets. Ms. Ortiz also thanked all of the voters.

Mayor Pro Tem Abelson said that the award means that El Cerrito has the best roads in the Bay Area. She recognized and thanked the voters who passed the El Cerrito Streets Measure and city staff who implemented the vision and program that the voters supported.

Mayor Lyman encouraged everyone to participate in the January 16, 2017 Martin Luther King, Jr. Day parade and celebration and the January 21, 2017 Crab Feed fund raiser.

3. PRESENTATIONS – None

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, stated that the Police Department is wonderful and that he loves attending El Cerrito committee meetings.

Al Miller, El Cerrito, thanked the Boy Scouts, Firefighters and other volunteers for setting up the Sundar Shadi holiday display on Moeser Lane and announced that the display is open each night through December 26, 2016. Mr. Miller also congratulated the UC Berkeley women's basketball team on their wins and also recognized University of Tennessee basketball coach, Pat Summitt, who passed away in June. Mr. Miller, paraphrasing a quotation displayed at a basketball game, said, with three newly elected Councilmembers, "El Cerrito is what it is and what you will make it to be." Mr. Miller also noted that 63 percent of El Cerrito voters showed that they want a new, modern library and that they are depending on the Council to make it happen.

Karl Mulligan, El Cerrito, expressed concerns about the City's contract with the County Department of Animal Services, animal seizure and quarantine orders, compliance with legal requirements and the lack of follow through associated with his requests for information, a community meeting and a valid, signed contract.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5E

Moved, seconded (Friedman/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5(A) through 5(E) in one motion as indicated below.

A. Minutes for Approval

Approve the December 6, 2016 Concurrent City Council/Public Financing Authority meeting minutes.

Action: Approved minutes.

B. Declaring and Confirming the Results of the November 8, 2016 General Election

Adopt a resolution declaring and confirming the results of the November 8, 2016 General election including the re-election of Greg Lyman and election of Paul Fadelli and Rochelle Pardue-Okimoto to the City Council for terms ending 2020 and the defeat of Measure B – El Cerrito \$30,000,000 Bond Measure for a Safe, Modern Library.

Action: Adopted Resolution No. 2016–100. The total number of votes cast in the City of El Cerrito at the November 8, 2016 election was 13,624 votes.

The election results for City Council are as follows:

CITY COUNCIL (*Top Three Elected*)

Rochelle Pardue-Okimoto	6,919
Gregory Lyman	6,903
Paul Fadelli	5,921
Nicholas Arzio	3,971
Parker Shirazi	2,153

The total number of votes, including vote by mail votes, cast on Ballot Measure B is as follows:

**MEASURE B – El Cerrito \$30,000,000 Bond Measure for a Safe, Modern, Library
(Two-Thirds Vote Required to Pass – The Measure was Defeated)**

YES	7,910
NO	4,653

C. Agreements with Plaza Auto Service, Inc. and Mobile Fleetcare, Inc. for Fleet Maintenance and Repair Services

Adopt a resolution authorizing the City Manager to execute the following agreements to provide fleet maintenance and repair services for all City vehicles (excluding Fire and Police vehicles) for a period of two years, with the option to annually extend the contract for three years thereafter: 1) Plaza Auto Service, Incorporated, in an amount not to exceed \$16,000 and \$32,000 for Fiscal Years 2016-17 and 2017-18 respectively, and thereafter contingent funding being appropriated by the City Council in future City budgets; and 2) Mobile Fleetcare, Incorporated, in an amount not to exceed \$71,500 and \$143,000 for Fiscal Years 2016-17 and 2017-18 respectively, and thereafter contingent upon funding being appropriated by the City Council in future City budgets.

Action: Adopted Resolution No. 2016–101.

D. Authorization to Enter Negotiations for the Provision of Public Safety Dispatch Services Agreement

Adopt a resolution authorizing the City Manager or his designee to enter into negotiations with the Office of the Sheriff of Contra Costa County, Contra Costa County Fire Protection District and the County of Contra Costa for the provision of public safety dispatch services.

Action: Adopted Resolution No. 2016–102.

E. Extension of Current Terms of Members of the Members of the Arts and Culture Commission, Design Review Board, Financial Advisory Board, Human Relations Commission and Parks and Recreation Commission

Adopt a resolution interpreting El Cerrito Municipal Code Section 2.04.220 to permit the extension of the terms of members of the Arts and Culture Commission, Design Review Board, Financial Advisory Board, Human Relations Commission and Parks and Recreation Commission to maintain a working membership of those bodies during a transitional gap period that has occurred as a result of amendments to the Municipal Code in 2013. The resolution would also extend the terms of specific members of these advisory bodies.

Action: Adopted Resolution No. 2016–103.

6. RECOGNITION OF CITY COUNCIL MEMBERS LEAVING OFFICE

Special recognition of Councilmembers Mark Friedman and Jan Bridges.

Mayor Lyman provided his comments and reflected on his term as Mayor over the past year including the projects that had been accomplished, the plans that had been approved, the commencement of planning for the City's Centennial Celebrations and the many ceremonial and celebratory events he attended. He thanked the City Councilmembers for their support, thanked the City Manager and all of the city staff for doing an outstanding job and also thanked the residents and friends for re-electing him. Mayor Lyman said the residents have given him their trust and he will listen to the community with an open mind and try to achieve good policy.

Mayor Lyman presented Mayoral Certificates of Recognition to Theresa Parella and Frank Storno on the occasion of their 100th birthdays and noted that the City will also be celebrating its centennial birthday soon.

Councilmember Quinto, stated that as a graduate of Fairmont Elementary School, he is happy to see Ms. Parella. Ms. Parella was his sister's fourth grade teacher and affected many generations of students in a positive way.

Mayor Pro Tem Abelson expressed her appreciation for Councilmember Bridges, particularly her careful consideration of agenda items and the business of the city, including when Councilmember Bridges served on the Parks and Recreation Commission several years ago. Councilmember Bridges has done a great job and always does what is best for the City. Mayor Pro Tem Abelson also reflected on her long service with Councilmember Friedman and expressed appreciation for his thoughtful ideas and his persistence. Councilmember Friedman has been a joy to work with and has worked well with the Council in getting things done.

Councilmember Quinto thanked Councilmembers Bridges and Friedman for their mentoring the past two years and expressed his appreciation for their service to the City.

Mayor Lyman thanked Councilmember Friedman for pushing the Council on having an option to observe a moment of silence at the beginning of the meeting, the minimum wage, discussion on marijuana dispensaries and said he also appreciated Councilmember Friedman's position regarding the Audiss Trailer Park and constant effort toward reducing the time spent on the dais. Mayor Lyman also thanked Councilmember Bridges for her empathy toward speakers and her careful consideration of agenda items.

Councilmember Friedman said it has been a joy to serve on the City Council because the Council is harmonious, treats everyone with respect and works well together. Mayor Friedman thanked the City Council, including past members he has served with, city staff, the residents for allowing him the honor and privilege to serve the community and his wife Carolyn Said. Councilmember Friedman said he wants to stay involved with the City and get a new library, move forward with renter protections, and seeing the City's response to the legalization of marijuana and the opportunities it presents for the City and its residents. Councilmember Friedman also thanked Councilmember Bridges and stated that it was a pleasure to serve with her.

Councilmember Bridges, thanked the residents for supporting her for two terms and the City Council and staff for their service to the City. She thanked all the Commissioners and Committee members for their advice and input. While she was serving on the Council the City renovated the Cerrito Theater and built City Hall. It also developed great policy including the plastic bag ban, minimum wage, form based code, urban greening, a smoking ordinance, climate action plan, and established Madera Open Space which is everlasting for all citizens. Councilmember Bridges also thanked her husband Peter for his support.

Cordell Hindler, Richmond, congratulated the new Councilmembers and noted 2017 will be a good year.

Al Miller, El Cerrito, expressed his appreciation for Councilmembers Bridges and Friedman and stated that they each brought focus to the City Council's discussions and deliberations. El Cerrito is the little city that that can and will (*get things done*).

7. **BRIEF RECESS** *The Council recessed from approximately 7:45 to 7:54 p.m.*

8. **SWEARING IN AND SEATING OF NEWLY ELECTED OFFICIALS**

Administration of the Oath of Office and Presentation of Certificates of Election:

Greg Lyman, re-elected to a City Council term ending December 2020.

Rochelle Pardue-Okimoto, elected to City Council term ending December 2020.

Paul Fadelli, elected to a City Council term ending December 2020.

John Gioia, Contra Costa County Supervisor, acknowledged the service of Councilmembers Bridges and Friedman and welcomed new Councilmembers Fadelli and Pardue-Okimoto. El Cerrito has a culture of good leadership and all of the councilmembers are thoughtful and work well together. Supervisor Gioia said he appreciates the relationship he has with El Cerrito and that the County has with El Cerrito and that he continues to look forward to working with everyone.

Cordell Hindler, Richmond, said it is wonderful to have the change in leadership and he wants to help have more people come to City Council meetings.

Sandi Potter, Former El Cerrito Mayor, said it is reassuring to see stability and good governance and thanked everyone for their public service, particularly the service of Mayor Lyman and Councilmembers Friedman and Bridges. Former Mayor Potter said she is proud of the community and City Hall and that she greatly admires and acknowledges the work of the City Council. Former Mayor Potter also congratulated the newly elected councilmembers.

Molly Hazen, El Cerrito, congratulated the new City Councilmembers on their election and thanked the departing Councilmembers for their service.

Councilmember Pardue-Okimoto thanked those who voted for her and said she is honored to serve the community and hopes to earn the respect of those who did not vote for her. She thanked her husband and children, her family and extended family, mother, grandmother and mother-in-law, the Emerge Program and all of the friends and volunteers who supported her campaign. Councilmember Pardue-Okimoto said she is looking forward to the next four years and feels optimistic about the future of the city and state and will build a strong community. Together we can make El Cerrito the best place to live, learn and grow. Councilmember Pardue-Okimoto thanked everyone for the opportunity to serve. Today is the first day of a new challenge and she is ready for it.

