



AGENDA

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

REGULAR CITY COUNCIL MEETING
Tuesday, March 21, 2017 – 7:00 p.m.
City Council Chambers

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

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto
Councilmember Greg Lyman

Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

- 6:00 p.m. ROLL CALL**
CONVENE SPECIAL CITY COUNCIL MEETING
ORAL COMMUNICATIONS FROM THE PUBLIC (*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. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.
ADJOURN SPECIAL CITY COUNCIL 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 Rochelle Pardue-Okimoto.*
 - 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. PRESENTATIONS

West Contra Costa County High Capacity Transit Study – Presented by John Nemeth, WCCTAC Executive Director; Leah Greenblat, WCCTAC Project Manager; and Rebecca Kohlstrand, WSP/Parsons Brinckerhoff Project Manager.

Receive a presentation on the West County High Capacity Transit Study's Initial Draft Findings and highlights and provide feedback to West Contra Costa Transportation Advisory Committee staff.

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

A. Approval of Minutes

Approve the March 4, 2017 Special City Council and March 7, 2017 Special City Council Closed Session and Regular City Council meeting minutes.

B. Consulting Services Agreement with Restoration Design Group, Inc. for the Fairmont Park Phase 1 Improvements Project, City Project No. C5037

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Restoration Design Group, Inc., ("Consultant") to provide design services for the Fairmont Park Phase I Improvements Project, City Project No. C5037, in an amount not to exceed \$55,095. *Project falls under the Urban Greening Plan's Initial Study/Mitigated Negative Declaration and is in compliance with Section 15097 of CEQA.*

C. Computer Aided Dispatch Software

Adopt a resolution authorizing the City Manager to enter into an agreement with Tiburon to provide Computer Aided Dispatch Software in an amount not to exceed \$114,954 with terms and conditions to be approved by the City Manager and City Attorney.

D. 2015 and 2016 General Plan Annual Progress Reports

Receive and file Annual Progress Reports on the General Plan for 2015 and 2016. *Exempt from CEQA.*

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Affirming the City's Values and Declaring El Cerrito a Sanctuary City and Supporting Senate Bill 54, the California Values Act

The Human Relations Commission requests that the City Council take the following actions: 1) Adopt a resolution affirming the City's commitment to the values of dignity, inclusivity and respect for all individuals regardless of ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, age, disability, or immigration status and declaring El Cerrito a Sanctuary City; and 2) Adopt a

resolution supporting Senate Bill 54, "The California Values Act" (de León).

B. Reauthorization of the Public, Educational and Governmental Fee on State Cable Franchisees Operating within the City of El Cerrito

The City Attorney requests that the City Council: 1) Waive the reading of and adopt, by a four-fifths vote, an Urgency Ordinance reauthorizing the Public, Educational and Governmental (PEG) fee on state cable franchisees operating with the City of El Cerrito; and 2) Waive the reading of and introduce an Ordinance reauthorizing the Public, Educational, and Governmental (PEG) fee on state cable franchises operating within the City of El Cerrito and amending Section 14.12.170 of the El Cerrito Municipal Code.

C. Public Safety Dispatch Services

Adopt a resolution authorizing the City Manager or his designee to enter into agreements with the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District for the provision of public safety dispatch services from July 1, 2017 to June 30, 2022 for police dispatch and June 1, 2017 to December 31, 2019 for fire dispatch.

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, April 4, 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: March 21, 2017
To: Honorable Mayor and Members of the City Council
From: Cheryl Morse, City Clerk
Subject: Commission Interviews

MARCH 21 INTERVIEW SCHEDULE

Candidates who listed either the Design Review Board or the Human Relations Commissions as a preference and who had not already been appointed to another board or commission are scheduled for a second interview this evening:

Design Review Board

6:00 Erin Gillet
6:05 Carl Groch
6:10 Julia Pon
6:15 Patrick Riley

Human Relations Commission

6:20 Melanie Proctor
6:25 Eli Matejka
6:30 Jessica Laird
6:35 *Council deliberation*

One candidate, Kathy Flemming [WCCUSD 1st, HRC 2nd, PRK 3rd, Arts 4th] is unable to interview this evening due to a scheduling conflict and prior commitment.

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*. The City Council convened four special meetings on February 7, February 21, February 23 and March 4, 2017 and interviewed thirty-six board and commission candidates. At its March 4 meeting the Council made nineteen appointments. Although all advisory bodies are ensured a quorum, vacancies remain on the Citizens Street Oversight Committee, Design Review Board, Human Relations Commission and Contra Costa Transportation Authority Citizens Advisory Committee. A Board and Commission Applicant Matrix is

**Special City Council Meeting
Commission Applicant Interviews**

enclosed as Attachment 1 and a Summary of the March 4 meeting and Appointment list is enclosed as Attachment 2 and 3 for your convenience.

PRIOR INTERVIEWS CONDUCTED BY THE CITY COUNCIL

The City Council interviewed three candidates on February 7, 2017:

- 1) Carl Groch [DRB & PLN];
- 2) Julia Pon [PLN 1st, EDC 2nd, DRB 3rd]; and
- 3) Erin Gillett [PLN 1st, DRB 2nd].

On February 21, the City Council interviewed nine candidates:

- 4) Andrea Lucas [PLN];
- 5) Lee Kariuki, [HRC 1st, EDC 2nd, WCCUSD Bond 3rd];
- 6) Gabrielle Guenette [HRC 1st, PRK 2nd, CPC 3rd];
- 7) Alex Perry [ART 1st, PRK 2nd, Library 3rd];
- 8) Elli Matejka [HRC 1st, PRK 2nd, ART 3rd];
- 9) Marlene Keller [FAB 1st, PLN 2nd];
- 10) Nicholas Kam [PLN 1st, FAB 2nd, CVS 3rd];
- 11) Georgina Edwards [HRC]; and
- 12) Wilhelmina Wilson [HRC].

On February 23, the City Council interviewed twelve candidates:

- 13) Leslie Mendez [PLN 1st];
- 14) Bill Kuhlman [FAB];
- 15) Cathy Hanville [FAB 1st, EDC 2nd, PLN 3rd];
- 16) Peter Vranich [FAB 1st, EDC 2nd];
- 17) Bruce Yow [FAB 1st, PRK 2nd, Library 3rd];
- 18) Judith Tannenbaum [ART 1st, HRC 2nd];
- 19) Farhad Farahmand [FAB 1st, EQC 2nd];
- 20) Phyllis Hoffman [CVS 1st, HRC 2nd];
- 21) Kathleen Fleming [WCCUSD 1st, HRC 2nd, PRK 3rd, ART 4th];
- 22) Shenguy Yue (Shen) [PRK 1st, EQC 2nd, Tree 3rd];
- 23) Tara McIntire [PRK 1st, EQC 2nd, Tree 3rd]; and
- 24) David Zuckermann [PRK].

On March 4, the City Council interviewed twelve candidates:

- 25) Richard Brooks [CC 1st, ART 2nd]
- 26) Michael Fischer [Library]
- 27) Ruth Cazden [ART]
- 28) Melanie Proctor [HRC 1st, AGE 2nd]
- 29) Christopher Walsh [ART 1st, PRK 2nd, TREE 3rd]

**Special City Council Meeting
Commission Applicant Interviews**

30) Patrick Riley	[DRB 1st, PLN 2nd, EDC 3rd]
31) Mollie Hazen	[ART 1st, PRK 2nd, EQC 3rd]
32) Christopher Whaley	[PLN 1st, EDC 2nd]
33) Jessica Laird	[HRC 1st, CPC 2nd, EDC 3rd]
34) Eugene Park	[CVS]
35) Susan Leach	[CPC 1st, EDC 2nd, HRC 3rd]
36) Heidi Rand	[ART]

Laura Lundy [Arts], withdrew her application and Sam Kohan [CVS, HRC, PLN] did not respond to staff's attempts to schedule an interview. Susan Leach [CPC 1st, EDC 2nd, HRC 3rd] informed staff that she will attend Crime Prevention Committee meetings.

Attachments:

1. Applicant Matrix
2. March 4, 2017 Special City Council meeting summary
3. Appointment list

Applications on file in the City Clerk's Office

Attachment 1 - 2017 Board and Commission Applicant Matrix

Revised 3/15/2017

* Currently serving /eligible for re-appointment

	<i>Arts & Culture (0)</i>	<i>Centennial Celebration (2)</i>	<i>Citizens Street Oversight (2)</i>	<i>Civil Service Commission (0)</i>	<i>Committee on Aging (1)</i>	<i>Crime Prevention (9)</i>	<i>Design Review Board (1)</i>	<i>Economic Devt. Cmte (5)</i>	<i>Environmental Quality (3)</i>	<i>Financial Advisory Bd (0)</i>	<i>Human Relations (1)</i>	<i>Park and Recreation (0)</i>	<i>Planning Commission (0)</i>	<i>Tree Committee (9)</i>	<i>CC Library (0)</i>	<i>WCCUSD Bond (Delegate)</i>	<i>Interview Date</i>	<i>Appointed?</i>
Richard Brooks	2	1															3/4/17	3/4/17
Ruth Cazden*	1																3/4/17	3/4/17
Georgina Edwards*											1						2/21/17	3/4/17
Farhad Farahmand									2	1							2/23/17	3/4/17
Michael A Fischer															1		3/4/17	3/4/17
Kathleen Fleming	4										2	3				1	2/23/17	
Erin Gillett							2						1				2/7/17	
Carl Groch*							X						X				2/7/17	
Gabriel Guenette						3					1	2					2/21/17	3/4/17
Cathy Hanville								2		1			3				2/23/17	
Mollie Hazen*	1								3			2					3/4/17	Withdrawn
Phyllis Hoffman				1							2						2/23/17	3/4/17
Nicholas Kam				3						2			1				2/21/17	
Lee Kariuki								2			1					3	2/21/17	3/4/17
Marlene Keller										1			2				2/21/17	3/4/17
Sam A. Kohan				X							X		X					No response
C. William "Bill" Kuhlman								1		2							2/23/17	
Jessica Nicole Laird						2		3			1						3/4/17	
Susan Leach						1		2			3						Pursue CPC	
Andrea M. Lucas*													1				2/21/17	3/4/17
Laura Lundy	1																	Declined
Elli Matejka	3										1	2					2/21/17	

Attachment 1 - 2017 Board and Commission Applicant Matrix

	<i>Arts & Culture (0)</i>	<i>Centennial Celebration (2)</i>	<i>Citizens Street Oversight (2)</i>	<i>Civil Service Commission (0)</i>	<i>Committee on Aging (1)</i>	<i>Crime Prevention (9)</i>	<i>Design Review Board (1)</i>	<i>Economic Devt. Cmte. (5)</i>	<i>Environmental Quality (3)</i>	<i>Financial Advisory Bd (0)</i>	<i>Human Relations (1)</i>	<i>Park and Recreation (0)</i>	<i>Planning Commission (0)</i>	<i>Tree Committee (9)</i>	<i>CC Library (0)</i>	<i>WCCUSD Bond (Delegate)</i>	<i>Interview Date</i>	<i>Appointed?</i>
Tara McIntire									2			1		3			2/23/17	3/4/17
Leslie Mendez													1				2/23/17	3/4/17
Eugene Park				1													3/4/17	3/4/17
Alex Perry	1											2			3		2/21/17	
Julia Pon							3	2					1				2/7/17	
Melanie L. Proctor					2						1						3/4/17	
Heidi Rand*	1																3/4/17	3/4/17
Patrick Riley							1	3					2				3/4/17	
Judith Tannenbaum	1										2						2/23/17	3/4/17
Peter F. Vranich*								2		1							2/23/17	3/4/17
Christopher Walsh	1											2		3			3/4/17	3/4/17
Christopher Whaley								2					1				3/4/17	
Wilhelmenia Wilson											1						2/21/17	3/4/17
Bruce L. Yow										1		2			3		2/23/17	
Shengyi Yue (Shen)									2			1		3			2/23/17	
David Zuckermann												1					2/23/17	3/4/17

Revised 3/1/2017



SUMMARY

SPECIAL CITY COUNCIL MEETING
Saturday, March 4, 2017 – 12:30 p.m.
Hillside Conference Room

This meeting was not be televised

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

12:30 p.m. ROLL CALL

Present: Councilmembers Fadelli, Lyman, Quinto and Mayor Abelson
Absent: Councilmember Pardue-Okimoto

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the Special City Council meeting at 12:33 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: Eleven candidates interviewed on March 4. By mutual consensus and after careful consideration of all candidates interviewed on February 7, February 21, February 23 and March 4, 2017, Councilmembers Fadelli, Lyman, Quinto and Mayor

Abelson made the following appointments:

Arts and Culture Commission

Ruth Cazden re-appointed to a term ending March 1, 2020.

Heidi Rand re-appointed to a term ending March 1, 2021.

Judith Tannenbaum appointed to a term ending March 1, 2021.

Christopher Walsh appointed to a term ending March 1, 2021.

Centennial Celebration Planning Task Force

Richard Brooks to serve until dissolution of the Task Force as determined by the City Council.

Civil Service Commission

Phyllis Hoffman appointed to a term ending March 1, 2021.

Eugene Park appointed to a term ending March 1, 2021.

Financial Advisory Board

Farhad Farahmand appointed to a term ending March 1, 2021.

Marlene Keller appointed to a term ending March 1, 2021.

Peter Vranich re-appointed to a term ending March 1, 2021.

Human Relations Commission

Georgina Edwards re-appointed to a term ending March 1, 2019.

Gabriel Guenette appointed to a term ending March 1, 2021.

Lee Kariuki appointed to a term ending March 1, 2021.

Wilhelmina Wilson appointed to a term ending March 1, 2019.

Parks and Recreation Commission

Tara McIntire appointed to a term ending March 1, 2021.

David Zuckermann appointed to a term ending March 1, 2021.

Planning Commission

Andrea Lucas re-appointed to term ending March 1, 2021.

Leslie Mendez appointed to a term ending March 1, 2021.

Contra Costa Library Commission

Michael Fischer appointed as delegate to a two year term ending March 31, 2019.

ADJOURNED SPECIAL CITY COUNCIL SESSION at 5:10 p.m.

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

ARTS & CULTURE COMMISSION

(No Vacancies)

Name	Date Appointed	Start	Term Expiration
Ruth Cazden	3/4/2017	3/4/2017	3/1/2020
Heidi Rand	3/4/2017	3/4/2017	3/1/2021
Judith Tannenbaum	3/4/2017	3/4/2017	3/1/2021
Christopher Walsh	3/4/2017	3/4/2017	3/1/2021

CENTENNIAL PLANNING TASK FORCE

(1 Vacancy)

Name	Date Appointed	Start	Term Expiration
Richard Brooks	3/4/2017	3/4/2017	Upon dissolution

CITIZENS STREET OVERSIGHT COMMITTEE

(2 Vacancies)

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

CIVIL SERVICE COMMISSION

(No Vacancies)

Name	Date Appointed	Start	Term Expiration
Phyllis Hoffman	3/4/2017	3/4/2017	3/1/2021
Eugene Park	3/4/2017	3/4/2017	3/1/2021

DESIGN REVIEW BOARD

(1 Vacancy)

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

**Special City Council Meeting
March 21, 2017
Attachment 3**

FINANCIAL ADVISORY BOARD

(No Vacancies)

Name	Date Appointed	Start	Term Expiration
Farhad Farahmand	3/4/2017	3/4/2017	3/1/2021
Marlene Keller	3/4/2017	3/4/2017	3/1/2021
Peter Vranich	3/4/2017	3/4/2017	3/1/2021

HUMAN RELATIONS COMMISSION

(1 Vacancy)

Name	Date Appointed	Start	Term Expiration
_____	_____	3/__/2017	3/1/2018
Georgina Edwards	3/4/2017	3/4/2017	3/1/2019
Gabriel Guenette	3/4/2017	3/4/2017	3/1/2021
Lee Kariuki	3/4/2017	3/4/2017	3/1/2021
Wilhelmina Wilson	3/4/2017	3/4/2017	3/1/2019

PARKS & RECREATION COMMISSION

(No Vacancies)

Name	Date Appointed	Start	Term Expiration
Tara McIntire	3/4/2017	3/4/2017	3/1/2021
David Zuckermann	3/4/2017	3/4/2017	3/1/2021

PLANNING COMMISSION

(No Vacancies)

Name	Date Appointed	Start	Term Expiration
Andrea Lucas	3/4/2017	3/4/2017	3/1/2021
Leslie Mendez	3/4/2017	3/4/2017	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 (Upcoming Alternate Vacancy)

Name	Date Appointed	Start	Term Expiration
Michael Fischer	3/4/2017	3/4/2017	3/31/2019
_____	_____	_____	2 year term

Additionally, alternate position expires 6/30/17

WCUSD BOND OVERSIGHT COMMITTEE *School District makes direct appointment*

Updated: March 15, 2017

El Cerrito



Hercules

February 28, 2017

Pinole

El Cerrito City Councilmembers
 El Sobrante Municipal Advisory Councilmembers
 Hercules City Councilmembers
 Pinole City Councilmembers
 Richmond City Councilmembers
 San Pablo City Councilmembers

Richmond

RE: West County High Capacity Transit Study Update and Presentation

Dear Councilmembers:

San Pablo

Thank you for the opportunity to share with you West Contra Costa Transportation Advisory Committee's progress on its West County High Capacity Transit Study. The study is nearing completion and we are seeking stakeholder and public opinion on the initial draft findings from the study. Your staff have invited us to give presentations to your Councils on the West County High Capacity Transit Study's highlights and gather community feedback.

Contra Costa
County

BACKGROUND AND DISCUSSION

AC Transit

In the spring of 2015, WCCTAC launched its West County High Capacity Transit Study. A team of transportation consultants working with the WCCTAC Board and its Technical Advisory Committee and staff developed study goals and objectives and evaluated existing and future transportation networks, land uses, and travel markets. The study's consultants analyzed this information then developed an initial set of alternatives that then underwent a technical evaluation that considered travel time improvements, access to regional transit centers, transit market potential, service to low-income areas and markets lacking major transit connections, etc.

BART

Throughout this study process, community outreach efforts have been on-going. A study-dedicated website (www.WestCountyTransitStudy.com) provides the public with opportunities to check on the study's status and review presentations and technical memos. In November 2015, WCCTAC and the Contra Costa Transportation Authority (CCTA) held a joint telephone town hall, which attracted 2,045 total attendees, with 700 callers at its peak and an average of 150

WestCAT

6333 Potrero Avenue, Suite 100, El Cerrito CA 94530

Phone: 510.210.5930 ~ www.wcctac.org

attendees over sixty minutes. Then in April 2016, the study hosted an online survey and three West County community workshops. Based on the input received, the WCCTAC Board agreed to reduce the original eight alternatives to five. Afterwards, the five remaining alternatives were further refined, though still at a conceptual level, and evaluated even further.

Now WCCTAC is undertaking the next step in the study's outreach plan and we are seeking input on the study's findings and potential recommendations. This step includes six council presentations in West County and an online survey, all of which are occurring February 21-March 26, 2017. These outreach efforts are supplemented by public information display posters placed throughout West County, e-blasts to the community, public announcements, and a study fact sheet that like the online survey is available in English, Spanish and Chinese.

WCCTAC staff (John Nemeth, Executive Director and Leah Greenblat, Project Manager) and the study's consultant project manager (Rebecca Kohlstrand, WSP-Parsons Brinckerhoff) plan on attending your Council meeting and presenting study highlights. We seek the Council's and public's feedback on the study.

Why this Study?

Interstate 80 is the most congested corridor in the Bay Area, and the Richmond BART line often reaches full capacity during commute hours. Expanded transit options and additional transit capacity would provide West County residents, including those located away from major corridors, with more convenient and comfortable access to employment centers in San Francisco, Oakland, Berkeley, and Emeryville, as well as the greater Bay Area job market.

What is High Capacity Transit?

High-capacity transit provides substantially higher levels of passenger capacity with typically fewer stops and higher speeds than local public bus services. It is the type of transit that people often use for their daily commute to work. High-capacity transit can include specialized bus services, including express buses and bus rapid transit, BART, commuter rail like Capitol Corridor (AMTRAK), ferry services, as well as other options.

What will this presentation be about?

The presentation provides an additional opportunity for WCCTAC to share the information garnered from the study and to hear back from communities and members of the public on what they think about it. WCCTAC's study consultant will provide a summary of the work to date and highlight key findings. The presentation will include an explanation of the five alternatives currently under consideration and offer some opportunities for next steps. WCCTAC and the study consultant will be available to answer questions.

How may I find out about the five alternatives currently being considered?

At the six council meetings occurring throughout West County, the study consultant will present the five alternatives. The public outreach materials also include summaries of the alternatives. For in depth information about the alternatives, the study's Technical Memorandum #11: Alternatives Refinement is available on the study's website: www.WestCountyTransitStudy.com

What timeframe are we looking at?

This study evaluates short (1-5 years), medium (5-15 years) and long-term (15+ years) alternatives. While different alternatives have varied timeframes for reaching full completion, there are intermediate steps that may be taken. For example, an improvement such as adding a new express bus route could begin rather quickly; but the supporting infrastructure that will allow it to run with maximum efficiency will take longer to implement. Similarly, an alternative like a BART extension may not be operable until the long-term; however, much preliminary work would need to occur in the short and middle timeframes to ensure long-term operation.

Where would the funds come from for these improvements?

The study includes an analysis of potential funding including federal, state, local, existing and new sources of revenue. While future changes may occur to existing transportation funding, it is clear that a combination of funding sources will be needed including significant contributions from the Bay Area and local agencies. A key to accessing federal, state and regional funding sources is documenting the significant national, state and regional economic impact that the I-80 corridor holds. Determining these benefits is a potential next step that could increase West County's competitiveness when seeking a variety of funding.

Who is WCCTAC?

WCCTAC is one of four Regional Transportation Planning Committees (RTPCs) in Contra Costa County and represents the West Contra Costa sub-area. The Committees were created in 1988 to guide transportation projects and programs included in the Measure C, a ½ cent, transportation sales tax approved by Contra Costa voters. Measure C was succeeded by Measure J in 2004.

WCCTAC aims to improve the transportation system in West Contra Costa through the development and coordination of transportation plans, projects, programs and policies for the West Contra Costa area.

WCCTAC is a public agency, governed by a Joint Exercise of Powers Agreement between the following member agencies: the cities of El Cerrito, Hercules, Pinole, Richmond, San Pablo; Contra Costa County; and the transit operators, AC Transit, BART, and WestCAT. WCCTAC's operating revenues are derived from dues paid by member agencies as well as from numerous grants.

Where can I find more information?

A study factsheet, attached, explains the five alternatives currently under consideration. All past presentations to the WCCTAC Board and the finalized technical memos to date are posted on the study's website: www.WestCountyTransitStudy.com. This website also includes a link to the current online survey available in English, Spanish and Chinese. Leah Greenblat, WCCTAC Project Manager for this study, is available to respond to questions at LGREENBLAT@wcctac.org or 510.210.5935.

Again, I look forward to sharing with you more details about this study and hearing from you and your constituents about these possible new approaches for improving transit commuting.

Sincerely,



John Nemeth
Executive Director



West County High-Capacity Transit Study

Council Presentations

February 28, 2017 – March 21, 2017





Introduction



West County High-Capacity Transit Study

Member Agencies



Study Sponsors



Study Partners



Study Team



M Lee Corporation



VALLIER DESIGN ASSOCIATES, INC.

What is “high-capacity” transit?



High-capacity transit provides:

- Substantially higher levels of passenger capacity
- Fewer stops and higher speeds than local public bus services
- Daily commute-to-work options

Study Process

Public Outreach & Participation

Assessment

- Goals & Objectives
- Relevant Prior Studies
- Existing & Future Transportation & Land Use
- Market Analysis

Alternatives Development & Analysis

- Conceptual Alternatives
- Evaluation Criteria
- Preliminary Evaluation
- Alternatives Refinement
- Ridership Modeling
- Cost Estimates

Final Alternatives

- Funding Options
- Final Alternatives Evaluation ← *We are here*

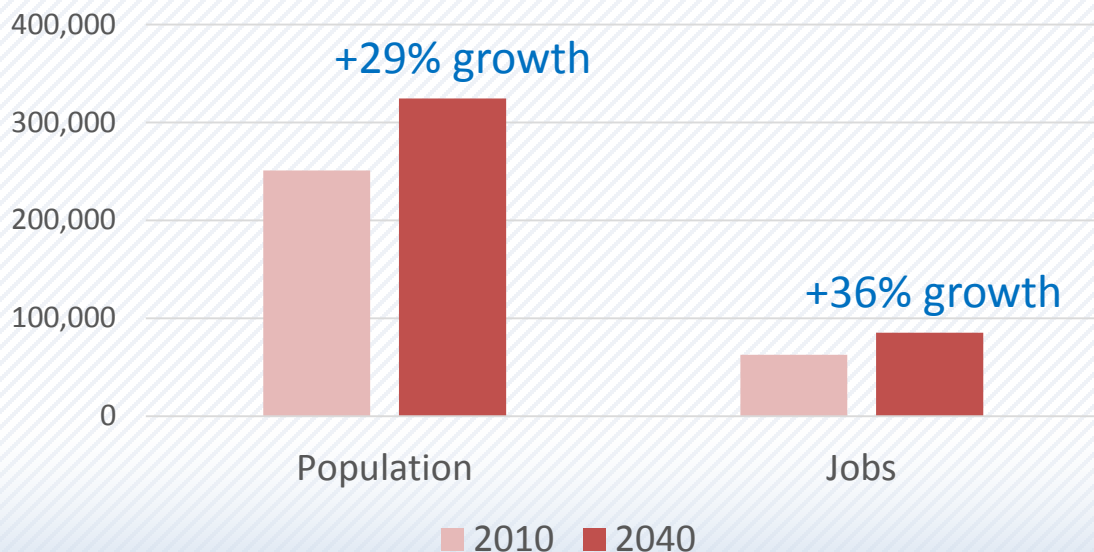
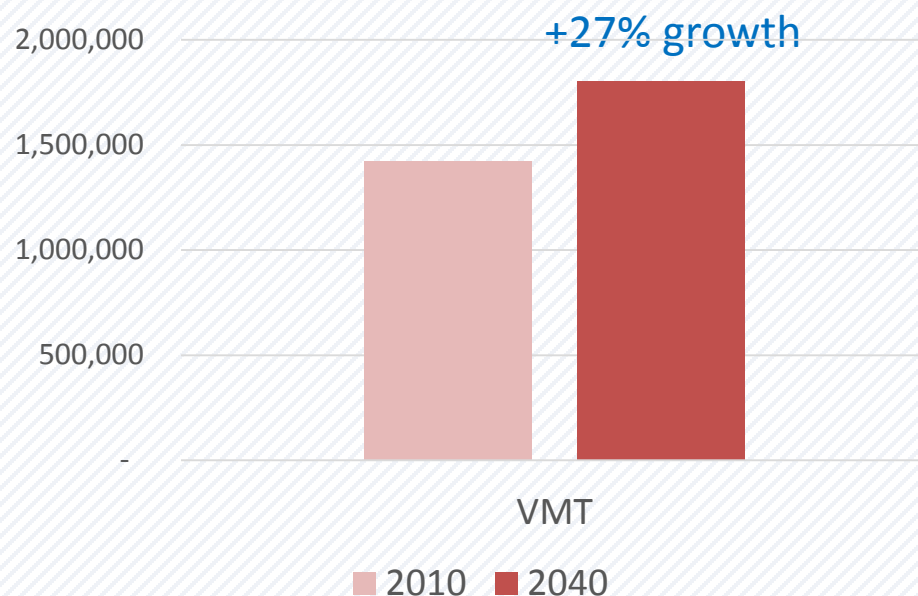
Final Plan

