



AGENDA

SPECIAL CITY COUNCIL MEETING
Tuesday, February 21, 2017 – 6:00 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, February 21, 2017 – 7:00 p.m.
City Council Chambers for the Consent Calendar
Hillside Conference Room for Commission Interviews

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 *(Comments limited to two minutes and to items on the Special City Council meeting agenda only.)*
COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS
Conduct interviews of candidates for city boards and commissions.
ADJOURN SPECIAL CITY COUNCIL SESSION
- 7:00 p.m. ROLL CALL**
CONVENE REGULAR CITY COUNCIL MEETING
- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – *Councilmember Fadelli*
 - 2. COUNCIL / STAFF COMMUNICATIONS** *(Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.)*
 - 3. 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. The Mayor may reduce the time limit per

speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. PRESENTATION – None

5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5(A) through 5(E)

A. Approval of Minutes

Approve the February 7, 2017 Special City Council Closed Session and Regular City Council meeting minutes.

B. Amendment of El Cerrito Municipal Code Chapter 8.10 – “Massage Establishments”

Adopt 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 to the ordinance introduced on January 17, 2017 to allow affected businesses to close at 10:00 p.m. (*Vote on February 7, 2017: Unanimous*)

C. Housing Related Parks Program Grant for Fairmont Park

Adopt a resolution authorizing submission of an application for state funding through the Department of Housing and Community Development’s a Housing Related Parks (HRP) Program Grant in an amount not to exceed \$230,000 to provide additional funding for the Fairmont Park Improvements Project.

D. Amendment of West Coast Code Consultants Agreement

Adopt a resolution authorizing the City Manager to amend the professional services agreement between the City of El Cerrito and West Coast Code Consultants (WC-3) in an amount not to exceed \$75,000 bringing the total contract to an amount not to exceed \$100,000 and to extend the term of the agreement through December 31, 2017.

E. Economic Development Committee Appointment

Approve and Economic Development Committee recommendation appointing Laura Maurer to the Economic Development Committee, effective February 21, 2017.

6. RESUME 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.

7. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, March 7, 2017 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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

▪ Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 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 <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. 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.



Dates: February 21 and February 23, 2017
To: Honorable Mayor and Members of the City Council
From: Cheryl Morse, City Clerk
Subject: Commission Interviews

FEBRUARY 21 INTERVIEW SCHEDULE

Candidates listed below are scheduled for an interview this evening:

6:00 p.m.	Andrea Lucas*	[PLN]
6:10 p.m.	Lee Kariuki	[HRC 1 st , EDC 2 nd , WCCUSD Bond 3 rd]
6:25 p.m.	Pause	
6:30 p.m.	Gabrielle Guenette	[HRC 1 st , PRK 2 nd , CPC 3 rd]
6:45 p.m.	Alex Perry	[ART 1 st , PRK 2 nd , Library 3 rd]
7:00 p.m.	City Council Meeting – Consent Calendar	
7:30 p.m.	Eli Matejka	[HRC 1 st , PRK 2 nd , ART 3 rd]
7:45 p.m.	Marlene Keller	[FAB]
8:00 p.m.	Nicholas Kam	[PLN 1 st , FAB 2 nd , CVS 3 rd]
8:15 p.m.	Georgina Edwards*	[HRC]
8:25 p.m.	Wilhelmina Wilson	[HRC]
8:40 p.m.	<i>To be filled</i>	
8:55 p.m.	<i>Council deliberation</i>	

FEBRUARY 23 INTERVIEW SCHEDULE

Candidates listed below are scheduled for an interview:

6:00 p.m.	Leslie Mendez	[PLN 1 st]
6:15 p.m.	Bill Kuhlman	[FAB]
6:30 p.m.	Cathy Hanville	[FAB 1 st , EDC 2 nd , PLN 3 rd]
6:45 p.m.	Peter Vranich*	[FAB 1 st , EDC 2 nd]

Special City Council Meeting Commission Applicant Interviews

7:00 p.m.	Bruce Yow	[HRC 1 st , PRK 2 nd , Library 3 rd]
7:15 p.m.	Judith Tannenbaum	[ART 1 st , HRC 2 nd]
7:30 p.m.	Farhad Farahmand	[FAB 1 st , EQC 2 nd]
7:45 p.m.	Phyllis Hoffman	[CVS 1 st , HRC 2 nd ,
8:00 p.m.	Kathleen Fleming	[WCCUSD 1 st , HRC 2 nd , PRK 3 rd , ART 4 th]
8:15 p.m.	Shenguy Yue (Shen)	[PRK 1 st , EQC 2 nd , Tree 3 rd]
8:30 p.m.	Tara McIntire	[PRK 1 st , EQC 2 nd , Tree 3 rd]
8:45 p.m.	David Zuckermann	[PRK]

*Seeking re-appointment to a board or commission.

