



AGENDA

SPECIAL CITY COUNCIL MEETING *(not televised)*
Tuesday, August 20, 2019 – 5:45 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, August 20, 2019 – 7:00 p.m.
City Council Chambers

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

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

5:45 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

1. ORAL COMMUNICATIONS FROM THE PUBLIC

*All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and **limited to items on the special meeting agenda only**. The Mayor may reduce the time limit per speaker depending upon the number of speakers*

2. ARTS AND CULTURE COMMISSION STATUS AND APPOINTMENT

Action Proposed: Discuss and consider for appointment applicants previously interviewed for the Arts and Culture Commission.

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

3. TENANT PROTECTIONS TASK FORCE INTERVIEWS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for Tenant Protections Task Force. Interviews may result in an announcement of appointment(s).

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

4. ADJOURN 5:45 SPECIAL CITY COUNCIL MEETING

7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Councilmember Lyman

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 and 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. ADOPTION OF THE CONSENT CALENDAR

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

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meeting of July 16, and July 31, 2019.

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

B. Declaration of a Climate Emergency

Action Proposed: Adopt a resolution declaring a climate emergency and endorsing emergency mobilization efforts to reverse global warming.

Contact: Will Provost, Acting Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

C. Ordinance to Repeal Ordinance 2019-04

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-07 Repealing Ordinance 2019-04 Which Adopted El Cerrito Municipal Code Chapter 10.300 – Just Cause for Eviction and Prohibition on Harassment of Tenants.

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

D. Cash and Investments Report for the Quarter ending June 30, 2019

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2019

Contact: Mark R. Rasiah, Finance Director/Treasurer, Finance Department

E. Amendment to Extend Exclusive Negotiating Right Agreement for 6111 Potrero Avenue and 11335-41 San Pablo Avenue *Exempt from CEQA*

Action Proposed: Adopt a resolution authorizing an amendment to extend the Exclusive Negotiating Rights Agreement with Potrero Street Partners for the disposition of 6111 Potrero Avenue and 11335-41 San Pablo Avenue (APNs 513-372-018 and -015).

Contact: Melanie Mintz, Community Development Director; Aissia Ashoori, Housing/Economic Development Analyst, Community Development Department

5. PRESENTATIONS

A. Contra Costa Transportation Authority (CCTA) Briefing on the Initial Draft of the Transportation Expenditure Plan

Action Proposed: Receive and File

Contact: Timothy Haile, Deputy Executive Director, CCTA

6. PUBLIC HEARINGS

A. Public Hearing for Fire Hazard Abatement *Notice published 8/10/2019, Exempt from CEQA (CEQA Guidelines §15304, 15308)*

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or his designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Contact: David R. Gibson, Fire Marshal; Michael Pigoni, Fire Chief, Fire Department

7. POLICY MATTERS

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING IN MEMORY OF MOLLIE HAZEN, LONGTIME CITY VOLUNTEER AND COMMISSION MEMBER

The next regularly scheduled City Council meeting is Tuesday, September 17, 2019 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/streamingmedia> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305 email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.



Date: August 20, 2019
To: Honorable Mayor and Members of the City Council
From: Holly M. Charléty, City Clerk
Subject: Arts and Culture Commission Vacancy

ACTION REQUESTED

Staff requests that City Council discuss and potentially make an appointment to the Arts and Culture Commission.

BACKGROUND

On June 18th, City Council completed interviews with applicants for a vacancy on the Arts and Culture Commission and appointed Blake Washington. On July 31st an additional unexpected vacancy opened on the Commission. As interviews were conducted recently, and the City Council felt there was more than one strong candidate in the last round, the discussion for potential appointment is on the August 20, 2019 meeting to allow the City Council the option of making an appointment from the last round of interviews. Below are the candidates that were interviewed but not appointed.

Bill Nichols	Arts and Culture Commission	Interviewed June 4, 2019
Buddy Akacic	Arts and Culture Commission	Interviewed June 4, 2019

Staff continues to publicize board, commission and committee vacancies as they occur. Vacancies are published on the City's website and in the West County Times, and posted at City Hall, the Community Center and Library. Staff is also utilizing social media outlets to increase awareness and opportunities for citizens to participate by attending meetings and/or serving on a board, commission or committee.

Attachments:

1. Commission Vacancies/Application Status
2. Application(s) on file with the City Clerk's Office

Commission Vacancies/Application Status

Advisory Body (Current Vacancies)	Arts & Culture Commission (1)	CC Mosquito & Vector Control (1)	Committee on Aging (4)	Crime Prev. Committee (9)	Economic Dev. Committee (6)	Planning Commission (0)	Urban Forest Committee (9)	Date Application Received	Notes/Status	Council Interview Date
Pending Applicants										
Buddy Akacic			AM					3/12/2019	Interviewed for ACC, not appointed	6/4/2019
Richard Aslin					AM	X		5/16/2019		
George Fruehan					AM			12/13/2018	Interviewed for Streets, not appointed	
Daniel Hamilton						X		12/18/2018	Application rec'd after last Planning interviews (5/7 appointed to EQC)	
Robin Mitchell							AM	6/21/2019	Retired from PRC 3/1/2019 due to term limit	
Bill Nichols	X							4/22/2019	Interviewed for ACC, not appointed	6/4/2019
Sajuti Rahman						X		10/16/2018	2/6/19 – expressed interest in next Planning vacancy	
Susan Russell							AM	4/15/2019		
Bradley Scheick					AM			4/5/2019		
Peter Schott					AM			5/4/2019		
Frederick Shaw			AM	AM				4/22/2019		
Minh-Hoa Ta				AM	AM			6/20/2019		
David Van Etten			AM		AM			7/16/2019		
Walter M. Williams III				AM				3/25/2019	Interviewed for HRC, not appointed	
Jonathan Zazove					AM			12/3/2018		



**August 20, 2019
Special City Council Meeting**

Agenda Item No. 2

Attachment 2 Applications

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

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue

CITY HALL 10890 San Pablo Avenue, El Cerrito, CA 94523-3034
Telephone (510) 215-4305 | Fax (510) 215-4319 | <http://www.el-cerrito.org>



AGENDA BILL

Agenda Item No. 3

Date: August 20, 2019
To: Honorable Mayor and Members of the City Council
From: Holly M. Charl  ty, City Clerk
Subject: Tenant Protections Task Force Interviews and Appointments

ACTION REQUESTED

Staff requests that City Council conduct interviews for the Tenant Protections Task Force and at the conclusion of interviews, discuss and potential make appointments.