- Summary of Findings/Recommendations
- Next steps beyond this study

Public Outreach and Participation



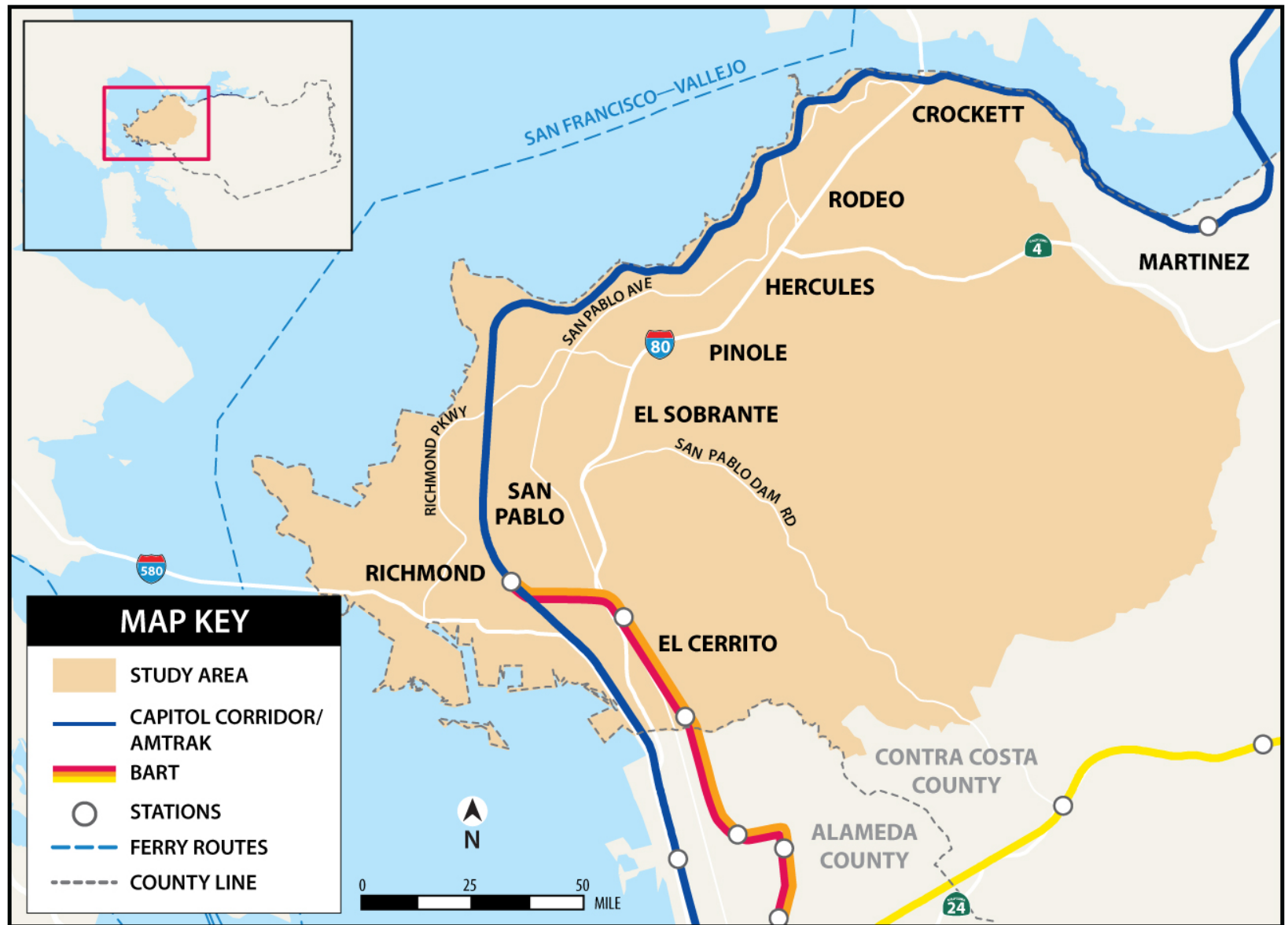
Study Background



Study Purpose

- Evaluate high-capacity transit options in West County's travel corridors
- Consider multimodal transit options including:
 - Freeway-based express bus
 - Bus rapid transit (BRT)
 - Light rail transit
 - Commuter rail
 - BART and
 - Ferry
- Provide a planning and road map for West County jurisdictions to pursue funding for transit improvements

Study Area





Overview of Alternatives



Remaining Alternatives

Alternatives



1: Express Bus



2: BRT on San Pablo/MacDonald



3: BRT on 23rd Street



4: Commuter Rail



6A: BART Extension – Rumrill Boulevard



6B: BART Extension – Richmond Parkway



Express Bus





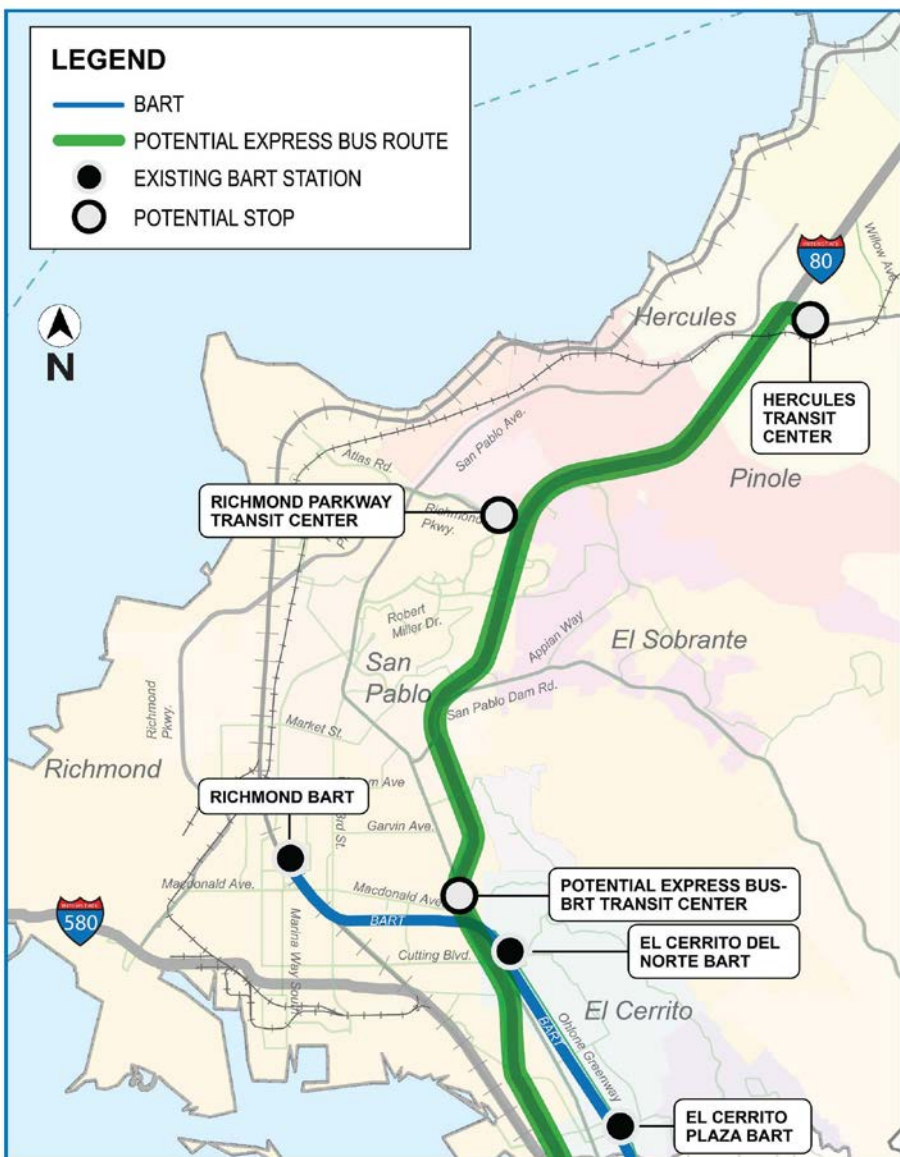
Alternative 1: Express Bus

- Provide more service
- Expand service to new markets - Berkeley, Emeryville, and Oakland as well as San Francisco
- Improved links to freeway and effective use of HOV lanes
- Direct access ramps allows faster service
- Can be done in stages:
 - 3 years for operations to East Bay along I-80
 - 15 years for full suite of proposed improvements
- Projected ridership 2040
 - 11,160 total daily riders
 - 3,030 net new daily riders





Express Bus: Capital Cost



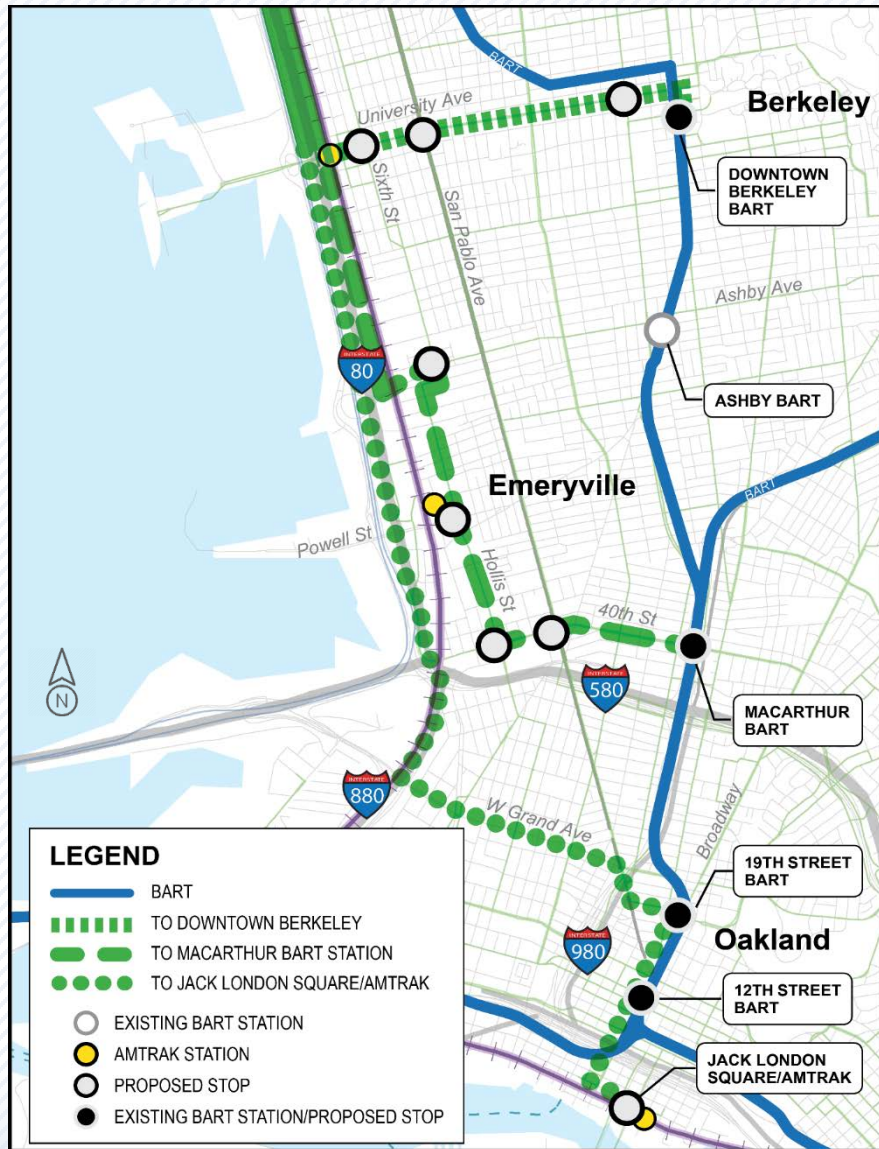
Time Horizon	Cost (2017 \$)
Short-term • Increase existing bus frequency • New service to Berkeley, Oakland, Emeryville • Transit priority improvements	\$11 m
Medium-term • Bus stop improvements – Berkeley, Emeryville, Oakland • Expanded parking Richmond Pkwy. and Hercules Transit Centers	\$91 m
Long-term • Freeway ramp improvements at I-80/Macdonald, Richmond Parkway and Hercules Transit Centers • New Express Bus-BRT transit center at Macdonald and I-80	\$143 m
Total	\$245 m



Express Bus: Service to Alameda County

Direct Service to Alameda County

- Downtown Berkeley
- Emeryville
- Downtown Oakland



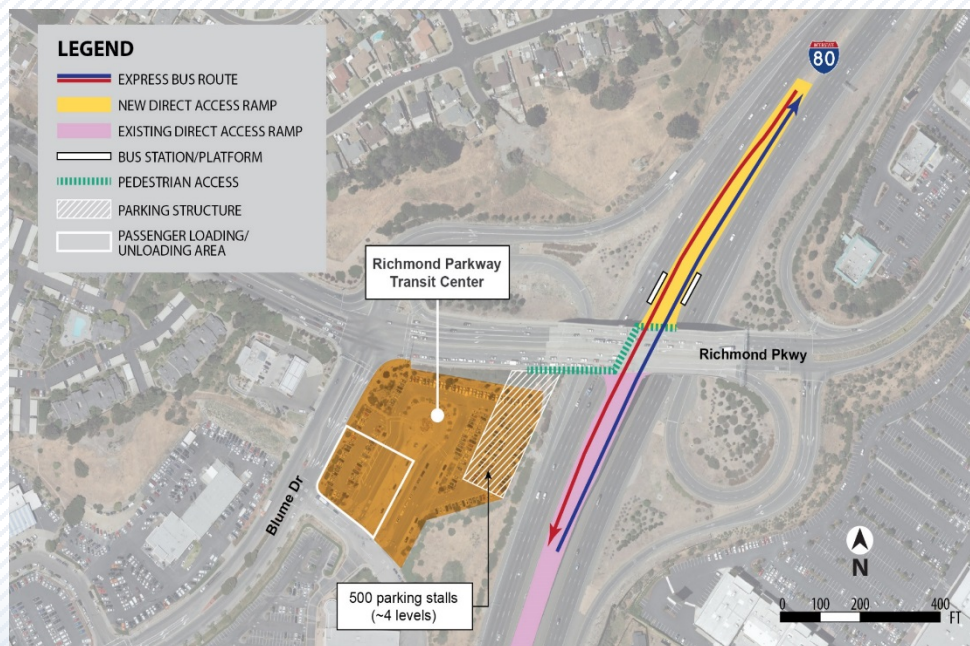


Express Bus: Access Ramps

- Purpose to facilitate bus operations between transit centers and HOV/HOT lanes
 - Reduce weaving across multiple freeway lanes
 - Improve travel times and reliability for transit vehicles
- Potential access ramps at:
 - Richmond Parkway Transit Center
 - Hercules Transit Center



Direct access ramp, Bellevue, WA





Bus Rapid Transit (BRT)



Alternatives 2 and 3: Bus Rapid Transit



Rapid Bus



Line 72 Rapid, AC Transit

- A. More frequent service
- B. Transit signal priority
- C. Queue-jumps
- D. Branding

Hybrid BRT



EmX, Eugene, OR

- A-C plus
- D. Some bus-only lanes
- E. More station amenities
- F. Specialized vehicles
- G. Off-board fare collection

Full BRT



Health Line, Cleveland, OH

- A-G plus
- H. Bus-only lanes for majority of corridor

BRT is customizable. Specific features will depend on each specific system's needs.



BRT on San Pablo Avenue/ Macdonald Avenue



Alternative 2: BRT on San Pablo/Macdonald Avenues

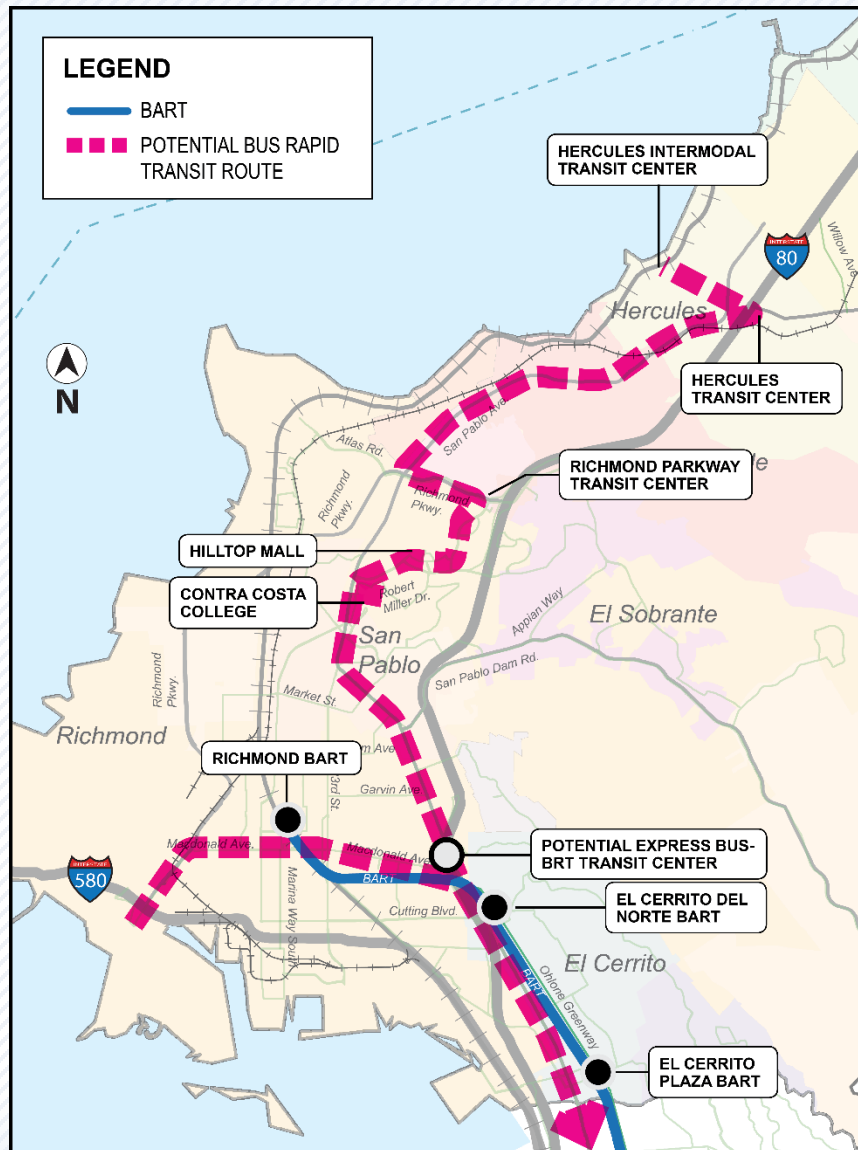


- Serves the heart of West County transit market
 - One of East Bay's highest ridership corridor
 - Includes many PDAs
- Extension of potential AC Transit BRT project
- Service affords flexibility in implementation
 - Builds on Rapid Bus infrastructure currently in place in corridor
- Projected ridership 2040
 - 11,460 total daily riders
 - 3,210 net new daily riders



Chronicle/Deanne Fitzmaurice

BRT on San Pablo/Macdonald: Capital Costs



Time Horizon	Cost (2017 \$)
Short-term - Transit priority improvements - Extend Rapid Bus improvements to Richmond Parkway	\$3 m
Medium-term - Extend Rapid Bus service to Hercules Transit Center - Expanded parking at Richmond Parkway and Hercules Transit Centers - San Pablo bus-only lanes – El Cerrito del Norte to 23rd Street - Macdonald bus-only lanes – San Pablo to 23rd Street	\$180 m
Long-term - San Pablo bus-only lanes – 23rd Street to Richmond Parkway - Express Bus-BRT TC at Macdonald/I-80 - Extend Rapid Bus service to RITC	\$60 m
Total	\$243 m



BRT on 23rd Street



Alternative 3: BRT on 23rd Street

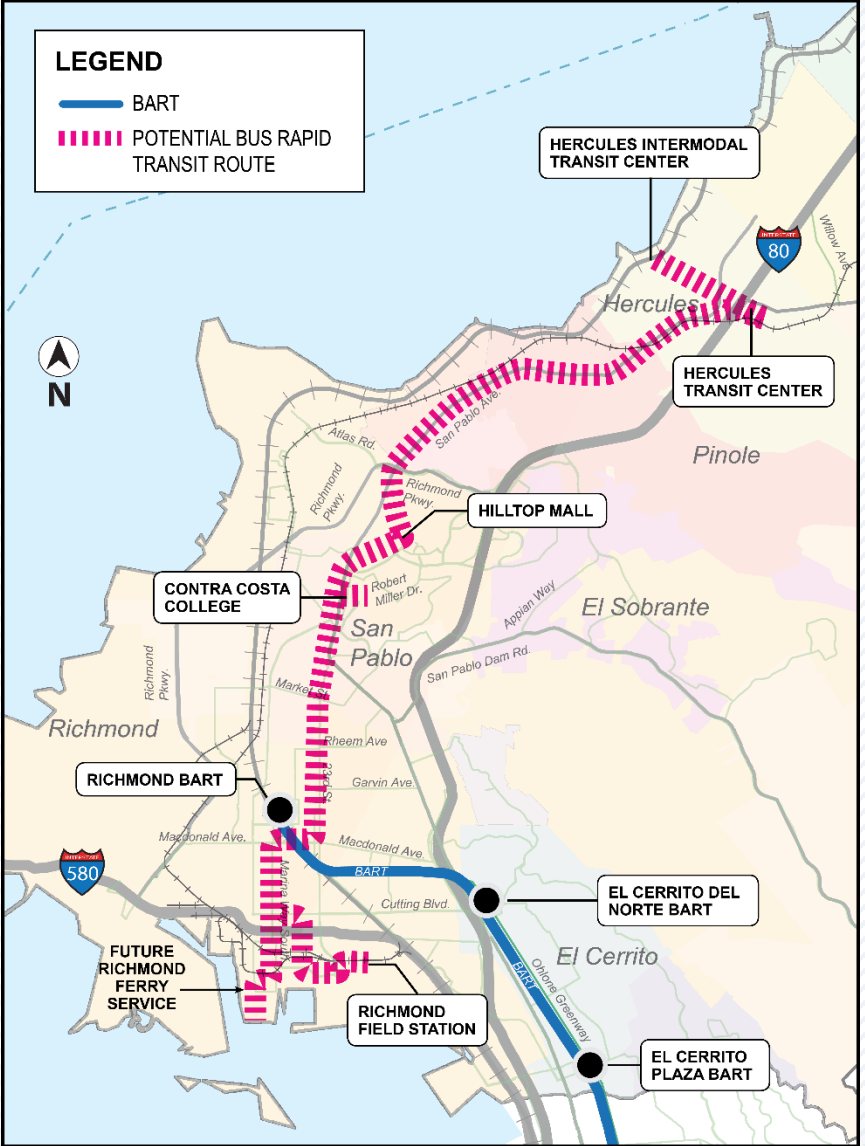


- Serves the heart of West County transit market
- 23rd Street serves strong markets
 - Richmond and San Pablo
 - Richmond Field Station
 - New Ford Point ferry terminal
 - Marina Bay/Richmond Harbor districts
- Service affords flexibility in implementation
- Projected ridership 2040
 - 5,340 new daily riders





BRT on 23rd Street: Capital Costs



Time Horizon	Cost (2017 \$)
Short-term - Transit priority improvements - Improvements on 23rd Street from Macdonald to Richmond Field Station - BRT station at Ford Point	\$17 m
Medium-term - Expanded parking at Richmond Parkway and Hercules Transit Centers - Bus-only lanes on 23rd Street between Macdonald and Rheem Avenues - Extend Rapid Bus service to Hercules Transit Center - New vehicles (20 buses) - BRT stations	\$99 m
Long-term - Bus-only lanes on 23rd/San Pablo from Rheem to Hilltop Mall - Extend Rapid Bus service to RITC - BRT stations	\$63 m
Total	\$179 m



Commuter Rail

(Regional Intermodal Transit Center and
Capitol Corridor Fare Subsidy)





Alternative 4: Commuter Rail

- Significant transit travel time savings
- Full build-out of Regional Intermodal Transit Center (RITC) at Hercules, with Capitol Corridor stop
- Fare subsidy for West County travelers
 - Estimated cost for 75% subsidy
 - \$5,708,000 for three-year pilot
 - \$11 cost per rider
 - \$39 cost per new rider
 - Estimated new daily riders
 - 186 riders with 75% subsidy
- Projected ridership 2040 with RITC
 - 440 new daily riders



Capitol Corridor Fare Subsidy + RITC: Capital Costs



Time Horizon	Cost (2017 \$)
Short-term Fare subsidy pilot (operating costs)	--
Short/Medium-term Build-out of Regional Intermodal Transit Center (RITC)	\$51 m
Total	\$51 m





BART



Alternatives 6A and 6B: BART Extension from Richmond station



- BART carries 35% of transit ridership in West County on an average weekday
- El Cerrito del Norte BART station is reaching capacity
- Provides most connections to major destinations in Bay Area
- Draws transit riders closer to their trip origin
- Provides most reliable transit service
- Projected Ridership 2040
 - 32,530 total daily ridership
 - 6,370 net new daily ridership



(c) Jeremiah Cox

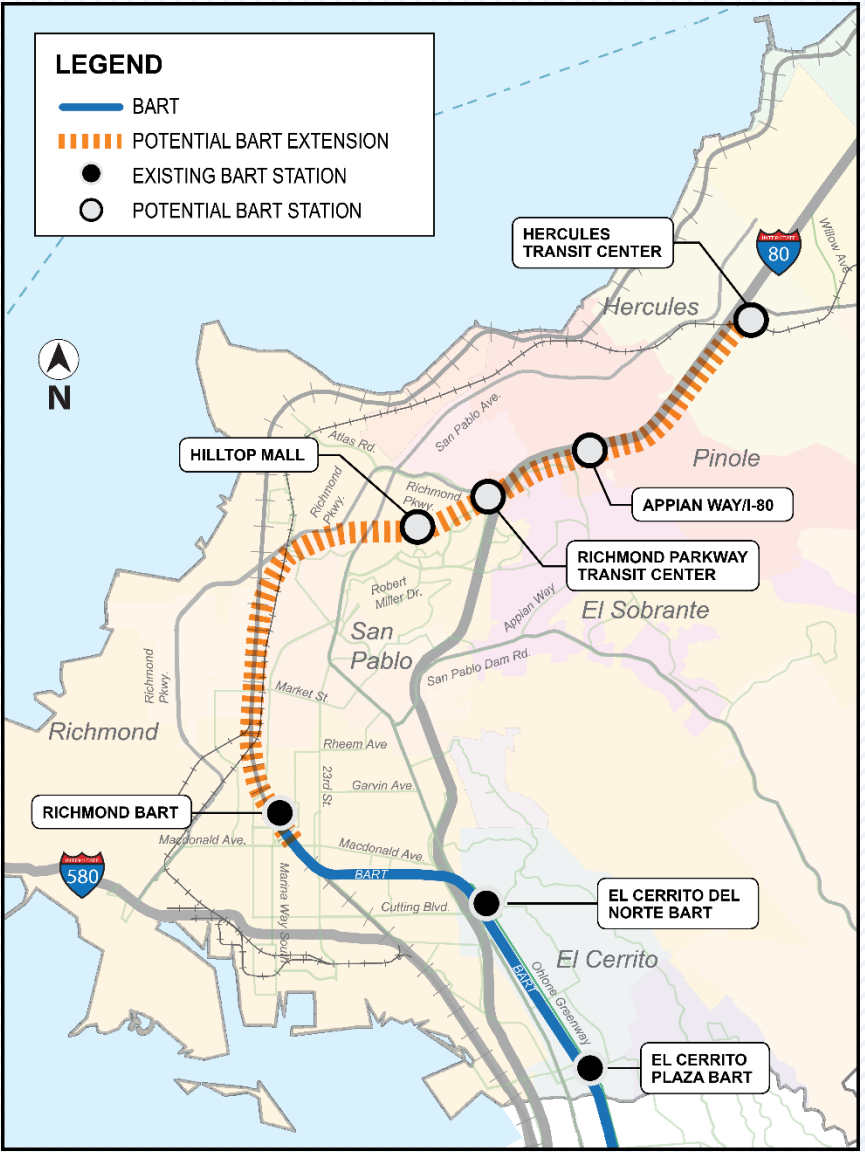
BART Extension via Rumrill Blvd: Capital Cost



Time Horizon	Cost (2017 \$)
Short-term • Conceptual engineering • Program-level environmental clearance	\$56 m
Medium-term • Preliminary engineering • Project-level environmental clearance	\$74 m
Long-term • BART service to Hercules • ROW Acquisition • Vehicles (60 cars) • Stations and terminal yard	\$3,452 m
Total	\$3,582 m

Note: There is a potential for phasing construction to reduce initial costs

BART Extension via Richmond Parkway: Capital Cost



Time Horizon	Cost (2017 \$)
Short-term • Conceptual engineering • Program-level environmental clearance	\$69 m
Medium-term • Preliminary engineering • Project-level environmental clearance	\$92 m
Long-term • BART service to Hercules • Vehicle acquisition (60 cars) • Stations and terminal yard	\$4,000 m
Total	\$4,161 m

Note: There is a potential for phasing construction to reduce initial costs

Summary of Alternatives

Alternative	Cost (millions) *	2020 Daily Ridership	2040 Daily Ridership	2040 Net New Daily Ridership
 1: Express Bus	\$245	8,780	11,160	3,030
 2: BRT on San Pablo/MacDonald	\$243	8,660	11,460	3,210
 3: BRT on 23rd Street	\$179	4,110	5,340	5,340
 4: Commuter Rail – RITC	\$51	--	440	440
 6A: BART Extension – Rumrill Boulevard**	\$3,600	21,980	32,530	6,370
 6B: BART Extension – Richmond Parkway**	\$4,200	21,980	32,170	6,010

* Cost are in 2017 dollars.