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:

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

Special City Council Meeting Commission Applicant Interviews

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]

PRIOR INTERVIEWS CONDUCTED BY THE CITY COUNCIL

The City Council interviewed three candidates on February 7, 2017: Carl Groch* [DRB & PLN], Julia Pon [PLN 1st, EDC 2nd, DRB 3rd], and Erin Gillett [PLN 1st, DRB 2nd] as indicated on the Applicant Matrix, Attachment 1 to this report.

TIMING OF FUTURE INTERVIEWS

The next round of interviews will take place on February 23, 2017. Twelve candidates are scheduled to meet with the City Council. Staff has also scheduled interviews for Saturday, March 4 beginning at 12:30 p.m. and will continue to 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 (*Received by the Council on February 2, 2017*)
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>Interview Date</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				2/7/17	
Carl Groch*							X						X				2/7/17	
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 Mátejka	3										1	2						

Attachment 1 - 2017 Board and Commission Applicant Matrix

	<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 (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>Interview Date</i>	<i>Appointed?</i>
Tara McIntire									2			1		3				
Leslie Mendez													1					
Eugene Park				1														
Alex Perry	1											2			3			
Julia Pon							3	2					1				2/7/17	
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 2/13/2017



**February 7-March 4, 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

Alternate position expires 6/30/17

WCUSD BOND OVERSIGHT COMMITTEE (Alternate Vacancy)

Name	Date Appointed	Start	Term Expiration
_____	_____	_____	2021

Expires 4/12/17.

Updated: February ____, 2017

EL CERRITO CITY COUNCIL

MINUTES

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

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

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the special City Council meeting at 6:00 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

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.

Action: Three interviews completed.

ADJOURNED SPECIAL CITY COUNCIL MEETING 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 7:11 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Mayor Abelson.

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

COUNCIL COMMUNICATIONS

Mayor Pro Tem Quinto reported that he had the pleasure of attending the Contra Costa

Mayors Conference in Pinole with Mayor Abelson.

Councilmember Fadelli reported that the Bay Area Rapid Transit (BART) Board will authorize the General Manager to execute a contract regarding major construction at the Del Norte BART Station. Construction will begin within the next few months. The project will feature glorious art at the station and twice as much space for the public. Councilmember Fadelli says he hopes to see improvements to safety and bus transfers.

Mayor Abelson reported that she attended the Alameda-Contra Costa Transit District (AC Transit) Division 3 bus facility re-opening in Richmond on January 26. The project, located on Macdonald Avenue, will improve access to bus transportation. She also attended the installation of new Chamber of Commerce officers and spoke about the City's Specific Plan. Last month, Mayor Abelson attended the League of California Cities Division meeting which featured a question and answer session with Senators Dodd and Glaser and Assemblymembers Baker and Thurmond. The discussion was lively and interesting. At the last West Contra Costa Transportation Authority Committee meeting Mayor Abelson was elected as chair.

Councilmember Pardue-Okimoto reported that she spent today at the Contra Costa Board of Supervisors meeting. The Board passed an expansion of the county jail. Councilmember Pardue-Okimoto said this is an issue that the community really needs to discuss.

STAFF COMMUNICATIONS

Karen Pinkos, Assistant City Manager, provided a brief update on the Human Relations Commission (HRC) meeting regarding immigration issues and the potential for establishing El Cerrito as a Sanctuary City. Approximately 60-70 people attended. Twenty-two people spoke in support of El Cerrito becoming a Sanctuary City. Ms. Pinkos stated that the El Cerrito Police Department, in practice, already incorporates many of the elements that define a Sanctuary City. Staff will bring a recommendation to the HRC on March 1. The item is currently scheduled for the City Council's consideration on March 21.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Carl Groch, El Cerrito, spoke in support of El Cerrito becoming a Sanctuary City.