INTERVIEW SCHEDULE

August 20, 2019		
5:50 p.m.	Norman LaForce	Landlord
6:00 p.m.	Buddy Akacic	Tenant
6:10 p.m.	Ed Crowley	Landlord
6:20 p.m.	Ken Wayne Epley	Tenant
6:30 p.m.	Marlene George	Landlord
6:40 p.m.	Martha Jewett	Tenant
6:50 p.m.	Tyra Wright	Landlord

BACKGROUND

On July 31, 2019, the City Council conducted interviews with seven of the eight applicants recommended by the task force facilitator, Consensus Building Institute (Norman La Force was unavailable). Subsequent to the interviews, the City Council directed staff to schedule interviews with the remaining applicants at a special meeting on August 20, 2019. A list of interviews that were conducted by Council on July 31, 2019 is provided below.

Interviewed July 31, 2019	
Isis Bastet	Tenant
Richard Bell	Tenant
George Gager	Tenant
Peter Pan	Landlord
Jean Shrem	Landlord
Patricia Sydnor	Tenant
Elizabeth Thorsnes	Landlord

Attachments:

1. Facilitator Report
2. Applicant Matrix
3. Application(s) on file with the City Clerk's Office

To: City of El Cerrito City Council and Staff
From: Senior Mediator Gina Bartlett, San Francisco
Re: Task Force to Recommend Tenant Protections
Date: 7/24/2019

The Consensus Building Institute (CBI) is a nonprofit organization that provides impartial mediation and facilitation on public policy. The City of El Cerrito has contracted CBI to facilitate a Task Force to develop recommendations on tenant protections for City Council consideration. To inform the Task Force formation, CBI conducted interviews with local tenants and landlords who expressed interest in participation on the Task Force. The next stage in the process is for the City Council to interview prospective Task Force members and subsequently consider appointing four landlords and four tenants to serve on the Task Force per City Council Resolution. This document provides an overview of the process, a brief summary of preliminary interview findings, and Task Force participant recommendations.

Process Overview and Recommendations

The City Council resolution calls for eight task force members, evenly divided between landlords and tenants. The City received 15 applications. 14 applicants met the requirement that members be residents of El Cerrito and 1 withdrew. CBI has conducted interviews with 13 applicants to the Task Force. One applicant was on vacation so CBI was unable to interview her. The City Council will next conduct its interviews. Appointing Task Force members is at the discretion of the City Council.

Many of the applicants would be excellent candidates. Based upon a number of factors including knowledge of landlord / tenant issues; length of residency in El Cerrito; number of units rented; type of housing rented; diversity; and collaborative capacity, CBI recommends that the City Council interview the following potential Task Force members and would refer City Council members to the applications for further information.

Landlord	Tenants
Norman LaForce (not available 7/31) Peter Pan Jean Shrem Elizabeth (BJ) Thorsnes	George Gager Patricia Sydnor Isis Bastet Richard Bell

CBI Interview List of Applicants

Tenants	Landlords	Incomplete Interviews
Buddy Akacic Isis Bastet Richard Bell Kenneth Wayne Epley George Gager Patricia Sydnor	Edgar Crowley Marlene George Norman LaForce Peter Pan Jean Shrem Elizabeth (BJ) Thorsnes Tyra Wright	Martha Jewett (Tenant): Ms. Jewett was on vacation from 7/16 - 7/26/2019 and unavailable. Judith Tannenbaum (Tenant): Ms. Tannenbaum withdrew from this process on July 8, 2019.

Interview Summary Brief

Interviewees value the community of El Cerrito and appreciate the city as a place to live. By and large, interviewees are committed to finding a way to provide long-term security and opportunity to both tenants and landlords. Interviewees employ terms such as “balance” and “fair” and “reasonable” in this context. Some express concern about the impact of the Bay Area housing market on local tenants and think policies are warranted. However, not all interviewees support enacting tenant protection policies. Fundamental concern exists that policies could upset community stability if too restrictive. Most interviewees hope that any policies will distinguish “mom and pop” local landlords from large, commercial landowners. There were many interests expressed by interviewees and some of those are noted below. During the Task Force process, CBI will share a more comprehensive summary of issues and concerns to jump-start the Task Force process. Interviewees spoke to the following:

- Community stability is a shared interest.
- The Bay Area and California housing market is affecting El Cerrito and the state.
- Tenant longevity is key.
- Fairness and balance.
- Small, local landlords.
- Housing security and stability.

About CBI

The Consensus Building Institute (CBI), founded in 1993, improves the way that leaders collaborate to make organizational decisions, achieve agreements, and manage multi-party conflicts and planning efforts. A nationally and internationally recognized not-for-profit organization, CBI provides strategic planning, organizational development and high-skilled facilitation for state and federal agencies, non-profits, and international development agencies around the world. CBI senior staff are affiliated with the MIT-Harvard Public Disputes Program and the MIT Department of Urban Studies and Planning.

Gina Bartlett is director of CBI’s practice in the American West and a senior mediator at the Consensus Building Institute. Based in San Francisco. Gina has more than twenty years of experience in consensus building and collaborative planning on complex public policy and organizational issues. She has successfully mediated some of California’s most vexing natural resource issues, in several cases helping parties to resolve issues litigated multiple times. She is currently working on housing issues with the Town of Truckee. And, she has recently been deeply engaged in building consensus to manage Lake Tahoe’s shoreline, addressing nearly 30 years of conflict and litigation, and negotiating governance for newly formed groundwater sustainability agencies in California. Other clients include the Metropolitan Transportation Committee, Sonoma Water, the State Water Resources Control Board, University of California Office of the President’s Breast Cancer Research Program, and several federal public agencies.