** Ridership numbers are for West County stations only.

EVALUATION CRITERIA		PERFORMANCE MEASURE
	RIDERSHIP	Total riders
		Net new riders
	COST AND EFFICIENCY	Capital cost
		Operating and maintenance cost
		Annualized cost per rider
	SPEED AND RELIABILITY	Transit travel time improvement
		Transit travel time reliability
	ACCESS AND CONNECTIVITY	Regional transit centers served
		Quality of connections to existing transit systems and facilities
		Service to West County markets lacking major transit connections
	FEASIBILITY	Time to implementation
	COMMUNITY	Consistency with local plans and policies
		Public and stakeholder support
		Economic and transit-oriented development (West County PDAs served)



Looking for Feedback



Next Steps for the Study

- Council Presentations

- o 2/28 Richmond
- o 3/6 San Pablo
- o 3/7 Pinole
- o 3/8 El Sobrante
- o 3/14 Hercules
- o 3/21 El Cerrito

- Online Survey

- o Available 2/21 – 3/26

- Finalize Draft Plan with recommendations for next steps – May 2017



Thank you!

Stay informed. Get involved!

www.WestCountyTransitStudy.com

Make sure your voice is heard!

- ✓ Fill out the online survey to give us your feedback on the alternatives being studied
- ✓ Submit a comment card
- ✓ Visit the website to learn more about the study

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Saturday, March 4, 2017 – 12:30 p.m.
Hillside Conference Room

This meeting was not be televised

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

12:30 p.m. ROLL CALL

Present: Councilmembers Fadelli, Lyman, Quinto and Mayor Abelson
Absent: Councilmember Pardue-Okimoto

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the Special City Council meeting at 12:33 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: Eleven candidates interviewed on March 4. By mutual consensus and after careful consideration of all candidates interviewed on February 7, February 21, February 23 and March 4, 2017, Councilmembers Fadelli, Lyman, Quinto and Mayor Abelson made the following appointments:

Arts and Culture Commission

Ruth Cazden re-appointed to a term ending March 1, 2020.

Heidi Rand re-appointed to a term ending March 1, 2021.

Judith Tannenbaum appointed to a term ending March 1, 2021.

Christopher Walsh appointed to a term ending March 1, 2021.

Centennial Celebration Planning Task Force

Richard Brooks to serve until dissolution of the Task Force as determined by the City Council.

Civil Service Commission

Phyllis Hoffman appointed to a term ending March 1, 2021.

Eugene Park appointed to a term ending March 1, 2021.

Financial Advisory Board

Farhad Farahmand appointed to a term ending March 1, 2021.

Marlene Keller appointed to a term ending March 1, 2021.

Peter Vranich re-appointed to a term ending March 1, 2021.

Human Relations Commission

Georgina Edwards re-appointed to a term ending March 1, 2019.

Gabriel Guenette appointed to a term ending March 1, 2021.

Lee Kariuki appointed to a term ending March 1, 2021.

Wilhelmina Wilson appointed to a term ending March 1, 2019.

Parks and Recreation Commission

Tara McIntire appointed to a term ending March 1, 2021.

David Zuckermann appointed to a term ending March 1, 2021.

Planning Commission

Andrea Lucas re-appointed to term ending March 1, 2021.

Leslie Mendez appointed to a term ending March 1, 2021.

Contra Costa Library Commission

Michael Fischer appointed as delegate to a two year term ending March 31, 2019.

ADJOURNED SPECIAL CITY COUNCIL SESSION at 5:10 p.m.

EL CERRITO CITY COUNCIL

MINUTES

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

REGULAR CITY COUNCIL MEETING
Tuesday, March 7, 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**

Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

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

ORAL COMMUNICATIONS FROM THE PUBLIC – No comments.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Labor Negotiators (*Pursuant to Government Code Section 54957.6*)

Agency Designated Representatives: Scott Hanin, City Manager, Glenn Berkheimer, Labor Negotiator, Sky Woodruff, City Attorney and Karen Pinkos, Assistant City Manager/Human Resources Manager

Employee Organizations: Service Employees International Union Local 1021
International Association of Fire Fighters Local 1230

El Cerrito Police Employees Association

El Cerrito Public Safety Management

Unrepresented Employees

ADJOURNED SPECIAL CITY COUNCIL SESSION – CLOSED SESSION at 7:03 p.m.

ROLL CALL

Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson

7:00 p.m.

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 Councilmember Greg Lyman.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Abelson announced that the City Council had just met in closed session. No decisions were reached.

Councilmember Fadelli stated that the El Cerrito Poet Laureate, Maw Shein Win, had an event on March 4, 2017, at the El Cerrito Library as part of the Centennial project. It was a great success with over 100 people attending.

Mayor Pro Tem Quinto attended an event at Santa Clara University with other Bay Area elected officials regarding immigration, particularly how what goes on at the federal level affects us locally. The panel discussion was very informative.

Councilmember Pardue-Okimoto stated that she attended the March 4 Poet Laureate program as Council liaison to the Arts and Culture Commission. It was a terrific and at times, emotional event. There will be more readings throughout the year and Councilmember Pardue-Okimoto encouraged all to attend.

Mayor Abelson reported that she attended the March 2 Contra Costa Mayors Conference in Hercules. The mayors received a presentation from Leroy Morishita, President of Cal State University - East Bay. President Morishita spoke about how the college wants to represent not just the Hayward site but the larger East Bay. On Saturday March 4, Mayor Abelson attended the opening day parade of the El Cerrito Youth Baseball League prior to the City Council's special Commission interview meeting.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Al Miller, El Cerrito, reported on his attendance at the annual Rotary Sip and Savor event; the primary fundraising event of the Rotary Club. The Rotary presented a \$10,000 check to the El Cerrito Library Foundation and another \$10,000 to the El Cerrito High School Activity Fund.

Tom Panas, El Cerrito, urged the City Council to not only revise the Strategic Plan to explicitly include an historical resources ordinance and survey to designate the most historic structures the next time the Plan comes before the City Council for review, but to also set a timeframe for accomplishing both of the tasks. Mr. Panas also announced that the San Pablo City Council passed a "Safe Haven" resolution on March 6, 2017.

4. PRESENTATIONS

A. March is American Red Cross Month Proclamation

Approve a proclamation declaring March 2017 as American Red Cross Month in the City of El Cerrito and encouraging all residents to support this organization and its noble humanitarian mission.

Action: Approved and presented proclamation to James Lyons, Red Cross Leadership Councilmember and Merle McQueen, External Affairs representative.

B. Environmental Quality Committee Workplan – Presentation by Howdy Goudey, Environmental Quality Committee Chair.

Receive a presentation on the Environmental Quality Committee's accomplishments, goals and workplan.

Action: Received presentation.

C. Specific Plan Overview – Presentation by Melanie Mintz, Community Development Director.

Presenters: Melanie Mintz, Community Development Director; Yvetteh Ortiz, Public Works Director; and Margaret Kavanaugh-Lynch, Development Services Director.

Speakers: Tom Panas, El Cerrito, stated that even though there is a developer fee for the School District that is paid in El Cerrito this doesn't mean it is used in El Cerrito. The fee is tied to growth in the School District. Mr. Panas thanked staff for a tremendous presentation on the Specific Plan. So much of what staff was trying to enable in setting up the Plan has come to fruition. Mr. Panas queried how the recent West Contra Costa Transportation Advisory Committee Plan will affect the City's Complete Streets Plan.

Howdy Goudey, El Cerrito, stated that it is great that the City is looking at infrastructure impacts and significant investments in infrastructure and noted that there is an alternative path that could be considered which would go into reducing the capacity needs of a building by implementing efficiency measures such as water use and onsite recycling and treatment of water. Mr. Goudey said that he hopes there is a path for creating incentives that encourage more efficient, low impact technologies in buildings.

Action: Received presentation.

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

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

A. Approval of Minutes

Approve the February 21, 2017 Special City Council and Regular City Council and the February 23, 2017 Special City Council meeting minutes.

Action: Approved minutes.

B. Women's History Month and International Women's Day Proclamation

Approve a proclamation declaring March 2017 as Women's' History Month and March 8, 2017 as International Women's Day in the City of El Cerrito, and encouraging residents to reflect on, honor, and celebrate the history, courage, commitment, accomplishments and contributions of women, not only in El Cerrito but throughout America.

Action: Approved proclamation.

C. Support "Tibetan Action Year"

At the request of Mayor Pro Tem Quinto, adopt a resolution urging China to respect the Tibetan People's right to self-determination, safeguard their human rights and their pristine environment, and to resume dialogue with His Holiness the Dalai Lama and other Tibetan leaders.

Action: Adopted Resolution No. 2017–10.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Support for Senate Bill 300, The Health Warning Label on Sugar Sweetened Beverages Act

At the request of Mayor Pro Tem Quinto, adopt a resolution endorsing California Senate Bill 300 (Monning), the Health Warning Label on Sugar Sweetened Beverages Act and encouraging other governmental bodies throughout the state to do the same.

Action: Moved, seconded (Quinto/Pardue-Okimoto) and carried unanimously to adopt Resolution No. 2017–11 as amended to insert the words “in concept” into the enacting clause as follows:

“NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it wholeheartedly endorses SB 300, in concept and encourages other governmental bodies throughout the state to do the same.”

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

Councilmember Fadelli reported that he attended the Contra Costa Mayors Conference in Hercules and also attended the last Economic Development Committee meeting.

Councilmember Lyman reported that as the City’s representative on Marin Clean Energy (MCE), he participated in a rate review as part of MCE’s budget process. The budget is scheduled to be set next week. The proposed MCE rates are below Pacific Gas & Electric’s rates in all categories.

Councilmember Pardue-Okimoto reported that the Design Review Board (DRB) held a public hearing regarding the conversion of a medium residential development to a duplex at 802 Elm Street. The DRB did not come to a conclusion at the meeting and will continue its discussion at a future meeting.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:28 p.m. in memory of Mark Guthrie, El Cerrito Committee on Aging member who passed away on February 21, 2017.

SUPPLEMENTAL COMMUNICATIONS

Item No. 4(C) Specific Plan Overview

1. Updated map (Attachment 1 to the staff report) – *Submitted by Melanie Mintz, Community Development Director.*

Item No. 7(A) Support for Senate Bill 300, The Health Warning Label on Sugar Sweetened Beverages Act

2. City of Albany letter in support of SB 300 – *Submitted by Nick Pilch, Councilmember, City of Albany.*

Other:

3. Comments urging revision of the Strategic Plan to include an Historic Resources Ordinance and preparation of a survey of the City to identify the most likely

historic resources and to also include a timeline for accomplishing both tasks –
Submitted by Tom Panas, El Cerrito.



AGENDA BILL

Agenda Item No. 5(B)

Date: March 21, 2017
To: El Cerrito City Council
From: Melissa Tigbao, Engineering Manager/Senior Engineer
Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Consulting Services Agreement with Restoration Design Group, Inc., for the Fairmont Park Phase I Improvements Project, City Project No. C5037

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Restoration Design Group, Inc., ("Consultant") to provide design services for the Fairmont Park Phase I Improvements Project, City Project No. C5037, in an amount not to exceed \$55,095.

BACKGROUND

Fairmont Park is located along the Ohlone Greenway, at Eureka Avenue and Liberty Street and borders the El Cerrito Senior Center, Library, Fairmont Elementary School and predominantly residential neighborhood near San Pablo Avenue and the Stockton Avenue commercial area. 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. Characterized by longer blocks next to the BART tracks, the district has both recent and planned mixed-use and residential investment. The area has strong potential to attract additional mixed-use residential development with enhanced pedestrian and bicycle connectivity.

The objective of the Project is to enhance and improve the existing Fairmont neighborhood park to maximize its use, improve environmental and ecological services while reducing maintenance costs, encouraging volunteer efforts, and 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 (specifically detailed in Appendix E), provided a planning level estimate of approximately \$822,000 for design and construction of the Fairmont Park Improvements Project. Recently staff updated the cost estimate to \$985,000 to include various costs for environmental reports, materials testing, construction engineering and inspections, and contingency.

Due to funding availability, the Fairmont Park Improvements Project will be implemented in two phases. Phase I will upgrade a portion of the park area at the south end nearest the intersection of Eureka Avenue and Liberty Street. 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 and amenities, 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 and it was approved by EBRPD. 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 Housing Related Parks Program and dedicate the entire amount available to the Fairmont Park Improvements Project. On February 21, 2017, the City Council adopted Resolution 2017-08 authorizing the application for an amount not to exceed \$230,000. Subsequently, staff learned that \$165,750 was the maximum eligible amount for the City of El Cerrito to receive. City staff will work with the selected design consultant to expand the scope of Phase I improvements to reflect the additional funding once it is secured.

ANALYSIS

City staff released the Request for Proposals (RFP) for the Fairmont Park Phase I Improvements Project, Design Services on January 12, 2017. The availability of the RFP was posted on the City’s website and the RFP was then emailed to landscape architects, and architects on the City’s consultant list. The City received numerous requests for the RFP through the website portal and, in total, the RFP was emailed to 23 firms.

The City received eight proposals from consultant teams by the due date of January 31, 2017. A consultant selection panel consisting of City staff and a Park & Recreation Commissioner reviewed the proposals based on the evaluation criteria listed in the RFP. These are listed below.

Understanding of project and community context	20%
Experience and past performance on similar kinds of work	20%
Quality of staff for work to be done	20%

Approach to delivering project including work plan and schedule	20%
Capability of developing cost-effective and innovative design	20%

The selection panel short-listed four consultant teams for interviews. The interviews were conducted on February 15, 2017, and the panel developed the final ranking of the consultant teams as follows:

1. Restoration Design Group, Inc. (RDG)
2. Groundworks Office
3. Gates + Associates
4. Melton Design Group

The RDG team has a strong landscaping architecture background which includes; expertise in, environmental studies, familiarity with and sensitivity to local issues; and extensive experience in the design and construction administration of public park and greenway projects with specific experience in renovating existing parks. The design contract includes all design related services, including permitting, environmental studies and clearance, public outreach, development of construction documents, and bidding assistance.

STRATEGIC PLAN CONSIDERATIONS

Approval of this agreement is consistent with El Cerrito Strategic Plan 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 C – Deepen a sense of place and community identity by promoting strong neighborhoods; Goal D – Develop and rehabilitate public facilities as community focal points; and Goal E – To rehabilitate public facilities by addressing long deferred maintenance.

ENVIRONMENTAL CONSIDERATIONS

Pursuant to the California Environmental Quality Act (CEQA), this project falls under the Urban Greening Plan's Initial Study/Mitigated Negative Declaration (IS/MND). Based on the IS/MND, a Mitigation Monitoring & Reporting Program was adopted in compliance with Section 15097 of the CEQA.

FINANCIAL CONSIDERATIONS

The Fairmont Park project is in the Fiscal Year (FY) 2016-17 and FY 2017-18 Adopted Budget and Capital Improvement Program (CIP). The estimated cost for implementation of the Fairmont Improvements Phase I Project is \$525,750. The Project is funded by the East Bay Regional Park District Measure WW grant of \$360,000 and an anticipated California Department of Housing and Community Development's Housing Related Parks Program Grant of \$165,750.

The estimated project expenditures are summarized below.

<i>Environmental</i>	\$10,000
<i>Design</i>	
Consultant	\$55,095
Technical Studies	\$5,000
Misc./Contingency	\$14,905
Design Subtotal	\$75,000
<i>Construction</i>	\$440,750
Total	\$525,750

The approved expenditure appropriation of \$58,470 in the FY 2016-17 Adopted Budget is to cover the design services agreement.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin
City Manager

Attachment:

1. Resolution

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTING SERVICES AGREEMENT WITH RESTORATION DESIGN GROUP, INC., ("CONSULTANT") TO PROVIDE DESIGN SERVICES FOR THE FAIRMONT PARK PHASE I IMPROVEMENTS PROJECT, CITY PROJECT NO. 5037, IN AN AMOUNT NOT TO EXCEED \$55,095

WHEREAS, Fairmont Park is located along the Ohlone Greenway, at Eureka Avenue and Liberty Street and borders the El Cerrito Senior Center, Library, Fairmont Elementary School and predominantly residential neighborhood near San Pablo Avenue and the Stockton Avenue commercial and was advanced as one of four Pilot Projects in the City's Urban Greening Plan which was adopted in December 2015; and

WHEREAS, the Fairmont Park Phase I Improvements Project is intended to enhance and improve the existing Fairmont neighborhood to maximize its use, improve environmental and ecological services while reducing maintenance costs and encouraging volunteer efforts, and meet multiple Urban Greening Plan goals, which include: Environmental Stewardship, Community Identity, Active Living/Transportation, Economic Vitality and Urban Livability; and

WHEREAS, Phase I 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; and

WHEREAS, the City received \$360,000 in East Bay Regional Park District Measure WW Grant funds, and is anticipating an additional \$165,750 from the California Department of Housing and Community Development Housing Related Parks Program Grant; and

WHEREAS, City staff released the Request for Proposals (RFP) for design services for the project on January 12, 2017, posted the availability of the RFP on the City's website, and in total sent the RFP to 23 firms; and

WHEREAS, the City received eight proposals from consultant teams by the due date of January 31, 2017; and

WHEREAS, a consultant selection panel consisting of City staff and one Park and Recreation Commissioner reviewed the proposals based on the evaluation criteria listed in the RFP and short-listed four consultant teams for interviews; and

WHEREAS, the Restoration Design Group, Inc. team emerged as the top-rank consultant team and the negotiated contract will deliver the services required at a fair and reasonable cost to the City; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), this project falls under the Urban Greening Plan's Initial Study/Mitigated Negative Declaration (IS/MND). Based on the IS/MND, a Mitigation Monitoring & Reporting Program was adopted in compliance with Section 15097 of the CEQA; and

Agenda Item No. 5(B)
Attachment 1

WHEREAS, this project is in the Fiscal Year (FY) 2016-17 and FY 2017-18 Adopted Budget and Capital Improvement Program (CIP).

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to execute a consulting services agreement with Restoration Design Group, Inc., ("Consultant") to provide design services for the Fairmont Park Phase I Improvements Project, City Project No. C5037, in an amount not to exceed \$55,095.

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

I CERTIFY that at a regular meeting on March 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 March XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(C)

Date: March 21, 2017
To: El Cerrito City Council
From: Paul Keith, Chief of Police
Subject: Agreement with Tiburon, Inc. to provide Computer Aided Dispatch Software

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to enter into an agreement with Tiburon, Inc. to provide Computer Aided Dispatch Software for an amount not to exceed \$114,954, with terms and conditions to be approved of by the City Manager and City Attorney.

BACKGROUND

Since 2003, the El Cerrito Police Department has been engaged in a joint endeavor with Richmond, San Pablo, and Kensington Police Departments to fund a regional public safety dispatch center. An agreement between the agencies authorized the funding of computer hardware, software, Information Technology staff, licensing costs and dispatchers. The most recent agreement between the agencies expired on June 30, 2014. Since that time, the joint agreement has remained in effect through mutual understanding of the parties. Each month, the City of El Cerrito pays the City of Richmond for its shared cost of equipment maintenance, personnel, and contingencies. This fiscal year, El Cerrito has paid \$288,772 to the City of Richmond for Public Safety Dispatch related expenses.

The West County Consortium, as the agencies were commonly referred to, used products from Tyler Technologies, formerly New World Systems (Tyler Tech), for dispatch and records management.

On July 27, 2016, the City of Richmond hosted a meeting with the member agencies to discuss the future of the West County Consortium and the Records Management Agreement and Communication Agreement. At that meeting Richmond informed the other consortium agencies that it no longer intended to host public safety records for outside agencies; was no longer interested in continuing the existing Records Management agreement; gave notice to the consortium agencies that it did not plan to renew the expired Communications Agreement; and planned to cease providing dispatch and records management services on June 30, 2017, unless cities signed new agreements at increased rates.

As was authorized by the City Council last December, the City of El Cerrito is currently negotiating with the Office of the Sheriff for police dispatch. The Office of the Sheriff requires that contracting agencies use the Tiburon MobileCom Computer Aided Dispatch (CAD) program (Tiburon MobileCom) on their mobile data computers (MDCs).

Tiburon, Inc. is the only supplier of this software package and their product is required for dispatch services provided by the Contra Costa County Office of the Sheriff.

ANALYSIS

Staff has identified Tiburon MobileCom as an acceptable program for computer aided dispatch. The use of this program will not negatively affect the provision of police services to the City of El Cerrito. Tiburon MobileCom is compatible with New World/Tyler Tech RMS, the records management system selected by staff for in-house police records. Tiburon MobileCom is also compatible with the MDCs currently deployed in El Cerrito Police vehicles. Tiburon MobileCom is a tested and stable program for CAD devices.

STRATEGIC PLAN CONSIDERATIONS

Approving the attached resolution will help the City in achieving goals related to ensuring the public's health and safety. The use of Tiburon MobileCom will ensure that Police Dispatch services transition to the Office of the Sheriff with limited disruption.

FINANCIAL CONSIDERATIONS

Funding for this project was not included in the FY 2016-17 budget and so an appropriation from the General Fund balance is requested. However, through the dissolution of the Consortium, the City of Richmond is anticipated to refund the City of El Cerrito approximately \$175,000 which will cover the cost of most of this appropriation. The remaining funds will be drawn from the existing budget accounts for computer software purchases.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved as to form the attached resolution and has reviewed and conferred with staff regarding a draft of the terms and conditions of the license for the software referred to in the attached proposal. A final version of the software license terms and conditions had not been submitted at the time that this report was finalized. The software license terms and conditions will be reviewed and approved as to form prior to execution of the agreement.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Tiburon, Inc. Proposal

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH TIBURON, INC. TO PROVIDE THE POLICE DEPARTMENT WITH COMPUTER AIDED DISPATCHING SOFTWARE FOR AN EXPENSE NOT TO EXCEED \$114,954, WITH TERMS AND CONDITIONS TO BE APPROVED OF BY THE CITY MANAGER AND CITY ATTORNEY.

WHEREAS, the City of Richmond is discontinuing its participation in the West County Consortium Communications Agreement and will be returning approximately \$175,000 to the City of El Cerrito which will cover most of the cost of this agreement, the remaining amount being drawn from existing the existing budget for computer software purchases; and

WHEREAS, the City of El Cerrito is negotiating with the County of Contra Costa for the provision of police dispatch services; and

WHEREAS, the County of Contra Costa will require that the City utilize Tiburon, Inc.'s MobileCom Computer Aided Dispatch software; and

WHEREAS, Tiburon, Inc. has demonstrated that its product meets the operational requirements of the El Cerrito Police Department for computer aided dispatch software; and

WHEREAS, the El Cerrito Police Department has a need for reliable and proven dispatch software.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to enter into an agreement with Tiburon, Inc. to provide Computer Aided Dispatch Software for an amount not to exceed \$114,954, with terms and conditions to be approved of by the City Manager and City Attorney.

I CERTIFY that at a regular meeting on March X, 2016 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 March XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

Proposal/Sales Quotation

Quotation QUO-50867-4NRY4

Quotation Date: 3/13/2017

General & Client Information

Agency Name:	El Cerrito Police Department	Bill To: 10900 San Pablo Ave El Cerrito CA USA 94530
System Description:	El Cerrito PD MobileCom Add on to Contra Costa Co S/O	
Client Contact:	David Hartung	
Contact Phone:	510-215-4424	Ship To: 10900 San Pablo Ave El Cerrito CA USA 94530
Contact Email:	dhartung@ci.el-cerrito.ca.us	
Expiration Date:	6/30/2017	
Presented By:	Nicholas Dunigan	

Project Products & Services

Tiburon Software License Fee(s)

CAD Software License Fee(s)	Unit Price	Qty	Total Price
TC CAD Additional Agency License	\$28,500.00	1	\$28,500.00
TC CAD UDS (XML) – New World RMS- 1 site install	\$25,000.00	1	\$25,000.00
CAD Software License Fee(s) Subtotal:			\$53,500.00

Mobile Software License Fee(s)	Unit Price	Qty	Total Price
Maverick Mobile Mapping Client License, per Seat	\$0.00	15	\$0.00
MobileCOM Production Client License, per Seat	\$1,550.00	15	\$23,250.00
Mobile Software License Fee(s) Subtotal:			\$23,250.00

Tiburon Software License Fee(s) Total: \$76,750.00

Tiburon Implementation Service Fee(s)

CAD Implementation Service Fee(s)	Unit Price	Qty	Total Price
TC CAD Additional Agency Deployment Services	\$4,900.00	1	\$4,900.00
TC CAD UDS (XML) – New World RMS- 1 site install Services	\$7,700.00	1	\$7,700.00
CAD Implementation Service Fee(s) Subtotal:			\$12,600.00

Tiburon Implementation Service Fee(s) Total: \$12,600.00

Project Related Fee(s)

Product Name	Unit Price	Qty	Total Price
Project Management	\$10,649.00	1	\$10,649.00

Project Related Fee(s) Total: \$10,649.00

Projects /Services Total: \$99,999.00

Annual Maintenance Fee(s) (Year 1)

Product Name	Support Level	Total Price
MobileCOM Production Client License, per Seat	24 X 7 Tib	\$4,185.00
TC CAD Additional Agency License	24 x 7	\$6,270.00
TC CAD UDS (XML) New World RMS - 1 site install	24 X 7 Tib	\$4,500.00

Annual Maintenance Fee(s) (Year 1) Total: \$14,955.00

Annual Maintenance Total: \$14,955.00

Estimated Sales Tax: (State: at %)	Taxable sales: \$0.00	Subtotal: \$114,954.00
		Sales Tax Amount: \$0.00
		Quote Total: \$114,954.00



AGENDA BILL

Agenda Item No. 5(D)

Date: March 21, 2017
To: El Cerrito City Council
From: Sean Moss, Senior Planner
Margaret Kavanaugh-Lynch, Development Services Manager
Subject: Annual Progress Report on the General Plan 2015 & 2016

ACTION REQUESTED

Staff is requesting that the City Council receive and file the attached General Plan Annual Progress Report.

BACKGROUND

Government Code Section 65400(b) requires that an annual General Plan progress report be provided to the local legislative body, the Governor's Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD). The purpose of the report is to discuss the City's progress in implementing the General Plan, meeting its share of regional housing needs, and removing governmental constraints to the maintenance, improvement and development of housing.

ANALYSIS

The attached reports cover the periods from January 1, 2015 to December 31, 2015 and January 1, 2016 to December 31, 2016. The reports were forwarded to the Planning Commission on February 15, 2017. The Commission reviewed the reports and voted 4-0 to recommend that the reports be submitted to the State. After the City Council's review, the report will be forwarded to the Governor's Office of Planning and Research and the State Department of Housing and Community Development.

STRATEGIC PLAN CONSIDERATIONS

The Strategic Plan establishes the vision and goals for El Cerrito which are consistent with the goals and policies of the General Plan. Each goal of the Strategic Plan is represented within the programs, policies, and efforts that have been identified in these reports.

ENVIRONMENTAL CONSIDERATIONS

Preparation and submission of these reports is not a project pursuant to the California Environmental Quality Act and is therefore not subject to environmental review. All required environmental review of projects identified in these reports will be conducted prior to commencing each project.

FINANCIAL CONSIDERATIONS

Any funds required for projects and efforts identified in these reports will be evaluated through the City's budget process as needed.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. 2015 Annual Progress Report on the General Plan, including Housing Element Implementation Tables A1, A2, A3, B and C.
2. 2016 Annual Progress Report on the General Plan, including Housing Element Implementation Tables A1, A2, A3, B and C.



Annual Progress Report on the General Plan 2015

April 2017

City of El Cerrito
Community Development Department
10890 San Pablo Avenue
El Cerrito, CA 94530

INTRODUCTION

As required by Government Code Section 65400 (b), every city must submit an annual progress report to their legislative body, the Governor's Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD) on the implementation status of their General Plan. The annual report must also include discussion on the City's progress in providing its required share of affordable housing pursuant to Government Code Section 65584 and its efforts to remove governmental constraints for the maintenance, improvement and development of affordable housing per Section 65583.c(3) of the California Government Code.

This General Plan Annual Progress Report covers the period from January 1, 2015 to December 31, 2015.

The purpose for the Annual Progress Report is to assess how the General Plan is being implemented in accordance with adopted goals, policies and implementation measures; identify any necessary adjustments or modifications to the General Plan as a means to improve local implementation; provide a clear correlation between land use decisions that have been made during the 12-month reporting period and the goals, policies and implementation measures contained in the General Plan; and, to provide information regarding local agency progress in meeting its share of regional housing needs.