Antonio Medrano, San Pablo, American Civil Liberties Union (ACLU), expressed support for the freedom and rights of all and also reported on pending state legislation that protects immigrant rights. Mr. Medrano encouraged the City Council to support Assembly Bill 3 (Bonta), Senate Bills 6 (Hueso) and 54 - the California Values Act.

Michael Freeman, El Cerrito, Local Chapter ACLU, expressed support for establishing El Cerrito as a Sanctuary city and also expressed concerns regarding government surveillance technology, particularly stingray cell phone intercepting devices which allow police to listen to cell phones. Mr. Freeman encouraged the City Council to receive public input when considering surveillance technology and approve the ACLU's model surveillance technology policy.

Jim Hausken, Kensington, encouraged the City Council to have a policy in place that allows for growth and change in surveillance technology.

Caleb Brown, El Cerrito, spoke about the closure of the St. Jerome catholic school in his neighborhood and the value of zoning at the St. Jerome property for public rather than residential use and stated that the 65,000 square foot property would be a good site for a new library.

Bharat Trehan, Kensington, ACLU Local Chapter, encouraged the City Council to adopt

the ACLU model surveillance technology policy and noted that there has been media support for the policy. Mr. Trehan said elected officials rather than police departments should set surveillance policy.

Jess Laird, El Cerrito, East Bay Young Democrats, spoke in support of El Cerrito doing what is necessary to declare itself a Sanctuary City.

John DelArroz, El Cerrito, spoke against boarding horses in public open space in Pinole (Consent Calendar Item No. 5(F)).

Miguel Gravelle, El Cerrito, representing the El Cerrito Progressives, spoke in support of the leadership of the El Cerrito Police Department and submitted draft sanctuary provisions prepared by the El Cerrito Progressives.

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.

Action: Proclamation presented to Officer Delatorre.

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

Action: Received presentation.

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

Moved, seconded (Pardue-Okimoto/Lyman) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5D and 5G in one action as indicated below. Item No. 5E was removed from the Consent Calendar at the request of Councilmember Fadelli for the purpose of adding language regarding public transportation. Item No. 5F was withdrawn from the Consent Calendar at the request of the City Manager. *(The Consent Calendar was taken up out of order by the City Council prior to receiving presentations.)*

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.

Action: Approved 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.

Action: Approved proclamation.

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.

Action: Approved proclamation.

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.*

Action: Approved first reading of Ordinance 2017–01. *Adoption of the ordinance is scheduled for the Council's consideration on February 21, 2017.*

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.

Action: Removed from the Consent Calendar at the request of Councilmember Fadelli for the purpose of adding "...and public transit will also require \$74 billion over the same period in new funding to maintain existing infrastructure and meet the needs of our growing state " to the letters prior to submittal. Moved, seconded (Fadelli/Lyman) and carried unanimously to approve the recommendation.

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.

Action: Removed from the Consent Calendar. Moved, seconded (Quinto/Lyman) and carried unanimously to continue the item to a future meeting.

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.

Action: Received and filed.

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.

Councilmember Lyman attended the January 20 League of California Cities Environmental Quality Policy Committee and has been assigned to a subcommittee on Community Choice Aggregation for the next six months.

Mayor Pro Tem Quinto reported that he has been appointed to a League of California Cities Environmental Quality Policy Committee Subcommittee that is working on water issues. Mayor Pro Tem Quinto also attended an Association of Bay Area Governments (ABAG) meeting on February 3 in San Francisco. The ABAG delegates listened to and discussed the Metropolitan Transportation / ABAG merger. Mayor Pro Tem Quinto thanked all of the businesses and community members who participated in the City's first Lunar New Year Celebration event.