Tenant Protections Task Force List of Applicants

Agenda Item No. 3
Attachment 2

First Name	Last Name	Tenant/ Landlord	# Units Owned	# Years of Residency	Interview	Comments
Buddy	Akacic	Tenant	N/A	7	8/20/2019 6:00	
Isis	Bastet	Tenant	N/A	8	7/31/2019	
Richard	Bell	Tenant	N/A	10	7/31/2019	
Ed	Crowley	Landlord	Single-Family	32	8/20/2019 6:10	
Ken Wayne	Epley	Tenant	N/A	5.6	8/20/2019 6:20	Committee on Aging Member
George	Gager	Tenant	N/A	13	7/31/2019	Arts and Culture Commissioner Economic Dev. Committee member
Marlene	George	Landlord	Single-Family	2.5	8/20/2019 6:30	
Martha	Jewett	Tenant	N/A	25	8/20/2019 6:40	
Norman	LaForce	Landlord	Duplex	36	8/20/2019 5:50	Park & Recreation Commissioner
Peter	Pan	Landlord	Duplex	22	7/31/2019	
Jean	Shrem	Landlord	2 SFR in El Sobrante	21	7/31/2019	Economic Dev. Committee member
Patricia	Sydnor	Tenant	N/A	24	7/31/2019	
Judith	Tannenbaum	Tenant	N/A	N/A	N/A	Applicant Withdrew
Elizabeth	Thorsnes	Landlord	Quadraplex	39	7/31/2019	
Tyra	Wright	Landlord	Single-Family	32	8/20/2019 6:50	



**August 20, 2019
Special City Council Meeting**

Agenda Item No. 3

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EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, July 16, 2019 – 7:00 p.m.
City Council Chambers

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

7:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 7:03 p.m.

Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Councilmember Quinto

2. COUNCIL/STAFF COMMUNICATIONS

Karen Pinkos, City Manager recognized Contra Costa Leadership Academy graduates Ana Bernardes, Engineering Manager and Maya Williams, Assistant to the City Manager.

Pail Keith, Fire Chief reminded residents that National Night out is on August 6.

Councilmember Quinto reported “A Wider Bridge” trip to Israel and meeting with government officials; co-hosted League of California Cities API Caucus training for state boards and commissions; upcoming Hazardous Materials Commission training with business leaders and IT departments on Emergency Preparedness.

Councilmember Abelson reported attendance at AC Transit accessibility advisory committee and announced they are recruiting for bus drivers; and attended training with League of California Cities on Advanced Leadership.

Councilmember Fadelli reported attendance at the 4th of July festivities, represented the Mayor at the Mayors conference in Pleasant Hill.

Mayor Pardue-Okimoto shared information on membership drive by the Rotary Club, reported attendance at the 4th of July festivities, spoke at Dalai Lama 84th birthday celebration, attended mayors executive forum with League of California Cities.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler spoke about “Once on an Island” show, requested AC transit come talk about projects on San Pablo Ave, spoke about commercial property rental costs.

Buddy Akacic shared the cleaner at the corner of Mosier and San Pablo closed, spoke about strategic goals and facilitation of a community group meeting at Hana gardens tomorrow at 2 pm with speaker Heidi Goldstein, spoke about underutilized properties included the prior senior center, and Life and Christ church.

Michael Fischer spoke about library outreach at the 4th of July festival and the growing need to replace the library, shared details of library lunch program on Tues - Thurs., increase in library events,

Gary Prost spoke on vegetation abatement on private property, the public nuisance and safety threat and urged council to follow through with abatement.

Paul Duncan urged the city to make the hillside area fire safe, spoke about maintenance and management neglected in the area, spoke on city plans that need higher priority in budget and action.

Susan Duncan thanked the Fire Department for their work on reducing vegetation, questioned if a master plan, identification of dying eucalyptus trees, or remove dead trees in Arlington Park have begun, and if not why not.

Robin Mitchell spoke about climate action control best practices, requested an update to the city's climate action plan with the addition of a goal for net zero greenhouse gas emissions by 2050.

Howdy Goudey spoke regarding certification of referendum petition stated that the council is required to reconsider and urged council let the voters vote on the item, not in favor of rescinding.

Anne Ogonowski announced Friends of 5 Creeks are sponsoring a cleanup this weekend in the Hillside natural area, focusing on removing scotch broom.

Sherry Drobner spoke on the certificate of referendum petition and questioned activity of the California Apartment Association, concerned about why they are in our community.

4. **ADOPTION OF THE CONSENT CALENDAR**

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve consent items B through F as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meetings of May 21, June 4, and June 18, 2019.

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

Pulled from consent by Councilmember Quinto and Fadelli. Staff clarified the vote on the Just Cause Ordinance, which was different for the first reading and the second reading and confirmed the accuracy of the information in the May 21, 2019 minutes.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve the minutes for May 21 and June 4, 2019 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to approve the minutes for June 18, 2019 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Abstain:** Councilmember Quinto

B. Certificate of Sufficiency for Referendum Petition Regarding Just Cause Ordinance

Action Proposed: Accept the City Clerk's Certificate of Petition, certifying the sufficiency of the referendum petition on Ordinance 2019-04 related to Just Cause for Eviction and Prohibition of Harassment of Tenants.

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

Action: Accepted Certificate of Petition

C. Ordinance to Amend Chapter 13.28 of the El Cerrito Municipal Code, Trees and Shrubs *Notice published 6/8/2019, 1st Reading 6/18/2019*

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-05 Amend Chapter 13.28 of the El Cerrito Municipal Code, Trees and Shrubs.