BACKGROUND

On August 30, 1999, the El Cerrito City Council adopted the City's current General Plan for implementation. The General Plan has nine elements contained within four separate chapters: Community Development and Design, Transportation and Circulation, Public Facilities and Services, Resources and Hazards. The General Plan contains the seven state-required elements which are land use, circulation, housing, conservation, open space, safety and noise. The State allows the combining of elements or the addition of new elements as long as the required seven elements are present in some fashion.

The General Plan is the City's vision for achieving more balanced residential, commercial, and civic uses within the city. The process of preparing the General Plan took place in 1998 and 1999 as the City embarked on a program to bring its 1975 General Plan up to date so that it could better meet future challenges. The process resulted in the following ten key principles designed to improve the quality of development and the long-term fiscal health of the City so that it can remain an attractive place to live and work:

1. No major changes in land-use patterns are expected to occur.
2. Emphasis will be on quality of development.
3. Incentives, if used, will have clear criteria and limits.
4. Emphasis will be on impacts of development, not on the type of development itself.
5. Increased residential development, where allowed, must be done with care in order to enhance neighborhoods.
6. New development in the San Pablo Avenue Corridor will be encouraged to take place in mixed-use activity centers that may extend up selected perpendicular streets in order to allow a more pedestrian friendly environment.

7. The preservation and enhancement of natural features – trees, creeks, natural open space areas – and historical features will be a high priority for the City.
8. The City should have distinct destination areas, including commercial areas, a civic center and community meeting places.
9. Development should contribute to the fiscal health of the City while minimizing adverse impacts.
10. Access should be improved by balancing automobile use with improved transit, bicycle, and pedestrian opportunities.

The General Plan sets forth the City's policies regarding the types and locations of future land uses and activities. It describes the desired character and quality of development as well as the process for how development should proceed.

While this General Plan can address many City issues, factors beyond El Cerrito's control have significant influence over its future land use and development patterns:

- Market forces play an important role in determining what types of uses are economically feasible and, therefore, built.
- Land use and transportation decisions in other cities and counties, and by state and regional agencies, affect El Cerrito.
- Our system of property rights places certain limitations on what cities can do in prescribing future land uses.
- California environmental law requires that we designate land uses in accordance with available infrastructure capacity (streets, sewer, water, natural resources, etc.).

Thus in creating the current General Plan, El Cerrito went through a process that ascertained the community's values for future land uses and activities, and balanced these values with market factors, city revenues, environmental constraints, and private property rights.

The El Cerrito General Plan reflects the aspirations and values of El Cerrito's residents and their elected representatives. The City Council and Planning Commission use the Plan in considering land use and planning-related decisions. City staff uses the Plan on a day-to-day basis to administer and regulate land use and development activity. Citizens can use the Plan to understand the City's approach to regulating development, protecting resources, and upholding community values.

GENERAL PLAN ADOPTION AND AMENDMENTS

1. Adoption Dates of Mandatory General Plan Elements

General Plan Element	Latest Adoption
Land Use	1999
Circulation	1999
Housing	2015
Open Space	1999
Conservation	1999

Safety	1999
Noise	1999

2. List of General Plan Amendments

- 2014 amendments to enable adoption of the San Pablo Avenue Specific Plan, including amendments to Chapter 2: Strategic Approach, Chapter 4: Community Development and Design, and Chapter 5: Transportation and Circulation and amendments to the General Plan land use map.
- The 2013 Growth Management Element Update.
- The 2015-2023 Housing Element.

GENERAL PLAN UPDATES

Overall General Plan Update

Staff is generating a scope for a General Plan update to commence as soon as funding can be identified.

GENERAL PLAN IMPLEMENTATION

Chapter 4: Community Development and Design

Land Use

Goal LU1: A high-quality residential character within El Cerrito.

The City continued to implement the 2008 Zoning Ordinance which maintains residentially zoned areas in El Cerrito and promotes a high-quality of development. In fiscal year 2014/2015, the City issued 1,149 building permits and conducted 10,059 inspections. It also reviewed 117 planning entitlements.

Goal LU2: A land use pattern and mix of uses that contribute to the financial health and stability of the community.

The City continued to implement the San Pablo Avenue Specific Plan and processed several land use applications in the Specific Plan area that represented a range of land uses. This included four Tier I Design Review applications that improved the façade of two new businesses and two existing businesses and two new Tier II and Tier IV Design Review applications for new multi-story projects.

Goal LU3: A development pattern that enhances a strong sense of community.

In 2014, The City Council adopted the San Pablo Avenue Specific Plan which identifies the areas nearest the City's two BART stations as areas for high-intensity mixed use development. It is envisioned that this development will promote a sense of place and community. Implementation of the San Pablo Avenue Specific plan continued to move forward.

Goal LU4: A safe, attractive, and interesting community

The City continued to implement community policing to promote public safety.

The City's building projects, both large and small were subject to a vigorous review and inspection process.

The City's Arts and Culture Commission continued to promote efforts to support public art in the community.

Goal LU5: A land use pattern and types of development that support alternatives for the movement of people, goods, and ideas.

The City began implementation of San Pablo Avenue Specific Plan including applying for grants for the Complete Streets component of the Plan which addresses the safety and usability of streets in the plan area.

Goal LU6: Development patterns that promote energy efficiency, conservation of natural resources, and use of renewable rather than nonrenewable resources.

The City continued to implement the Zoning Ordinance, updated in 2008 and the San Pablo Avenue Specific Plan, adopted in 2014. The Specific Plan puts a focus on more intense development within the Plan area and specifically near the City's two BART stations. By focusing development near existing public transportation infrastructure, the San Pablo Avenue Specific Plan aims to achieve mode shift, reduce dependence on automobile trips and increasing public transportation, bicycle and pedestrian trips.

The City continued to implement the Climate Action Plan which identifies energy efficiency and efficient development patterns as methods to achieve the City's greenhouse gas reduction targets.

The City continued to implement the California Green Building Standards Code, which encourages energy efficiency and use of renewable resources.

Community Design

Goal CD1: A city organized and designed with an overall attractive, positive image and "sense of place."

The City continued to implement the San Pablo Avenue Specific Plan which promotes high-quality development along San Pablo Avenue in order to promote vibrant public spaces and enhance the sense of place. The Specific Plan also requires the provision of (or a fee, in lieu) publicly accessible open space in larger projects. Development of new open spaces along San Pablo Avenue will further enhance the attractiveness and sense of place along the City's primary mixed use corridor.

Goal CD2: A city with attractive, safe, and functional streets, parking areas, and pedestrian walkways.

The City Council adopted the Ohlone Greenway Master Plan to provide guidelines and preliminary designs for improvements along a major Class 1 pedestrian and bicycle

facility that runs the length of the City and is a major point of connection between the City's 2 BART Stations. Through continued improvements along the Ohlone Greenway (such as in-pavement flashing beacons at intersections with City streets, installation of the Ohlone Greenway Natural Area and Rain Garden pedestrian plaza, wider Class 1 pathway and landscaping that adheres to CPTED principles), the City is providing a safe alternate route for citizens to travel through the heart of the City by foot and bicycle.

The City has also completed the Final Draft of the El Cerrito Active Transportation Plan, which seeks to update the City's current Circulation Plan for Bicyclists and Pedestrians, adopted in 2007.

Goal CD3: A city with attractive landscaping of public and private properties, open space, and public gathering spaces.

The Design Review Board continued to review new landscaping plans on private properties. In 2015, the City completed acquisition of an 8-acre parcel of open space connecting to non-contiguous parcels of the City's Hillside Natural Area. The City also began renovation of the Castro Park Athletic Field.

In 2015, the City Council adopted the El Cerrito Urban Greening Plan. The Plan aims to identify needs, opportunities and strategies for creating a greener, more environmentally sustainable and livable City by enhancing El Cerrito's public places and open spaces.

Goal CD4: Well designed buildings that are compatible with their surroundings.

The City continued to implement the Design Review process pursuant to the Zoning Ordinance and the San Pablo Avenue Specific Plan to ensure that new development is well-designed.

Goal CD5: A design process that achieves design objectives while being efficient and allowing for flexibility.

The City continued to utilize the design review process to achieve the General Plan goals above. Design review in the City of El Cerrito is intended to encourage high-quality design, well-crafted and maintained buildings and landscaping, the use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.

Goal CD6: An urban form that sustains a vital commercial community to meet the diverse needs of the local and regional population.

The City continued to implement the San Pablo Avenue Specific Plan. It encourages mixed use development including commercial uses in addition to intensified residential uses along San Pablo Avenue. The plan strives to create a range of residential unit types which will provide diverse housing types along the Avenue. The new residents of these units will help support successful commercial businesses along San Pablo Avenue.

Housing – see attachment for Housing Element annual report

Growth Management

Goal GM1: A coordinated regional and sub-regional planning system that provides better service and less congestion for residents of El Cerrito

The City continued to participate in the I-80 Integrated Corridor Mobility Project, a multi-agency effort to ease congestion on Interstate 80. This project is an effort of CalTrans in cooperation with ten municipalities, two transit agencies and four regional agencies. City staff also serves on the WCCTAC Technical Advisory Committee and CCTA Technical Coordinating Committee to address subregional and regional transportation issues.

Goal GM2: Compliance with applicable level of service standards.

The City, through the CEQA review process, continued to ensure that new development meets the level of service standards in the General Plan and San Pablo Avenue Specific Plan.

The City continued to implement the San Pablo Avenue Specific Plan. The Plan adopted new service standards for streets within the plan area. These service standards are in greater compliance with the City's complete streets goals.

Goal GM3: Timely review of projects that are heavy traffic generators.

All development projects processed by the City are evaluated against and comply with applicable service standards. All applications regardless of traffic generation are processed in a timely fashion.

Goal GM4: Effective community-wide programs to reduce traffic impacts of new projects.

The City continued to implement the San Pablo Avenue Specific Plan that moved towards Multi-Modal Level of Service (MMLOS). This allows the quantification and analysis of all modes of transportation and creates opportunities to maximize mode shift for transit, bicycles and pedestrians.

Goal GM5: An effective system of providing urban services.

The City continues to offer a high-level of services to residents and the City continues to work with other agencies (such as the Stege Sanitary District) to ensure that services are provided effectively.

Chapter 5: Transportation and Circulation

Goal T1: A transportation system that allows safe and efficient travel by a variety of modes and promotes the use of alternatives to the single-occupant vehicle.

In 2010, the Public Works Department developed a Neighborhood Traffic Management Program (NTMP) to address resident concerns regarding speeding, high traffic volumes and pedestrian and bicycle comfort and safety in El Cerrito's neighborhoods. The NTMP was based on previous efforts in the City, guidance provided by the City's General Plan

and City Council, policies and lessons learned from other jurisdictions, practices published by the transportation industry, and community input. The ongoing NTMP process allowed neighborhoods and applicants to achieve safer streets through adding striping or speed bumps in neighborhoods.

In May 2015, the City sponsored an “Energizer Station” as part of Bike to Work Day, a regional effort to increase bicycling.

In 2014 the City Council adopted the San Pablo Avenue Specific Plan, including a Complete Streets component which addresses the safety and usability of streets in the plan area. Implementation of the San Pablo Avenue Specific Plan continued in 2015. The City also completed the Final Draft of the El Cerrito Active Transportation Plan in 2015, which augments the Specific Plan’s Complete Streets component and updates the City’s current Circulation Plan for Bicyclists and Pedestrians.

Goal T2: A land use pattern that encourages walking, bicycling, and public transit use.

The City continued to implement the San Pablo Avenue Specific Plan which includes a Complete Streets Plan. It serves to implement contemporary land use planning strategies along transit-corridors. Those strategies include increased heights, lower parking minimums, a flexible approach to mixed-use development, and complete streets guidelines to accommodate all modes of transportation on San Pablo Avenue specifically prioritizing pedestrians and public transit along this corridor.

The City completed the Final Draft of the El Cerrito Active Transportation Plan, which augments the Specific Plan’s Complete Streets component and updates the City’s current Circulation Plan for Bicyclists and Pedestrians. Adoption of the Active Transportation Plan is expected in 2016.

Goal T3: A transportation system that maintains and improves the livability of the City.

The City continued to implement the San Pablo Avenue Specific Plan that moved towards Multi-Modal Level of Service (MMLOS). This allows the quantification and analysis of all modes of transportation and creates opportunities to maximize mode shift for transit, bicycles and pedestrians.

Goal T4: A minimum amount of land used for parking and minimal parking intrusion in neighborhoods.

The City continued to implement the San Pablo Avenue Specific Plan, which adopted new parking standards for both commercial and residential development. The Plan generally reduced parking requirements within the plan area, while ensuring that adequate parking is provided. Further reductions of parking require preparation of a parking study and may require enhanced transportation demand management. The City continues to require parking studies for projects that seek additional parking reductions.

Chapter 6: Public Facilities and Services

Parks, Recreations and Open Space

Goal PR1: Adequate, diverse, and accessible recreational opportunities for all residents – including children, youth, seniors, and others with special needs – in parks, school yards, and open space.

To provide better recreational opportunities for the City's youth, the City has created after-school band programs at all Elementary Schools in the City. These programs replace previous school program which was cut due to funding shortages.

The City continued to sponsor the popular worldOne 4th of July Festival at Cerrito Vista Park. The event features programs and activities for diverse audiences. The City also continued to sponsor various community film events at the Rialto Cinemas Cerrito Theatre and City Hall.

The City offers ESL conversation classes at the El Cerrito Community Center. The City continues to offer a range of programs for seniors at the Senior Center as well as a range of programs for youth at various City facilities.

The City accepted the donation of land on King Drive to be developed in the future as Dorothy Rosenberg Memorial Park. While design details for the park are undeveloped at this time, the park will provide future recreational/open space opportunities for El Cerrito residents.

The City began the renovation of the Castro Park Athletic Field, which provides a safe, durable play field for use by residents, students of the adjacent Korematsu Middle School, and the City's athletic leagues.

Goal PR2: High quality open space protected for the benefit of present and future generations, reflecting a variety of important values: ecological, educational, aesthetic, economic and recreational. These values are interwoven throughout the community in numerous ways so that the preservation of open space is very important to the well being of the City.

The Ohlone Greenway Urban Natural Area and Rain Gardens project enhanced community, environmental quality and neighborhood livability through integrating additional ecological and community functions along the Greenway. The project's design includes elements to treat urban stormwater runoff; create an informal play and gathering area; improve walkability; utilize and demonstrate low-maintenance, low water using native landscaping; improve riparian habitat; and foster connection to nature in an urban and accessible location adjacent to neighborhoods, schools, retail, transit and future development.

The City completed acquisition of an 8-acre parcel of open space connecting to non-contiguous parcels of the City's Hillside Natural Area. The City also began renovation of the Castro Park Athletic Field, providing a safe, durable play field for use by residents, students of the adjacent Korematsu Middle School, and the City's athletic leagues.

In 2012, the City was awarded a grant to prepare an Urban Greening plan for El Cerrito. The Urban Greening Plan was adopted by the City Council in December 2015. The Plan aims to identify needs, opportunities and strategies for creating a greener, more environmentally sustainable and livable City by enhancing El Cerrito's public places and open spaces.

Goal PR3: Public access to open space areas while protecting important habitats.

In 2013, the City entered into a Purchase and Sale Agreement with the Trust For Public Land for the acquisition of the 8-acre Madera Hillside Open Space property. The acquisition process for this property was completed in 2015. This property is adjacent to the City's Hillside Natural Area and provides a unique opportunity to connect Hillside Natural Area North to Hillside Natural Area South.

Non-Recreational Facilities

Goal CF1: Safe and adequate community facilities that allow the City to offer better services and inspire a sense of community pride.

In 2015, the City continued to enhance operations at the new Recycling and Environmental Resources Center which was completed in 2012.

The City made significant progress in developing a program to collect household hazardous waste at the Recycling and Environmental Resources Center, which is anticipated to begin in April 2016.

The City also completed installation of the Ohlone Greenway Urban Natural Area and Rain Garden, which provides an attractive, innovative public amenity next to a BART station and in a major commute corridor.

The City continued to serve the community from the City Hall facility which was completed in 2009.

Public Services and Infrastructure

Goal PS1: An adequate, comprehensive, coordinated law enforcement system consistent with the needs of the community.

The City continued its deployment of both patrol and specialty police units to address crime trends. These units coordinated their efforts internally, by sharing and collaborating on projects and investigations, and externally, with residents and community groups, to continue to meet the safety needs of the community.

Goal PS2: A community that has minimized the risks to lives and property due to fire hazards.

The City minimized fire hazards by continuing to implement its comprehensive fire hazard reduction program that focuses upon reducing fire hazards in four areas: (1) on City property, (2) on property owned by other agencies (3) large landowners, and (4) on residential property.

The fire hazard abatement program is designed to reduce fire hazards on a large number of private properties during the spring and early summer months. A process of advance notice and hearings for property owners is coupled with a public education program involving the promulgation of standards for vegetation management in residents' yards and vacant lots.

This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard. Most property owners voluntarily abate these hazards without Fire Department involvement. Ideally, 100% of the property owners would do so. We anticipate that a small number of owners are content to have the City do the work and place the costs on their tax bill.

Over the past twenty years, the City's annual fire hazard abatement program has been very successful in reducing fire hazards throughout the hill neighborhoods.

Goal PS3: Safe and adequate public infrastructure to serve El Cerrito's residents, now and in the future.

The City continued implementation of the Street Paving Project funded by Measure A. Additionally, implementation of the Complete Streets component of the San Pablo Avenue Specific Plan and implementation of the Active Transportation Plan will enhance pedestrian and bicycle safety throughout the City and provide infrastructure which accommodate all modes of transportation. Implementation of these plans will occur as new development occurs and as funds are available.

Goal PS4: An adequate storm drainage system to serve existing and future planned development

In March 1993, the voters of the City of El Cerrito approved the issuance of \$6.3 million in revenue bonds for the reconstruction of the City's storm drain system. In June 1993, the City Council adopted Ordinance 93-4, providing for the imposition and collection of Storm Drain Fees to pay the debt service on the revenue bonds. Ordinance 93-4 set the Storm Drain Fee and provided that the fees are collected through the property tax based on amounts specified in an annual Engineer's report. This Engineer's report contains the description of each parcel of real property receiving storm drain services and the amount of the annual fee for each parcel.

The City continued its collaboration with the SF Estuary Partnership to complete design of the San Pablo Avenue Green Stormwater Spine Project. The demonstration Project will retrofit portions of the public right-of-way to install green infrastructure at select sites along San Pablo Avenue within El Cerrito, as well as, Oakland, Emeryville, Berkeley, Albany, Richmond, and San Pablo. Green infrastructure is a landscape-based stormwater treatment approach that uses natural processes to infiltrate, retain, re-use, and filter stormwater runoff to reduce the amount of pollutants that reach local waterways and ultimately the San Francisco Bay.

In preparation for El Niño, the City completed several large storm system maintenance projects and various minor repairs throughout the City.

Goal PS5: A system that minimizes the City's generation and disposal of solid waste materials by providing an adequate and integrated waste management program and related facilities to serve existing and future planned development.

In 2012, the City completed construction of the Recycling and Environmental Resource Center. The Center allows the City to improve collection for all constituents. In addition to the City's continued curb-side pickup program, the Recycling and Environmental Resource Center provides convenient drop-off facilities. The Center allows the City to expand the range of items accepted for disposal. The Center has expanded the items that the City is able to accept, including compact fluorescent light bulbs, Styrofoam, sharps, expired medications, and scrap textiles. The Center has been designed as a facility that will provide maximum flexibility to meet future, changing waste disposal needs. The City made significant progress in developing a program to collect household hazardous waste at the Recycling and Environmental Resources Center, which is anticipated to begin in April 2016.

Chapter 7: Resources and Hazards

Natural and Historic Resources

Goal R1: Protected natural resources (important habitat, ecological resources, key visual resources, ridges and ridgelines, creeks and streambanks, steeper slopes, vista points, and major features), and clean air and water.

The City continued to implement the Zoning Ordinance, which contains specific standards aimed at protecting creeks and hillside areas.

Goal R2: Protected and rehabilitated architectural, historical, cultural, and archaeological resources that are of local, state, or federal significance.

In 2014, the City Council approved the 1715 Elm Street project. As part of the project, the existing house will be relocated on the property and rehabilitated to the Department of the Interior's standards. In 2013, the Planning Commission approved the Eden Housing San Pablo Avenue Mixed Use Apartments project which will rehabilitate the former Contra Costa Florist building and feature interpretive materials which teach about the period of significance of the structure. Both of these projects continued to move closer to construction in 2015.

Hazards

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

The City continued to oversee the residential rental inspection program.

The City also continued implementation of the Unreinforced Masonry (URM) building hazard mitigation ordinance. The City continues to work with property owners to permit retrofit work for URM buildings.

Goal H2: Government agencies, citizens and businesses are prepared for an effective response and recovery in the event of emergencies or disasters.

The City continued the very popular Community Emergency Response Team (CERT) program. The program teaches neighbors to help themselves and help each other. Through CERT, citizens receive hands-on training in Disaster First Aid, Disaster Preparedness, Basic Firefighting, Light Search and Rescue, Damage Assessment, and How to Turn Off Utilities.

The City has also continued internal National Incident Management System (NIMS) and the Incident Command System (ICS) training for City staff. Through the training, staff members directly involved in managing an emergency will understand command reporting structures, common terminology, and roles and responsibilities inherent in a response operation.

Goal H3: New development complies with the noise standards established in the General Plan, all new noise sources are within acceptable standards, and existing objectionable noise sources are reduced or eliminated.

All new development is evaluated under CEQA using the noise standards currently in the General Plan. These noise standards were incorporated into updated Zoning Ordinance in 2008 as performance standards required of all development.

CONCLUSION

To date, staff believes the City has continued to faithfully implement the City's 1999 General Plan as the actions, plans, programs and projects documented in this report represent the City's commitment to achieve the goals and objectives set forth in the elements of the El Cerrito General Plan.

ATTACHMENTS:

1. HCD - Housing Element Annual Report
2. Housing Successor Annual Report

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of El Cerrito
Reporting Period 1/1/2015 - 12/31/2015

Table A
Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information								Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
Creekside Walk		R		6	13	109	128			19	
(9) Total of Moderate and Above Moderate from Table A3 ▶▶				13	109	128					
(10) Total by income Table A/A3 ▶▶				6	13						
(11) Total Extremely Low-Income Units*			0								

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	City of El Cerrito
Reporting Period	1/1/2015 - 12/31/2015

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate			13			13	
No. of Units Permitted for Above Moderate	4	3	109	4		120	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of El Cerrito

Reporting Period	2015-2023
------------------	-----------

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	100											100
	Non-deed restricted												
Low	Deed Restricted	63	6									6	57
	Non-deed restricted												
Moderate	Deed Restricted	69	13									13	56
	Non-deed restricted												
Above Moderate		166	120									120	46
Total RHNA by COG. Enter allocation number:		398	139									139	259
Total Units ▶▶▶													
Remaining Need for RHNA Period ▶▶▶▶▶													

ANNUAL ELEMENT PROGRESS REPORT

Attachment 1

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction: El Cerrito
Reporting Period: 2015

Table C
Program Implementation Status - Certified HE 2015

Program Description (By Housing Element Program Names)		
Name of Program	Deadline in HE	Status of Implementation
Program 1.1 - Continue to implement the Residential Rental Inspection Program	Ongoing	
Program 1.2 - Continue to investigate complaints and take action about rental housing code violations	Ongoing	Ongoing
Program 1.3 - Continue to encourage the rehabilitation of existing housing units by providing program information	Ongoing	Information available to the public at the front counter
Program 1.4 - Evaluate displacement, as appropriate in studies of regional housing needs and displacement	2016, then Annual	
Program 1.5 - Continue to regularly monitor assisted housing units to help preserve existing stock of affordable housing	Annual	
Program 1.6 - Vet and consider adopting a Good Cause for Eviction Ordinance	2016	
Program 1.7 - Annual review of the City Capital Improvements Program (CIP)	Annual	
Program 1.8 - Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings.	2017	
Program 2.1 - Conduct an annual evaluation of the City's inventory of available sites	Ongoing	
Program 2.2 - Promote development of mixed-use and high-density residential housing in development nodes of the city	Ongoing	Allowed for by San Pablo Ave Specific Plan
Program 2.3 - Continue to fast track processing for second units meeting established City standards	Ongoing	Allowed for by Zoning Ordinance
Program 2.4 - During the annual Master Fee Schedule revision, evaluate development fees.	Annual	Fees were updated with Master Fee Schedule as part of 2015 Budget
Program 2.5 - Streamline the application process by continuing to offer interdepartmental team meetings for applicants	Ongoing	Ongoing
Program 2.6 - Assist developers in obtaining state and federal funding available to develop affordable housing	Ongoing	Ongoing
Program 2.7 - Look for opportunities with non-profits and other agencies to expand supply of affordable housing	Ongoing	Ongoing
Program 2.8 - Study the feasibility of an inclusionary housing ordinance	2016	
Program 2.9 - Investigate potential local financing sources that could be used to develop affordable housing	2016	
Program 2.10 - Use existing zoning regulations to allow innovative approaches to increasing affordable housing.	Ongoing	Ongoing
Program 2.11 - Pursue funding for infrastructure improvements to accommodate future transitoriented development	Ongoing	
Program 3.1 - Pursue funding for special needs housing	Ongoing	Ongoing
Program 3.2 - Continue to fast track inspection processes for large family and special needs housing.	Ongoing	Ongoing
Program 3.3 - Continue to encourage and support development of senior housing	Ongoing	Ongoing
Program 3.4 - Participate in the biannual homeless census count	Ongoing	Ongoing
Program 3.5 - Continue to coordinate with the County and cities to develop the Five-Year Consolidated Plan to address housing and social services	2015, 2020	
Program 3.6 - Implement reasonable accommodation procedures to provide a streamlined permit review process	Ongoing	Ongoing
Program 3.7 - Encourage development of housing for persons with disabilities, including developmental disabilities	Annual	

Table C
Program Implementation Status - Certified HE 2015

Attachment 1

Program Description (By Housing Element Program Names)		
Name of Program	Deadline in HE	Status of Implementation
Program 3.8 - Implement an outreach program informing residents of the housing and services available for persons with developmental disabilities	Annual	
Program 4.1 - Continue to provide non-discrimination clauses in rental agreements and deed restrictions	Ongoing	Ongoing
Program 4.2 - Continue the City's participation in the Contra Costa Urban County CDBG Consortium	Ongoing	Ongoing
Program 5.1 - Consider ways incentivize energy efficiency, clean energy, and water conservation improvements through building permit fees	2016-17	
Program 5.2 - Continue to develop partnerships for energy and water efficiency technical assistance and incentives	Ongoing	Ongoing
Program 5.3 - Continue to encourage resident participation in energy and water efficiency programs	Ongoing	Ongoing
Program 5.4 - apply for appropriate grants for marketing, outreach, and incentive programs dedicated to energy and water efficiency	Ongoing	Ongoing
Program 5.5 - Adopt residential PACE financing if it becomes available in California	2016	Completed
Program 5.6 - Encourage home energy performance reports at time of sale	Ongoing	Ongoing

Table C
Program Implementation Status - Certified HE 2015

Attachment 1

Program Description (By Housing Element Program Names)		
Name of Program	Deadline in HE	Status of Implementation



Annual Progress Report on the General Plan 2016

April 2017

City of El Cerrito
Community Development Department
10890 San Pablo Avenue
El Cerrito, CA 94530

INTRODUCTION

As required by Government Code Section 65400 (b), every city must submit an annual progress report to their legislative body, the Governor's Office of Planning and Research (OPR), and the Department of Housing and Community Development (HCD) on the implementation status of their General Plan. The annual report must also include discussion on the City's progress in providing its required share of affordable housing pursuant to Government Code Section 65584 and its efforts to remove governmental constraints for the maintenance, improvement and development of affordable housing per Section 65583.c(3) of the California Government Code.

This General Plan Annual Progress Report covers the period from January 1, 2016 to December 31, 2016.

The purpose for the Annual Progress Report is to assess how the General Plan is being implemented in accordance with adopted goals, policies and implementation measures; identify any necessary adjustments or modifications to the General Plan as a means to improve local implementation; provide a clear correlation between land use decisions that have been made during the 12-month reporting period and the goals, policies and implementation measures contained in the General Plan; and, to provide information regarding local agency progress in meeting its share of regional housing needs.

BACKGROUND

On August 30, 1999, the El Cerrito City Council adopted the City's current General Plan for implementation. The General Plan has nine elements contained within four separate chapters: Community Development and Design, Transportation and Circulation, Public Facilities and Services, Resources and Hazards. The General Plan contains the seven state-required elements which are land use, circulation, housing, conservation, open space, safety and noise. The State allows the combining of elements or the addition of new elements as long as the required seven elements are present in some fashion.