Mayor Abelson attended meetings of the League of California Cities Governance Policy Committee and Community Services Policy Committee meetings in Sacramento last month. The Governance Policy Committee is looking at issues related to governance like the Brown Act and how cities do business.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:40 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(B) Strategic Plan Overview

1. Copy of powerpoint presentation – *Submitted by Karen Pinkos, Assistant City Manager.*

Item No. 5(E) Support for Assembly Bill 1 / Senate Bill 1 Transportation Funding for Reform

2. Proposed change in the letters to Assemblymember Frazier and Senator Beall – *Submitted by Councilmember Fadelli.*

Other:

3. Model Surveillance and Community Safety Ordinance – *Submitted by Michael Freeman, El Cerrito.*
4. ACLU Berkeley/North East Bay Chapter of the American Civil Liberties Union contact sheet – *Submitted by Michael Freeman, El Cerrito.*
5. Interrupting Surveillance in Silicon Valley and Beyond – *Submitted by Michael Freeman, El Cerrito.*
6. In the Age of Donald Trump, the Resistance will be Localized – *Submitted by Michael Freeman, El Cerrito.*
7. What is the StingRay – *Submitted by Michael Freeman, El Cerrito.*
8. Comments regarding support for Sanctuary City – *Submitted by Jess Laird, Executive Board Member, East Bay Young Democrats.*
9. Draft Sanctuary Provisions – *Submitted by Miguel Gravelle, El Cerrito.*

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 - MASSAGE 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 Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson
NOES: None
ABSENT: None
ABSTAIN: None

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. 2017-01 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(C)

Date: February 21, 2017
To: El Cerrito City Council
From: Katherine Ahlquist, Community Development Analyst
Melanie Mintz, Community Development Director
Chris Jones, Recreation Director
Subject: Related Parks Program Grant for Fairmont Park

ACTION REQUESTED

Adopt a resolution authorizing submission of an application for state funding through the Department of Housing and Community Development's Housing Related Parks (HRP) Program Grant in an amount not to exceed \$230,000 to provide additional funding for the Fairmont Park Improvements Project.

BACKGROUND/ANALYSIS

On November 16, 2016, the Department of Housing and Community Development announced the release of a Notice of Funding Availability (NOFA) for the 2016 funding round of the Housing-Related Parks (HRP) Program. The HRP Program is designed to reward local governments that approve housing for lower-income households and are in compliance with State housing element law with grant funds to create or rehabilitate parks and/or recreational facilities. Approximately \$35 million is available for the 2016 funding round. It is anticipated that this will be the final HRP Program NOFA. The funding from the HRP Program is non-competitive and based upon availability, but the application for funds must be approved by the City Council.

The 2016 NOFA will award HRP Program funds to eligible jurisdictions on a per-bedroom basis for each residential unit affordable to very low-income and low-income households permitted, substantially rehabilitated, converted and/or preserved during the designated time period of January 1, 2010 to December 31, 2016. In the City of El Cerrito, Ohlone Gardens, located at 6431-6495 Portola Drive, and Creekside Apartments, located at the southeastern corner of El Cerrito Plaza, both have units that qualify under the Program. Ohlone Gardens is eligible based on the development's 56 very low-income units and Creekside Walk is eligible based on the 6 low-income units.

The Fairmont Park Improvements Project is located at the intersection of Liberty Street and Eureka Avenue, just west of the Ohlone Greenway. The park was identified as an important community project and was advanced as one of four Pilot Projects in the City's Urban Greening Plan (Adopted December 2015). The project is also located within the San Pablo Avenue Specific Plan's Midtown district, which is envisioned as a civic and community-oriented zone with two neighborhood-scale commercial nodes at Stockton Avenue and Moeser Avenue and numerous planned and potential residential, commercial and mixed use projects and new investment.

The objective of the Project is to enhance and improve the existing Fairmont neighborhood park to maximize its use while meeting multiple Urban Greening Plan goals, which include: Environmental Stewardship, Community Identity, Active Living/Transportation, Economic Vitality and Urban Livability. The City's Urban Greening Plan) provided a planning level estimate of approximately \$630,000 for the Fairmont Park Improvements Project (Urban Greening Plan, Appendix E). Recently staff updated the cost estimate to \$985,000 which includes soft costs, environmental reports, special inspections and contingency.

Due to funding availability, the Fairmont Park Improvements Project will be implemented in at least two phases. Phase I will upgrade approximately 16,000 square feet of park area at the south portion nearest Eureka Avenue. Improvements will be finalized during the design process, but are likely to include a new entry plaza – welcome kiosk, seating, gateway signage, and group exercise area; new path network – accessible paths with emergency and maintenance vehicle access; enhanced gathering spaces – passive and active recreational areas with new site amenities and future art opportunities; improved children's play area; and improved landscaping and lighting. Proposed Phase II improvements will include a community garden, additional recreational areas, community art installations such as murals, and other park improvements that would enhance and compliment the development of Fairmont Park in accordance with the City's Urban Greening Plan.