Contact: Will Provost, Public Works Analyst; Stephen Pr  e, Environmental Programs Manager/City Arborist; Maria Sanders, Operations + Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Adopted Ordinance 2019-05

D. Authorize Strategic Economics to Examine Sales and Use Tax Records for El Cerrito Businesses in Support of the San Pablo Avenue Specific Plan Update

Action Proposed: Adopt a resolution authorizing Strategic Economics to examine sales and use tax records for El Cerrito businesses.

Contact: Melanie Mintz, Community Development Director, Community Development Department

Action: Adopted Resolution 2019-43

E. Parking Modifications at Harding Elementary School

Action Proposed: Approve a resolution authorizing the Public Works Director/City Engineer to remove existing forty (40) feet and eighty-five (85) feet of green curb markings on Ashbury Avenue in front of Harding Elementary School, between Fairmount Avenue and "C" street as shown in Exhibit A.

Contact: Ana Bernardes, Engineering Manager/Senior Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution 2019-44

F. Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078

Action Proposed: Adopt a resolution to reject the sole bid submitted for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078 (Project); and authorizing City staff to amend the scope of the Project, as necessary, and rebid the Project.

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

Action: Adopted Resolution 2019-45

G. Approval of the Third Amendment to the Agreement for Services between the Kensington Fire Protection District and the City of El Cerrito and Authorize the Execution of a Memorandum of Understanding for Administrative Services

Action Proposed: Adopt a Resolution approving the Third Amendment to the Agreement for Services between the Kensington Fire Protection District and the City of El Cerrito, and authorize the City Manager to execute a Memorandum of Understanding (MOU) with the Kensington Fire Protection District to provide administrative services to the City.

Contact: Michael Pigoni, Fire Chief, Fire Department; Karen Pinkos, City Manager, City Management

Pulled from consent by Councilmember Fadelli. Staff responded to questions regarding duties performed by each agency and the intent of the MOU for staff.

Moved/Seconded: Councilmembers Fadelli/Abelson **Action:** Passed a motion to adopt Resolution 2019-46. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

5. PRESENTATIONS

A. Annual Sundar Shadi Garden Club Awards

Action Proposed: Receive and file acknowledgement of contest winners and presentation of awards.

Contact: Landry Wildwind, Committee Chair, Sundar Shadi Garden Club

Presentation and Discussion: Landry Wildwind, Committee Chair presented the 2019 winners of the Sundar Shadi Garden Club Awards included 1300 Richmond St., 6726 Snowden Ave, 6810 Eureka Ave.

Public Comments:

Cordell Hindler talked about feeling inspired by the pictures of winners.

Action: Receive and File.

B. PG&E Community Wildfire Safety Program

Action Proposed: Receive and file

Contact: Pamela Perdue & Treva Reid, Pacific Gas and Electric Company

Presentation and Discussion: Treva Reid, Government Relations Public Affairs lead introduced the item and Les Putnam, Senior Public Safety Specialist provided a presentation on the community wildfire safety program components, event notifications, restoration procedures and outreach. Presenters responded to questions raised by members of the council including addressing those with medical needs and medical providers, providing generators, collaboration with water providers, identification of critical facilities, coordination with our fire department, drone activity in the city, and cleaning trees under power lines.

Public Comments:

Cathy Bleier spoke about the removal of trees by PG&E and requested PG&E work with the city arborist about not removing all coast live oak trees if they are healthy as they are fire resistant.

Action: Receive and File.

6. PUBLIC HEARINGS

A. Civic Center Utility Underground District *Notice published 7/06/2019, Exempt from CEQA (CEQA Guidelines §15308)*

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution establishing the Civic Center Utility Underground District.

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

Presentation and Discussion: Yvetteh Ortiz, Public Works Director, provided an overview of the item and responded to questions raised by members of the council regarding private citizen's rights, effect on telecommunication cables, and property frontage.

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Howdy Goudey spoke on the need for undergrounding and questioned why the city hasn't been doing any work in past years, doesn't feel this area is impacted and should not be a priority.

Alan Hanger spoke in support of the action, and on experience with prior property undergrounding, unhappy with the discussion item because of prior attempt to present the idea of making the city a municipal utility and undergrounding the city.

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Fadelli/Quinto **Action:** Passed a motion to approve Resolution 2019-47. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

B. Public Hearing for Fire Hazard Abatement *Notice published 7/06/2019, Exempt from CEQA (CEQA Guidelines §15304, 15308)*

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or her designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Contact: David R. Gibson, Fire Marshal; Michael Pigoni, Fire Chief, Fire Department

Presentation and Discussion: Dave Gibson, Fire Marshal, overviewed the current status of the program, and Damien Carrion, Fire Prevention Officer, reviewed the steps taken, and coordination with other entities. Responded to questions and comments raised by members regarding vacant lots, outreach, and timeline of the process.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve Resolution 2019-48 declaring certain real property constitutes a public nuisance with revised property list. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Alan Hanger spoke about issues with PG&E and stated he would not abate his property based on the letter received.

Eric Cuttrell spoke regarding efforts to reach the fire department and lack of response.

Nick Zamorano thanked the fire department and spoke in support of the action proposed, spoke on neighboring jurisdiction programs.

George Fruehan spoke in favor of recent efforts to enforce the abatement process, spoke on the fuel caused by housing and community effort needed to reduce the community risk.

Howdy Goudey commented on process of requesting reinspection and need to manage more efficiently. Spoke about city owned properties needing to be addressed.

Marlene George thanked the fire department for their efforts to support and enforce the program and need to interpret the ordinance in the strictest way possible.