Councilmember Fadelli thanked his wife Michelle and his children Katie and Christina, friends far and near, neighbors, Mayor Lyman and Councilmember Pardue-Okimoto who ran for office with him in this election, his endorsers, elected officials, responsive staff and the voters of El Cerrito. Walking the neighborhoods of El Cerrito over the past year reminded Councilmember Fadelli how lucky residents are to live here. Residents are happy to be here and are ready for positive change. Positive changes have resulted in gateways with creeks, the City's name over the Theater, two great transit hubs and even a poet laureate. Changes ahead can be positive. The City will need to remain frugal with its budget and resources. Growth will need to be focused around BART stations to allow people to walk, BART and bike to their destinations. El Cerrito is ideally situated to do this and can also achieve its environmental and housing goals. The community and city must also continue its pursuit of a new library so El Cerrito can be the City that the community envisions it to be. A new library is an investment that Councilmember Fadelli will be proud to work for. Councilmember Fadelli said he and others are deeply concerned about the result of the national election, particularly threats to the environment and civil rights and stated that we must speak out at the local level and do what is best. It is important to listen to each other and be courteous, help others around town and recognize that we are all part of this mid-century, modern community that will turn 100 next year. Councilmember Fadelli said he promises to be the best he can be as a City Councilmember and is very honored to serve the residents of El Cerrito.

9. PUBLIC HEARINGS – None

10. POLICY MATTERS

City Council Reorganization

Election of City Council Officers – Mayor and Mayor Pro Tempore.

Mayor Pro Tem Abelson expressed her appreciation for Mayor Lyman, particularly his attention to detail and thanked him for his service to the City. Mayor Lyman did an excellent job of being mayor over the past year and addressed many difficult and sensitive issues.

Mayor Lyman thanked everyone for re-electing him and said he will continue to commit himself to environmental quality and public safety through police, fire, public works and code enforcement. He will continue to work on improvements in permitting and code enforcement as well as better transit oriented development, better transit solutions and more housing.

SELECTION OF THE MAYOR

Mayor Lyman called for reorganization of the City Council.

Cheryl Morse, City Clerk, declared the offices of Mayor and Mayor Pro Tempore vacant and called for nominations for the Office of Mayor.

Mayor Lyman nominated Mayor Pro Tem Abelson for Mayor.

Cheryl Morse, City Clerk, called for further nominations for which there were none.

Actions: Moved, seconded (Lyman/Quinto) and carried unanimously to close nominations for Mayor. The City Council, by unanimous vote, elected Mayor Pro Tem Abelson to the Office of Mayor.

SELECTION OF THE MAYOR PRO TEMPORE

Mayor Abelson called for nominations for the Office of Mayor Pro Tem.

Councilmember Lyman nominated Councilmember Quinto for Mayor Pro Tem.

Mayor Abelson called for further nominations for which there were none.

Actions: Moved, seconded (Lyman/Quinto) and carried unanimously to close nominations. The City Council, by unanimous vote, elected Councilmember Quinto as Mayor Pro Tem.

Mayor Abelson said in the past few years the City has done a lot of work and thanked City Manager Hanin for his hard work and for supporting the City Council in policy development. The new City Council needs to establish a common vision and work together as a team. Mayor Abelson said she is a strong supporter of transparency in government and freedom of speech and will make sure that everyone has an opportunity to speak.

Mayor Pro Tem Quinto said he is excited to be on the City Council and is looking forward to working with Councilmembers Fadelli and Pardue-Okimoto and the entire Council. There is a lot to work to do in the coming year. Work related to transit oriented development and housing will get done next year.

11. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:30 p.m.

SUPPLEMENTAL COMMUNICATIONS

1. Reflections on El Cerrito, Coach Patt Summitt and the November 8, 2016 election – *Submitted by Al Miller, El Cerrito.*
2. Comments on Contra Costa County Animal Services – *Submitted by Karl Mulligan, El Cerrito.*

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Tuesday, January 17, 2017 – 6:45 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, January 17, 2017 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto

Councilmember Greg Lyman

Councilmember Paul Fadelli

Councilmember Rochelle Pardue-Okimoto

6:45 p.m. ROLL CALL

Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson all present.

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Mayor Abelson convened the Special City Council Meeting – Closed Session at 6:47 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9(d)(1))

Case name unspecified: Disclosure regarding the case would jeopardize existing settlement negotiations.

RECESSED INTO CLOSED SESSION at 6:48 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

ADJOURNED SPECIAL CITY COUNCIL CLOSED SESSION at 7:00 p.m.

7:00 p.m. ROLL CALL

Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson all present.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Abelson convened the regular City Council meeting at 7:05 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR MOMENT OF SILENCE was led by Mayor Pro Tem Quinto.

2. COUNCIL / STAFF COMMUNICATIONS/COUNCIL ASSIGNMENT AND LIAISON REPORTS

Mayor Abelson reported that the City Council had just met in closed session and provided direction to staff.

Mayor Pro Tem Quinto reported that he attended the Contra Costa Mayors Conference with Mayor Abelson in Danville on January 5, 2017.

Councilmember Lyman reported that he participated in a Marin Clean Energy (MCE) rate setting ad-hoc sub-committee meeting. Recommendations were made to the full MCE board. The rates get set in March for the new year. The West Contra Costa County Integrated Waste Management Authority (WCCIWMA) will be meeting on January 19 to consider the City of Richmond's request to withdraw from the Joint Powers Authority. Councilmember Lyman also announced several upcoming City Centennial events and invited all to attend.

Councilmember Fadelli reported that the entire City Council attended the annual Martin Luther King, Jr. (MLK) celebration and march on January 16. It was an incredible event and Councilmember Fadelli said he is proud that El Cerrito participates in it. The event gets bigger and better every year. The MLK event was the first event of the City's Centennial year.

Mayor Abelson reported that she also represented the City at the January Contra Costa Mayors Conference. She also attended a training and forum in Sacramento offered by the League of California Cities on new marijuana legislation.

3. PRESENTATIONS – Tree Committee Workplan: *Presentation by Ralph Boniello, Chair, Tree Committee.*

Action: Received presentation.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, stated that the EC Stars program provides wonderful opportunities for kids.

Al Miller, El Cerrito, thanked everyone who organized and participated in the Martin Luther King, Jr. celebration event. Mr. Miller also spoke in support of Consent Calendar Item No. 5(D) Relay for Life sponsorship.

Dave Weinstein, El Cerrito Trail Trekkers, provided an informative report of the Trail Trekkers accomplishments, goals and upcoming events. Mr. Weinstein also stated that the Fairview Open space, which is adjacent to the Hillside Nature Area and has two creeks on it, could be used to expand the Hillside Nature Area.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A – 5F

Moved, seconded (Lyman/Quinto) and carried unanimously to approve Consent Calendar Item Nos. 5(A) through 5(F) in one motion as indicated below.

A. Award Contract for Affordable Housing Strategy

Adopt a resolution authorizing the City Manager to execute a professional services agreement with Strategic Economics, Inc. for an amount not to exceed \$88,300 for preparation of an Affordable Housing Strategy and to authorize change orders in an amount not to exceed \$8,800.

Action: Adopted Resolution No. 2017-01.

B. Destruction of Inactive Police Department Records

Adopt a Resolution authorizing the Chief of Police to destroy records in accordance with the Police Department records retention schedule established by Resolution 2005–23.

Action: Adopted Resolution No. 2017-02.

C. Establish All-Way Stop Signs at Belmont/San Diego and Arlington/Potrero Intersections

Adopt two separate resolutions authorizing the Public Works Director/City Engineer to establish all-way stops at the following two intersections: 1) Belmont Avenue at San Diego Street; and 2) Arlington Boulevard at Potrero Avenue.

Actions: Adopted Resolution Nos. 2017-03 and 2017-04.

D. Relay For Life Co-sponsorship

Adopt a resolution approving City Co-Sponsorship for the American Cancer Society Relay For Life East Shore including waiver of associated fees.

Action: Adopted Resolution No. 2017-05.

E. Reject Bids for Ohlone Greenway BART Station Area Access, Safety, and Placemaking Improvements Project

Adopt a resolution to reject all bids submitted for the Ohlone Greenway BART Station Area Access, Safety, and Placemaking Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025) and authorize City staff to proceed with value engineering measures and re-advertise the project for public bid.

Action: Adopted Resolution No. 2017-06.

F. Agreement with Tyler Technologies to modify the Police Department Records Management Software

Adopt a resolution authorizing the City Manager to amend the agreement with Tyler Technologies to modify the Police Department records management software for an amount not to exceed \$86,470.

Action: Adopted Resolution No. 2017-07.

5. PUBLIC HEARINGS – Massage Establishments

Conduct a public hearing and upon conclusion, approve an ordinance of the City of El Cerrito amending Chapter 8.10 of the El Cerrito Municipal Code - Massage Establishments.

Presenter: Margaret Kavanaugh-Lynch, Development Services Manager.

Mayor Abelson opened the public hearing. One speaker.

Speaker: Cordell Hindler, Richmond Annex Association, said the Annex Association expressed some concerns and believes that some businesses are legitimate and that others are not.

Actions: Moved, seconded (Lyman/Quinto) and carried unanimously to close the public hearing.

Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to approve by title and waive any further reading of Ordinance No. 2017-01, an ordinance amending El Cerrito Municipal Code Chapter 8.10 – “Massage Establishments” by repealing it in its entirety and replacing it by adding and adopting El Cerrito Municipal Code Chapter 8.10. “Massage Businesses.”

6. POLICY MATTERS

REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM

A. Successor Agency Recognized Obligations Payment Schedule (ROPS)

Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 17-18.

Presenter: Melanie Mintz, Community Development Director.

Action: Moved, seconded (Lyman/Fadelli) and carried unanimously to adopt Successor Agency Resolution No. 2017–01.

CITY COUNCIL ITEM

B. City Council Local and Regional Liaison Assignments

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

Action: The City Council concurred unanimously with Mayor Abelson's regional and local liaison appointments.

7. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:32 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 3 Tree Committee Workplan

1. Businesses and Trees – Creating a Vibrant Business Community – *Submitted by Stephen Preé, Environmental Programs Manager.*

2. El Cerrito Tree Care/Tree Maintenance Notice Door Hanger – *Submitted by Stephen Preé, Environmental Programs Manager.*

Other:

3. El Cerrito Trail Trekkers Centennial Schedule – *Submitted by Dave Weinstein, Trail Trekkers.*

4. Trail Trekkers' Accomplishments in 2016 – *Submitted by Dave Weinstein, Trail Trekkers.*

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
Recognizing February as Black History Month in the City of El
Cerrito***

WHEREAS, much of the City of El Cerrito's honor, strength and distinction can be attributed to the diversity of cultures and traditions that are celebrated by our residents; and

WHEREAS, African Americans have played a significant role in the history of our nation and California's economic, cultural, spiritual, and political development while working tirelessly to promote their culture and history; and

WHEREAS, as a result of their determination, hard work, and perseverance, African Americans have made valuable and lasting contributions to our community and our state, achieving exceptional success in all aspects of society including business, education, politics, science, and the arts; and

WHEREAS, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, and is full of individuals who took a stance against prejudice, advanced the cause of civil rights, strengthened families, communities, and our nation; and

WHEREAS, all residents are encouraged to reflect on past successes and challenges of African Americans and look to the future to improve society so that we live up to the ideals of freedom, equality, and justice.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby declare February as Black History Month in the City of El Cerrito, and invites everyone to recognize this month to celebrate the diversity and character of our community and highlight the importance of sharing our culture, customs and traditions with those around us.

Dated: February 7, 2017

Janet Abelson, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
In Recognition of Berkeley Clinic Auxiliary's 100 Years of Service

WHEREAS, the Berkeley Clinic Auxiliary, or BCA, was founded in 1917 and one of its first fund-raising projects was to buy a Dodge automobile to help Berkeley doctors combat the great flu epidemic; and

WHEREAS, the all-volunteer BCA opened its first thrift store in Berkeley in 1954 as an ongoing source of funds for its projects; and

WHEREAS, in 1986, the BCA moved its Turnabout Thrift Shop, staffed solely by volunteers, to 10052 San Pablo Avenue in El Cerrito. The Thrift Shop is a community fixture, accepting donated clothing, housewares, artwork, crafts items, books and other varied treasures and finding new homes and uses for them; and

WHEREAS, proceeds from the Turnabout Thrift Shop are used to support free orthodontic treatment for West Contra Costa County youth in need. By working with local orthodontists, the BCA supports up to twenty young patients at any given time -- at no cost to their families; and

WHEREAS, over the years, the BCA has provided care exceeding a value of 750,000 dollars for more than 450 patients, helping them boost their self-esteem and giving them more to smile about.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby recognize and congratulate the BCA on the occasion of its centennial year and for its century of selfless service and wishes the organization continued success for the next 100 years.

Dated: February 7, 2017

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(D)

Date: February 7, 2017
To: El Cerrito City Council
From: Margaret Kavanaugh-Lynch, Development Services Manager
Subject: Revised Amendment of El Cerrito Municipal Code Chapter 8.10 of the El Cerrito Municipal Code - Massage Establishments

ACTION REQUESTED

Approve first reading of an ordinance amending El Cerrito Municipal Code Chapter 8.10 –“Massage Establishments” by repealing it in its entirety and replacing it by adding and adopting El Cerrito Municipal Code Chapter 8.10 “Massage Businesses” including a modification of the previously introduced ordinance to allow affected businesses to close at 10:00 p.m.

BACKGROUND

On January 17, 2017 the City Council held a public hearing and unanimously approved first reading of an ordinance amending Chapter 8.10 of the El Cerrito Municipal Code. On January 18, 2017, staff received a call from a local massage business. They expressed concern that the 9:00 p.m. closure would have a financially detrimental effect on their business and could make it infeasible for them to continue to operate. The El Cerrito Police Department stated that it had no concerns with massage businesses closing at 10:00 pm and whenever possible, staff wants to support existing small businesses in the city. Therefore, the proposed ordinance is being brought back to the City Council and the public for additional deliberation. While the entire proposed ordinance is under consideration this evening, the only change from the last meeting is the allowance of the 10:00 pm closure.

California cities historically had complete local control over massage businesses. However, each city regulated the industry independently and this approach caused inefficient implementation, confusion and sometimes unfair restriction/prohibition of the use.

In 2009, the California Legislature adopted the 2008 Massage Therapy Act. This Act effectively created a statewide voluntary certification program for massage practitioners and pre-empted local zoning authority over the operation of massage businesses. At that time, most sections of Chapter 8.10 of the El Cerrito Municipal Code became pre-empted by state law. Essentially, as long as someone had a state certificate and they met basic zoning use regulations for Personal Improvement Services, they were approved. Statewide, this practice has allowed many new massage businesses to become established. However in some instances, the lack of local review and control allowed illegal activity to use loopholes in the legislation to set up prostitution rings.

On January 1, 2015, Assembly Bill 1147 came into effect. It amended the California Business and Professions Code to return commercial land use authority over the massage businesses back to cities, subject to certain restrictions. This legislation was slightly modified last year and is now called the 2017 Massage Therapy Act. The distinction between the commercial aspect of these businesses and the massage practitioners themselves presents the biggest change from the current ordinance and practice. The review and approval of massage practitioners, including background checks and minimum hours of training, remains the domain of the State of California Massage Therapy Council (CAMTC). However, the general operation of the business, including hours of operation, basic health and safety regulations, as well as minimum operational standards, are now subject to city review.

On February 17, 2015, the City Council adopted a 45 day temporary moratorium to prohibit the issuance of all City permits to new and existing massage businesses except for renewals and for emergency repairs. The purpose of the action was to allow staff to conduct a study of the potential impacts of massage businesses, and to identify possible amendments to the City's Municipal and Zoning Codes for clear, consistent and uniform regulations related to the establishment, location, and operation of massage businesses. This temporary moratorium was extended again by the City Council on April 7, 2015 for ten months and fifteen days; and extended a final time by the City Council on February 2, 2016 for an additional twelve months.

ANALYSIS

The proposed new ordinance implements the balance of powers stipulated in the new Massage Therapy Act. It lays out basic operational standards and notes that in the case of a massage business that is operated or staffed by anyone other than a CAMTC-certified personnel, completed background checks are required.

The ordinance allows massage businesses a clear path to operate within the parameters listed, which are in keeping with best practices of professional massage therapy businesses as suggested by the CAMTC. It also states that violators of the ordinance may have their permits suspended or revoked and may face other civil and criminal consequences.

According to state records, currently there are 207 massage therapists in El Cerrito. Sixteen of them have no current license, twenty-nine of them have expired certificates, eight have pending applications on file with CAMTC, and one therapist's certificate was revoked. All existing massage practitioners will have ninety days from the effective date of the ordinance become re-certified by the CAMTC. In addition, they will have 180 days to have applied for and received building permits for any needed tenant improvements.

All new massage therapy businesses will need to comply immediately with both the Zoning Code (ECMC Chapter 19) and the amended Chapter 8.10. No changes in the zoning component of massage regulations are anticipated as part of this action. They are permitted by right in the Transit Oriented Higher-Intensity Mixed Use (TOHIMU), the

Transit Oriented Mid-Intensity Mixed Use (TOMIMU), Community Commercial (CC) and Transit Oriented Commercial (TOM) designations and by Administrative Use Permit on the Theatre Overlay Block.

Highlights of the new chapter include:

- The new permits must be renewed every two years.
- Maximum hours of operation shall be between 7:00 a.m. and 10:00 p.m.
- CAMTC certification shall be in the possession of the massage practitioner during working hours and at all times when the massage practitioner is inside a massage business, providing outcall massage, or working as a home occupation.
- A copy of the CAMTC certificate of each massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises.
- A list of the services available and the cost of such services shall be posted in the reception area within the massage business premises.
- Where the massage business has staff available to ensure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours.
- No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

The goal of the proposed ordinance is to support and sustain new and existing massage businesses, respect and protect the profession of massage therapy, and provide tools to the City to eliminate possible illegal activities. The proposed ordinance was developed in consultation with the CAMTC and the El Cerrito Police Department. The Community Development Department will take the lead in implementing the new permit process as delineated in the proposed ordinance in consultation with the Police Department.

STRATEGIC PLAN CONSIDERATIONS

This action is consistent with the El Cerrito Strategic Plan Goal A - Deliver exemplary government services and Goal E - Ensures the public's health and safety.

ENVIRONMENTAL CONSIDERATIONS

The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically California Government Code Section 51034. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

FINANCIAL CONSIDERATIONS

There is no anticipated fiscal impact as the costs would be recovered through existing application fees.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Ordinance

ORDINANCE NO. 2017-01

ORDINANCE OF THE CITY OF EL CERRITO REPEALING AND RE-ENACTING EL CERRITO MUNICIPAL CODE CHAPTER 8.10 "MASSAGE ESTABLISHMENTS" BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT BY ADDING AND ADOPTING EL CERRITO MUNICIPAL CODE CHAPTER 8.10, "MASSAGE BUSINESSES"

WHEREAS, the Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, therapeutic massage is a viable professional field offering the public valuable health benefits; and

WHEREAS, California Government Code Section 51034 authorizes the City of El Cerrito (hereafter, "City") to impose reasonable standards on massage businesses; and

WHEREAS, the permit requirements and restrictions imposed by this ordinance are reasonably necessary to protect the health, safety and welfare of the citizens of the City; and

WHEREAS, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community; and

WHEREAS, the regulations and restrictions contained in this ordinance are designed to protect the public health, safety, and welfare by providing for the orderly regulation of businesses that provide massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN as follows:

1. RECITALS. The above recitals are hereby declared to be true and correct and findings of the City Council of the City of El Cerrito.

2. AMENDMENT OF EL CERRITO MUNICIPAL CODE CHAPTER 8.10. Chapter 8.10 of the El Cerrito Municipal Code ("Massage Businesses") is hereby deleted in its entirety and replaced with a new Chapter 8.10 to read as follows:

Chapter 8.10 - MESSAGE BUSINESSES

8.10.005 - Findings and Purpose.

8.10.010 - Definitions.

8.10.020 - CAMTC certification and Massage Operator's Permit required.

8.10.030 - Massage Operator's Permit—Procedures.

8.10.040 - Notification of Changes to Massage Business.

8.10.050 - Operating Requirements.

8.10.060 - Inspection and Verification.

8.10.070 - Fees.

8.10.080 - Exceptions.