The General Plan is the City's vision for achieving more balanced residential, commercial, and civic uses within the city. The process of preparing the General Plan took place in 1998 and 1999 as the City embarked on a program to bring its 1975 General Plan up to date so that it could better meet future challenges. The process resulted in the following ten key principles designed to improve the quality of development and the long-term fiscal health of the City so that it can remain an attractive place to live and work:

1. No major changes in land-use patterns are expected to occur.
2. Emphasis will be on quality of development.
3. Incentives, if used, will have clear criteria and limits.
4. Emphasis will be on impacts of development, not on the type of development itself.
5. Increased residential development, where allowed, must be done with care in order to enhance neighborhoods.
6. New development in the San Pablo Avenue Corridor will be encouraged to take place in mixed-use activity centers that may extend up selected perpendicular streets in order to allow a more pedestrian friendly environment.

7. The preservation and enhancement of natural features – trees, creeks, natural open space areas – and historical features will be a high priority for the City.
8. The City should have distinct destination areas, including commercial areas, a civic center and community meeting places.
9. Development should contribute to the fiscal health of the City while minimizing adverse impacts.
10. Access should be improved by balancing automobile use with improved transit, bicycle, and pedestrian opportunities.

The General Plan sets forth the City's policies regarding the types and locations of future land uses and activities. It describes the desired character and quality of development as well as the process for how development should proceed.

While this General Plan can address many City issues, factors beyond El Cerrito's control have significant influence over its future land use and development patterns:

- Market forces play an important role in determining what types of uses are economically feasible and, therefore, built.
- Land use and transportation decisions in other cities and counties, and by state and regional agencies, affect El Cerrito.
- Our system of property rights places certain limitations on what cities can do in prescribing future land uses.
- California environmental law requires that we designate land uses in accordance with available infrastructure capacity (streets, sewer, water, natural resources, etc.).

Thus in creating the current General Plan, El Cerrito went through a process that ascertained the community's values for future land uses and activities, and balanced these values with market factors, city revenues, environmental constraints, and private property rights.

The El Cerrito General Plan reflects the aspirations and values of El Cerrito's residents and their elected representatives. The City Council and Planning Commission use the Plan in considering land use and planning-related decisions. City staff uses the Plan on a day-to-day basis to administer and regulate land use and development activity. Citizens can use the Plan to understand the City's approach to regulating development, protecting resources, and upholding community values.

GENERAL PLAN ADOPTION AND AMENDMENTS

1. Adoption Dates of Mandatory General Plan Elements

General Plan Element	Latest Adoption
Land Use	1999
Circulation	1999
Housing	2015
Open Space	1999
Conservation	1999

Safety	1999
Noise	1999

2. List of General Plan Amendments

- 2014 amendments to enable adoption of the San Pablo Avenue Specific Plan, including amendments to Chapter 2: Strategic Approach, Chapter 4: Community Development and Design, and Chapter 5: Transportation and Circulation and amendments to the General Plan land use map.
- The 2013 Growth Management Element Update.
- The 2015-2023 Housing Element.

GENERAL PLAN UPDATES

Overall General Plan Update

Staff is generating a scope for a General Plan update to commence as soon as funding can be identified.

GENERAL PLAN IMPLEMENTATION

Chapter 4: Community Development and Design

Land Use

Goal LU1: A high-quality residential character within El Cerrito.

The City continued to implement the 2008 Zoning Ordinance which maintains residentially zoned areas in El Cerrito and promotes a high-quality of development. In fiscal year 2015/2016, the City issued 1164 building permits and conducted 8824 inspections. It also reviewed 163 planning entitlements.

Goal LU2: A land use pattern and mix of uses that contribute to the financial health and stability of the community.

The City continued to implement the San Pablo Avenue Specific Plan and processed several land use applications in the Specific Plan area that represented a range of land uses. This included six Tier I applications that improved the façade of six new businesses and six new Tier II and IV application for new multi-story projects that represented a major increase in mixed use development in the City.

Goal LU3: A development pattern that enhances a strong sense of community.

Implementation of the San Pablo Avenue Specific plan continued to move forward. In July 2016, the City Council entered into an Exclusive Negotiating Rights Agreement with Holliday Development and BRIDGE Housing on a property near the El Cerrito del Norte BART station, the City's northern gateway. Development of this property is expected to add activity near this important transit hub, creating a vibrant urban fabric and fostering a sense of community.

Goal LU4: A safe, attractive, and interesting community

The City continued to implement community policing to promote public safety.

The City's building projects, both large and small were subject to a vigorous review and inspection process.

The City's Arts and Culture Commission continued to promote efforts to support public art in the community.

Goal LU5: A land use pattern and types of development that support alternatives for the movement of people, goods, and ideas.

The City continued implementation of San Pablo Avenue Specific Plan including identifying sources of funding for the Complete Streets component of the Plan which addresses the safety and usability of streets in the plan area.

Goal LU6: Development patterns that promote energy efficiency, conservation of natural resources, and use of renewable rather than nonrenewable resources.

The City continued to implement the Zoning Ordinance, updated in 2008 and the San Pablo Avenue Specific Plan, adopted in 2014. The Specific Plan puts a focus on more intense development within the Plan area and specifically near the City's two BART stations. By focusing development near existing public transportation infrastructure, the San Pablo Avenue Specific Plan aims to achieve mode shift, reduce dependence on automobile trips and increasing public transportation, bicycle and pedestrian trips.

The City continued to implement the Climate Action Plan which identifies energy efficiency and efficient development patterns as methods to achieve the City's greenhouse gas reduction targets.

The City continued to implement the California Green Building Standards Code, which encourages energy efficiency and use of renewable resources. The City also prepared for implementation of the new energy standards in the 2016 Code beginning January 1, 2017.

Community Design

Goal CD1: A city organized and designed with an overall attractive, positive image and "sense of place."

The City continued to implement the San Pablo Avenue Specific Plan which promotes high-quality development along San Pablo Avenue in order to promote vibrant public spaces and enhance the sense of place. The Specific Plan also requires the provision of (or a fee, in lieu) publicly accessible open space in larger projects. Development of new open spaces along San Pablo Avenue will further enhance the attractiveness and sense of place along the City's primary mixed use corridor.

Goal CD2: A city with attractive, safe, and functional streets, parking areas, and pedestrian walkways.

In April 2016, the City Council adopted the El Cerrito Active Transportation Plan, which updated the City's 2007 Circulation Plan for Bicyclists and Pedestrians. The plan provides a blueprint for continuing the City's investment in improving safety and providing facilities and infrastructure for bicyclists and pedestrians, based on the changing demands and standards as well as the current goals of the City.

The City continued to implement the Urban Greening Plan in 2016. The Plan aims to identify needs, opportunities and strategies for creating a greener, more environmentally sustainable and livable City by enhancing El Cerrito's public places and open spaces.

Goal CD3: A city with attractive landscaping of public and private properties, open space, and public gathering spaces.

The Design Review Board continued to review new landscaping plans on private properties.

The City continued to implement the Urban Greening Plan in 2016. The Plan aims to identify needs, opportunities and strategies for creating a greener, more environmentally sustainable and livable City by enhancing El Cerrito's public places and open spaces.

Goal CD4: Well designed buildings that are compatible with their surroundings.

The City continued to implement the Design Review process pursuant to the Zoning Ordinance and the San Pablo Avenue Specific Plan to ensure that new development is well-designed.

Goal CD5: A design process that achieves design objectives while being efficient and allowing for flexibility.

The City continued to utilize the design review process to achieve the General Plan goals above. Design review in the City of El Cerrito is intended to encourage high-quality design, well-crafted and maintained buildings and landscaping, the use of higher-quality building materials, and attention to the design and execution of building details and amenities in both public and private projects.

Goal CD6: An urban form that sustains a vital commercial community to meet the diverse needs of the local and regional population.

The City continued to implement the San Pablo Avenue Specific Plan. It encourages mixed use development including commercial uses in addition to intensified residential uses along San Pablo Avenue. The plan strives to create a range of residential unit types which will provide diverse housing types along the Avenue. The new residents of these units will help support successful commercial businesses along San Pablo Avenue.

Housing – see attachment for Housing Element annual report

Growth Management

Goal GM1: A coordinated regional and sub-regional planning system that provides better service and less congestion for residents of El Cerrito

The City continued to participate in the I-80 Integrated Corridor Mobility Project, a multi-agency effort to ease congestion on Interstate 80 and also improve traffic flow on San Pablo Avenue. This project is an effort of CalTrans in cooperation with ten municipalities, two transit agencies and four regional agencies. City staff also serves on the WCCTAC Technical Advisory Committee and CCTA Technical Coordinating Committee to address subregional and regional transportation issues.

The City also continued to actively participate in various regional efforts to study and identify transit enhancements in the region including the AC Transit Major Corridors Study and West Contra Costa Transportation Advisory Committee (WCCTAC) High-Capacity Transit Study.

Goal GM2: Compliance with applicable level of service standards.

The City, through the CEQA review process, continued to ensure that new development meets the level of service standards in the General Plan and San Pablo Avenue Specific Plan.

The City continued to implement the San Pablo Avenue Specific Plan. The Plan adopted new service standards for streets within the plan area. These service standards are in greater compliance with the City's complete streets goals.

Goal GM3: Timely review of projects that are heavy traffic generators.

All development projects processed by the City are evaluated against and comply with applicable service standards. All applications regardless of traffic generation are processed in a timely fashion.

Goal GM4: Effective community-wide programs to reduce traffic impacts of new projects.

The City continued to implement the San Pablo Avenue Specific Plan that moved towards Multi-Modal Level of Service (MMLOS). This allows the quantification and analysis of all modes of transportation and creates opportunities to maximize mode shift for transit, bicycles and pedestrians.

Goal GM5: An effective system of providing urban services.

The City continued to offer a high-level of services to residents and the City continued to work with other agencies (such as the Stege Sanitary District) to ensure that services are provided effectively.

Chapter 5: Transportation and Circulation

Goal T1: A transportation system that allows safe and efficient travel by a variety of modes and promotes the use of alternatives to the single-occupant vehicle.

In April 2016, the City Council adopted the El Cerrito Active Transportation Plan, which updated the City's 2007 Circulation Plan for Bicyclists and Pedestrians. The Plan provides a blueprint for continuing the City's investment in improving safety and providing facilities and infrastructure for bicyclists and pedestrians, based on the changing demands and standards as well as the current goals of the City. The City also successfully applied for Transportation Development Act, Article 3 funding to implement safe routes to school improvements for the relocated Korematsu Middle School.

In May 2016, the City sponsored an "Energizer Station" as part of Bike to Work Day, a regional effort to increase bicycling.

Goal T2: A land use pattern that encourages walking, bicycling, and public transit use.

The City continued to implement the San Pablo Avenue Specific Plan which includes a Complete Streets Plan. It serves to implement contemporary land use planning strategies along transit-corridors. Those strategies include increased heights, lower parking minimums, a flexible approach to mixed-use development, and complete streets guidelines to accommodate all modes of transportation on San Pablo Avenue specifically prioritizing pedestrians and public transit along this corridor.

Goal T3: A transportation system that maintains and improves the livability of the City.

The City continued to implement the Urban Greening Plan, which identifies strategies for creating a greener, more environmentally sustainable and livable city. Key objectives and strategies include Greener Gateways to reinforce community identity and sense of place that improve and highlight natural elements and Green Streets to continue to invest in making the public right-of-way more sustainable by reducing impervious surfaces, accommodating additional modes of transportation, adding landscaping and creating streets that are safe, comfortable and attractive for everyone.

Goal T4: A minimum amount of land used for parking and minimal parking intrusion in neighborhoods.

The City continued to implement the San Pablo Avenue Specific Plan. The Plan adopted new parking standards for both commercial and residential development. It generally reduced parking requirements within the plan area, while ensuring that adequate parking is provided. Further reductions of parking require preparation of a parking study and may require enhanced transportation demand management. The City continues to require parking studies for projects that seek additional parking reductions and is currently working on a Parking Demand Management Strategy, funded by a CCTA PDA Planning Grant, for the San Pablo Avenue corridor south of Potrero Avenue which will enable the City to manage and support desired growth and development within the PDA. The City also received an MTC PDA Planning Grant which includes funding for a Parking Demand and Management Strategy to analyze parking as it pertains to both current demand and future development in the ½ mile del Norte Bart Station area

Chapter 6: Public Facilities and Services

Parks, Recreations and Open Space

Goal PR1: Adequate, diverse, and accessible recreational opportunities for all residents – including children, youth, seniors, and others with special needs – in parks, school yards, and open space.

The City raised \$15,000 for the City's David Hunter Memorial Scholarship Fund which helps families pay for classes and services for their children through the Recreation Department which they would otherwise not be able to afford.

The City continued to sponsor the popular worldOne 4th of July Festival at Cerrito Vista Park. The event features programs and activities for diverse audiences.

The City also continued to sponsor various community film events at the Rialto Cinemas Cerrito Theatre and City Hall over the course of 2016.

The City continues to offer a range of programs for seniors at the Senior Center as well as a range of programs for youth at various City facilities. A new initiative at the Senior Center involves training high school student volunteers to work one-on-one with seniors to help them learn to use their smart phones, computers, and other technology devices. The Senior Center also held the first Senior Information Day event to bring together several organizations who offer services to older adults.

The City dedicated \$350,000 of Measure WW funding towards the rehabilitation of Fairmont Park, a long neglected park in a high density neighborhood that serves several underrepresented populations.

Goal PR2: High quality open space protected for the benefit of present and future generations, reflecting a variety of important values: ecological, educational, aesthetic, economic and recreational. These values are interwoven throughout the community in numerous ways so that the preservation of open space is very important to the well being of the City.

The City added the Hillside Natural Area Pilot Project identified in the 2015 Urban Greening Plan into the 2016-2025 Capital Improvement Program. The project currently is unfunded, but adding it to the CIP provides for further planning and programming efforts, including seeking funding opportunities. The Hillside Natural Area (HNA) is a 102.5-acre City-owned open space and has a number of trails that are used for recreation and emergency access and extensive native plants, oak woodland and riparian environments. This project included acquiring the 8-acre Madera property that became part of the HNA open space in 2015, as well as, improving vegetation management and trail rehabilitation & development throughout.

As described in the Urban Greening Plan, the project provides multiple opportunities to increase service levels including "Connectivity" to improve trail connections between natural areas, schools and other community assets using best practice trail building techniques; "Park Expansion Integration" by integrating the recently-purchased Madera property, investigating opportunities to acquire additional property, and exploring other

opportunities for access, recreation and/or conservation easements on adjacent properties; “Natural Amenities” by celebrating and preserving creek corridors, diverse plant and animal communities, forests, and grasslands; “Green Gateways/Trailheads” by creating more welcoming park gateways and trailheads; and “Active Recreation” by enhancing opportunities for active recreation through construction of bicycle trails, parks and other amenities.

Goal PR3: Public access to open space areas while protecting important habitats.

The City dedicated \$48,000 of Measure WW funding towards the installation of trailhead kiosks, trail entry signs, trail entry stairs at one location, and trail directional markers within the Hillside Natural Area and wayfinding/directional signs on streets leading to it. The overall goal of the project is to continue to enhance the City’s largest open space, which is 102.5 acres in size and a home to small creeks, grasslands and forests. The Hillside Natural Area provides a very large active recreation space for hikers, bikers, and dog walkers who have easy access through several neighborhood entry points and enjoy the quiet oak groves, open fields, and expansive views of the San Francisco Bay. The project will increase visibility, access, and use of the city’s existing network of trails, pathways, and stairs within the open space and improve connectivity between identified citywide bicycle and pedestrian routes, key community destinations, and existing trails.

Non-Recreational Facilities

Goal CF1: Safe and adequate community facilities that allow the City to offer better services and inspire a sense of community pride.

The City continued to enhance operations at the new Recycling and Environmental Resources Center which was completed in 2012.

The City made significant progress in developing a program to collect household hazardous waste at the Recycling and Environmental Resources Center, which is anticipated to begin in April 2017.

The City continued to serve the community from the City Hall facility which was completed in 2009.

Public Services and Infrastructure

Goal PS1: An adequate, comprehensive, coordinated law enforcement system consistent with the needs of the community.

The City continued its deployment of both patrol and specialty police units to address crime trends. These units coordinated their efforts internally, by sharing and collaborating on projects and investigations, and externally, with residents and community groups, to continue to meet the safety needs of the community.

Goal PS2: A community that has minimized the risks to lives and property due to fire hazards.

The City minimized fire hazards by continuing to implement its comprehensive fire hazard reduction program that focuses upon reducing fire hazards in four areas: (1) on City property, (2) on property owned by other agencies (3) large landowners, and (4) on residential property.

The fire hazard abatement program is designed to reduce fire hazards on a large number of private properties during the spring and early summer months. A process of advance notice and hearings for property owners is coupled with a public education program involving the promulgation of standards for vegetation management in residents' yards and vacant lots.

This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard. Most property owners voluntarily abate these hazards without Fire Department involvement. Ideally, 100% of the property owners would do so. We anticipate that a small number of owners are content to have the City do the work and place the costs on their tax bill.

Over the past twenty years, the City's annual fire hazard abatement program has been very successful in reducing fire hazards throughout the hill neighborhoods.

Goal PS3: Safe and adequate public infrastructure to serve El Cerrito's residents, now and in the future.

The City continued implementation of the Street Paving Project funded by Measure A. Additionally, implementation of the Complete Streets component of the San Pablo Avenue Specific Plan and implementation of the Active Transportation Plan will enhance pedestrian and bicycle safety throughout the City and provide infrastructure which accommodate all modes of transportation. Implementation of these plans will occur as new development occurs and as funds are available.

Goal PS4: An adequate storm drainage system to serve existing and future planned development

In March 1993, the voters of the City of El Cerrito approved the issuance of \$6.3 million in revenue bonds for the reconstruction of the City's storm drain system. In June 1993, the City Council adopted Ordinance 93-4, providing for the imposition and collection of Storm Drain Fees to pay the debt service on the revenue bonds. Ordinance 93-4 set the Storm Drain Fee and provided that the fees are collected through the property tax based on amounts specified in an annual Engineer's report. This Engineer's report contains the description of each parcel of real property receiving storm drain services and the amount of the annual fee for each parcel.

The City continued its collaboration with the SF Estuary Partnership to complete design of the San Pablo Avenue Green Stormwater Spine Project. The demonstration Project will retrofit portions of the public right-of-way to install green infrastructure at select sites along San Pablo Avenue within El Cerrito, as well as, Oakland, Emeryville, Berkeley, Albany, Richmond, and San Pablo. Green infrastructure is a landscape-based stormwater treatment approach that uses natural processes to infiltrate, retain, re-use,

and filter stormwater runoff to reduce the amount of pollutants that reach local waterways and ultimately the San Francisco Bay.

In 2016, the City completed various storm system repair and maintenance projects throughout the City including the repair of a failed pipe on Earl Court.

In 2016, the City actively participated in the Contra Costa Clean Water Program to begin implementing the new National Pollution Discharge Elimination System (NPDES), Municipal Regional Permit Order No. R2-2015-0049 (MRP 2.0) which was adopted November 15, 2015 and became effective January 1, 2016, superseding and rescinding the previous MRP (2009). The new MRP continues the previous MRP requirements for conducting comprehensive stormwater monitoring, and taking specific stormwater management actions to control trash litter, 303(d) listed pollutants, other pollutants of concern (POCs), and Total Maximum Daily Load (TMDL) limits. The new MRP also contains four (4) provisions with significantly expanded compliance conditions:

- Provision C.3 (New Development and Redevelopment) requires the City to provide a framework for a Green Infrastructure (GI) Plan by June 2017. A Green Infrastructure Plan is intended to meet future load reduction milestones through the incorporation of Low Impact Design (LID) systems, such as rain gardens, on public and private streets, parking lots, and building roofs. The provision also requires the local government to adopt policies, ordinances or other legal mechanisms to ensure implementation of the Green Infrastructure Plan by June 30, 2019.
- Provision C.10 (Trash Load Reductions) mandates a 70% trash load reduction entering the storm drain system by July 1, 2017 and an 80% reduction by July 1, 2019. The provision requires more trash load assessments and reporting in order to demonstrate that these goals are being met. C.10 also gives increased trash load reduction credit to the installation and maintenance of Full Trash Capture Devices in the storm drain system. In 2016, the City installed 37 Trash Capture Devices.
- Provision C.11 (Mercury Controls) and C.12 (Polychlorinated Biphenyls Controls – PCBs Controls) require numeric weight reductions and tracking of Mercury and PCBs through the management of building demolition activities, installation of Green Infrastructure (C.3) and the identification of properties that contain high and moderate Mercury and PCBs removal opportunities.

The City also began developing the scope of services for an update to the City's Storm Drain Master Plan, which was last update in 1999. The scope considers the green infrastructure requirements.

Goal PS5: A system that minimizes the City's generation and disposal of solid waste materials by providing an adequate and integrated waste management program and related facilities to serve existing and future planned development.

In 2012, the City completed construction of the Recycling and Environmental Resource Center. In addition to the City's continued curb-side pickup program, the Recycling and Environmental Resource Center provides convenient drop-off facilities. The Center

allows the City to expand the range of items accepted for disposal, improving collection options for all constituents. The Center has expanded the items that the City is able to accept, including compact fluorescent light bulbs, Styrofoam, sharps, expired medications, and scrap textiles. The Center has been designed as a facility that will provide maximum flexibility to meet future, changing waste disposal needs. The City made significant progress in developing a program to collect household hazardous waste at the Recycling and Environmental Resources Center, which is anticipated to begin in April 2017.

Chapter 7: Resources and Hazards

Natural and Historic Resources

Goal R1: Protected natural resources (important habitat, ecological resources, key visual resources, ridges and ridgelines, creeks and streambanks, steeper slopes, vista points, and major features), and clean air and water.

The City continued to implement the Zoning Ordinance, which contains specific standards aimed at protecting creeks and hillside areas.

Goal R2: Protected and rehabilitated architectural, historical, cultural, and archaeological resources that are of local, state, or federal significance.

In 2014, the City Council approved the 1715 Elm Street project. As part of the project, the existing house will be relocated on the property and rehabilitated to the Department of the Interior's standards. In 2013, the Planning Commission approved the Eden Housing San Pablo Avenue Mixed Use Apartments project which will rehabilitate the former Contra Costa Florist building and feature interpretive materials which teach about the period of significance of the structure. Both of these projects continued to move closer to construction in 2016.

Hazards

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

The City continued to oversee the residential rental inspection program.

The City also continued implementation of the Unreinforced Masonry (URM) building hazard mitigation ordinance. The City continues to work with property owners to permit retrofit work for URM buildings.

Goal H2: Government agencies, citizens and businesses are prepared for an effective response and recovery in the event of emergencies or disasters.

The City continued the very popular Community Emergency Response Team (CERT) program. The program teaches neighbors to help themselves and help each other. Through CERT, citizens receive hands-on training in Disaster First Aid, Disaster Preparedness, Basic Firefighting, Light Search and Rescue, Damage Assessment, and How to Turn Off Utilities.

The City has also continued internal National Incident Management System (NIMS) and the Incident Command System (ICS) training for City staff. Through the training, staff members directly involved in managing an emergency will understand command reporting structures, common terminology, and roles and responsibilities inherent in a response operation.

Goal H3: New development complies with the noise standards established in the General Plan, all new noise sources are within acceptable standards, and existing objectionable noise sources are reduced or eliminated.

All new development is evaluated under CEQA using the noise standards currently in the General Plan. These noise standards were incorporated into updated Zoning Ordinance in 2008 as performance standards required of all development.

CONCLUSION

To date, staff believes the City has continued to faithfully implement the City's 1999 General Plan as the actions, plans, programs and projects documented in this report represent the City's commitment to achieve the goals and objectives set forth in the elements of the El Cerrito General Plan.

ATTACHMENTS:

1. HCD - Housing Element Annual Report

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction City of El Cerrito
Reporting Period 1/1/2016 - 12/31/2016

Table A
Annual Building Activity Report Summary - New Construction
Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information									Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low-Income	Low-Income	Moderate-Income	Above Moderate-Income			See Instructions	See Instructions	
(9) Total of Moderate and Above Moderate from Table A3 ▶ ▶											
(10) Total by income Table A/A3 ▶ ▶			0	0	0	0					
(11) Total Extremely Low-Income Units*			0								

* Note: These fields are voluntary

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
(CCR Title 25 §6202)

Jurisdiction	City of El Cerrito
Reporting Period	1/1/2016 - 12/31/2016

Table A2
Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

* Note: This field is voluntary

Table A3
Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for Moderate						0	
No. of Units Permitted for Above Moderate	3			4		7	7

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction City of El Cerrito

Reporting Period	2015-2023
------------------	-----------

Table B

Regional Housing Needs Allocation Progress

Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed Restricted	100											100
	Non-deed restricted												
Low	Deed Restricted	63	6									6	57
	Non-deed restricted												
Moderate	Deed Restricted	69	13									13	56
	Non-deed restricted												
Above Moderate		166	120	7								127	39
Total RHNA by COG. Enter allocation number:		398	139	7								146	252
Total Units ▶▶▶													
Remaining Need for RHNA Period ▶▶▶▶▶													

ANNUAL ELEMENT PROGRESS REPORT

Attachment 1

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction: El Cerrito
Reporting Period: 2016

Table C
Program Implementation Status - Certified HE 2015

Program Description (By Housing Element Program Names)		
Name of Program	Deadline in HE	Status of Implementation
Program 1.1 - Continue to implement the Residential Rental Inspection Program	Ongoing	Ongoing
Program 1.2 - Continue to investigate complaints and take action about rental housing code violations	Ongoing	Ongoing
Program 1.3 - Continue to encourage the rehabilitation of existing housing units by providing program information	Ongoing	Information available to the public at the front counter
Program 1.4 - Evaluate displacement, as appropriate in studies of regional housing needs and displacement	2016, then Annual	The City is beginning the preparation of an Affordable Housing Strategy which will analyze this topic.
Program 1.5 - Continue to regularly monitor assisted housing units to help preserve existing stock of affordable housing	Annual	
Program 1.6 - Vet and consider adopting a Good Cause for Eviction Ordinance	2016	The City is beginning the preparation of an Affordable Housing Strategy which will analyze this topic.
Program 1.7 - Annual review of the City Capital Improvements Program (CIP)	Annual	
Program 1.8 - Consider enacting additional incentive programs and requirements to encourage retrofitting of seismically unsafe buildings, such as soft-story buildings.	2017	
Program 2.1 - Conduct an annual evaluation of the City's inventory of available sites	Ongoing	The City prepared an Opportunity Sites Analysis as part of the CCTA Grant funded San Pablo Avenue PDA Implementation Plan.
Program 2.2 - Promote development of mixed-use and high-density residential housing in development nodes of the city	Ongoing	Allowed for by San Pablo Ave Specific Plan
Program 2.3 - Continue to fast track processing for second units meeting established City standards	Ongoing	Allowed for by Zoning Ordinance
Program 2.4 - During the annual Master Fee Schedule revision, evaluate development fees.	Annual	Fees were updated with Master Fee Schedule as part of 2016 Budget
Program 2.5 - Streamline the application process by continuing to offer interdepartmental team meetings for applicants	Ongoing	Conducted several such meetings in the reporting period
Program 2.6 - Assist developers in obtaining state and federal funding available to develop affordable housing	Ongoing	Assisted Eden Housing in securing avliable finacing for 62 affordable units
Program 2.7 - Look for opportunities with non-profits and other agencies to expand supply of affordable housing	Ongoing	Assisted Eden Housing in securing avliable finacing for 62 affordable units
Program 2.8 - Study the feasibility of an inclusionary housing ordinance	2016	The City is beginning the preparation of an Affordable Housing Strategy which will analyze this topic.
Program 2.9 - Investigate potential local financing sources that could be used to develop affordable housing	2016	The City is beginning the preparation of an Affordable Housing Strategy which will analyze this topic.
Program 2.10 - Use existing zoning regulations to allow innovative approaches to increasing affordable housing.	Ongoing	Ongoing
Program 2.11 - Pursue funding for infrastructure improvements to accommodate future transitoriented development	Ongoing	The City is working with the Stege Sanitary District to identify funding. The City is pursueing grants for the Complete Streets component of the SPASP
Program 3.1 - Pursue funding for special needs housing	Ongoing	Ongoing
Program 3.2 - Continue to fast track inspection processes for large family and special needs housing.	Ongoing	Ongoing
Program 3.3 - Continue to encourage and support development of senior housing	Ongoing	Ongoing

Table C
Program Implementation Status - Certified HE 2015

Attachment 1

Program Description (By Housing Element Program Names)		
Name of Program	Deadline in HE	Status of Implementation
Program 3.4 - Participate in the biannual homeless census count	Ongoing	Ongoing
Program 3.5 - Continue to coordinate with the County and cities to develop the Five-Year Consolidated Plan to address housing and social services	2015, 2020	
Program 3.6 - Implement reasonable accommodation procedures to provide a streamlined permit review process	Ongoing	Ongoing
Program 3.7 - Encourage development of housing for persons with disabilities, including developmental disabilities	Annual	Ongoing
Program 3.8 - Implement an outreach program informing residents of the housing and services available for persons with developmental disabilities	Annual	Ongoing
Program 4.1 - Continue to provide non-discrimination clauses in rental agreements and deed restrictions	Ongoing	Ongoing
Program 4.2 - Continue the City's participation in the Contra Costa Urban County CDBG Consortium	Ongoing	Ongoing
Program 5.1 - Consider ways incentivize energy efficiency, clean energy, and water conservation improvements through building permit fees	2016-17	
Program 5.2 - Continue to develop partnerships for energy and water efficiency technical assistance and incentives	Ongoing	Ongoing
Program 5.3 - Continue to encourage resident participation in energy and water efficiency programs	Ongoing	Ongoing
Program 5.4 - apply for appropriate grants for marketing, outreach, and incentive programs dedicated to energy and water efficiency	Ongoing	Ongoing
Program 5.5 - Adopt residential PACE financing if it becomes available in California	2016	Completed
Program 5.6 - Encourage home energy performance reports at time of sale	Ongoing	Ongoing

Table C
Program Implementation Status - Certified HE 2015

Attachment 1

Program Description (By Housing Element Program Names)		
Name of Program	Deadline in HE	Status of Implementation



AGENDA BILL

Agenda Item No. 7(A)

Date: March 21, 2017
To: El Cerrito City Council
From: Human Relations Commission
Karen Pinkos, Assistant City Manager, Staff Liaison
Subject: Affirming the City of El Cerrito's Values and Declaring El Cerrito a Sanctuary City and Support for SB 54, the California Values Act

ACTION REQUESTED

1. Adopt a resolution of the City Council of the City of El Cerrito affirming the City's commitment to the values of dignity, inclusivity, and respect for all individuals regardless of ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, age, disability, or immigration status and declaring El Cerrito a Sanctuary City.
2. Adopt a resolution of the City Council of the City of El Cerrito supporting Senate Bill 54, "The California Values Act" (de León)

BACKGROUND

The City of El Cerrito has a long history of policies and legislation that promotes inclusivity, respect, and dignity. In 1989, after having participated in the Contra Costa County Human Relations Commission for over a decade and at the request of a resident task force, the City Council created the City's own Human Relations Commission with such powers and duties the City Council specifies by ordinance, including the intent to educate, initiate, and encourage the community in eliminating all forms of prejudice and discrimination, and promote tolerance and understanding. Since its creation, the Human Relations Commission (HRC) has endeavored to lead the community in supporting positive human relations and contributing to the City's diversity and inclusion, including hosting events such as the annual Martin Luther King, Jr. Day celebration, diversity forums, and Loving Day; and promoting City Council legislation to honor various cultures, the LGBT community, and Human Rights. In 2016, the HRC initiated the "Stop Hate" and "Not In Our Town" campaigns in response to a hate crime in El Cerrito, pledging to challenge hate and prejudice in all its forms, whenever we encounter it, whether at home, at school, at work, or in the community, and to stand with others who are treated unfairly.