Don Hubbard questioned the requirements being enforced, property owners should be in control of their property, and that the fire department should have no say in property owners actions.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to adopt Resolution 2019-49 overriding objections and authorizing abatement. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

- C. **Call and request services for a November 5, 2019 special election to submit to voters a measure related to renew the Measure A special tax to fund the preservation, maintenance and enhancement of parks and recreation facilities.** *Notice published 7/06/2019, Exempt from CEQA (CEQA Guidelines §15308)*

Action Proposed: Adopt a resolution to call for a special election to be held on Tuesday, November 5, 2019; to request the Contra Costa County Board of Supervisors consent and direct the Registrar of Voters to provide specified services to the City related to the conduct of the election; to submit to the voters of El Cerrito a measure to renew the Measure A special tax to fund parks and recreation facilities maintenance and enhancement, as described in the Parks and Recreation Facilities Master Plan; to direct the city attorney to prepare an impartial analysis of the measure; and to establish deadlines for arguments and rebuttals.

Contact: Karen Pinkos, City Manager, City Management; Chris Jones, Recreation Director, Recreation Department; Holly M. Charl  ty, City Clerk, City Management

Presentation and Discussion: Chris Jones, Recreation Director, provided history of the swim center, use of special tax measure funds to date, and requested actions. Bryan Godbe, Godbe Research, and Jessica Reynolds, Political Consultant, reviewed the results of the city commissioned survey.

Presenters and staff responded to questions raised by members of council regarding auditing use of funds, benefits of November 2019 versus March 2020 election, election cost factors, limitations and information related to bonding against tax funds, financing strategies,

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to extend the meeting by 30 minutes to 11:00 p.m. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Public Comments:

Al Miller spoke about facilities needing replacement or modernization including library and senior center, the priority of the extension of measure A, and support of the proposed action.

Tyra Wright spoke in favor of keeping facilities maintained, questioned fiscal responsibility and transparency, stated cost saving with having a regular election, ballot question lacks reference to all rates.

Norman La Force was on council when first measure was approved, need to keep pool in good shape and work needed in parks, spoke in support of an extension, and will campaign to get it passed.

Christian Teale spoke on effectiveness of the survey presentation, questioned if funds would be earmarked for parks, and if funds would be susceptible for interfund lending.

David Grassesch stated if asked for a parcel tax would say yes but would like to be asked as a regular election, not a special election, the ballot question survey felt dishonest.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Council Discussion: Staff responded to questions raised by members regarding clarification that adopting the resolution and ordinance finalizes their content, ability to amend after the election and vote, use of revenues from the tax, rational for inclusion of only single-family rate in ballot question, and interfund transfers.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to approve revised Resolution 2019-50. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. **POLICY MATTERS - None**

8. **CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS**

Councilmember Abelson reported on initial draft for Contra Costa Transit Authority Proposed 2020 Transportation Expenditure Plan, expected to be on the March 2020 ballot.

Councilmember Quinto invited Council to attend the League of Cities meeting in Danville on July 25th, being voted in as Chair of the East Bay division.

Councilmember Fadelli attending Wildcat Canyon Respond meeting put on by the County tomorrow.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 10:53 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of July 16, 2019 as approved by the El Cerrito City Council.

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

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*
Wednesday, July 31, 2019 – 5:30 p.m.
Hillside Conference Room

SPECIAL CITY COUNCIL MEETING
Wednesday, July 31, 2019 – 7:15 p.m.
City Council Chambers

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

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

5:30 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 5:32 p.m.

Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. ORAL COMMUNICATIONS FROM THE PUBLIC

*All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and **limited to items on the special meeting agenda only**. The Mayor may reduce the time limit per speaker depending upon the number of speakers.*

2. TENANT PROTECTIONS TASK FORCE INTERVIEWS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for Tenant Protections Task Force. Interviews may result in an announcement of appointment(s).

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

Action: Conducted seven interviews. No appointments were made, Council directed staff to schedule interviews with the remaining seven applicants at a special meeting to be held on August 20, 2019.

3. ADJOURN 5:30 SPECIAL CITY COUNCIL MEETING

The meeting adjourned at 6:55 p.m.

7:15 PM OR IMMEDIATELY FOLLOWING THE PRECEDING 5:30 P.M. SPECIAL MEETING, WHICHEVER OCCURS LATER

ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 7:16 p.m.

Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – *Councilmember Fadelli*

Mayor Pardue-Okimoto reported from the prior meeting that no appointments to the task force were made and that staff will be scheduling interviews with the rest of the applicants at a special meeting on August 20, 2019.

2. **ORAL COMMUNICATIONS FROM THE PUBLIC**

*All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and **limited to items on the special meeting agenda only**. The Mayor may reduce the time limit per speaker depending upon the number of speakers.*

3. **POLICY MATTERS**

A. **Discuss and Provide Direction for Action on Just Cause Ordinance (2019-04)** *Notice published 7/22/2019*

Action Proposed: Staff recommends the City Council 1) introduce by title and waive the first reading of an ordinance repealing El Cerrito Municipal Code Chapter 10.300 - Just Cause for Eviction and Prohibition on Harassment of Tenants (Ordinance 2019-04) and 2) consider adopting a resolution modifying the Tenant Protections Taskforce duties, responsibilities and duration.

Alternately, the City Council can pass a motion providing staff direction to return with a resolution calling and giving notice of a special election [on a specific date] for the purpose of submitting Ordinance 2019-04 to the qualified voters of the city.

Contact: Karen Pinkos, City Manager; Holly M. Charléty, City Clerk, City Management

Presentation and Discussion: Karen Pinkos, City Manager, provided an overview of the item. Staff responded to comments and questions raised by members of the Council including definition of substantially the same, timing and limitations of enacting another ordinance on the topic, estimated costs for various election dates, and timing if transitioning topic to the task force.

Public Comments:

Susan Pricco President of Contra Costa Taxpayers Association, spoke in support of repealing the ordinance, cited the expense of calling an election and current obligations and debts of the city.

Peter Pan spoke in support of repealing the ordinance because of unfunded liabilities, need for additional funds for parks, and the need to see what happens at the state level with AB1482.

Jeffrey Bloomfield wants to see democracy upheld, spoke about the manner in which the petition was circulated, and support of putting on the ballot.