8.10.090 - Non Renew, Suspension, Revocation, or Appeal.

8.10.100 - Violation and Penalty.

8.10.110 - Severability.

8.10.005 - Findings and Purpose.

The City Council finds and declares as follows:

- A. Therapeutic massage is a viable professional field offering the public valuable health benefits.
- B. California Government Code Section 51034 authorizes the city to impose reasonable standards on massage businesses.
- C. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city.
- D. Unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community.
- E. The regulations and restrictions contained in this chapter are designed to protect the public health, safety, and welfare by providing for the orderly regulation of businesses that provide massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

8.10.10 - Definitions.

- A. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

1. "California Massage Therapy Council" or "CAMTC" means the statewide massage therapy organization formed pursuant to Business and Professions Code Section 4600.5.
2. "Certified massage practitioner" means any individual certified by the California Massage Therapy Council as a certified massage therapist or as a certified massage practitioner pursuant to California Business and Professions Code Sections 4600 et seq.
3. "Chief of Police" means the Chief of the El Cerrito Police Department or his or her designee.
4. "Client" means the customer or patron who pays for or receives massage services.
5. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.
6. "Employee" means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.
7. "City" means the city of El Cerrito.
8. "City Council" means the City Council of the city of El Cerrito.
9. "City Manager" means the city manager of the City of El Cerrito, or his/her designee.
10. "Community Development Department" means the El Cerrito Community Development Department.
11. "Community Development Director" means the community development director of the City of El Cerrito, or his/her designee.
12. "Conviction" or "convicted" means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
13. "Hearing officer" means a person qualified to hear and decide appeals of decisions to deny, suspend, revoke or refuse to issue any permit under this chapter. A city hearing officer shall be paid by the city but shall not be an employee of the city nor shall any hearing officer be hired by the city to hear and decide appeals pursuant to this chapter more often than once every calendar year.
14. "Massage" means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms "massage" and "bodywork" shall have the same meaning.
15. "Massage Business" means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities--including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs--shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship. Massage business shall also include any location where massage services are provided pursuant to an off-premises massage permit or as a home occupation pursuant to Section 19.28.200C of this code.

16. "Massage Operator's Permit" means a permit issued by the Community Development Director upon submission of satisfactory evidence that a massage business complies with relevant sections of this chapter.
17. "Operator" or "massage business operator" means any and all owners of a massage business.
18. "Off Premise Massage" means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the Massage Operator's Permit.
19. "Owner" or "massage business owner" means any of the following persons:
 - a. Any person who is a general partner of a general or limited partnership that owns a massage business.
 - b. Any person who has a five percent or greater ownership interest in a corporation that owns a massage business.
 - c. Any person who is a member of a limited liability company that owns a massage business.
 - d. Any person who has a five percent or greater ownership interest in any other type of business association that owns a massage business.
20. "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.
21. "Reception and waiting area" means an area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.
22. "School of massage" means any school or institution of learning that is recognized as an approved school pursuant to Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended.
23. "Police Department" means the El Cerrito Police Department.
24. "Specified anatomical areas" means the following human anatomical areas: genitals, anuses, and the area of the female breast that includes the areola and nipple.
25. "Sole proprietorship" means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.
26. "Solicit" means to request, ask, demand or otherwise arrange for the provision of services.

8.10. 020 - CAMTC certification and Massage Operator's Permit required.

- A. Individuals. On and after (EFFECTIVE DATE), it shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship or employee of a massage business or in any other capacity within the City of El Cerrito unless that individual is a certified massage practitioner, unless as expressly allowed in this chapter. This includes any massage practitioner offering massage services as a home occupation.

- B. **Massage Businesses.** On and after (EFFECTIVE DATE), it shall be unlawful for any massage business to provide massage for compensation within the City of El Cerrito unless all individuals employed by the massage business to perform massage, whether as an employee, independent contractor, or sole proprietorship, are certified massage practitioners and said business has obtained a valid Massage Operator's Permit as provided in this chapter.
- C. **Location.** Massage Businesses shall be located in a zoning district that permits such use.
- D. **Applicability to Existing Businesses.** Pre-existing massage businesses in operation on the effective date of this chapter shall obtain all necessary permits and comply with the provisions of this chapter. They shall complete and submit an application as required by this chapter within (90) days of the effective date of this chapter. Any and all building or tenant modifications shall be completed within (180) days of issuance of an operator's permit.

8.10.030 - Massage Operator's Permit - Procedures.

A. Application

Filing. Any person who intends to operate a massage business shall file a written application on a required form provided by the city and pay fees set forth by City Council. The completed application shall be filed with the Community Development Department.

1. **Applicant.** The application shall be completed and signed by the operator of the proposed Massage Business if a sole proprietorship; all general partners if the operator is a partnership; all officers or all directors if the operator is a corporation; and all participants if the operator is a joint venture. The application for a permit does not authorize operation of a Massage Business unless and until such permit has been issued.
2. **Contents.** The application shall contain or be accompanied by the following information:
 - a. The type of ownership of the business, i.e., whether by individual, partnership, corporation or otherwise. If the business is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than ten percent of the stock of that corporation. If the business is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If the business is a limited partnership, the application shall include a copy of its

- certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required for an individual applicant under this chapter, but only one application fee shall be charged.
- b. The precise name under which the Massage Business is to be conducted.
 - c. A description of the manner of providing the proposed services, including types of services and the number of persons engaged in the services.
 - d. Address and all telephone numbers of the Massage Business.
 - e. Hours of operation of the Massage Business.
 - f. Floor plan showing where the services are proposed to be conducted within the building.
 - g. A list of all of the massage business's employees and independent contractors who work on site. The list should note whether or not they perform massage and their CAMTC certification, if applicable.
3. For Owners/Operators Who Are Not CAMTC-certified Massage Practitioners. Each owner or operator of the massage business who is not a CAMTC-certified massage practitioner shall submit an application for a background check, including the following:
- a. The individual's business, occupation, and employment history for the five years preceding the date of the application;
 - b. The inclusive dates of such employment history;
 - c. The name and address of any massage business or similar business owned or operated by the individual whether inside or outside the city.
 - d. A statement in writing and dated by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.
4. For All Owners (CAMTC-certified massage practitioner or not). All owners and operators of the massage business shall provide:
- a. A valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.
 - b. A signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Sections 4600 et seq., any local, state, or federal law, or the provisions of this chapter may result in revocation of the Massage Operator's Permit.

- B. Review. The Community Development Department shall review applications for Massage Operators Permits for compliance with the El Cerrito Municipal Code. The Police Department shall work with Community Development Department staff to conduct an investigation into the information provided on the application, as needed.
- C. Action. Upon provision by the massage business of the foregoing documentation, the Community Development Director shall take action on the Massage Operator's Permit, which shall be valid for two years from the date of issuance. The Community Development Director shall issue or deny an application for a Massage Operator's Permit within 60 calendar days of the filing of a complete application. If necessary, the Community Development Director may extend the time to issue or deny the permit.)
- D. Grounds for Denial. The Community Development Director may deny an application for a Massage Operator's Permit on any of the following grounds:
1. The applicant does not have sufficient proof of the required CAMTC certification requirements pursuant to Section 8.10.020 of this chapter.
 2. The operation as proposed by the applicant would not comply with all applicable ordinances and laws, including, but not limited to, the City's building, zoning, health, and fire safety ordinances.
 3. The applicant has previously had a Massage Operator's Permit or any similar license, certificate, or permit revoked by the City or any public agency.
 4. The applicant has made a material misrepresentation in the application or supplementary material submitted with the application.
 5. The applicant has been convicted in a court of competent jurisdiction of any offense that relates directly to the conduct or operation of a massage business, or of any offense the commission of which occurred on the premises of a massage establishment or while performing off-premise massage.
 6. The applicant has been the subject of a permanent injunction against the conducting or maintaining of a nuisance pursuant to sections 11225 through 11235 of the California Penal Code, or any similar law in any state or other jurisdiction.
 7. The owner has been convicted in a court of competent jurisdiction of having violated, or has engaged in conduct constituting a violation of any of the following offenses: Sections 261, 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 of the California Penal Code, or conspiracy or attempt to commit any such offense, or any similar offense in any state or other

jurisdiction, whether or not any criminal prosecution has been pursued or conviction obtained for such acts.

8. The applicant has been successfully prosecuted under the Red Light Abatement Act (California Penal Code section 11225 et seq.) or any similar law in another jurisdiction.
 9. The owner is currently required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 commencing with section 290 of Title 9 of Part 1 of the California Penal Code), or any similar law in any state or other jurisdiction.
 10. The applicant has been convicted of any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code sections 11054, 11055, 11056, 11057 or 11058.
 11. Any other unprofessional conduct or violation of any applicable law, rule or regulation that is substantially related to the provision of massage therapy.
- E. Reapplication. No reapplication will be accepted within one year after an application or renewal is denied or a certificate is revoked. Massage Operator's Permits may not be issued to a massage business seeking to operate at a particular location if:
1. Another massage business is or was operating at that particular location and that massage business is currently serving a suspension or revocation; during the pendency of the suspension or one year following revocation.
 2. Another massage business is or was operating at that particular location and that massage business has received a notice of suspension, revocation or fine; during the ten-day period following receipt of the notice or while any appeal of a suspension, revocation or fine is pending.
 3. Another massage business is or was operating at that particular location and that massage business has outstanding fines that have not been paid.
- F. Amendment. A massage business shall apply to the Community Development Department to amend its Massage Operator's Permit within thirty days after any change in the registration information, including, but not limited to, the hiring or termination of certified massage practitioners, the change of the business's address, or changes in the owner's addresses and/or telephone numbers.
- G. Renewal. A massage business shall apply to the Community Development Department to renew its Massage Operator's Permit at least thirty days prior to the expiration of said Massage Operator's Permit. If an application for renewal of a

Massage Operator's Permit and all required information is not timely received and the Permit expires, no right or privilege to provide massage shall exist.