At the Human Relations Commission (HRC) meeting of February 1, 2017, the HRC considered an agenda item regarding developing a recommendation to the El Cerrito City Council to take action to protect immigrants in El Cerrito, including but not limited to consideration of elements of sanctuary cities and supporting state legislation to protect the immigrant population. The meeting was attended by almost 70 members of the public, who showed strong support for such a recommendation. The HRC appointed a

subcommittee of Commissioners Aga and Glueck to work with Staff Liaison Pinkos to draft a proposed resolution for the City Council to consider.

The subcommittee met twice with staff and developed the attached draft resolution for the City Council's consideration. The resolution is based on research of similar legislation passed by other local cities, and considered the public input received at both the February 1 meeting of the HRC as well as other public comment and feedback received by staff over the past several weeks.

At the HRC meeting on March 1, 2017, the subcommittee presented the draft resolution to the full Commission and heard public comment from over 20 people on the various elements included within the resolution. The public feedback continued to show strong support for the HRC to move forward with the recommendation. The HRC unanimously approved two motions: 1. The HRC recommends that the El Cerrito City Council declare the City of El Cerrito a Sanctuary City and that the City Council adopt a proposed resolution drafted by the HRC subcommittee and City staff; 2. The HRC recommends that the El Cerrito City Council support Senate Bill 54, "The California Values Act" (de León).

ANALYSIS

The term "sanctuary city" is not defined by Federal or State law, but it is often used to refer to those local entities that have policies in place that limit assistance for local enforcement of Federal immigration laws and the expenditure of local resources on cooperation with U.S. Immigration and Customs Enforcement Agency (ICE) enforcement programs. Supporters of such policies argue that cities have local obligations, and that diverting local resources to support the enforcement of Federal programs designed to deter or discourage unauthorized immigration would undermine community relations, disrupt municipal services, interfere with local law enforcement, or violate humanitarian principles. Opponents argue that local jurisdictions which refuse to support Federal immigration policy are encouraging illegal immigration and are undermining Federal enforcement efforts.

The Federal government has the exclusive authority to enforce the civil provisions of Federal immigration law relating to issues such as admission, exclusion, and deportation. Existing law generally allows the Federal government to permit, but not require, the assistance of local officials in such efforts. In 1996, the Federal government enacted two pieces of legislation that prohibit state or local governments from restricting voluntary communication with the Federal government regarding the immigration status of any individual: § 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA, 8 U.S.C. § 1644) and § 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA, 8 U.S.C. § 1373). Both pieces of legislation were designed to facilitate communication between state and local law enforcement agencies with Federal immigration authorities regarding undocumented immigrants. While neither of these statutes requires local cooperation or information sharing with Federal immigration authorities, both prohibit a policy, statute or ordinance that directly prohibits the voluntary sharing of information once it is acquired. When conducting its work, ICE generally relies upon cooperation or notification from local law enforcement to the extent practicable and allowed by state

and local laws and practices. Refusing to provide such notice or cooperation limits, but does not prevent, the Federal government's ability to enforce Federal immigration laws.

President Trump issued Executive Order 13768, "*Enhancing Public Safety in the Interior of the United States*", on January 25, 2017: The Executive Order states that "...jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary." The Executive Order defines a sanctuary city as "jurisdictions that willfully refuse to comply with statute 1373" and the Secretary of Homeland Security has the independent discretion to designate any such jurisdictions. Section 8 U.S.C. § 1373 provides that "Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

According to the Order, a city is also subject to enforcement actions at the discretion of the Attorney General if: 1) they violate Section 1373, or 2) they have policies or practices that prevent or hinder the enforcement of the Federal law. In addition, the order directs the Secretary of Homeland Security to develop a weekly list of jurisdictions that have failed to honor detainers and all resulting criminal acts. Finally, the OMB Director is directed to provide information on all Federal grant money that is currently received by a sanctuary city.

Following the November election and in advance of President Trump's inauguration, local officials in more than ten major cities, including San Francisco, Oakland, Los Angeles, New York, Chicago, and Washington, D.C., reaffirmed their commitment to upholding their status as "sanctuary cities". Other cities in the Bay Area have also adopted various resolutions or other policy statements declaring their intention to remain places of refuge or sanctuary, including the Cities of Richmond, Alameda, Berkeley, Emeryville, and San Leandro. On January 31, 2017, the City and County of San Francisco filed a lawsuit in U.S. District Court in the Northern District of California, alleging that President Trump's order violates the 10th Amendment.

At the State level, The Trust Act went into effect January 1, 2014; one of eight bills signed at the same time in the State's effort to take action on immigration reform and create a standard for response to the Federal "Secure Communities" program. It requires local law enforcement agencies to release people who have been arrested once their bond is posted or their sentence is up, so long as they have no serious convictions and even if ICE officials have issued a detainer. The replacement "Priority Enforcement Program" focused on those who pose a danger to society, although "Secure Communities" has now been re-established by Executive Order from President Trump. On September 28, 2016, the Governor also signed into law AB 2792, otherwise known as the TRUTH Act, which states that if ICE notifies a California jail that they plan to deport someone, they have to also serve a copy to the person in jail. This gives the person the "right to know" when ICE wants to deport him/her so they can seek counsel.

In December 2016, Senate Pro Tem Kevin de León introduced SB 54, which would prohibit local law enforcement officials from performing the functions of a federal immigration officer. If enacted into law, it would create “safe zones” throughout the state by prohibiting immigration enforcement on public schools, hospitals, and courthouse premises. To ensure eligible immigrants are not deterred from seeking services and engaging with state agencies, the bill would also require state agencies to review and update confidentiality policies.

On a local level, the West Contra Costa Unified School District passed Resolution 54-1617 on December 7, 2016, committing to the protection of all traditionally marginalized students, including students of Arabic descent, those of Muslim, Sikh and other faiths, Latinos, African Americans, Asian Americans, Pacific Islanders, Native Americans, women, immigrants, persons with disabilities, and the LGBTQ community; and declares that every school site or office of West Contra Costa Unified School District is a safe place for all its students and their families.

El Cerrito Practices

El Cerrito has a strong tradition of embracing diversity and inclusion and respecting the civil and human rights of our residents regardless of their ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, disability, or immigration status. The City participated in the Contra Costa County Human Relations Commission since the 1970s and in 1989, at the request of a resident task force, the City Council created the City’s own Human Relations Commission as an advisory body to the City Council. The HRC has such powers and duties the City Council specifies by ordinance, including the intent to educate, initiate, and encourage the community in eliminating all forms of prejudice and discrimination, and promote tolerance and understanding. To this day, the HRC fosters mutual understanding, respect, equality, and goodwill among those in our community.

The City of El Cerrito Police Department (ECPD) equally enforces the law and serves the public without consideration of immigration status. The lack of immigration documentation, alone, has no bearing on the manner in which police officers execute their duties. The Department does not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant, and individuals who are otherwise ready to be released are not detained solely for notification to immigration authorities. Consistent with adopted protocols and relevant laws and statutes, contacts with members of the public, detentions, and arrests must be based on reasonable suspicion or probable cause, and police officers do not initiate law enforcement action based solely on observations related to a subject’s actual or perceived immigration status. ECPD also does not participate with Federal agents seeking to enforce Federal immigration law or to target individuals for detention or forced relocation based upon their actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, age, disability, or other status. Nevertheless, any individual who is arrested for committing a crime will continue to be charged and/or referred to the District Attorney’s Office for prosecution irrespective of his/her immigration status.

Proposed Resolution

The proposed resolution for the City Council's consideration developed by the Human Relations Commission and City staff is intended to reflect the values of the City of El Cerrito, and to affirm that El Cerrito welcomes, honors, and respects the contributions of all residents, regardless of their religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, disability, or immigration status. The resolution commits that all officials and employees of the City of El Cerrito, including law enforcement officers, will continue to serve the public and equally enforce laws without consideration of immigration status, and explains that fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission. The resolution also confirms the City of El Cerrito's commitment to protect the rights guaranteed by the Federal and State Constitutions, including the freedom of religion, speech, assembly, privacy, as well as equal protection. The proposed resolution explicitly declares El Cerrito a Sanctuary City.

Potential Impacts

If the President or Congress ultimately carries through on the Executive Order to limit the amount of Federal funds allocated to jurisdictions that support "sanctuary" policies, the City of El Cerrito may be at risk of future defunding and lost access to current and anticipated federal funding if the City Council adopts the proposed resolution. The City currently receives Federal grant funding primarily for transportation and public safety related projects. Table 1 outlines the Federal grants received by the City since 2013. Table 2 depicts potential Federal grant awards for projects that are part of pending grant applications that were submitted in December 2016.

**Table 1
Federal Grant Awards 2013-present**

Grant Name	Source of Funds	Project(s)	Total Amount
MTC PDA Planning Grant	Surface Transportation (STP); Federal Hwy Admin (FHWA)	Sanitary Capacity, Affordable Housing Strategy, Del Norte Area parking, Transportation Impact	\$302,500
CCTA PDA Planning Grant	Surface Transportation (STP); Federal Hwy Admin (FHWA)	On Street Parking Study, Sanitary Capacity, Economics of PDA	317,000
One BayArea Grant (OBAG)	FHWA	Ohlone Greenway Access, Safety & Placemaking Project	3,468,000
Land and Water Conservation Fund	National Park Service/ Department of Interior	Hillside Natural Area Acquisition	251,525
One BayArea Grant (OBAG)	FHWA	2014 Pavement Rehab Program	630,000
Assistance to Firefighters Grant (AFG)	FEMA	Ladder Truck	855,956
Assistance to Firefighters Grant (AFG)	FEMA	Breathing Apparatus	160,000
Assistance to Firefighters Grant (AFG)	FEMA	Automated Chest Compression Devices	65,338
Total Federal Grant Awards (2013-present)			\$6,050,319

Table 2
Potential Federal Grant Awards

Grant Name	Source of Funds	Project(s)	Total Amount
One BayArea Grant (OBAG)	FHWA	El Cerrito del Norte TOD Complete Street Improvements	\$4,500,000
One BayArea Grant (OBAG)	FHWA	Carlson Blvd and Central Ave Pavement Rehab	544,000
One BayArea Grant (OBAG)	FHWA	Arlington Blvd Ped Safety Improvements	345,300
Total Potential Federal Grant Awards			\$5,389,300

STRATEGIC PLAN CONSIDERATIONS

The proposed resolution is in harmony with the City's Strategic Plan mission, vision, and values, particularly the values of Ethics and Integrity and Inclusiveness and Respect for Diversity; and will help fulfill Goal A: Deliver Exemplary Government Services, Goal C: Deepen a Sense of Place and Community Identity, and Goal E: Ensure the Public's Health and Safety.

FINANCIAL CONSIDERATIONS

Since Federal efforts to deter sanctuary policies are an evolving issue that will inevitably be subject to future litigation, the precise fiscal effects associated with adopting this resolution are not yet fully known. Nevertheless, the City is at risk of losing access to millions of dollars in funding that would otherwise be used towards various projects and programs designed to benefit the health, welfare, and safety of the public.

LEGAL CONSIDERATIONS

Organizations that specialize in immigration law, such as the National Immigration Law Center, have opined that typical sanctuary city policies such as the one proposed in the proposed resolution do not violate Section 1373, and that Executive Order 13768 is unconstitutional both on its face and as it would be applied to a city following a typical sanctuary city policy, including the one proposed. The City Attorney concurs with that assessment. It is important to bear in mind two additional considerations: on one hand, this area of law is not well developed, and the issues are highly politicized. It is therefore difficult to assess in advance how any particular judge would rule on the issue. On the other hand, local government agencies, such as San Francisco, are already challenging the Executive Order. It is therefore unlikely that El Cerrito would be the test case.

Section 1373 prohibits local and state governments from enacting laws or policies that limit communication with the Department of Homeland Security (DHS) about information regarding the immigration or citizenship status of individuals or maintaining such information. It does not mandate any affirmative action on the part of law enforcement. The City's proposed resolution does not specifically limit communicating with DHS about individuals' citizenship or immigration status, or prohibit the maintaining (but not collecting) of such information. Further, the resolution's limits on action by City employees are to be implemented in accordance with Federal law. To the extent that Federal law legitimately requires communication or coordination with DHS, City

employees will do so. Section 1373 does not require that the City collect, maintain, or communicate information about an individual's immigration status or to detain individuals solely on the basis of their immigration status. The Executive Order purports to deny Federal grant funding to local government agencies that violate Section 1373. The City's policy is in compliance with the plain terms of Section 1373 and therefore also complies with the Executive Order.

Although the level of discretion and ambiguity afforded the Attorney General and Secretary of Homeland Security to enforce the Executive Order make it difficult to know exactly which practices, statutes, or policies might be treated as violations of section 1373 in the future, there are good arguments that the denial of "all Federal grant money" would be an unconstitutional penalty. It also seems likely that if this issue is resolved by the courts, it will be done by parties other than El Cerrito, and that the City would have an opportunity to review its policy prior to any penalty actually being imposed.

Reviewed by:

A handwritten signature in blue ink, appearing to read 'Scott Hanin', is written over a horizontal line.

Scott Hanin
City Manager

Attachments:

1. Resolution affirming the City's commitment to the values of dignity, inclusivity, and respect for all individuals regardless of ethnic or national origin, gender identity, race, religious affiliation, sexual orientation, age, disability, or immigration status and declaring El Cerrito a Sanctuary City.
2. Resolution supporting Senate Bill 54 , "The California Values Act" (de León)
3. Fact Sheet on SB 54
4. Bill Text and Status

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AFFIRMING THE CITY OF EL CERRITO'S COMMITMENT TO THE VALUES OF DIGNITY, INCLUSIVITY, AND RESPECT FOR ALL INDIVIDUALS REGARDLESS OF ETHNIC OR NATIONAL ORIGIN, GENDER IDENTITY, RACE, RELIGIOUS AFFILIATION, SEXUAL ORIENTATION, AGE, DISABILITY, OR IMMIGRATION STATUS AND DECLARING EL CERRITO A SANCTUARY CITY

WHEREAS the City of El Cerrito recognizes that the Constitution of the United States and Constitution of the State of California enshrine the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, privacy, and the equal protection of all the City's residents, regardless of religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, age, disability, or immigration status; and

WHEREAS each of the City of El Cerrito's duly elected or appointed public servants have sworn to defend and uphold the United States Constitution and the Constitution of the State of California; and

WHEREAS, the City of El Cerrito has long embraced and welcomed individuals of diverse religious, racial, national or ethnic origin, gender identity, age, ability, and sexual orientation backgrounds, including a large immigrant population; and

WHEREAS, immigration has been the cornerstone of the City of El Cerrito, the region, the state, and the nation's development throughout our history; and

WHEREAS, the City of El Cerrito welcomes, honors and respects the contribution of all its residents, regardless of their religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, age, disability, or immigration status; and

WHEREAS, the City of El Cerrito has a long history of policies and legislation that promotes inclusivity, respect, and dignity; and

WHEREAS, in 1989, after having participated in the Contra Costa County Human Relations Commission for over a decade and at the request of a resident task force, the City Council created the City's own Human Relations Commission with such powers and duties the City Council specifies by ordinance, including the intent to educate, initiate, and encourage the community in eliminating all forms of prejudice and discrimination, and promote tolerance and understanding; and

WHEREAS, since its creation the Human Relations Commission has endeavored to lead the community in supporting positive human relations and contributing to the City's diversity and inclusion, including hosting events such as the annual Martin Luther King, Jr. Day celebration, diversity forums, and Loving Day; and promoting City Council legislation to honor various cultures, the LGBTQ community, and Human Rights; and

WHEREAS, in 2016 the City's Human Relations Commission initiated the "Stop Hate" and "Not In Our Town" campaigns in response to a hate crime in El Cerrito, pledging to challenge hate and prejudice in all its forms, whenever we encounter it, whether at home, at school, at work, or in the community, and to stand with others who are treated unfairly; and

Agenda Item No. 7(A)

WHEREAS, on December 7, 2016 the West Contra Costa Unified School District passed Resolution 54-1617, committing to the protection of all traditionally marginalized students, including students of Arabic descent, those of Muslim, Sikh and other faiths, Latinos, African Americans, Asian Americans, Pacific Islanders, Native Americans, women, immigrants, persons with disabilities, and the LGBTQ community; and declares that every school site or office of West Contra Costa Unified School District is a safe place for all its students and their families; and

WHEREAS, in the State of California, the Trust Act went into effect January 1, 2014; requiring that local law enforcement agencies to release people who have been arrested once their bond is posted or their sentence is up, so long as they have no serious convictions and even if ICE officials have issued a detainer; and the TRUTH Act was signed into law on September 28, 2016 and provides "Know Your Rights" to every individual, ensures fair notice to every individual, and shines a light on and increases transparency around local engagement with the Federal Immigration and Customs Enforcement Service; and

WHEREAS, the City of El Cerrito was impacted in 1942 when President Franklin D. Roosevelt signed Executive Order 9066 resulting in the relocation and incarceration of more than 120,000 Japanese-Americans in the western United States, including many residents of El Cerrito, individuals who were vital to the growth and economy of El Cerrito, who were leaders in the nursery community, and who were among the earliest residents of El Cerrito; and

WHEREAS, the City of El Cerrito's diverse population of residents of different religious affiliations, races, national or ethnic origin, gender identity, sexual orientation, ages, abilities, or immigration status contribute to the economic and social fabric of the City by establishing and patronizing businesses, contributing to arts and culture, and achieving significant educational accomplishments; and

WHEREAS, fostering a relationship of trust, respect, and open communication between City officials and residents is essential to the City's mission of delivering efficient public services in partnership with our community which ensures public safety, a prosperous economic environment, opportunities for our youth, and a high quality of life for residents; and

WHEREAS, the City of El Cerrito seeks to continue to foster trust between City officials and residents, to protect limited local resources, to encourage cooperation between residents and City officials including law enforcement officers and employees, to protect vulnerable populations, and to ensure public safety and due process for all; and

WHEREAS, the conflation of Federal civil immigration law enforcement and local criminal law enforcement experienced in other communities has resulted in considerable erosion of public safety by creating social distance between law enforcement officers and the community; and

WHEREAS, the City of El Cerrito desires to address the fears and concerns of its residents in relation to an individual's religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, age, disability, or immigration status; while at the same time being mindful that it must maintain positions on Federal policy that do not affect the financial stability of the City of El Cerrito in ways that are detrimental to the health and safety of its residents; and

Agenda Item No. 7(A)

WHEREAS, the City of El Cerrito desires to demonstrate its commitment to its residents by unequivocally stating that it will safeguard the values enshrined in our Federal and State Constitutions by providing a safe community to all residents who are fearful by assuring them that the City will not expend any funds, nor use its resources, including staff, to administer Federal immigration laws which are under the exclusive jurisdiction of the Federal government.

NOW THEREFORE, the City of El Cerrito City Council does hereby declare that it is a Sanctuary City, and resolves as follows:

Section 1. In accordance with State and Federal law, City of El Cerrito officials and employees, including its law enforcement officers, shall not:

- a) actively participate with Federal agents seeking to enforce Federal immigration law or to target individuals for detention or forced relocation based upon their actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, age, disability, immigration status, or other historically disadvantaged category;
- b) use City monies, resources, or personnel to investigate, question, detect, apprehend, or register persons suspected or determined by proper adjudicatory authorities (after the exhaustion of all applicable appeals) only to have committed a civil violation of Federal immigration law or persons targeted by a Federal agency for detention or forced relocation based upon their actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, sexual orientation, age, disability, immigration status, or other historically disadvantaged category;
- c) enter into a 287(g) memorandum of agreement with Department of Homeland Security to partner with U.S. Immigration and Customs Enforcement (ICE) in order to receive delegated authority for immigration enforcement within the City's jurisdiction.

Section 2. In accordance with State and Federal law, City of El Cerrito officials and employees, including its law enforcement officers, may continue to cooperate with Federal immigration agencies in matters involving criminal activity and the protection of public safety. For the purposes of this resolution only, "criminal activity" means a violation of criminal law and not an actual or suspected civil violation of Federal immigration law. For the purposes of this resolution only, a person is not involved in criminal activity if a Federal agency seeks to detain or forcibly relocate them because of the person's actual or perceived religious affiliation, race, sex, ethnic or national origin, gender identity, sexual orientation, age, disability, immigration status, or other historically disadvantaged category.

Section 3. City of El Cerrito officials and employees, including its law enforcement officers, shall not take any direct action against any individual based solely on their actual or perceived immigration status, religious affiliation, race, sex, ethnic or national origin, gender identity, sexual orientation, age, disability, or other historically disadvantaged category. City of El Cerrito officials and employees, including its law enforcement officers, shall not detain any individual in local custody solely for a civil immigration hold unless the individual has been convicted of or charged with criminal activity and the City would normally detain an individual on the basis of that charge or conviction.

Section 4. City of El Cerrito officials and employees will not use any public resources or honor any Federal program requiring the registration of individuals on the basis of an individual's actual or perceived immigration status, religious affiliation, race, national or ethnic

Agenda Item No. 7(A)

origin, gender identity, sexual orientation, age, disability, or other historically disadvantaged category.

Section 5: City staff shall monitor any efforts by the Federal government to withhold or withdraw Federal funding as a result of the City's policies to protect and defend its diverse community and shall take all actions necessary to protect such funding.

I CERTIFY that at a regular meeting on March XX, 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 March XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO SUPPORTING SB 54 (DE LEÓN), THE CALIFORNIA VALUES ACT.

WHEREAS the City of El Cerrito recognizes that the Constitution of the United States and Constitution of the State of California enshrine the fundamental and inalienable rights of Americans, including the freedoms of religion, speech, assembly, privacy, and the equal protection of all the City's residents, regardless of religious affiliation, race, national or ethnic origin, gender identity, sexual orientation, or immigration status; and

WHEREAS, the City of El Cerrito has long embraced and welcomed individuals of diverse religious, racial, national or ethnic origin, gender identity, and sexual orientation backgrounds, including a large immigrant population; and

WHEREAS, immigration has been the cornerstone of the City of El Cerrito, the region, the state, and the nation's development throughout our history; and

WHEREAS, the conflation of federal civil immigration law enforcement and local criminal law enforcement experienced in other communities has resulted in considerable erosion of public safety by creating social distance between law enforcement officers and the community; and

WHEREAS, SB 54 (de León), the California Values Act, seeks to protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, or divide Californians on the basis of race, gender, sexual orientation, religion, immigration status, or national or ethnic origins; and

WHEREAS, SB 54 upholds California's core values of equal treatment, community, family unity, and common humanity by ensuring that California's police departments, schools, hospitals, and courts remain accessible to Californians from all walks of life; and

WHEREAS, at this time of rising national division and scapegoating of immigrant communities, the California Values Act reaffirms the state's commitment to valuing and protecting its immigrant communities and sends a powerful message of inclusion across the nation.

NOW THEREFORE BE IT RESOLVED, that the City of El Cerrito City Council supports SB 54 (de León), the California Values Act, and urges the California Legislature and the Governor to pass this legislation.

I CERTIFY that at a regular meeting on March X, 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:

Agenda Item No. 7(A)
Attachment 2

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

STATE CAPITOL
ROOM 205
SACRAMENTO, CA 95814
TEL (916) 651-4024
FAX (916) 651-4924

DISTRICT OFFICE
1808 W. SUNSET BLVD.
LOS ANGELES, CA 90026
TEL (213) 483-9300
FAX (213) 483-9305



STANDING COMMITTEE
SENATE RULES
CHAIR

SENATOR KEVIN DE LEÓN
PRESIDENT PRO TEMPORE

SB 54 (De León) The California Values Act

Purpose

To protect the safety and well-being of all Californians by ensuring that state and local resources are not used to fuel mass deportations, separate families, and ultimately hurt California's economy.

Background

The President has stated publicly that he will order the increased deportation of a broad category of immigrants and that doing so will be a top priority. Any expansion of federal deportation efforts will have a significant effect on California's economy and society.

A relationship of trust between California's immigrant residents and our state and local agencies, including police, schools, and hospitals, is essential to carrying out basic state and local functions. That trust is threatened when state and local agencies are involved in immigration enforcement.

According to the President Obama's Taskforce on 21st Century Policing, "Immigrants often fear approaching police officers when they are victims of and witnesses to crimes and when local police are entangled with federal immigration enforcement. At all levels of government, it is important that laws, policies, and practices not hinder the ability of local law enforcement to build the strong relationships necessary to public safety and community well-being. It is the view of this task force that whenever possible, state and local law enforcement should not be involved in immigration enforcement."¹ A study conducted by the University of Illinois similarly found that 44 percent of Latinos are less likely to contact police officers if they have been the victim of a crime because they fear that police officers will use this interaction as an opportunity to inquire about their immigration status or that of people they know.²

California is already familiar with the harmful effects of entangling local law enforcement agencies with immigration enforcement. Prior to its termination, the discredited "Secure Communities" program (S-Comm) operated in California as an indiscriminate mass deportation program at great cost to California both financially and otherwise. According to a report prepared by Justice Strategies in 2012, when the Secure Communities

¹ Final Report of the President's Taskforce on 21st Century Policing (May 2016).

² Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement, Nik Theodore, Dep't of Urban Planning and Policy, University of Illinois at Chicago (May 2013)

program was still active, California taxpayers spent an estimated \$65 million annually to detain people for ICE.³

For that reason, it is necessary to evaluate the appropriate use of state and local resources for immigration enforcement purposes and recognize the devastating impact deportations have on a state with thousands of mixed status families, and a heavily immigrant workforce.