On March 31, 2016, upon recommendation of the Park and Recreation Commission, the City submitted a project application to the East Bay Regional Park District (EBRPD) Measure WW Local Grant Program; \$360,000 for Fairmont Park Improvements, Phase I. A request for proposals for the Design of the Fairmont Park Improvements Project, Phase I was released on January 6, 2017 and interviews are currently being conducted. During the regular meeting of the Park and Recreation Commission on January 25, 2017, the Commission made a recommendation to the City Council that the City apply for eligible funds from the California Department of Housing and Community Development's HRP Program and dedicate the entire award to the Fairmont Park Improvements Project. City staff will work with the selected design consultant to expand the scope of Phase 1 improvements to reflect this additional funding. The design of the Project is expected to be complete by summer 2017. Bidding is scheduled for fall 2017 and construction is anticipated to begin by spring, 2018.

STRATEGIC PLAN CONSIDERATIONS

The Project will meet several Strategic Plan Goals including: Goal A: To deliver exemplary government services, by working with the community through the design process and develop and strengthen relationships with public partners, residents and community groups; Goal B: To achieve long-term financial sustainability by pursuing opportunities for new funding, including outside grants; Goal C: To deepen a sense of place and community identity Goal E: To rehabilitate public facilities by addressing long deferred maintenance.

FINANCIAL CONSIDERATIONS

The state funds from the California Department of Housing and Community Development's HRP Program will be in the amount not to exceed \$230,000.00 and will augment funds already identified for the project through Measure WW. There are no matching funds or City funds required as a part of the action requested.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and there are no legal issues.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING APPLICATION FOR HOUSING RELATED PARKS PROGRAM GRANT THROUGH THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

WHEREAS, the state of California, Department of Housing and Community Development (Department) has issued a Notice of Funding Availability dated November 16, 2016 (NOFA), under its Housing-Related Parks (HRP) Program; and

WHEREAS, the City of El Cerrito (Applicant) desires to apply for a HRP Program grant and submit the 2015 Designated Program Year Application Package released by the Department for the HRP Program; and

WHEREAS, the Department is authorized to approve funding allocations for the HRP Program, subject to the terms and conditions of the NOFA, Program Guidelines, Application Package and Standard Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the Applicant is hereby authorized and directed to apply for and submit to the Department the HRP Program Application Package released November 2016 for the 2016 Designated Program Year in an amount not to exceed \$230,000. If the application is approved, the Applicant is hereby authorized and directed to enter into, execute, and deliver a State of California Standard Agreement (Standard Agreement) in an amount not to exceed \$230,000, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the Department, and all amendments thereto (collectively, the "HRP Grant Documents").

BE IT FURTHER RESOLVED that the Applicant shall be subject to the terms and conditions as specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. Applicant hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by the Department and in accordance with the NOFA and Program Guidelines and Application Package.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute in the name of Applicant the HRP Program Application Package and the HRP Grant Documents as required by the Department for participation in the HRP Program.

I CERTIFY that at a regular meeting on February 21, 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 21, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(D)

Date: February 21, 2017
To: El Cerrito City Council
From: Mark Soltes, Building Official
Margaret Kavanaugh-Lynch, Development Services Manager
Subject: Amend West Coast Code Consultants Agreement

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to amend the Professional Services Agreement between the City of El Cerrito and West Coast Code Consultants (WC-3) in an amount not to exceed \$75,000 bringing the total contract to an amount not to exceed \$100,000 and to extend the term of the Agreement through December 31, 2017.

BACKGROUND

WC-3 is currently providing building related services, including plan review and supplementary inspection services to the Community Development Department, under a not to exceed \$25,000 contract. Pursuant to Administrative Policy/Procedure IIIA, (Procurement including Professional Services Contracts) contracts up to \$25,000 may be authorized by the City Manager. The same Policy/Procedure stipulates that purchases made from a single vendor (either individually or collectively within one fiscal year) over \$25,000 require City Council approval.