- H. Transfer. A Massage Operator's Permit shall not be transferred except with the prior written approval of the Community Development Director. A written request for such transfer shall contain the same information for the new ownership as is required for applications for Massage Operator's Permit pursuant to this section. In the event of denial, notification of the denial and reasons therefore shall be provided in writing and shall be provided to the applicant by personal delivery or by registered or certified mail. A Massage Operator's Permit may not be transferred during any period of suspension or one year following revocation; during the ten-day period following a massage businesses' receipt of a notice of suspension, revocation or fine issued; or while any appeal of a suspension, revocation or fine is pending. Further, a Massage Operator's Permit may not be transferred until all outstanding fines have been paid.

8.10.040 - Notification of Changes to Massage Business.

- A. A massage business owner or operator shall notify the Community Development Director of any changes described in Section 8.10.030 pursuant to the timelines specified therein.
- B. An owner or operator shall report to the Community Development Director any of the following within three days of the occurrence:
1. Arrests of any practitioners or owners of the massage business for an offense other than a misdemeanor traffic offense.
 2. Resignations, terminations, or transfers of practitioners employed by the operator's massage business.
 3. Any event involving the operator's massage business or the massage practitioners employed therein that constitutes a violation of this chapter or state or federal law.
 4. This provision requires reporting to the Community Development Director even if the massage business believes that the Community Development Director has or will receive the information from another source.

8.10.050 - Operating Requirements.

- A. No person shall engage in, conduct, carry on, or permit any massage business within the City of El Cerrito unless all of the following requirements are met:

1. CAMTC certification shall be in the possession of the massage practitioner during working hours and at all times when the massage practitioner is inside a massage business, providing outcall massage or working as a home occupation.
2. All massage business operators and their employees, including massage practitioners, shall be fully clothed at all times. Clothing shall be fully opaque, nontransparent material and provide complete coverage from mid-thigh to three inches below the collar bone.
3. No massage shall be given unless the client's specified anatomical areas are, at all times, fully covered. A massage practitioner shall not, in the course of administering any massage, make physical contact with the specified anatomical areas of any other person regardless whether the contact is over or under the persons clothing.
4. A massage practitioner shall operate only under the name specified in his or her CAMTC certificate.
5. Massage shall be provided or given only between the hours of seven a.m. and ten p.m. No massage business shall be open and no massage shall be provided between ten p.m. and seven a.m. A massage commenced prior to ten p.m. shall nevertheless terminate at ten p.m., and, in the case of a massage business, all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at ten p.m.
6. A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or contractors shall be removed as soon as those massage practitioners are no longer employed by or offering services through the massage business.
7. A list of the services available and the cost of such services shall be posted in the reception area within the massage business premises, and shall be described in readily understandable language. Off-premise massage practitioner providers shall provide such a list to clients in advance of performing any service. No owner, manager, or operator shall permit, and no massage practitioner shall offer or perform, any service other than those posted or listed as required herein, nor shall an operator or a massage practitioner request or charge a fee for any service other than those on the list of services available and posted in the reception area or provided to the client in advance of any off-premise massage services.
8. No massage business shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective clients that any

service is available other than those services listed as an available service pursuant to Section 8.10.050.A.7 nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

9. For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by the Police Chief, or other city officials charged with enforcement of this chapter. These records may not be used by any massage practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two years and be immediately available for inspection during business hours.
10. No person shall enter, be, or remain in any part of a massage business while in possession of an open container containing alcohol, or illegal drugs. The massage business owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.
11. Where the massage business has staff available to ensure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours when the massage business is open for business or when clients are present, except as part of a home occupation or Live/Work Unit.
12. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this subsection, there is an irrefutable presumption that the visibility is impermissibly blocked if more than ten percent of the interior reception and waiting area is not visible from the exterior window.
13. Minimum lighting consisting of at least one artificial light of not less than forty watts (or equivalent) shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

14. Hot and cold running water shall be provided at all times.
15. No massage business shall allow any person to reside within the massage business or in attached structures owned, leased or controlled by the massage business, except as part of a home occupation or Live/Work Unit.
16. Other than custodial or maintenance staff, no persons shall be permitted within the premises of a massage business between the hours of eleven p.m. and six a.m., except as part of a home occupation or Live/Work Unit.
17. A minimum of one wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.
18. Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate receptacles approved by the health department.
19. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant. Bathtubs shall also be thoroughly cleaned after each use with a disinfectant. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.
20. Instruments utilized in performing massage shall not be used on more than one client unless they have been sterilized, using approved sterilization methods.

8.10.060 - Inspection and Verification.

The massage business operator or manager consents to the inspection of the massage business by City officials, including but not limited to officials from the Community Development, Fire, and Police departments, for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are being met at any time the massage business is occupied by a person or open for business.

8.10.070 - Fees.

The City Council shall establish by resolution, and from time to time may amend, the fees for the administration of this chapter. Fees required by this chapter shall be in addition to any required under any other chapter of the municipal code.

8.10.080 - Exceptions.

The provisions of this chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

- A. Physicians, chiropractors, osteopaths, physical therapists or acupuncturists who are duly licensed to practice their respective professions in the state of California, and licensed employees of such licensed professionals while working in the office of, and under the supervision of, such licensed professional.
- B. Nurses registered under the laws of the state of California.
- C. Barbers, cosmetologists, estheticians, manicurists, and electrologists who are duly licensed under the laws of the state of California while engaging in practices within the scope of their licenses, Athletic coaches and trainers acting within the scope of their employment while employed by accredited high schools, junior colleges, colleges or universities.
- D. Individuals administering massage services or health treatment involving massage to persons participating in road races, track meets, triathlons and similar single-occurrence athletic or recreational events, provided that all of the following conditions are met:
 - 1. The massage services are made equally available to all participants in the event;
 - 2. The event is open to participation by the general public or a significant segment of the public, such as employees of sponsoring or participating corporations;
 - 3. The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;
 - 4. The sponsors of the event have been advised of and have approved the provision of massage services;
 - 5. The persons providing the massage services are not the primary sponsors of the event.

8.10.090 - Non Renew, Suspension, Revocation, or Appeal.

A. Violation and Noncompliance.

The Community Development Director may refuse to renew a Massage Operator's Permit or may revoke or suspend an existing permit on the grounds that the applicant has failed to comply with the permit conditions or other requirements of this chapter. If a suspended permit lapses during the suspension period, a new application must be made at the end of the suspension period. In any such case, the applicant shall have the right to appeal to a city hearing officer in the time and manner set forth in this section.

B. Revocation and Suspension of Massage Operator's Permit.

1. The Community Development Director may revoke or refuse to renew a Massage Operator's Permit if he/she makes any of the findings for denial of a permit under Section 8.10.030, or upon demonstrated inability to operate or manage the massage establishment in a law abiding manner, thus necessitating action by law enforcement officers.
2. The Community Development Director may suspend any Massage Operator's Permit for a period of thirty days for each violation of Section 8.10.050.
3. Notice. When the Community Development Director concludes that grounds for denial, suspension, revocation or refusal to renew a permit exist, he/she shall serve the permit holder, either personally, by certified U.S. mail or overnight delivery service, addressed to the business or residence address of the permit holder, with a notice of denial or notice of intent to suspend, revoke or refuse to renew permit. This notice shall state the reasons for the proposed action, the effective date of the decision, the right of the applicant or permit holder to appeal the decision and that the decision will be final if no appeal is filed within the time permitted.

C. Appeal.

1. The right to appeal to a City hearing officer shall terminate upon the expiration of fifteen business days from deposit of the notice with the U.S. Mail, certified and return receipt requested or deposit with an overnight delivery service that provides tracking of the envelope. All requests for appeals shall be sent to the Community Development Director.
2. In the event an appeal is timely filed, the suspension, revocation or refusal to renew shall not be effective until a final decision has been rendered by a City hearing officer. If no appeal is filed, the suspension, revocation or refusal to renew shall become effective upon expiration of the period for filing appeals.

A denial of a new permit shall be effective upon deposit of the notice in the U.S. mail or overnight delivery service.

3. The hearing officer shall schedule an appeal hearing within thirty (30) days of receipt by the City of a request for an appeal hearing. The hearing officer shall receive relevant evidence, make written findings and render his or her decision within thirty (30) days from the date of the hearing. The decision of the city hearing officer shall be final. The applicant shall be entitled to notice of the basis for the proposed action, a copy of the documents upon which the decision was based and the opportunity to present contrary evidence at the hearing.
4. Notice of the date, time and place of the hearing shall be mailed at least ten (10) days prior to the date of the hearing, by certified U.S. mail or overnight delivery service, addressed to the address listed on the address given in the notice of appeal.
5. The following rules of evidence shall apply:
 - a. Oral evidence shall be taken only under oath or affirmation. The hearing officer shall have authority to administer oaths, and to receive and rule on admissibility of evidence.
 - b. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses who have testified under direct examination. The hearing officer may call and examine any witness.
 - c. Technical rules relating to evidence and witnesses shall not apply to hearings provided for in this chapter. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay testimony may be admissible and used for the purpose of supplementing or explaining any evidence given in direct examination, but shall not be sufficient in itself to support a finding unless such testimony would be admissible over objection in civil actions. The rules of privilege shall be applicable to the extent they are now, or are hereafter permitted in civil actions. Irrelevant, collateral, undue, and repetitious testimony shall be excluded.

8.10.100 - Violation and Penalty.

- A. Violations of this chapter may be enforced pursuant to the provisions of this code. Violations may also be enforced in judicial proceedings, by suspending or revoking permits, or in any other manner authorized by law.

- B. Any massage business operated, conducted or maintained contrary to the provisions of this chapter shall be, and the same is declared to be, unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in any manner provided by law, and may take such other steps and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage business and restrain and enjoin any person from operating, conducting or maintaining a massage business contrary to the provisions of this chapter.
- C. The remedies described in this section are cumulative and in addition to any other remedies available that may be pursued to address a violation of this chapter.

3. 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.

4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically California Government Code Section 51034. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

5. EFFECTIVE DATE. This ordinance shall take effect and be enforced thirty (30) days following its adoption.

6. PUBLICATION. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on February 7, 2017 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 __, 2017 and passed by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

ABSTAIN: Councilmembers

APPROVED:

Janet Abelson, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February __, 2017.

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2017-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 ___ day of February 2017; 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 February, 2017.