George Wu spoke in support of repealing the ordinance.

Howdy Goudey spoke in support of putting the measure on the ballot, that residents passed Proposition 10, unethical tactics used, and need to let the people decide.

Robin Mitchell spoke about money having power and corrupted the democratic process in this case, misleading campaign, and support of putting the measure on the ballot.

Jane referenced articles from other jurisdictions. Spoke on the need for the taskforce to consider laws in place and cautioned that we should move forward slowly.

Akiyo Yokoi spoke in support of repealing the ordinance.

Wendy Louie spoke in support of repealing the ordinance, costs paid by the landlord when tenants move out and desire to not raise rent.

David Gong asked council to drop the issue of just cause, and shared prior experiences with tenants.

Jeffrey Wright spoke in support of repealing the ordinance with no further actions, need to gather the facts before taking further action, does not want money spent on another election.

Franklin Leong shared experiences with tenants and need for prohibition of harassment on property owners.

Eva Chow spoke in support of repealing the ordinance and potential withdrawal of properties from the housing stock.

Anna Xu spoke in support of repealing the ordinance.

Xiaomie Song shared challenges with tenants and cost of being a housing provider.

Meina Young spoke in support of repealing the ordinance, and just cause making lease terms no longer enforceable.

Council Discussion: Staff responded to questions raised by member of the Council including clarification of timing of an election, ability of council to modify an ordinance if it is passed by the voters and goes into effect.

Moved/Seconded: Councilmembers Quinto/Abelson **Action:** Passed a motion to introduce by title and waive the first reading of an ordinance repealing El Cerrito Municipal Code Chapter 10.300 - Just Cause for Eviction and Prohibition on Harassment of Tenants (Ordinance 2019-04). **Ayes:** Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** Mayor Pardue-Okimoto

Moved/Seconded: Councilmembers Lyman/Fadelli **Action:** Passed a motion to adopt a resolution modifying the Tenant Protections Taskforce duties, responsibilities and duration. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

4. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 8:15 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special City Council meetings of July 31, 2019 as approved by the El Cerrito City Council.

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



AGENDA BILL

Agenda Item No. 4(B)

Date: August 20, 2019
To: El Cerrito City Council
From: Will Provost, Acting Operations + Environmental Services Manager
Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Declaration of a Climate Emergency

ACTION REQUESTED

Adopt a resolution declaring a climate emergency and endorsing emergency mobilization efforts to reverse global warming.

DISCUSSION

The City of El Cerrito has been actively working to address climate change for more than a decade. In 2006, the El Cerrito City Council adopted Resolution 2006-61 endorsing the U.S. Mayors Climate Protection Agreement, in which local governments agreed to implement greenhouse gas (GHG) reduction measures and Resolution 2006-93 endorsing the reduction targets of the California Global Warming Solutions Act (AB 32). In 2011, the City passed Resolution 2011-12 adopting GHG emissions reduction targets of 15% below 2005 levels by 2020 and 30% below 2005 levels by 2035, and Resolution 2011-26 approving the City's participation in the Institute for Local Government's Beacon Award Program for "Local Leadership toward Solving Climate Change". In 2013, the City Council passed Resolution 2013-27 to adopt the El Cerrito Climate Action Plan, and in 2017, Resolution 2017-50 in support of the Paris Climate Agreement. For these efforts and the implementation of associated initiatives, the City is anticipated to receive a prestigious Beacon Award in 2019 from the Institute for Local Government, recognizing the City's demonstrated achievements in addressing climate change.

The Climate Emergency Declaration is a further call to action, for the City of El Cerrito and all levels of government. Consensus exists among the world's leading climate scientists that global warming caused by GHG emissions is among the most significant problems facing the world today. El Cerrito and communities across the globe are already suffering impacts of climate change in the form of droughts, wildfire danger, air pollution, heat stress, and increased risk of lowland flooding. Further, the adverse effects of climate change disproportionately impact marginalized and vulnerable communities, locally and internationally. As a result, the City of El Cerrito's declaration would commit the City to reinforce citywide efforts on climate change, with the belief that people locally and around the world have a right to a clean and healthy environment.

Cities and organizations around the world have signed petitions and adopted resolutions supporting a climate emergency declaration. Locally, a similar declaration has been adopted by the cities of Berkeley, Richmond, Petaluma, Alameda, San Francisco, Oakland, and others. El Cerrito's resolution provides many reasons for the need for immediate action and endorses climate emergency mobilization efforts at the city, regional, state and global levels, reinforces the City's commitment to reduce GHG emissions, and underscores the City's commitment to engage and educate the community about the climate emergency.

The resolution calls for the City to strive for zero GHG emissions citywide in the forthcoming Climate Action Plan update. City staff is currently continuing to monitor and evaluate implementation of the Plan and anticipates beginning the update to the Plan beginning in Spring 2020 to incorporate an increased emissions reduction rate.

STRATEGIC PLAN AND ENVIRONMENTAL CONSIDERATIONS

Declaring a Climate Emergency and endorsing coordinated mobilization efforts is consistent with the following El Cerrito Strategic Plan Goals:

Goal E – *Ensure the public's health and safety* by supporting initiatives that decrease pollution and improve the health and prosperity of future generations; and

Goal F – *Foster environmental sustainability citywide* by supporting implementation of the Climate Action Plan and policies that would help the City, and the State, meet its GHG reduction targets.

FINANCIAL CONSIDERATIONS

There is no immediate fiscal impact, however the resolution calls for continuing city action on climate change, which may have fiscal impacts in the future.