Proposal

The California Values Act will provide essential safeguards to ensure that police, schools, health facilities, and courts remain accessible to Californians from all walks of life and that California's limited resources are directed to matters of greatest concern to state and local governments.

1. State and local law enforcement agencies and school police and security departments will not engage in immigration enforcement. No state or local resources will be used to investigate, detain, detect, or arrest persons for immigration enforcement purposes. No state or local law enforcement agency will detain or transfer any person for deportation *without a judicial warrant*.
2. State agencies will review their confidentiality policies in order to ensure that eligible individuals are not deterred from seeking services or engaging with state agencies. State agencies shall not collect or share information from individuals unless necessary to perform agency duties.
3. California schools, health facilities, and courthouses will remain safe and accessible to all California residents, regardless of immigration status. Each shall establish and make public policies that limit immigration enforcement on their premises to the fullest extent possible consistent with federal and state law.

Support

Abriendo Puertas/Opening Doors
Alliance for Boys and Men of Color
Alliance San Diego
American Academy of Pediatrics, California
Asian Americans Advancing Justice - California
Asian American Criminal Trial Lawyers Association
Asian Law Alliance
ASPIRE
Bill Wilson Center
California Adolescent Health Collaborative
California Association for Bilingual Education
California Central Valley Journey for Justice
California La Raza Lawyers Association
California Partnership to End Domestic Violence
Californians for Justice Education Fund
Californians Together Coalition

³ See Judith Greene, "The Cost of Responding to Immigration Detainers in California," Justice Strategies Report, August 22, 2012.

Center for Gender & Refugee Studies
Central American Resource Center - Los Angeles
Centro Laboral de Graton
Children's Defense Fund - CA
Courage Campaign
CREDO
Dream Team Los Angeles
Equality California
Esperanza Immigrant Rights Project of Catholic Charities of Los Angeles
Evergreen Teachers Association
Faith in the Valley
Filipino Youth Coalition
Immigrant Legal Resource Center
Inland Coalition for Immigrant Justice
Inland Empire Immigrant Youth Coalition
Koreatown Immigrant Workers Alliance
La Raza Roundtable de California
Latino and Latina Roundtable
Latino Coalition for a Healthy California
Loyola Immigrant Justice Clinic
Mexican American Legal Defense and Educational Fund
Mi Familia Vota
Mixteco/Indigena Community Organizing Project
Monument Impact
Muslim Student Association West
National Lawyers Guild, Los Angeles
North County Immigration Task Force of San Diego
National Council of Jewish Women California
National Day Laborer Organizing Network
National Immigration Law Center
Nikkei for Civil Rights & Redress
Nikkei Progressives
Orange County Immigrant Youth United
Our Family Coalition
Pangea Legal Services
PolicyLink
San Diego Dream Team
San Diego Immigrant Rights Consortium
San Diego La Raza Lawyers Association
San Joaquin Immigrant Youth Collective
Santa Cruz County Immigrant Rights Project
Services, Immigrant Rights, and Education Network
SEIU Local 1021
Somos Mayfair
South Asian Network
Tongan American Youth Foundation
The Children's Partnership
Training Occupational Development Educating Communities Legal Center

Unite Here
Uplift
Village Connect, Inc.
Voices for Progress Education Fund
Warehouse Worker Resource Center
YWCA Glendale

*For more information, please contact Alexandra Salgado, (916) 651-4024,
Alexandra.Salgado@sen.ca.gov*


[Home](#) | [Bill Information](#) | [California Law](#) | [Publications](#) | [Other Resources](#) | [My Subscriptions](#) | [My Favorites](#)
SB-54 Law enforcement: sharing data. (2017-2018)

Senate: 1st Cmt 2nd 3rd

Assembly:

Bill Status	
Measure:	SB-54
Lead Authors:	De León (S)
Principal Coauthors:	Atkins (S) , Bonta (A) , Chiu (A) , Cooper (A) , Gomez (A) , Levine (A) , Pan (S) , Reyes (A) , Wiener (S)
Coauthors:	-
Topic:	Law enforcement: sharing data.
31st Day in Print:	01/05/17
Title:	An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to n Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code, relati law enforcement, and declaring the urgency thereof, to take effect immediately.
House Location:	Senate
Last Amended Date:	03/06/17

Type of Measure
Active Bill - In Floor Process
Two Thirds Vote Required
Non-Appropriation
Fiscal Committee
State-Mandated Local Program
Urgency
Non-Tax levy

Last 5 History Actions	
Date	Action
03/14/17	Read second time. Ordered to third reading.
03/13/17	From committee: Do pass. (Ayes 5. Noes 2.) (March 13).
03/13/17	(Ayes 2. Noes 5.) (March 13)
03/13/17	Motion to place on APPR. suspense file failed.
03/06/17	From committee with author's amendments. Read second time and amended. Re-referred to Com. on APPR.

Daily File Status		
File	File Date	Item
Sen 3rd Reading - Sen Bills	03-15-2017	15

AMENDED IN SENATE MARCH 6, 2017

AMENDED IN SENATE MARCH 1, 2017

AMENDED IN SENATE JANUARY 24, 2017

SENATE BILL

No. 54

Introduced by Senator De León

(Principal coauthors: Senators Atkins, Pan, and Wiener)

(Principal coauthors: Assembly Members Bonta, Chiu, Cooper, Gomez, Levine, and Reyes)

December 5, 2016

An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to repeal Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 54, as amended, De León. Law enforcement: sharing data.

Existing law provides that when there is reason to believe that a person arrested for a violation of specified controlled substance provisions may not be a citizen of the United States, the arresting agency shall notify the appropriate agency of the United States having charge of deportation matters.

This bill would repeal those provisions.

Existing law provides that whenever an individual who is a victim of or witness to a hate crime, or who otherwise can give evidence in a hate crime investigation, is not charged with or convicted of committing any crime under state law, a peace officer may not detain the individual

exclusively for any actual or suspected immigration violation or report or turn the individual over to federal immigration authorities.

This bill would, among other things, prohibit state and local law enforcement ~~agencies and agencies, including~~ school police and security ~~departments~~ departments, from using resources to investigate, interrogate, detain, detect, or arrest persons for immigration enforcement purposes, as specified. The bill would require, within 3 months after the effective date of the bill, the Attorney General, in consultation with *the* appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement to the fullest extent possible for use by those entities for those purposes. The bill would require all public schools, health facilities operated by the state or a political subdivision of the state, ~~courthouses, and shelters and courthouses~~ to implement the model policy, or an equivalent policy. The bill would state that all other organizations and entities that provide services related to physical or mental health and wellness, education, or access to justice, including the University of California, are encouraged to adopt the model policy. The bill would require a law enforcement agency that chooses to participate in a joint law enforcement task force, as defined, to submit a report every 6 months to the Department of ~~Justice~~. *Justice, as specified.* The bill would require the Attorney General, within 14 months after the effective date of the bill, and twice a year thereafter, to report on the types and frequency of joint law enforcement task forces, and other information, as specified, and to post those reports on the Attorney General's Internet Web site. The bill would require the Board of Parole Hearings or the Department of Corrections and Rehabilitation, as applicable, to notify the Federal Bureau of Investigation of the scheduled release on parole or postrelease community supervision, or rerelease following a period of confinement pursuant to a parole revocation without a new commitment, of all persons confined to state prison serving a term for the conviction of a violent felony, and would authorize the sheriff to notify the Federal Bureau of Investigation of the scheduled release of a person confined to county jail for a misdemeanor offense who has a prior conviction for a violent felony, as specified.

~~The~~

This bill would state findings and declarations of the Legislature relating to these provisions.

By imposing additional duties on public schools, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 17.25 (commencing with Section 7284)
2 is added to Division 7 of Title 1 of the Government Code, to read:

3
4 CHAPTER 17.25. COOPERATION WITH FEDERAL IMMIGRATION
5 AUTHORITIES

6
7 7284. This chapter shall be known, and may be cited, as the
8 California Values Act.

9 7284.2. The Legislature finds and declares the following:

10 (a) Immigrants are valuable and essential members of the
11 California community. Almost one in three Californians is foreign
12 born and one in two children in California has at least one
13 immigrant parent.

14 (b) A relationship of trust between California's immigrant
15 community and state and local agencies is central to the public
16 safety of the people of California.

17 (c) This trust is threatened when state and local agencies are
18 entangled with federal immigration enforcement, with the result
19 that immigrant community members fear approaching police when
20 they are victims of, and witnesses to, crimes, seeking basic health
21 services, or attending school, to the detriment of public safety and
22 the well-being of all Californians.

23 (d) Entangling state and local agencies with federal immigration
24 enforcement programs diverts already limited resources and blurs
25 the lines of accountability between local, state, and federal
26 governments.

(e) State and local participation in federal immigration enforcement programs also raises constitutional concerns, including the prospect that California residents could be detained in violation of the Fourth Amendment to the United States Constitution, targeted on the basis of race or ethnicity in violation of the Equal Protection Clause, or denied access to education based on immigration status.

(f) This act seeks to ensure effective policing, to protect the safety, well-being, and constitutional rights of the people of California, and to direct the state's limited resources to matters of greatest concern to state and local governments.

7284.4. For purposes of this chapter, the following terms have the following meanings:

(a) "California law enforcement agency" means a state or local law enforcement agency, including school police or security departments.

(b) "Civil immigration warrant" means any warrant for a violation of federal civil immigration law, and includes civil immigration warrants entered in the National Crime Information Center database.

(c) "Federal immigration authority" means any officer, employee, or person otherwise paid by or acting as an agent of United States Immigration and Customs Enforcement or United States Customs and Border Protection, or any division thereof, or any other officer, employee, or person otherwise paid by or acting as an agent of the United States Department of Homeland Security who is charged with immigration enforcement.

(d) "Health facility" includes health facilities as defined in Section 1250 of the Health and Safety Code, clinics as defined in Sections 1200 and 1200.1 of the Health and Safety Code, and substance abuse treatment facilities.

(e) "Hold request," "notification request," "transfer request," and "local law enforcement agency" have the same meaning as provided in Section 7283. Hold, notification, and transfer requests include requests issued by United States Immigration and Customs Enforcement or United States Customs and Border Protection as well as any other federal immigration authorities.

(f) "Immigration enforcement" includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all

1 efforts to investigate, enforce, or assist in the investigation or
2 enforcement of any federal criminal immigration law that penalizes
3 a person's presence in, entry, or reentry to, or employment in, the
4 United States, including, but not limited to, violations of Section
5 1253, 1324c, 1325, or 1326 of Title 8 of the United States Code.

6 (g) "Joint law enforcement task force" means a California law
7 enforcement agency collaborating, engaging, or partnering with a
8 federal law enforcement agency in investigating, interrogating,
9 detaining, detecting, or arresting persons for violations of federal
10 or state crimes.

11 (h) "Judicial warrant" means a warrant based on probable cause
12 and issued by a federal judge or a federal magistrate judge that
13 authorizes federal immigration authorities to take into custody the
14 person who is the subject of the warrant.

15 (i) "Public schools" means all public elementary and secondary
16 schools under the jurisdiction of local governing boards or a charter
17 school board, the California State University, and the California
18 Community Colleges.

19 (j) "School police and security departments" includes police
20 and security departments of the California State University, the
21 California Community Colleges, charter schools, county offices
22 of education, schools, and school districts.

23 7284.6. (a) California law enforcement agencies shall not do
24 any of the following:

25 (1) Use agency or department moneys, facilities, property,
26 equipment, or personnel to investigate, interrogate, detain, detect,
27 or arrest persons for immigration enforcement purposes, including,
28 but not limited to, any of the following:

29 (A) Inquiring into or collecting information about an individual's
30 immigration status, except as required to comply with Section
31 922(d)(5) of Title 18 of the United States Code.

32 (B) Detaining an individual on the basis of a hold request.

33 (C) Responding to requests for notification or transfer requests.

34 (D) Providing or responding to requests for nonpublicly
35 available personal information about an individual, including, but
36 not limited to, information about the person's release date, home
37 address, or work address for immigration enforcement purposes.

38 (E) Making arrests based on civil immigration warrants.

1 (F) Giving federal immigration authorities access to interview
2 individuals in agency or department custody for immigration
3 enforcement purposes.

4 (G) Assisting federal immigration authorities in the activities
5 described in Section 1357(a)(3) of Title 8 of the United States
6 Code.

7 (H) Performing the functions of an immigration officer, whether
8 pursuant to Section 1357(g) of Title 8 of the United States Code
9 or any other law, regulation, or policy, whether formal or informal.

10 (2) Make agency or department databases, including databases
11 maintained for the agency or department by private vendors, or
12 the information therein other than information regarding an
13 individual's citizenship or immigration status, available to anyone
14 or any entity for the purpose of immigration enforcement. Any
15 agreements in existence on the date that this chapter becomes
16 operative that conflict with the terms of this paragraph are
17 terminated on that date. A person or entity provided access to
18 agency or department databases shall certify in writing that the
19 database will not be used for the purposes prohibited by this
20 section.

21 (3) Place peace officers under the supervision of federal agencies
22 or employ peace officers deputized as special federal officers or
23 special federal deputies except to the extent those peace officers
24 remain subject to California law governing conduct of peace
25 officers and the policies of the employing agency.

26 (4) Use federal immigration authorities as interpreters for law
27 enforcement matters relating to individuals in agency or department
28 custody.

29 (b) Nothing in this section shall prevent any California law
30 enforcement agency from doing any of the following:

31 (1) Responding to a request from federal immigration authorities
32 for information about a specific person's criminal history, including
33 previous criminal arrests, convictions, and similar criminal history
34 information accessed through the California Law Enforcement
35 Telecommunications System (CLETS), where otherwise permitted
36 by state law.

37 (2) Participating in a joint law enforcement task force, so long
38 as the purpose of the joint law enforcement task force is not
39 immigration enforcement, as defined in subdivision (f) of Section
40 7284.4.

(c) If a California law enforcement agency chooses to participate in a joint law enforcement task force, it shall submit a report every six months to the Department of Justice, as specified by the Attorney General. ~~Sensitive information, as determined by the Attorney General,~~ *The reporting agency or the Attorney General may determine a report, in whole or in part,* is not a public record for purposes of the California Public Records Act pursuant to subdivision (f) of Section 6254 ~~of the Government Code~~. *to prevent the disclosure of sensitive information, including, but not limited to, an ongoing operation or a confidential informant.*

(d) The Attorney General, within 14 months after the effective date of the act that added this section, and twice a year thereafter, shall report on the types and frequency of joint law enforcement task forces. The report shall include, for the reporting period, assessments on compliance with paragraph (2) of subdivision (b), a list of all California law enforcement agencies that participate in joint law enforcement task forces, a list of joint law enforcement task forces operating in the state and their purposes, the number of arrests made associated with joint law enforcement task forces for the violation of federal or state crimes, and the number of arrests made associated with joint law enforcement task forces for the purpose of immigration enforcement by all task force participants, including federal law enforcement agencies. The Attorney General shall post the reports required by this subdivision on the Attorney General's Internet Web site.

(e) Notwithstanding any other law, in no event shall a California law enforcement agency transfer an individual to federal immigration authorities for purposes of immigration enforcement or detain an individual at the request of federal immigration authorities for purposes of immigration enforcement absent a judicial warrant. This subdivision does not limit the scope of subdivision (a).

(f) This section does not prohibit or restrict any government entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual pursuant to Sections 1373 and 1644 of Title 8 of the United States Code.

7284.8. The Attorney General, within three months after the effective date of the act that added this section, in consultation with the appropriate stakeholders, shall publish model policies

1 limiting assistance with immigration enforcement to the fullest
2 extent possible consistent with federal and state law at public
3 schools, health facilities operated by the state or a political
4 subdivision of the state, courthouses, Division of Labor Standards
5 Enforcement facilities, and shelters, and ensuring that they remain
6 safe and accessible to all California residents, regardless of
7 immigration status. All public schools, health facilities operated
8 by the state or a political subdivision of the state, and courthouses
9 shall implement the model policy, or an equivalent policy. All
10 other organizations and entities that provide services related to
11 physical or mental health and wellness, education, or access to
12 justice, including the University of California, are encouraged to
13 adopt the model policy.

14 7284.10. The provisions of this act are severable. If any
15 provision of this act or its application is held invalid, that invalidity
16 shall not affect other provisions or applications that can be given
17 effect without the invalid provision or application.

18 SEC. 2. Section 11369 of the Health and Safety Code is
19 repealed.

20 SEC. 3. Section 3058.10 is added to the Penal Code, to read:

21 3058.10. (a) The Board of Parole Hearings, with respect to
22 inmates sentenced pursuant to subdivision (b) of Section 1168, or
23 the Department of Corrections and Rehabilitation, with respect to
24 inmates sentenced pursuant to Section 1170, shall notify the Federal
25 Bureau of Investigation of the scheduled release on parole or
26 postrelease community supervision, or rerelease following a period
27 of confinement pursuant to a parole revocation without a new
28 commitment, of all persons confined to state prison serving a term
29 for the conviction of a violent felony listed in subdivision (c) of
30 Section 667.5.

31 (b) The notification shall be made at least 60 days prior to the
32 scheduled release date or as soon as practicable if notification
33 cannot be provided at least 60 days prior to release. The only
34 nonpublicly available personal information that the notification
35 may include is the name of the person who is scheduled to be
36 released and the scheduled date of release.

37 SEC. 4. Section 3058.11 is added to the Penal Code, to read:

38 3058.11. (a) Whenever any person confined to county jail is
39 serving a term for the conviction of a misdemeanor offense and
40 has a prior conviction for a violent felony listed in subdivision (c)

1 of Section 667.5 or has a prior felony conviction in another
2 jurisdiction for an offense that has all the elements of a violent
3 felony described in subdivision (c) of Section 667.5, the sheriff
4 may notify the Federal Bureau of Investigation of the scheduled
5 release of that person, provided that no local law or policy prohibits
6 the sharing of that information with either the Federal Bureau of
7 Investigation or federal immigration authorities.

8 (b) The notification may be made up to 60 days prior to the
9 scheduled release date. The only nonpublicly available personal
10 information that the notification may include is the name of the
11 person who is scheduled to be released and the scheduled date of
12 release.

13 SEC. 5. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.

18 SEC. 6. This act is an urgency statute necessary for the
19 immediate preservation of the public peace, health, or safety within
20 the meaning of Article IV of the California Constitution and shall
21 go into immediate effect. The facts constituting the necessity are:

22 Because changes in federal immigration enforcement policies
23 require a statewide standard that clarifies the appropriate level of
24 cooperation between federal immigration enforcement agents and
25 state and local governments as soon as possible, it is necessary for
26 this measure to take effect immediately.



AGENDA BILL

Agenda Item No. 7(B)

Date: March 21, 2017
To: El Cerrito City Council
From: Sky Woodruff, City Attorney
Subject: Adoption of an Urgency Ordinance to Reauthorize the Public, Educational, and Governmental (PEG) Fee on State Cable Franchisees Operating Within the City of El Cerrito and Introduction of an Ordinance to Reauthorize the PEG Fee and Amend Section 14.12.170 of the El Cerrito Municipal Code

ACTION REQUESTED

1. Waive the reading of and adopt, by a four-fifths vote, an Urgency Ordinance reauthorizing the Public, Educational, and Governmental (PEG) fee on state cable franchisees operating within the City of El Cerrito; and
2. Waive the reading of and introduce an Ordinance reauthorizing the Public, Educational, and Governmental (PEG) fee on state cable franchisees operating within the City of El Cerrito and amending Section 14.12.170 of the El Cerrito Municipal Code.

BACKGROUND

In 2008, the City Council adopted Ordinance No. 2008-1, including Section 14.12.170 of the El Cerrito Municipal Code (ECMC), which imposes a public, educational and governmental (PEG) fee on state cable franchisees operating within the City as authorized in the Digital Infrastructure Video and Competition Act of 2006 ("DIVCA"). Under DIVCA, a PEG fee ordinance must be reauthorized upon expiration of an applicable state franchise.

ANALYSIS

AT&T California operates within the City under a state video services franchise that expires on March 30, 2017. To prevent any lapse in the collection and remission of the PEG fee, staff recommends that the City Council declare that the City's PEG fee is reauthorized by way of an urgency ordinance followed by a regular ordinance.

A regular ordinance must, by state law, be introduced and adopted at separate meetings of the City Council. Moreover, such ordinances may not take effect sooner than thirty days after their adoption. Because a regular ordinance cannot be adopted and go into effect prior to the expiration of AT&T's state video services franchise, the City Council may want to consider adopting an urgency ordinance at tonight's City Council meeting. If the Council chooses to do so, staff recommends that the Council adopt the urgency ordinance and introduce a regular ordinance at tonight's meeting.

In addition to reauthorizing the PEG fee, the regular ordinance would add a provision to ECMC Section 14.12.170. The new provision would state that, upon the expiration of any state franchise, the City's PEG fee is automatically reauthorized unless the

franchise holder has given the City Council and City Manager 60-days written notice prior to the expiration of its state franchise that the City's PEG fee will expire. Many cities have included similar automatic reauthorization provisions in the PEG fee provisions of their municipal codes.

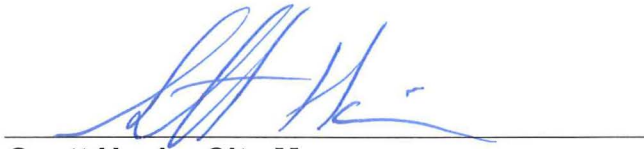
FINANCIAL CONSIDERATIONS

Adoption of the proposed urgency ordinance and regular ordinance would result in the City's continued receipt of PEG fees for the support of public, educational, and governmental access channel facilities.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the attached ordinances and has approved them as to form.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. An Urgency Ordinance of the City of El Cerrito Reauthorizing the Public, Educational, and Governmental (PEG) Fee on State Cable Franchisees Operating within the City.
2. An Ordinance of the City of El Cerrito Reauthorizing the Public, Educational, and Governmental (PEG) Fee on State Cable Franchisees Operating within the City and Amending Section 14.12.170 of the El Cerrito Municipal Code.

ORDINANCE NO. 2017-XX

AN URGENCY ORDINANCE OF THE CITY OF EL CERRITO REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON STATE CABLE FRANCHISEES OPERATING WITHIN THE CITY

WHEREAS, the City Council previously adopted Section 14.12.170 of the El Cerrito Municipal Code ("ECMC"), which imposes a public, educational, and governmental ("PEG") fee on state cable franchisees operating within the City as authorized in the Digital Infrastructure and Video Competition Act of 2006; and

WHEREAS, Section 5870(n) of the California Public Utilities Code states that a PEG fee ordinance must be reauthorized upon expiration of an applicable state franchise; and

WHEREAS, AT&T California ("AT&T") operates within the City under a state franchise that expires on March 30, 2017; and

WHEREAS, the City Council wishes to adopt an ordinance expressly declaring that the City's PEG fee is reauthorized.

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

Section 1. PEG Fee Reauthorization.

The City's PEG access fee authorized in ECMC Section 14.12.170 is hereby reauthorized to the extent required by Section 5870(n) of the California Public Utilities Code. All state franchisees operating within the City shall continue to collect and remit the PEG access fee as required in Section 14.12.170.

Section 2. No Change to Municipal Code.

ECMC Section 14.12.170 shall remain unchanged and in full force and effect.

Section 3. Urgency Findings and Declaration.

The City Council finds and declares that this Ordinance must be adopted as an urgency matter because it is necessary for the immediate preservation of the public peace, health, and safety. The following facts and circumstances support such necessity: Section 5870(n) of the California Public Utilities Code states that a PEG fee Ordinance must be reauthorized upon expiration of an applicable state franchise. It is in the public interest to take every measure to ensure that there is no lapse in the collection and remission of PEG fees, which supports public, educational, and governmental channels, including channels that may provide critical emergency or other public safety-related information. Maintaining stable funding for PEG channel facilities is therefore vital to the public peace, health, and safety of the City of El Cerrito. Without the enactment of this Ordinance as provided herein, a lapse in the collection and remission of the PEG fee could potentially occur, endangering the stability of PEG facilities funding within the City.

Based on said findings, facts and circumstances, the City Council finds that this Ordinance should be adopted as an urgency ordinance for the immediate preservation of the public peace, health and safety, and that it is necessary that this Ordinance should go into effect as described below.

Section 4. Severability.

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the ordinance or their applicability to other persons or circumstances.

Section 5. Effective Date.

Following adoption by at least a four-fifths vote of the City Council, this Ordinance shall take effect and be enforced immediately upon the commencement of AT&T's renewed state franchise under the Digital Infrastructure and Video Competition Act of 2006.

Section 6. Publication or Posting.

The City Clerk of the City of El Cerrito shall cause this Ordinance to be published or posted as required in Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor

City Clerk

ORDINANCE NO. 2017-XX

AN ORDINANCE OF THE CITY OF EL CERRITO REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENT (PEG) FEE ON STATE CABLE FRANCHISEES OPERATING WITHIN THE CITY AND AMENDING SECTION 14.12.170 OF THE EL CERRITO MUNICIPAL CODE

WHEREAS, the City Council previously adopted Section 14.12.170 of the El Cerrito Municipal Code ("ECMC"), which imposes a public, educational, and governmental ("PEG") fee on state cable franchisees operating within the City as authorized in the Digital Infrastructure and Video Competition Act of 2006; and

WHEREAS, Section 5870(n) of the California Public Utilities Code states that a PEG fee ordinance must be reauthorized upon expiration of an applicable state franchise; and

WHEREAS, AT&T California ("AT&T") operates within the City under a state franchise that expires on March 30, 2017; and

WHEREAS, the City Council wishes to adopt an ordinance expressly declaring that the City's PEG fee is reauthorized and amending ECMC Section 14.12.170.

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

Section 1. PEG Fee Reauthorization.

The City's PEG access fee authorized in Section 14.12.170 of the El Cerrito Municipal Code is hereby reauthorized to the extent required by Section 5870(n) of the California Public Utilities Code.

Section 2. Addition of Subsection (G) to Section 14.12.170 of the El Cerrito Municipal Code.

ECMC Section 14.12.170 shall be amended to add the following Subsection (G) to read as follows:

G. Notwithstanding subdivision (n) of Public Utilities Code Section 5870, upon the expiration of any state franchise, without any action of the City Council, this section shall be deemed to have been automatically reauthorized unless the state franchise holder has given the City Council and City Manager written notice sixty (60) days prior to the expiration of its state franchise that this section will expire pursuant to the terms of subdivision (n) of Public Utilities Code Section 5870.

The remaining provisions of Section 14.12.170 shall remain unchanged and in full force and effect.

Section 3. Severability.

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or

circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

Section 4. Effective Date.

This Ordinance shall take effect and be in force thirty (30) days following its adoption.

Section 5. Publication or Posting.

The City Clerk of the City of El Cerrito shall cause this Ordinance to be published or posted as required in Section 36933 of the Government Code of the State of California.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2017

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk



AGENDA BILL

Agenda Item No. 7(C)

Date: March 21, 2017
To: El Cerrito City Council
From: Paul Keith, Chief of Police
Lance Maples, Fire Chief
Subject: Public Safety Dispatch Services

ACTION REQUESTED

Adopt a resolution authorizing the City Manager or his designee to enter into agreements with the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District for the provision of public safety dispatch services from July 1, 2017 to June 30, 2022 for police dispatch and June 1, 2017 to December 31, 2019 for fire dispatch.

BACKGROUND

The El Cerrito Police Department and El Cerrito Fire Department currently contract with the City of Richmond for the provision of dispatch and records management services. The most recent agreement expired on June 30, 2014. Since June 30, 2014, the City of Richmond continues to provide dispatch and records management services as outlined in the Consolidated Communications Agreement and the Consortium Records Management Agreement.

In July 2016, representatives from the City of Richmond and the Richmond Police Department held a meeting to inform the partner agencies in the West County Consortium that the City of Richmond was withdrawing from the consortium. The City of Richmond expressed an interest in continuing to provide dispatch services under a different cost and contract structure. The City of Richmond also informed the City of El Cerrito that it intended to stop providing after-hours records support and police data hosting. The City of Richmond informed the City of El Cerrito that it intended to increase the cost of dispatch services for the police department and begin charging for fire dispatch services.

The City of Richmond notified the City of El Cerrito that it intends to stop providing dispatch services on July 1, 2017, unless the City of El Cerrito signs a new dispatch agreement at a significantly higher cost.

Following that meeting, staff explored dispatch options with other emergency dispatch centers in the region. Staff also evaluated the costs associated with switching dispatch software and records management software.

On December 20, 2016, the City Council approved a resolution to allow the City Manager to enter into negotiations with the Office of the Sheriff, Contra Costa County

Fire Protection District, and the County of Contra Costa for the provision of dispatch services. In January 2017, the City of El Cerrito began negotiating with these entities.