Cheryl Morse, City Clerk



AGENDA BILL

Agenda Item No. 5(E)

Date: February 7, 2017
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Support for Assembly Bill 1 (Frazier)/Senate Bill 1 (Beall) Transportation Funding and Reform Package

ACTION REQUESTED

Approve a recommendation authorizing Mayor Abelson to sign and send letters to the authors, and other appropriate legislators and legislative bodies, in support of Assembly Bill 1 (Frazier)/Senate Bill 1 (Beall) Transportation Funding and Reform Package for much-needed new statewide investment to maintain and improve the local street, road, and state highway systems.

DISCUSSION

Cities and counties own and operate more than 81 percent of streets and roads in California, and the public is dependent upon a safe, reliable local transportation network. City staff has previously participated in efforts with the California State Association of Counties, League of California Cities, and California's Regional Transportation Planning Agencies to study unmet funding needs for local roads and bridges, including pedestrian and bicycle facilities. Local governments have identified ten-year unmet needs of \$73 billion on the local streets and roads system in addition to \$59 billion in deferred maintenance on the state highway system. As roads deteriorate, they become increasingly expensive to repair. In fact, rebuilding a road completely can cost as much as twenty times more than routine maintenance that would have extended the service life of the same infrastructure. If additional funds are not invested toward local system maintenance now, the backlog of needs will grow by \$11 billion in just five years and \$21 billion in a decade.

This is the third consecutive year the State of California has been grappling with how to increase state transportation funding to address the backlog of repair and deferred maintenance as well as other transportation needs. In September 2015, the City Council passed Resolution 2015-60 urging the Governor and Legislature to provide sufficient and stable sources of funding for local and state transportation infrastructure. To address the subject in 2017, Assembly Member Frazier and Senator Jim Beall each reintroduced versions of their previous transportation funding and reform measures, the first bills of their respective houses - Assembly Bill 1 (AB 1) and Senate Bill 1 (SB 1).

AB 1 (Frazier)/SB 1 (Beall) Transportation Funding and Reform Package would provide much-needed new statewide investment to maintain and improve local streets, roads, and state highways, ensure existing revenues meant for transportation projects are redirected to transportation, and implement a number of reforms to improve project

delivery while continuing to protect the environment. The funding package would result in approximately \$2.4 billion in existing and new on-going revenue at full implementation for multi-modal investments into the local street and road system. The bill includes as eligible projects road maintenance and rehabilitation, safety projects, railroad grade separations, and complete street components – including active transportation, pedestrian and bike safety projects, and transit facilities – and drainage and stormwater capture projects built in conjunction with any other allowable project. Funding from the bill could also be used as matching funds for state and federal funding programs.

Outside of the revenue provisions, the funding package includes strong accountability measures, including a local maintenance of effort requirement and project-level reporting to the California Transportation Commission. In terms of local project streamlining, the bill would expand an existing California Environmental Quality Act (CEQA) exemption available to small cities and counties for maintenance, rehabilitation and safety projects in the existing right-of-way to all local jurisdictions and the state, and create a transportation advanced mitigation program.

In 2008, El Cerrito voters passed Measure A, the El Cerrito Pothole Repair, Local Street Improvement and Maintenance Measure, a half-cent sales tax, to launch a comprehensive street pavement repair and maintenance program. Fortunately, the on-going funding from Measure A is now helping to maintain the City's pavement in "very good" condition. However, significant needs remain in maintaining, repairing, and rehabilitating pedestrian and bicycle infrastructure including sidewalks, boardwalks and paths; replacing and updating traffic signal systems and traffic signs citywide; addressing a handful of local streets in need of total reconstruction; and miscellaneous other roadway work such as repairs at creek overcrossings. New and sustainable sources of funding would help ensure the sustainability of El Cerrito's transportation system.

STRATEGIC PLAN CONSIDERATIONS

Support for AB 1 (Frazier)/SB 1 (Beall) Transportation Funding and Reform Package is consistent with the following El Cerrito Strategic Plan Goals:

Goal B - *Achieve long-term financial sustainability* by tracking and promoting state and federal legislation that would create new funding opportunities; and

Goal D – *Develop and rehabilitate public facilities* as community focal points by helping to develop a plan to address ongoing and deferred maintenance of facilities and infrastructure.

ENVIRONMENTAL CONSIDERATIONS

There is no direct environmental impact of supporting AB 1 (Frazier)/SB 1 (Beall) Transportation Funding and Reform Package.

FINANCIAL CONSIDERATIONS

There is no financial obligation associated with the requested action.

LEGAL CONSIDERATIONS

There is no legal obligation associated with the requested action.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Letter of Support for Support for AB 1 (Frazier)
2. Letter of Support for SB 1 (Beall)
3. Metropolitan Transportation Commission: Legislation Committee Staff Report for Transportation Funding: AB 1 (Frazier)/SB 1 (Beall)
4. California State Association of Counties Analysis: AB 1 (Frazier)/SB 1 (Beall)



OFFICE OF THE MAYOR
Janet Abelson

Agenda Item No. 5(E)
Attachment 1

February 7, 2017

The Honorable Jim Frazier
Member, California State Assembly
State Capitol, Room 3091
Sacramento, CA 95814

**Re: AB 1 (Frazier) – Transportation Funding and Reform Package
As introduced on December 4, 2016 – SUPPORT**

Dear Assembly Member Frazier,

The City of El Cerrito writes in strong support of your AB 1, which would provide much-needed new statewide investment to maintain and improve local streets and roads and state highways, ensure existing revenues meant for transportation projects are redirected to transportation, and implement a number of reforms to improve project delivery while continuing to protect the environment. The proposal presents an opportunity for the new legislature to advance a comprehensive framework to address the overwhelming backlog of repair and deferred maintenance as well as other transportation needs in the early part of 2017.

AB 1 would result in approximately \$2.4 billion in existing and new on-going revenue at full implementation of the package for multi-modal investments into the local street and road system. The bill includes, as eligible projects, road maintenance and rehabilitation, safety projects, railroad grade separations, and complete street components – including active transportation, pedestrian and bike safety projects, and transit facilities – and drainage and stormwater capture projects built in conjunction with any other allowable project. Funding from the bill could also be used as matching funds for state and federal funding programs.

Outside of the revenue provisions, AB 1 includes strong accountability measures, including a local maintenance of effort requirement and project-level reporting to the California Transportation Commission. In terms of local project streamlining, the bill would expand an existing CEQA exemption available to small cities and counties for maintenance, rehabilitation and safety projects in the existing right-of-way to all local jurisdictions and the state, and create a transportation advanced mitigation program.

As you know, local governments have identified ten-year unmet needs of \$73 billion on the local streets and roads system in addition to \$59 billion in deferred maintenance on the state highway system. As roads deteriorate, they become increasingly expensive to repair. In fact, rebuilding a road completely can cost as much as twenty times more than routine maintenance that would have extended the service life of the same infrastructure. As such, research by California State Association of Counties (CSAC), the League of California Cities, California's regional transportation agencies and local cities shows that failure to invest additional funds toward local system maintenance today will only increase maintenance needs in the future (the backlog will grow by \$11 billion in just five years and \$21 billion in a decade).



OFFICE OF THE MAYOR
Janet Abelson

Agenda Item No. 5(E)
Attachment 1

In 2008, El Cerrito voters passed Measure A, the El Cerrito Pothole Repair, Local Street Improvement and Maintenance Measure, a half-cent sales tax, to launch a comprehensive street pavement repair and maintenance program. Fortunately, the on-going funding from Measure A is now helping to maintain the City's pavement overall in a "very good" condition. However, significant needs remain in maintaining, repairing, and rehabilitating pedestrian and bicycle infrastructure including sidewalks, boardwalks and paths; replacing and updating traffic signal systems and traffic signs citywide; addressing a handful of local streets in need of total reconstruction; and miscellaneous other roadway work such as repairs at creek overcrossings. New and sustainable sources of funding would help ensure the sustainability of El Cerrito's transportation system.

Investing in our roads and highways, active transportation facilities, transit and key freight corridors through targeted and balanced increases in revenue will improve California's transportation facilities today and save taxpayers money for the upkeep of this infrastructure tomorrow.

We look forward to working with you and legislative leadership and the Administration on their promise to successfully advance a meaningful transportation reform and funding package early in the 2017 legislative session.

Sincerely,

Janet Abelson, Mayor
City of El Cerrito



OFFICE OF THE MAYOR
Janet Abelson

Agenda Item No. 5(E)
Attachment 2

February 7, 2017

The Honorable Jim Beall
Member, California State Senate
State Capitol, Room 5066
Sacramento, CA 95814

**Re: SB 1 (Beall) – Transportation Funding and Reform Package
As introduced on August 24, 2016 – SUPPORT**

Dear Senator Beall,

The City of El Cerrito writes in strong support of your SB 1, which would provide much-needed new statewide investment to maintain and improve local streets and roads and state highways, ensure existing revenues meant for transportation projects are redirected to transportation, and implement a number of reforms to improve project delivery while continuing to protect the environment. The proposal presents an opportunity for the new legislature to advance a comprehensive framework to address the overwhelming backlog of repair and deferred maintenance as well as other transportation needs in the early part of 2017.

SB 1 would result in approximately \$2.4 billion in existing and new on-going revenue at full implementation of the package for multi-modal investments into the local street and road system. The bill includes, as eligible projects, road maintenance and rehabilitation, safety projects, railroad grade separations, and complete street components – including active transportation, pedestrian and bike safety projects, and transit facilities – and drainage and stormwater capture projects built in conjunction with any other allowable project. Funding from the bill could also be used as matching funds for state and federal funding programs.

Outside of the revenue provisions, SB 1 includes strong accountability measures, including a local maintenance of effort requirement and project-level reporting to the California Transportation Commission. In terms of local project streamlining, the bill would expand an existing CEQA exemption available to small cities and counties for maintenance, rehabilitation and safety projects in the existing right-of-way to all local jurisdictions and the state, and create a transportation advanced mitigation program.

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OFFICE OF THE MAYOR
Janet Abelson

Agenda Item No. 5(E)
Attachment 2

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We look forward to working with you and legislative leadership and the Administration on their promise to successfully advance a meaningful transportation reform and funding package early in the 2017 legislative session.