LEGAL CONSIDERATIONS

The resolution has been reviewed and approved by the City Attorney.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution

RESOLUTION 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DECLARING A CLIMATE EMERGENCY AND ENDORSING EMERGENCY MOBILIZATION EFFORTS TO RESTORE A SAFE AND STABLE CLIMATE

WHEREAS, consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases (GHG) from human activities is among the most significant problems facing the world today; and

WHEREAS, documented impacts of climate change include but are not limited to increased occurrences of extreme weather events (e.g. droughts and floods), adverse impacts on ecosystems, demographic patterns, and the flow of goods and services; and

WHEREAS, El Cerrito, like the Bay Area and the state of California, is already suffering impacts of climate change in the form of droughts, wildfire danger, air pollution, heat stress, and increased risk of lowland flooding, and these impacts will grow more severe if global GHG emissions are not significantly reduced; and

WHEREAS, in April 2016 world leaders from 175 countries recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep global warming “well below 2°C above pre-industrial levels” and to “pursue efforts to limit the temperature increase to 1.5°C”; and

WHEREAS, the State of California has mandated a statewide reduction of GHG emissions to 80% below 1990 levels by 2050; and

WHEREAS, the City of El Cerrito has adopted a Climate Action Plan with GHG emission reduction targets of 15% below 2005 levels by the year 2020 and 30% below 2005 levels by 2035, and anticipates updating the Plan beginning next year; and

WHEREAS, the City of El Cerrito has adopted six (6) previous resolutions supporting state, local, and global actions to reduce GHG emissions; and

WHEREAS, for these efforts and the implementation of the Climate Action Plan and associated initiatives, the City will receive the prestigious Beacon Award in 2019 from the Institute for Local Government, a Statewide honor recognizing the City's achievements in reducing GHG emissions and addressing climate change; and

WHEREAS, local government actions to reduce GHG emissions provide multiple benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for City government, its businesses, and its citizens; and

WHEREAS, addressing climate change requires an emergency mobilization on a global scale to reach zero GHG emissions across all sectors, to rapidly and safely drawdown excess carbon from the atmosphere, and to implement measures to protect all people and species from the consequences of climate change; and

WHEREAS, in developing and carrying out the emergency mobilization to address climate change, justice requires the active consultation, participation with, and benefits for communities that have historically borne the brunt of the fossil fuel extractive economy.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of El Cerrito does hereby declare that a climate emergency threatens our City, region, state, nation, civilization, humanity and the natural world.

BE IT FURTHER RESOLVED, the City of El Cerrito endorses and will support climate emergency mobilization and collaboration efforts to reverse global warming at the City, region, state, national, and global levels to protect our residents.

BE IT FURTHER RESOLVED, the City of El Cerrito reiterates its commitment to reducing GHG emissions through implementation of the City's Climate Action Plan.

BE IT FURTHER RESOLVED, the City of El Cerrito supports an increase in our Citywide GHG emissions reduction rate and will strive for zero GHG emissions Citywide as quickly as possible within the forthcoming Climate Action Plan update.

BE IT FURTHER RESOLVED, the City of El Cerrito will continue working with various agencies to actively educate our residents, businesses, and visitors about the climate emergency and inform residents about local actions they can take to transition to a zero GHG emissions existence.

BE IT FURTHER RESOLVED, the City of El Cerrito will continue to educate and inform residents, businesses, and visitors on preparedness actions we can all take to address impacts of the climate emergency in the form of disasters including droughts, wildfire, air pollution, heat stress, power outages, increased risk of lowland flooding, and other climate-related disasters.

BE IT FURTHER RESOLVED, the City of El Cerrito supports full public participation toward GHG reduction goals—including input from and participation by disenfranchised communities—and recognizes that El Cerrito residents, community organizations, labor organizations, businesses, and schools are integral to leading this effort.

BE IT FURTHER RESOLVED, the City of El Cerrito commits to keeping the concerns of vulnerable communities central to all climate emergency mobilization planning processes and to inviting and encouraging such communities to actively participate in order to advocate directly for their needs.

BE IT FURTHER RESOLVED, the City of El Cerrito calls on the State of California and the United States of America to initiate an emergency mobilization effort to reverse global warming, reducing GHG emissions as quickly as possible.

Agenda Item No. 4(B)
Attachment 1

I CERTIFY that at a regular meeting on August 20, 2019 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 August XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ORDINANCE NO. 2019-07

AN ORDINANCE OF THE CITY OF EL CERRITO REPEALING ORDINANCE 2019-04 WHICH ADOPTED EL CERRITO MUNICIPAL CODE CHAPTER 10.300 – JUST CAUSE FOR EVICTION AND PROHIBITION ON HARASSMENT OF TENANTS

WHEREAS, on May 21, 2019 the City Council adopted Ordinance 2019-04 Amending the Title of the El Cerrito Municipal Code to Add Chapter 10.300 “Just Cause for Eviction and Prohibition on Harassment of Tenants” Related to Termination of Tenancy and Other Tenant Protections; and

WHEREAS, on June 10, 2019 a referendum petition against said ordinance was filed with the city clerk and was determined to be sufficient for filing on June 11, 2019, following the city clerk’s prime facie review; and

WHEREAS, on July 16, 2019 the City Council accepted the city clerk’s Certificate of Petition, certifying the sufficiency of the petition filed, subsequent to a full verification of signatures by the Contra Costa County Clerk-Record-Elections department; and

WHEREAS, pursuant to California Elections Code § 9241 the legislative body is required to submit an ordinance to the voters if it does not entirely repeal the ordinance against which a sufficient referendum petition is filed.

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

SECTION 1: The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

SECTION 2: Ordinance 2019-04 Adopting Chapter 10.300 of the El Cerrito Municipal Code, “Just Cause for Eviction and Prohibition on Harassment of Tenants” is hereby repealed in its entirety.

SECTION 3. If any Section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 4. This Ordinance shall take effect and be enforced thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

Agenda Item No. 4(C)

First read at a special meeting of the City Council on the 31th day of July 2019, and passed by the following vote:

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

Adopted and ordered published at a regular meeting of the City Council held on the 20 day of August 2019, and passed by the following vote:

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

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charl  ty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2019–07 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 20 day of August, 2019; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this XX day of August, 2019.