In January 2017, the City of Richmond informed the City of El Cerrito that they will agree to provide interim dispatch services after July 1, 2017 at a 10% premium over the already increased cost if the City of El Cerrito has not yet transferred dispatch services to another agency.

The City of Richmond provided cost information to the City of El Cerrito to continue providing public safety dispatch services. The cost for a new dispatch contract for police dispatch with the City of Richmond is \$803,257 annually and the cost for a new contract for fire dispatch is \$481,954 annually. The combined cost for police and fire dispatch, provided by the City of Richmond, would be \$1,285,211 annually.

In February 2017, the Office of the Sheriff and the Contra Costa County Fire Protection District presented agreements to the City of El Cerrito for the provision of public safety dispatch services. These agreements are the result of negotiations between the City of El Cerrito and these entities.

The Contra Costa County Sheriff's Department will present an agreement to the Board of Supervisors of the County of Contra Costa to allow them to provide public safety dispatch services to be offered to the City of El Cerrito.

ANALYSIS

Staff has identified the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District as the providers that best meet the needs of the El Cerrito Police and Fire Departments. The Office of the Sheriff currently manages emergency police dispatch for the unincorporated communities of Contra Costa County as well as the cities of Pittsburg, Oakley, Moraga, Orinda, Lafayette, and Danville. Contra Costa County Fire Protection District manages the fire dispatch services for their service area, the unincorporated communities of Contra Costa, as well as Pinole, Hercules, Moraga, Orinda, Oakley and Brentwood. Should the City decide to enter into an agreement with these County entities for dispatch services, staff anticipates that the change will not be noticeable to users of the 911 emergency systems.

STRATEGIC PLAN CONSIDERATIONS

Approving the attached resolution will allow the City Manager to enter into an agreement with the Office of the Sheriff of Contra Costa County and an agreement with the Contra Costa County Fire Protection District for dispatch services. These agreements will create a long term solution to public safety dispatching in El Cerrito. This will help the City in its goal to achieve long term financial sustainability by allowing staff to reduce dispatch related costs over a multiple year contract. In addition, staff will continue to ensure the public's health and safety by preventing a lapse in dispatch services.

FINANCIAL CONSIDERATIONS

Approval of this resolution will authorize the City Manager to enter into agreements for public safety dispatch services. Staff has identified the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District as the preferred solution for dispatch services. The funding required for these agreements is already authorized in the FY 2016/2018 budget.

The Office of the Sheriff identified the cost for El Cerrito Police Dispatch services as being no greater than \$439,012.40 for fiscal year 2017/2018. The Contra Costa County Fire Protection District identified the cost for El Cerrito Fire Dispatch services as being no greater than \$123,832 for FY 2017/2018. The total anticipated cost of Public Safety Dispatch Services for FY 2017/2018 is therefore projected to be no greater than \$562,844.40.

The budgeted amount for dispatch services in FY 2017/18 is \$636,000. The agreements offered by the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District will result in an estimated overall financial savings of \$81,452.60 over the budgeted amount in FY 2017/18. The agreement for police dispatch is for a period of 5 years ending June 30, 2022 and may be terminated by either party without cause, with 90 days written notice. The agreement for fire dispatch is for a period of 2 and one half years and may be terminated by either party without cause, with 90 days written notice.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the attached agreements and has approved them as to form.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Contra Costa County Fire Protection District Agreement
3. Contra Costa County Sheriff's Department Agreement

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH THE OFFICE OF THE SHERIFF OF CONTRA COSTA COUNTY AND THE CONTRA COSTA FIRE PROTECTION DISTRICT FOR THE PROVISION OF PUBLIC SAFETY DISPATCH SERVICES FOR THE PERIOD JULY 1, 2017 TO JUNE 30, 2022, FOR POLICE DISPATCH AND FOR THE PERIOD OF JULY 1, 2017 TO DECEMBER 31, 2019, FOR FIRE DISPATCH

WHEREAS, the City of Richmond has communicated its intent not to renew the Consolidated Communication Agreement, under which it provided public safety and fire dispatch services to the City of El Cerrito; and

WHEREAS, the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District have demonstrated their interest in providing public safety dispatch services to the City of El Cerrito; and

WHEREAS, Staff has identified the Sheriff of Contra Costa and the Contra Costa County Fire Protection District as the preferred public safety dispatch service; and

WHEREAS, an agreement with the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District will ensure continuity of emergency 911 services; and,

WHEREAS, the agreements offered by the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District offer an overall financial savings over the current dispatch services agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to enter into agreements with the Office of the Sheriff of Contra Costa County and the Contra Costa County Fire Protection District for the provision of public safety dispatch services, in substantially the form presented, allowing for minor changes requested by the Board of Supervisors, if any, with approval of the City Attorney.

I CERTIFY that at a regular meeting on March X, 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 March XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

ConFire 3-9-17

**AGREEMENT FOR DISPATCH SERVICES BETWEEN THE CONTRA
COSTA COUNTY FIRE PROTECTION DISTRICT AND THE CITY OF
EL CERRITO**

This Agreement for Dispatch Services, dated _____, 2017 (this "Agreement") is made and entered into by and between the Contra Costa County Fire Protection District, a fire protection district existing under the laws of the State of California ("District"), and the City of El Cerrito ("City," and together with District, the "Parties," and each a "Party").

RECITALS

- A. Pursuant to California Health and Safety Code section 13862, District has the power to provide fire protection and emergency medical services within its boundaries.
- B. Pursuant to California Health and Safety Code section 38600 *et seq.*, City has established a city fire department.
- C. District and City are parties to the Cooperative Interagency Agreement for Automatic Aid and Limited Dispatch Services, dated October 15, 2004 (as amended August 13, 2008, the "Auto-Aid Agreement") between City and District.
- D. City desires a dependable and cost-effective solution for its fire and EMS dispatch services that include emergency medical dispatcher (EMD) services.
- E. District has the ability to provide City with fire and EMS dispatch services, including EMD services, through District's Contra Costa Regional Fire Communications Center ("CCR FCC").
- F. The Parties wish to enter into this Agreement to document and specify the foregoing arrangements, all pursuant to the terms of this Agreement.

Now, therefore, in consideration of the mutual covenants and conditions identified herein, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties hereby agree as follows:

AGREEMENT

I. City's Obligations.

- A. City shall make to the District those payments set forth in Section III (Payment Provisions) below, subject to all the terms and conditions of this Agreement.
- B. City shall:

1. Upon notification and acknowledgement from the District, assume sole responsibility for the disposition of fire, rescue and other emergencies dispatched by CCRFCC.
2. Provide for the disposition of its own business calls.
3. Provide any necessary updates, at its own expense, to accurate address, street location, premise, water supply, station area codes/zones and any other related fire, rescue or emergency information necessary for emergency call taking and dispatching and to provide this information to CCRFCC in whatever form or manner CCRFCC specifies.
4. Provide District with one telephone number to which CCRFCC will refer business callers and messages as appropriate. City shall monitor this line around the clock on a daily basis.
5. Provide and maintain a liaison to the CCRFCC to act as the point of contact for the City and to attend User Group meetings.
6. Provide and maintain mobile data terminals (MDT) in all response apparatus that are compatible with CCRFCC Computer Aided Dispatch (CAD) and Records Management Systems (RMS).
7. Provide and maintain terminals and systems capable of receiving RMS information from the CCRFCC provided RMS.

II. District's Obligations.

- A. District shall provide City with fire and EMS dispatching services; including EMD, dispatching, call taking, sending and receiving voice and data traffic, answering 911 calls and transfers from primary dispatch centers. Consistent with the Auto-Aid Agreement, District will provide the support services set forth in Section III(E) below. District will not perform radio repairs for subscriber mobile radios, portable radios, or base stations. Services under this Agreement are limited to dispatch services only, unless expressly authorized in this Agreement.
- B. The District shall:
 1. Maintain CCRFCC employees, systems, and equipment necessary to fulfill the duties, responsibilities and standards as outlined in this Agreement.
 2. Establish a Dispatch User Group to include a representative from each subscriber agency.
 3. Call meetings of the User Group on a regular basis.
 4. Establish policies regarding the delivery of efficient communications services to City on a proportionate and equitable basis and to set fees for such services.
 5. Mediate all operational disagreements between the CCRFCC Center Manager and City.
 6. Establish guidelines for providing communications services to City.

7. Administer this Agreement.

C. District will cause the CCRFCC to:

1. Receive calls from the public and primary public safety answering points (PSAPs) on 9-1-1, emergency and non-emergency telephone lines.
2. Utilize a nationally recognized EMD call interrogation and prioritizing system and provide pre-arrival instructions, as appropriate.
3. Dispatch such calls to the appropriate resource(s) by voice and/or data methods utilizing policies and procedures agreed upon by CCRFCC and City.
4. Electronically record telephone calls and radio transmissions involving incidents occurring in City's jurisdiction.
5. Provide generic computer aided dispatch reports and statistics.
6. Adopt standards concerning call processing times or quality improvement.

D. If operational adjustments to this Agreement are necessary, the City will correspond with the CCRFCC Manager. The CCRFCC will correspond with the City Fire Chief, or their designee.

E. City will continue to operate and be dispatched on assigned East Bay Regional Communications System (EBRCS) channels and talk groups.

III. **PAYMENT PROVISIONS.**

A. Invoice. District will provide an invoice to City on an annual basis no later than April 1 for the preceding calendar year. City will make payment to the District no later than 30 days after receipt of an invoice.

B. Cost.

1. District's charges to City under this Agreement will be calculated by multiplying (x) District's total cost of providing dispatch services to itself and agencies it serves, times (y) the percentage resulting from dividing the Calls for Service generated by the City by the total Calls for Service generated by all agencies using CCRFCC for dispatch services. As used herein, the term "Calls for Service" means an incident created in the CCRFCC CAD system as a result of performing all dispatching functions, excluding non-emergency, administrative out-of-service calls.
2. All other requests for District dispatch services, such as special events or enhanced staffing above normal staffing levels in the CCRFCC shall be paid for by City on a time and materials basis pursuant to a separate written agreement between City and District.

C. Items included in City Cost. In calculating District's total cost of providing dispatch services pursuant to Section B(1) above, District will include the following elements as costs attributable to City:

1. CCRFCC Staffing and Personnel Costs (salary, benefits, training, overtime)
 - a. CCRFCC Center Manager
 - b. Senior Dispatchers
 - c. Dispatchers & Trainees
 - d. Telecommunications Specialists (CCRFCC portion)
 - e. Information Systems support (CCRFCC portion)
 2. External Consulting and Specialty Services
 - a. Training and Quality Assurance
 - b. On-call technical support
 - c. Systems support
 3. Radio System Infrastructure (non-capital)
 - a. Dispatcher Headsets
 - b. Supplies
 - c. FCC Licensing Costs
 4. Telephone System Infrastructure (non-capital)
 - a. 9-1-1 and emergency lines
 - b. Non-emergency lines
 - c. CCRFCC cellular, satellite, pagers
 - d. Special circuits
 5. Information Systems Infrastructure (non-capital)
 6. Computer Aided Dispatch (CAD)
 7. CCRFCC hardware and software
 8. CCRFCC Incident Response Supplies (non-capital)
 9. CCRFCC Communications Support vehicles' equipment
 10. Batteries, radio cache & portable repeaters
- D. City-Specific Costs. The following list contains the elements that are the responsibility of City and are paid directly by City in support of CCRFCC operations, and will not be included by District in calculating District's total cost of providing dispatch services pursuant to Section B(1) above:
1. Station PBX lines installation, repairs, and recurring charges
 2. Station Outside Emergency Phone
 3. Direct ring down phone line to City Law Enforcement PSAP
 4. Mobile Data Equipment
 - a. Including loss, theft, damage, replacement, or repair
 5. Station Alerting System and Equipment
 6. Radios - Station bases, mobiles and portables
 - a. Including repeater system and VHF infrastructure
 7. FCC licensing costs for agency or stations
 8. NFIRS reporting system
 9. Labor costs to establish or modify CAD response plans and/or database(s).
- E. Costs paid by District pursuant to Automatic Aid Agreement. The following list contains the elements that are the responsibility of District and will not be

included by District in calculating District's total cost of providing dispatch services pursuant to Section B(1) above:

1. Fire Station PBX ("Red" lines)
 - a. Maintenance
 - b. Coordination of repairs
2. Station Alerting (Zetron)
 - a. Maintenance
 - b. Coordination of repairs
 - c. Up to the point where station lights and bells are interfaced
3. T1 connectivity between Contra Costa County and one (1) El Cerrito Fire Station
 - a. Recurring monthly data charges
 - b. Maintenance
 - c. Coordination of repairs with County DoIT and AT&T
4. Mobile Data Terminal (MDT) system
 - a. TriTech VisiMobile software license fees
 - b. TriTech maintenance
 - c. NetMotion software license fees
 - d. NetMotion maintenance
 - e. AT&T recurring monthly charges
 - f. Connectivity maintenance
 - g. Coordination of repairs and software re-imaging of MDT device
5. Alphanumeric pagers (Coordination of repairs only)
6. Dispatch Services
 - a. Automatic aid responses into CON jurisdiction
 - b. Mutual aid responses into CON jurisdiction
7. ePCR program
 - a. Client configuration
 - b. Server administration
 - c. License management

F. Dispatch Cost Estimates for El Cerrito Fire Department. The following amounts represent estimates of the City's dispatch services costs for the indicated fiscal year. The amounts are estimates for City budgeting purposes and have no bearing on what the City's actual costs for dispatch services, which will be based on actual City incidents dispatched, District's overall cost of providing services to all of its dispatch services subscribers, and other factors.

1. Period 1: FY 17/18. Services provided July 1, 2017 – December 31, 2017: \$60,702.
2. Period 2: FY 18/19. Services provided January 1, 2018 – December 31, 2018: \$126,260.

3. Period 3: FY 19/20. Services provided January 1, 2019 – December 31, 2019: \$131,310.

IV. RELATIONSHIP BETWEEN THE PARTIES. District and City are each an independent “public agency,” as defined by Government Code section 6500, and this Agreement does not create a separate legal entity. Each Party shall, at all times, remain an independent public agency solely responsible for all acts of its employees or agents, including any negligent acts or omissions.

- A. No City Agency. District (including its employees and agents) is not City's agent, and shall have no authority to act on behalf of City, or to bind City to any obligation whatsoever, unless City provides prior written authorization to District. None of District, its employees, or agents is an officer or employee of City, and none of District, its employees, or agents shall be entitled to any benefit, right, or compensation other than that provided in this Agreement.
- B. No District Agency. City (including its employees and agents) is not District's agent, and shall have no authority to act on behalf of District, or to bind District to any obligation whatsoever, unless District provides prior written authorization to City. None of City, its employees, or agents is an officer or employee of District, and City shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement.

V. MUTUAL INDEMNIFICATION.

- A. District Indemnity. The District agrees to indemnify and hold harmless City for the District's share of liability, as determined by a court of law, for any damage, injury or death of or to any person or the property of any person, including attorney's fees, arising out of the willful misconduct or the negligent acts, errors or omissions of District in the performance of this Agreement.
- B. City Indemnity. The City agrees to indemnify and hold harmless District for the City's share of liability, as determined by a court of law, for any damage, injury or death of or to any person or the property of any person, including attorney's fees, arising out of the willful misconduct or the negligent acts, errors or omissions of City in the performance of this Agreement.

VI. TERM OF AGREEMENT.

- A. Term. The term of this Agreement shall commence on the date first set forth above (the “Effective Date”), and shall continue for a period of three (3) years from the Effective Date.
- B. Termination.
1. Either Party may terminate this Agreement without cause upon ninety

- (90) days written notice to the other Party.
2. This Agreement may be terminated at any time by the mutual written consent of both Parties.
 3. District may terminate this Agreement by providing thirty (30) days written notice to City if City fails to pay amounts due hereunder for thirty days after written notice by District.
 4. City may terminate this Agreement by providing thirty (30) days written notice to District if District fails to cure a breach of its obligations under this Agreement that City specifies in writing.
 5. If this Agreement is terminated, City shall pay District for all services performed in accordance with this Agreement through and including the date of termination.

VII. NOTICES. All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective Party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt by a Party's Authorized Representative; (b) actual receipt at the address designated below; and (c) three working days following deposit in the United States Mail of registered or certified mail sent to the address designated below. The District and the City may modify their respective contact information identified in this section by providing notice to the other Party.

To District:

Contra Costa County Fire Protection District
2010 Geary Road
Pleasant Hill, CA 94523
Attn: Fire Chief
Telephone: (925) 941-3300

To City:

City of El Cerrito

[redacted]

Attn: [redacted]

Telephone: [redacted]

VIII. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

IX. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the services described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed the day and year first above written.

Contra Costa County Fire Protection District

City of El Cerrito

By: _____
Jeff Carman, Fire Chief

By: _____
Name: _____
Title: _____

David Twa, County Administrator

Approved as to Form:

By: _____
Timothy Ewell,
Senior Deputy County Administrator

By: _____
Name: _____
Title: _____

Approved as to Form:
Sharon L. Anderson, County Counsel

By: _____
Eric Gelston, Deputy County Counsel

INTERAGENCY AGREEMENT
(County Provides Services)

Agenda Item No. 7(C)
Attachment 3

Other #

1. **Contract Identification.**

Department: Office of the Sheriff

Subject: Interagency Agreement between Contra Costa County Office of the Sheriff and Agency named below for police dispatching services.

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Agency mutually agree and promise as follows:

Agency: City of El Cerrito

Capacity: A public agency

Address: 10900 San Pablo Ave, El Cerrito, Ca 94530-2391

3. **Term.** The effective date of this Agreement is July 1, 2017 and it terminates on June 30, 2022 unless sooner terminated as provided herein.

4. **Payment Limit.** Agency's total payments to County under this Agreement shall not exceed \$2,500,000.00.

5. **County's Obligations.** County shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. **Agency's Obligations.** Agency shall pay County for its provision of the services as set forth in the attached Payment Provisions which are incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

7. **General and Special Conditions.** This Agreement is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. **Project.** This Agreement implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference: N/A

9. **Legal Authority.** This Agreement is entered into under and subject to the following legal authorities: California Government Code 55631 and 55634.

10. **Signatures.** These signatures attest the parties' agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

BOARD OF SUPERVISORS	ATTEST: Clerk of the Board of Supervisors
By _____	By _____
Chairman/Designee	Deputy

AGENCY

By _____ (Signature of authorized Agency representative)	By _____ (Signature of authorized Agency representative)
_____ (Print name and title A)	_____ (Print name and title B)
SCOTT HANIN, CITY MANAGER	PAUL A. KEITH, CHIEF OF POLICE

ACKNOWLEDGMENT/APPROVALS
(Purchase of Services - Long Form)

Number: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____ (Date),

before me, _____ (Name and Title of the Officer),

personally appeared, _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

Signature of Notary Public



Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED BY COUNTY COUNSEL

By: _____
Designee

By: _____
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

**INTERAGENCY AGREEMENT
(County Provides Services)**

Number
Fund/Org# 2510
Account # 2310
Other #

1. **Contract Identification.**

Department: Office of the Sheriff

Subject: Interagency Agreement between Contra Costa County Office of the Sheriff and Agency named below for police dispatching services.

2. **Parties.** The County of Contra Costa, California (County), for its Department named above, and the following named Agency mutually agree and promise as follows:

Agency: City of El Cerrito

Capacity: A public agency

Address: 10900 San Pablo Ave, El Cerrito, Ca 94530-2391

3. **Term.** The effective date of this Agreement is July 1, 2017 and it terminates on June 30, 2022 unless sooner terminated as provided herein.

4. **Payment Limit.** Agency's total payments to County under this Agreement shall not exceed \$2,500,000.00.

5. **County's Obligations.** County shall provide those services and carry out that work described in the Service Plan attached hereto which is incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

6. **Agency's Obligations.** Agency shall pay County for its provision of the services as set forth in the attached Payment Provisions which are incorporated herein by reference, subject to all the terms and conditions contained or incorporated herein.

7. **General and Special Conditions.** This Agreement is subject to the General Conditions and Special Conditions (if any) attached hereto, which are incorporated herein by reference.

8. **Project.** This Agreement implements in whole or in part the following described Project, the application and approval documents of which are incorporated herein by reference: N/A

9. **Legal Authority.** This Agreement is entered into under and subject to the following legal authorities: California Government Code 55631 and 55634.

10. **Signatures.** These signatures attest the parties' agreement hereto:

COUNTY OF CONTRA COSTA, CALIFORNIA

BOARD OF SUPERVISORS	ATTEST: Clerk of the Board of Supervisors
By _____ Chairman/Designee	By _____ Deputy

AGENCY

By _____ (Signature of authorized Agency representative) _____ (Print name and title A) SCOTT HANIN, CITY MANAGER	By _____ (Signature of authorized Agency representative) _____ (Print name and title B) PAUL A. KEITH, CHIEF OF POLICE
---	--

ACKNOWLEDGMENT/APPROVALS
(Purchase of Services – Long Form)

Number: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF CONTRA COSTA)

On _____ (Date),

before me, _____ (Name and Title of the Officer),

personally appeared, _____,

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

Signature of Notary Public



Place Seal Above

ACKNOWLEDGMENT (by Corporation, Partnership, or Individual)
(Civil Code §1189)

APPROVALS

RECOMMENDED BY DEPARTMENT

FORM APPROVED BY COUNTY COUNSEL

By: _____
Designee

By: _____
Deputy County Counsel

APPROVED: COUNTY ADMINISTRATOR

By: _____
Designee

SERVICE PLAN OUTLINE
(Purchase of Services - Long Form)

Number _____

SERVICE PLAN

- I. **Purpose.** The Contra Costa County Sheriff (hereinafter referred to as the County) will provide police dispatch services to the City of El Cerrito (hereinafter referred to as the City).
- II. **City's Obligations.** City shall make to the County those payments described in the Payment Provisions attached hereto by reference, subject to all the terms and conditions contained or incorporated herein.
- III. **County's Obligations.** County shall provide City with police dispatching services; including dispatching, call-taking, sending and receiving voice and data traffic, answering 911 calls, performing warrant checks and supervision and management thereof. County will not perform callouts of any nature, warrant confirmations, nor will it notify or receive request for warrant confirmation unless a mutually agreed upon reciprocity agreement exists. County will not send non-urgent teletype messages. County will not provide information and technology support for Mobile Data Computers (MDC), to include software upgrades or repairs. County will not perform radio repairs for subscriber radios mobile, portable, or base stations. County will provide CLETS/NCIC Transaction Responsibility as outlined in Attachment A. Services under this Agreement are limited to dispatch services only.

The City will provide County with one telephone number to which Dispatch will refer business callers and callout messages as appropriate. City agrees to monitor this line around the clock on a daily basis.

The City will provide and maintain Mobile Data Computers (MDC) in all Field enforcement vehicles except motorcycle and parking enforcement vehicles compatible with County Computer Aided Dispatch (CAD) and Records Management Systems (RMS). City will provide individual CLETS mnemonics for all MDC's and desktop CLETS terminals.

If operational adjustments to this Agreement are necessary the City will correspond with the Support Services Bureau Commander. The County will correspond with the City Chief of Police.

County will provide a Radio Channel for City to conduct Police operations which will be shared with other police agencies and County.

IV. **Payment Provisions.**

Invoice. An invoice will be provided by County to City on a quarterly basis. City will make payment to the Sheriff's Office no later than 30 days from the receipt of an invoice.

Initials: _____

Contractor

County Dept.

Cost. County will calculate cost of the Dispatch Agreement with the City based on apportioned amount of actual dispatching costs based on percentage of calls for service generated by the City. Calls for service are defined as an incident created in the Computer Aided Dispatch System as a result of performing all dispatching functions excluding out-of-service calls.

All other requests for services, such as special events or enhanced staffing above normal staffing levels, shall be paid for by City on a time and materials basis upon mutual written agreement.

Initials: _____
Contractor

County Dept.

SPECIAL CONDITIONS
(Purchase of Services - Long Form)

1. **Mutual Indemnification.** The County agrees to indemnify and hold harmless City for the County's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any persons, including attorney's fees, arising out of the willful misconduct or the negligent acts, errors or omissions of County, its officers or employees in the performance of the Agreement.

City agrees to indemnify and hold harmless County for City's share of any and all claims, costs and liability for any damage, injury or death of or to any person or the property of any person, including attorney's fees, arising out of the willful misconduct or the negligent acts, errors or omissions of County, its officers or employees in the performance of the Agreement.

Contractor

County Dept.

El Cerrito Police Dispatch Costs - FY 16/17

Personnel Costs

Position	Salary/Benefits	Apportioned Time	Apportioned Share	El Cerrito PD Share @ 6.34%
Tech Svcs Lieutenant				
Info Systems Project Manager				
Info Systems Programmer/Analyst				
Info Systems Technician II				

Function	Annual Cost	El Cerrito PD Share 6.34%
CAD SERVERS (Main)	Tri-Tech (Tiburon) \$205,236.00	\$13,021.60

MOB. DATA ENCRYPTION	Radio IP	\$18,885.76	\$1,198.24
		\$224,121.76	\$14,219.84
	SUBTOTAL	\$224,121.76	\$14,219.84

FY 16/17 Comm Center Op Costs
(Includes Comm. Center MGR, Supervisors, and all Dispatchers.)

\$6,564,469.93

TOTAL \$430,715.40

El Cerrito PD Share @ 6.34%
\$416,495.56

Function	Vendor	Annual Cost	El Cerrito PD Share @ 6.34%
CAD MDS/ RMS SOFTWARE	Tri-Tech (Tiburon)	\$205,236.00	N/C
LOGGING RECORDER	Capture Technologies	\$6,764.00	N/C
		\$212,000.00	

El Cerrito PD @ 6.34%	
Comm. Center Costs FY 16/17	\$430,715.40
Amount Due:	\$430,715.40

Attachment A

Stolen Vehicle System (SVS)

Entry	Update	Locate	Clear or Cancel
El Cerrito Officer*	El Cerrito Officer	El Cerrito Officer*	El Cerrito Officer*

El Cerrito PPTOW's and REPO's are entered by Communications. El Cerrito 10851's may be located per filed unit if workload permits.

Automated Boat System (ABS)

Entry	Update	Locate	Clear or Cancel
El Cerrito Officer	El Cerrito Officer	El Cerrito Officer	El Cerrito Officer

Automated Firearms System (AFS)

Entry	Update	Locate	Clear or Cancel
El Cerrito	El Cerrito **	El Cerrito *	El Cerrito *

* Transactions can be made by Communications upon request if urgent and workload permits.

** Guns are entered by investigation unless there is an officer safety involved, in which case they are entered by Dispatch.

Automated Property System (APS)

Entry	Update	Locate	Clear or Cancel
El Cerrito	El Cerrito	El Cerrito	El Cerrito

Supervised Release File (SRF)

Entry	Update
El Cerrito	El Cerrito

Missing/Unidentified Person System (MUPS)

MUPS Transaction	Juvenile at Risk	Juveniles NOT at Risk	Adults at Risk	Adults <i>NOT</i> at Risk
Entry	El Cerrito *	El Cerrito	El Cerrito *	El Cerrito
Update	El Cerrito	El Cerrito	El Cerrito	El Cerrito
Clear	El Cerrito	El Cerrito	El Cerrito	El Cerrito

- Entries by El Cerrito unless exigency. (Amber Alert, Kidnap)

El Cerrito is expected to have full CLETS Access and be responsible for all transactions.
El Cerrito is responsible for entering all their warrants into and out of CLETS, JAWS, and NCIC.
El Cerrito is expected to respond to all their jurisdictions CLETS notifications.
El Cerrito will respond and enter all non-urgent CLETS Administrative messages.

Attachment B

Additional Sheriff's Office Technical Support Costs

1. Move mnemonics on switch – 1 hour at \$100/Hr.
2. Add beats and other geo updates – 40 hours at \$ 100/Hr.
3. Add agency in CAD – 10 Hours at \$100/Hr.
4. Train IT staff to install Mobile Comm or install RadioIP- 8 hrs. at \$ 100/Hr.
5. Officer training on our codes and procedures 10 hrs. \$100/Hr.
6. If using Verizon 4G then moving cards to our private network 4 hrs. at \$100/Hr.
7. If not using Verizon 4G then routing their cards through our internet 6 hrs. at \$100/Hr.
8. Availability for other questions. 4 hr. at \$ 100/Hr.

Total cost not to exceed: \$8,300.00

Cost associated if City contracts with Tiburon

If the City contracts with Tiburon for items 2,3, most of the cost would be removed however we would still need to work with Tiburon for the mapping updates.

1. Instead of 40 hours for item 2, we would be charging 10 hours at \$100.00/Hr.
2. Item 3 would be removed and item 4 would be 4 hours at \$100.00/Hr.

Total cost not to exceed: \$3,900.00