Sincerely,

Janet Abelson, Mayor
City of El Cerrito



METROPOLITAN
TRANSPORTATION
COMMISSION

Agenda Item 5(E) Att 3

Bay Area Metro Center
375 Beale Street
San Francisco, CA 94105
TEL 415.778.6700
WEB www.mtc.ca.gov

Memorandum

TO: Legislation Committee

DATE: January 6, 2016

FR: Executive Director

W. I. 1131

RE: Transportation Funding: AB 1 (Frazier)/SB 1 (Beall)

Background

2017 marks the third consecutive year the Legislature has been seriously grappling with how to increase state transportation funding. After Assembly and Senate leaders released a joint letter in November 2016 with Governor Brown announcing a commitment to address the subject in the upcoming legislative session, Assembly Member Frazier and Senator Jim Beall each introduced the first bill of their respective houses — Assembly Bill 1 and Senate Bill 1.

Recommendation: Support

Discussion

How Would Funds Be Spent?

As shown on Attachment 1, funding in the Chairmen's bills, is distributed to local street and road repairs, state highway maintenance, goods movement, the State Transportation Improvement Program (STIP), public transit and active transportation. We estimate the Bay Area would receive *annual* formula funding boosts as follows (with additional funding available from the competitive goods movement, active transportation and transit capital competitive programs):

- Approximately \$390 million for local street and road maintenance with SB 1 providing about \$8 million more due to treatment of new gas tax revenue
- Approximately \$94 million in new STIP funds, including regional and interregional funds.
- A range of \$95-\$130 million for formula-based public transit funds, with range depending on auction revenue levels from Cap and Trade.

Notably, funding for the STIP, local roads and State Highway Operation & Protection Program (SHOPP) programs will grow by \$100 million per year starting in FY 2017-18—distributed according to a 44%/44%/12% formula, respectively—until reaching about \$500 million/year in FY 2021-22 and thereafter. This is a result of fewer weight fees being diverted from the State Highway Account.

Less Revenue, but Still Robust Proposals

The bills would raise from \$6 billion to \$6.2 billion per year once all new revenue mechanisms are in effect by year five, approximately \$1.4 billion less than the joint proposal released last August. The reduced funding results primarily from smaller gasoline and diesel fuel excise tax increases. The emphasis on “fix-it-first” for local roads and state highways is retained though these are the programs that see their funding reduced; transit funding and active transportation funding programs are maintained at the same levels seen in August. Other key changes include:

- About half of weight fee revenue is restored gradually over five years, which frees up approximately \$500 million annually to continue to offset General Fund debt service, an ongoing concern of the Brown Administration. (Note: SB 1 restores 10 percent each year up to a minimum of 50 percent, which is roughly equivalent to \$530 million based on FY 2016-17 estimated weight fee revenue. AB 1 restores \$100 million per year, up to \$500 million by FY 2021-22.)
- The bills contain more detailed provisions for goods movement funding, detailing specific categories to be funded from the Trade Corridor Investment Fund (TCIF), which would receive approximately \$600 million per year from a diesel excise tax increase of 20-cents/gallon.

Reduced Funding Volatility and Significantly Increased STIP Funding

As with the prior bills authored by Assembly Member Frazier and Senator Beall, AB 1 and SB 1 would eliminate the annual adjustment in the excise tax, a policy that has resulted in huge volatility in transportation revenue and decimated the STIP over the last two years. The bills restore the variable rate to 17.3-cents/gallon (a 7.5-cent/gallon increase from the current rate), where it was originally set when the gas tax swap was enacted in 2011, and requires the Board of Equalization to adjust it based on the Consumer Price Index on July 1, 2019 and every three years thereafter. This periodic indexing applies to the gasoline and diesel fuel excise taxes as well as the diesel sales tax rate.

How do the Bills Differ?

- The goods movement provisions in the bills are substantially different. AB 1 would distribute all federal and new state freight funds competitively through the California Transportation Commission, and allow the state to nominate projects as well. SB 1 calls out local road and rail capital and capacity enhancements as eligible and lists dollar amounts for distribution as shown below. (Such amounts would be adjusted proportionately depending on the total amount of funding to the TCIF each year.)
 - Competitive program for projects nominated by regional and local agencies and ports (\$360 million)
 - Railroad-highway grade crossings (\$70 million)
 - Border related improvements nominated by San Diego and Imperial County agencies, which are disqualified from the competitive program above (\$150 million).
- SB 1 raises the sales tax on diesel fuel by an additional 0.5% (approximately \$38 million/year) for purposes of intercity and commuter rail, with projects to be selected by Caltrans. SB 1 also reserves \$3 million annually before distributing funds for state and local roadway maintenance to the various Institutes of Transportation Studies within the University of California.

- SB 1 adds a workforce training provision, requiring that all projects funded with new transportation revenue will be required to engage in a pre-apprenticeship program for individuals, including low-income/disadvantaged individuals. SB 1 also requires Caltrans to develop a plan to increase participation from small and disadvantaged businesses.
- SB 1 imposes a \$100/year zero emission vehicle registration fee, whereas the registration fee for such vehicles in AB 1 remains at \$165/year, as proposed in 2016. This difference is relatively minor in terms of revenue impact; it would lower annual revenues from \$21 million to \$13 million.

Recommendation

Staff recommends a “support” position on these bills. Of course we are mindful to be flexible as amendments can be expected as the bills advance and other funding proposals may emerge. One particular item we would like to see modified is broadening the opportunity for Bay Area cities, transit districts, and MTC with voter-approved transportation measures to qualify for funding. The bill currently restricts this program to counties.

Known Positions

Support

See Attached

Oppose

See Attached



Steve Heminger

Attachments:

- Attachment A: Programs Funded by AB 1 (Frazier) and SB 1 (Beall) and New Vehicle and Fuel-Based Tax/Fee Provisions
- Attachment B: AB 1 (Frazier) Transportation Funding Support & Opposition

SH: rl

Agenda Item 4b
Attachment A

Programs Funded by AB 1 (Frazier) and SB 1 (Beall)

	AB 1 (Frazier)	SB 1 (Beall)
Local Streets & Roads	\$ 2,027	\$ 2,068
State Highways	\$ 1,433	\$ 1,474
Transit Improvements	\$ 563	\$ 563
Intercity and Commuter Rail	\$ -	\$ 38
Trade Corridors	\$ 600	\$ 600
State-Local Partnership Program	\$ 200	\$ 200
State Transportation Improvement Program	\$ 594	\$ 594
State Highway Operation & Protection Program	\$ 162	\$ 162
Active Transportation Program	\$ 80	\$ 80
Advanced Mitigation Program *	\$ 30	\$ 30
Education, Research & Workforce Training**	\$ 5	\$ 2
Totals	\$ 5,694	\$ 5,810

New Vehicle and Fuel-Based Tax/Fee Provisions

	AB 1 (Frazier)	SB 1 (Beall)
Gas tax restoration	7.5 cents/gallon	7.5 cents/gallon
New gas tax increase ¹	12 cents/gallon	12 cents/gallon
Diesel excise tax increase	20 cents/gallon	20 cents/gallon
Sales tax on diesel increase	3.5% increase	4% increase
Vehicle registration fee	\$38/year	\$38/year
Zero emission vehicle fee	\$165/year	\$100/year

AB 1 (Frazier) Transportation Funding Support & Opposition

Support

Apex Group
Associated General Contractors of California
Bay Area Council
California Alliance for Jobs
California Association of Councils of Government
California Business Roundtable
California Construction & Industrial Materials Association
California State Association of Counties
California State Association of Counties
California State Council of Laborers
California Transit Association
Caterpillar Inc.
DeSilva Gates Construction
Granite Construction
Griffith Company
International Union of Operating Engineers – CA/NV
League of California Cities
League of California Cities
Los Angeles Chamber of Commerce
Northern California Carpenters Regional Council
Orange County Business Council
Politico Group
Silicon Valley Leadership Group
Skanska
Smith Watts & Hartmann
Solano Transportation Authority
Southern California Contractors Association
Southern California Leadership Council
Southern California Partnership for Jobs
State Building & Construction Trades Council of California
Teichert Construction
Transportation Agency for Monterey County
Transportation California
United Contractors
United Contractors
Vulcan Materials Company

Opposition

None on file



**AB 1 (Frazier)/SB 1 (Beall): Transportation Funding/Reform
CSAC Revenue and Expenditure Analysis**

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500
Facsimile
916.441.5507

All revenue and expenditure estimates are based on full implementation of these funding/reform packages which occurs in year five. If adopted in 2017, full implementation would occur in FY 2021-22.

REVENUES

New Revenues

Maintenance & Rehabilitation Investments - \$3.12 billion annually

- Gas tax increase of 12-cents, which generates \$1.8 billion annually
 - AB 1 levies the entire increase in year one
 - SB 1 levies the increase in increments over three years (6-cents in year one, 9-cents in year two, and 12-cents in year three)
 - Gas tax revenues deposited into the Road Maintenance and Rehabilitation Account (RMRA)
 - SB 1 would capture off-highway vehicle (OHV) increment from new gas tax for RMRA, whereas AB 1 maintains current practice of sending OHV related share to OHV accounts
 - Indexed for inflation every three years
- Vehicle registration fee (VRF) of \$38, which generates \$1.3 billion annually
 - Deposited into the RMRA
 - Indexed for inflation every three years
- Zero emission vehicle registration fee (ZVRF) of \$100 (SB 1) or \$165 (AB 1), which would generate approximately \$20 million annually
 - Deposited into the RMRA
 - Indexed for inflation every three years

Freight Investments - \$600 million annually

- 20-cent diesel excise tax, which generates \$600 million annually
 - Deposited into the Trade Corridors Improvement Fund (TCIF)
 - Indexed for inflation every three years

Transit Investments - \$563 million annually

- Up to a 4% increase in the sales tax on diesel, which generates approximately \$263 million annually
 - Deposited into the State Transit Assistance Account (STA)
 - Allocated via the Public Transportation Account (PTA) formula
 - AB 1 increases the rate by 3.5% all for the STA/PTA allocation
 - SB 1 increases the rate by 4%, 3.5% which benefits the STA/PTA formula and 0.5% benefits the Transit and Intercity Rail Corridor Program (TIRCP)
- Increase existing cap and trade expenditures, which generates approximately \$300 million annually
 - From 10% to 20% of total cap and trade auction proceeds for the TIRCP
 - From 5% to 10% of total cap and trade auction proceeds for the Low Carbon Transit Operations Program (LCTOP)