ANALYSIS

There is an unanticipated overlap in mid-rise construction projects currently underway in the City. The original construction schedule estimated for Creekside Walk, the 128-unit residential complex at El Cerrito Plaza noted that the project was to be completed by December of 2016. Due to a number of factors common in the construction industry, the revised estimates are now setting a late spring completion date. Hana Gardens, the 63-unit affordable housing project, is now also underway with an estimated construction duration of approximately sixteen months. In addition to the active construction projects, a number of complex plan reviews are anticipated in the next twelve months as new projects within the Specific Plan area complete their entitlement processes. In order to continue to deliver an exemplary level of government services, temporary assistance of a Building Program staff is needed. City staff has had a positive experience working with West Coast Code Consultants (WC-3) and has verified that they have an experienced temporary staff ready to assist the City. The purpose of this Agenda Bill is to move swiftly to bring the needed staff in as soon as possible. Additionally, looking ahead, as the San Pablo Avenue Specific Plan continues to generate new development projects in the Plan Area of the City, staff has foreseen the need to establish an on-call list for Building Program services, similar to the list already established for Planning Program services and Engineering services. The purpose of this list will be to ensure that Building Program is adequately staffed for the anticipated

near-term increase in building activity. The Requests for Proposals for Building Program services (RFP) is currently circulating. A recommendation for awarding on-call contracts will be brought to City Council in mid spring for consideration.

STRATEGIC PLAN CONSIDERATIONS

The proposed action supports the City's Goal A to deliver exemplary government services by assuring effective and efficient delivery of services and excellent customer service.

ENVIRONMENTAL CONSIDERATIONS

None

FINANCIAL CONSIDERATIONS

Funding for the \$75,000 agreement will be partially covered by the \$68,398 inspection fees provided by Eden Housing, Inc. and the remainder by other miscellaneous inspection fees. No new budget adjustments are required.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and there are no legal issues.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO AMEND THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF EL CERRITO AND WEST COAST CODE CONSULTANTS IN AN AMOUNT NOT TO EXCEED \$75,000 AND TO EXTEND THE TERM OF THE AGREEMENT TO DECEMBER 31, 2017

WHEREAS, on March 17, 2015, by Resolution No. 2015-16, the City of El Cerrito entered into a professional services agreement with West Coast Code Consultants to provide temporary staffing assistance, inspection, and plan review services to the Building and Planning Division; and

WHEREAS, additional services are anticipated that will total not more than \$75,000; and

WHEREAS, funding for the proposed amendment is available in the FY 2016-17 Community Development Department's adopted budget through collected plan review and permit fees.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to amend the professional services agreement with West Coast Code Consultants in an amount not to exceed \$75,000 bringing the total contract to an amount not to exceed \$100,000 and to extend the term of the Agreement through December 31, 2017.

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

I CERTIFY that at a regular meeting February 21, 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 2X, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: February 21, 2017
To: El Cerrito City Council
From: Katherine Ahlquist, Community Development Analyst
Subject: Economic Development Committee Appointment

ACTION REQUESTED

Approve an Economic Development Committee recommendation to appoint Laura Maurer to the Economic Development Committee, effective February 21st, 2017.

BACKGROUND

An application was recently received from Laura Maurer, who has attended three meetings of the Economic Development Committee. During the Special Committee Meeting on January 4, 2017 the Committee voted unanimously to recommend to the Council that Laura Maurer be appointed to the Economic Development Committee (EDC).

Laura is an El Cerrito resident and currently the Business Operations Manager for Marcelle Corp DBA Urban Picnic and Mekong Kitchen. She has a passion for making the City's Ohlone Greenway and San Pablo Avenue corridor a safe place for people to walk, bike and enjoy the locally-owned businesses, while helping new and existing businesses thrive. She has demonstrated through her application and participation in EDC meetings that she is committed to economic prosperity and community in keeping with the mission of the Committee. With a Bachelor of Science Degree in Psychology and extensive experience with opening restaurants, she has a unique set of skills and the enthusiasm required to support the activities of the Committee.

If the Council approves this recommendation, the number of Committee members will be 9. Resolution 2013-66 establishes the maximum committee size at 15.

Reviewed by:



Scott Hanin
City Manager



**February 21, 2017
Regular City Council Meeting**

**Agenda Item No. 5(E)
Economic Development Committee Appointment**

Attachment 1 Application

is 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