TOTAL NEW REVENUE GENERATED FOR ALL INVESTMENT CATEGORIES:

\$4.28 BILLION

Restored/Returned Revenues

Maintenance & Rehabilitation Investments - \$1.81 billion annually

- \$500 million in truck weight fees
 - Directed to the Highway User Tax Account (HUTA)
 - Allocated via the 44 STIP/44 LSR/12 SHOPP split
 - AB 1 would phase in a specific dollar amount to be returned to transportation projects whereas SB 1 would phase in a certain percentage of weight fee revenue. AB 1 would cap the weight fee transfer to the General Fund to \$500 million in FY 2021-22 and SB 1 would cap the transfer to 50% of total weight fee revenue collected in FY 2021-22. Depending on how much weight fee revenue is collected in any given year one approach could return more back to transportation projects than another but it's difficult to predict.
- Eliminate the annual BOE adjustment of the price-based excise tax, reset the rate to 17.3-cents, which would generate \$1.125 billion over FY 2016-17 anticipated revenues
 - Directed to the HUTA
 - Allocated via the 44/44/12 split
- Return \$125 million in price-based revenues related to the sale of fuel for non-highway purposes (Off-Highway Vehicles)
 - Directed to the HUTA
 - Allocated via the 44/44/12 split
- Return \$60 million in miscellaneous transportation revenues
 - Directed to the RMRA
 - Allocated via the 50 state/50 local split after off-the top set-aside

TOTAL RESTORED/RETURNED REVENUE GENERATED FOR ALL INVESTMENT CATEGORIES: \$1.81 BILLION

One-Time Revenues

Maintenance & Rehabilitation Investments

- \$703 million in transportation loans
 - Split 50/50 between the state/locals

TOTAL ONE-TIME REVENUES GENERATED FOR ALL INVESTMENT CATEGORIES: \$703 MILLION

TOTAL NEW REVENUE GENERATED FOR ALL INVESTMENT CATEGORIES: \$4.28 BILLION

TOTAL RESTORED/RETURNED REVENUE GENERATED FOR ALL INVESTMENT CATEGORIES: \$1.81 BILLION

GRAND TOTAL ON-GOING REVENUE FOR ALL INVESTMENT CATEGORIES:	\$6.09 BILLION
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EXPENDITURES BY ACCOUNT FOR ROAD PURPOSES

Road Maintenance and Rehabilitation Account (RMRA)

- Receives \$3.18 billion from new and returned/restored revenue annually:
 - \$3.12 billion from new revenues (gas tax, VRF, ZVRF)
 - \$60 million from returned revenues (miscellaneous revenues)
- Take-downs before formula allocation:
 - \$200 million annually for the State Local Partnership Program (SLPP)
 - \$80 million annually for the Active Transportation Program (ATP)
 - \$30 million annually for 4-years to establish the Advanced Mitigation Program (not reflected in calculations throughout analysis as this take-down will cease in year five/full implementation)
 - \$2-5 million annually for the CSU/UC transportation centers (SB 1 would allocated \$2 million for the UC system only whereas AB 1 would allocated \$2 million for the UC system and \$3 million for the CSU system)
- Remainder for formula allocation:
 - \$2.9 billion
 - Remainder split 50 state/50 local
 - \$1.45 for the SHOPP
 - \$1.45 billion for LSR

TOTAL GENERATED FOR RMRA:

\$3.18 BILLION

Highway User Tax Account (HUTA)

- Receives \$1.75 billion from returned/restores revenues annually:
 - \$1.125 billion from resetting the price-based excise tax rate
 - \$500 million in truck weight fees
 - \$125 million from OHV related price-based excise tax revenue
- Formula allocations:
 - 44% STIP/44% LSR/12% SHOPP
 - \$770 million for the STIP
 - \$770 million for LSR
 - \$21 million for the SHOPP

TOTAL GENERATED FOR HUTA:

\$1.75 BILLION

TOTAL GENERATED FOR RMRA:

\$3.18 BILLION

TOTAL GENERATED FOR HUTA:

\$1.75 BILLION

GRAND TOTAL ON-GOING REVENUE FOR ROAD PURPOSES CATEGORIES:

\$4.93 BILLION

EXPENDITURES BY SYSTEM FOR ROAD PURPOSES

Local Streets and Roads

- \$2.22 billion annually
 - \$1.45 billion annually from new/returned revenue from the RMRA
 - \$770 million annually from restores/returned revenue from the HUTA
- Potential LSR benefits from \$200 million SLPP and \$80 million ATP
- One time revenue of \$352 million from transportation loan repayment

State Highways Operations and Protection Program

- \$1.47 billion annually
 - \$1.45 billion annually from new/returned revenue from the RMRA
 - \$21 million annually from restores/returned revenue from the HUTA
- Potential State Highways benefits from \$200 million SLPP and \$80 million ATP
- One time revenue of \$352 million from transportation loan repayment

State Transportation Improvement Program

- \$770 million annually
- Potential State Highways benefits from \$200 million SLPP and \$80 million ATP

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO REQUESTING THE DEVELOPMENT OF A HORSE BOARDING FACILITY AT THE POINT PINOLE REGIONAL SHORELINE PARK

WHEREAS, between 100 and 150 horses boarded at a sub-standard and unpermitted facility located between 2777 and 2775 Giant Road in Richmond, must be relocated to a safe and authorized facility; and

WHEREAS, City of Richmond officials, working with the Richmond Mayor's Office and the property owners and horse boarders at the Giant Road site, have determined that developing a sufficient boarding facility at the site is not a feasible or safe option for the horses; and

WHEREAS, the East Bay Regional Park District has a demonstrated ability to host private enterprise and horse stables on park land including: the Piedmont Stables at Redwood Regional Park, the Chabot Equestrian Center and the Skyline Ranch Equestrian Center at Anthony Chabot Regional Park, and the Las Trampas Stables at Las Trampas Regional Wilderness; and

WHEREAS, the Point Pinole Regional Shoreline is a 2,315 acre park which is part of the East Bay Regional Park District, featuring extensive open space, beaches, trails and a fishing pier; and

WHEREAS, the horses boarded at the Giant Road property are located less than two miles from the Point Pinole Regional Shoreline and are frequently taken to the park for recreational rides; and

WHEREAS, the City Council has been informed that various owners and managers responsible for horses at the Giant Road property have expressed an interest and willingness to organize and invest private funds in the development of horse stables at any suitable site in the area; and

WHEREAS, the existing landscape and amenities at Point Pinole Regional Shoreline provide an ideal location for accommodating horse stables and equestrian uses are currently allowed at Point Pinole; and

WHEREAS, the local area communities including El Cerrito, Richmond, North Richmond, San Pablo, El Sobrante, and Pinole will benefit greatly in having access to equestrian activities and boarding facilities which contribute to outdoor education, community events and cultural expression; and

WHEREAS, there is a high demand for an equestrian facility near the area in and around Richmond because most of the owners and managers of horses located at the Giant Road property live nearby.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby request that the East Bay Regional Park District Board of Directors take expeditious

Agenda Item No. 5(F)

action in allowing for the development of a horse boarding facility at the Point Pinole Regional Shoreline Park.

BE IT FURTHER RESOLVED that the City Council recognizes the benefits to the West Contra Costa County community from equestrian activity which include: outdoor education, participation in local festivities and events, stress reduction, and life skills.

BE IT FURTHER RESOLVED that the City Council encourages the East Bay Regional Park District to cooperate with the horse owners and managers at the Giant Road property, and work together to identify the necessary steps for successful development of a suitable horse boarding facility at Point Pinole.

I CERTIFY that at a regular meeting on February 7, 2017 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 February __, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(G)

Date: February 7, 2017
To: El Cerrito City Council
From: Mark R. Rasiah, Finance Director/City Treasurer
Subject: Cash & Investments Report for Quarter Ending December 31, 2016

ACTION REQUESTED

Receive and file the City's Quarterly Investment Report for the period ending December 31, 2016.

BACKGROUND

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

ANALYSIS

The Quarterly Investment Report for October 1, 2016 to December 31, 2016 shows that the City's investments had a par value of \$3,553,613 as of December 31, 2016. The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$2,013,111 is invested in the pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF) and \$1,540,502 is held in money market funds. Cash with Mechanics Bank was \$3,092,233. Total cash and investments were \$6,645,846. Of this amount, \$5,105,344 was available to meet operating expenses for the next six months.

STRATEGIC PLAN CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and maximum efficiency of the City's cash management system. The long term goal is to enhance the City's economic condition while protecting the funds at all times.

FINANCIAL CONSIDERATIONS

During the quarter interest of approximately \$902 was earned and debt service payments for the Recycle Center, City Hall, Street Improvement and the Solar Lease were made totaling \$791,294.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin
City Manager

Attachment:

1. Cash & Investment Report for the Quarter ending Dec 31, 2016.

City of El Cerrito
Quarterly Cash & Investment Report
For the Period Ending December 31, 2016

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	LAIF	CA State Treasurer	\$2,013,111	\$2,013,111	0.68%	N/A	100.00	\$2,013,111
Solar Project Financing	Fidelity Institutional Fund	Prime Money Market	Deutsche Bank	\$10,205	\$10,205	0.01%	N/A	100.00	\$10,205
Swim Center Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$185,516	\$185,516	0.01%	N/A	100.00	\$185,516
City Hall Debt Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$603,562	\$603,562	0.01%	N/A	100.00	\$603,562
Street Improvement Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$741,220	\$741,220	0.01%	N/A	100.00	\$741,220
				\$3,553,613	\$3,553,613				\$3,553,613
Cash with Bank (General Checking)	Mechanics Bank	N/A	N/A	\$3,092,233	\$3,092,233	N/A	N/A	N/A	\$3,092,233
Total Cash and Investments				\$6,645,846	\$6,645,846				\$6,645,846

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 flow to meet the next six months of estimated expenditures as required by the Code. The balance of the pool's unrestricted investments in combination with anticipated operating cash inflows and the balance in the general checking account, will be used to meet the expenditure requirements for the next six months.



Mark Rasiah, Finance Director/City Treasurer