Holly M. Charl  ty, City Clerk



AGENDA BILL

Agenda Item No. 4(D)

Date: August 20, 2019
To: El Cerrito City Council
From: Mark R. Rasiah, Finance Director/City Treasurer
Subject: Cash & Investments Report for Quarter Ending June 30, 2019

ACTION REQUESTED

Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2019.

BACKGROUND

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

ANALYSIS

The Quarterly Investment Report for April 1, 2019 to June 30, 2019 shows that the City's investments had a par value of \$6,292,766 as of June 30, 2019. The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$6,106,034 is invested in the pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF) and \$186,742 is held in money market funds. Cash with Mechanics Bank was \$2,797,588. Total cash and investments were \$9,090,364. Of this amount, \$8,903,622 was available to meet operating expenses for the next six months.

STRATEGIC PLAN CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and ensure policies, procedures and systems represent best practices in financial management (Goal B).

FINANCIAL CONSIDERATIONS

During the quarter interest of approximately \$33,330 was earned and debt service payments for the Recycling Center, Fire Department vehicle lease, solar lease, and sales tax revenue bonds for streets were made, totaling \$690,141.

LEGAL CONSIDERATIONS

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

Reviewed by:



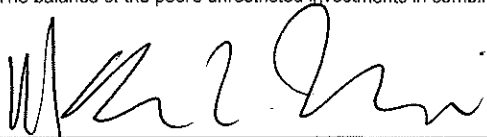
Karen Pinkos
City Manager

Attachment:

1. Cash & Investment Report for the Quarter ending June 30, 2019.

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	Local Agency Investment Fund(LAIF)	CA State Treasurer	\$6,106,034	\$6,106,034	2.57%	N/A	100.00	\$6,106,034
Swim Center Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$186,742	\$186,742	0.01%	N/A	100.00	\$186,742
				\$6,292,776	\$6,292,776				\$6,292,776
Cash with Bank (General Checking)	Mechanics Bank	N/A	N/A	\$2,797,588	\$2,797,588	N/A	N/A	N/A	\$2,797,588
Total Cash and Investments				\$9,090,364	\$9,090,364				\$9,090,364

I certify that this report is in compliance with the City of El Cerrito Investment Policy and the California Government Code Section 53646. The City has sufficient cash flow to meet the next six months of estimated expenditures as required by the Code. The balance of the pool's unrestricted investments in combination with anticipated operating cash inflows and the balance in the general checking account, will be used to meet the expenditure requirements for the next six months.



Mark R Rasiah, Finance Director/City Treasurer



AGENDA BILL

Agenda Item No. 4(E)

Date: August 20, 2019
To: El Cerrito City Council
From: Melanie Mintz, Community Development Director
Aissia Ashoori, Housing/Economic Development Analyst
Subject: Amendment to Extend Exclusive Negotiating Right Agreement for 6111 Potrero Avenue and 11335-41 San Pablo Avenue

ACTION REQUESTED

Adopt a resolution authorizing an amendment to extend the Exclusive Negotiating Rights Agreement with Potrero Street Partners for the disposition of 6111 Potrero Avenue and 11335-41 San Pablo Avenue (APNs 513-372-018 and -015).

BACKGROUND

The former El Cerrito Redevelopment Agency ("Agency") previously owned the properties located at 6111 Potrero Avenue and 11335-41 San Pablo Avenue. Pursuant to the objectives of the El Cerrito Redevelopment Plan and consistent with the Successor Agency's approved Long Range Property Management Plan, the City Council authorized entering into an Exclusive Negotiating Right Agreement (Resolution 2019-02) with Potrero Street Partners with the goal of negotiating and entering into a Purchase and Sale Agreement for the eventual private assembly and development of a mixed use project. The contemplated project will consist of a brewery, beer garden/restaurant and housing.

The purpose of the ENRA is to establish procedures and standards for the negotiation by the City and the proposed purchaser of a Purchase and Sale Agreement (PSA) including certain predevelopment tasks to determine feasibility of the acquisition and development plan for the property. Among the predevelopment tasks, environmental assessment was to be completed. The City, through a partnership with the Metropolitan Transportation Commission (MTC) and their Brownfields Community Wide Assessment grant from the Environmental Protection Agency, was able to help facilitate completion of the Phase I Environmental Site Assessment which identified recognized environmental conditions and the need for further environmental investigation through a Phase II sampling and possible remediation.

The Metropolitan Transportation Commission (MTC) has undertaken many initiatives to support housing and economic growth in Priority Development Areas (PDA) across the nine Bay Area Counties. In June 2017, the Environmental Protection Agency (EPA) awarded MTC the *Brownfields Community Wide Assessment* grant to lead the East Bay Corridor Initiative (EBCI), comprised of fifteen jurisdictions. Funding is earmarked for Phase I and Phase II environmental assessments along transit, greenways and adjacent to industrial areas. The City of El Cerrito, City of Richmond, and Contra Costa County are collaborating with MTC as Brownfield Coalition Partners, jointly working together to identify potential brownfield sites. This effort leverages funding to perform assessments on sites that may

have been exposed to contaminants, pollutants or hazardous substances in order to determine whether the site may be eligible for remediation including opportunities for future mixed-use development.

ANALYSIS

In order to fulfill the goals of transferring the site for redevelopment and economic development, additional time is required to assess the environmental conditions of the site and identify potential remediation steps and costs. Specifically, environmental consultants retained by MTC will conduct subsurface investigations to assess the potential for on-site migration of VOCs from the adjacent dry cleaners and petroleum hydrocarbons from the next-door gasoline station. The MTC grant will also conduct these investigations for the privately-owned parcel, owned by the proposed purchaser, adjacent to the City owned sites to assure development readiness of the full project site. Other predevelopment tasks have been completed and completion of this task will enable the City and Potrero Street Partners to complete Purchase and Sale negotiations to bring a proposed Purchase and Sale Agreement to the City Council for consideration.

The authorized ENRA with Potrero Street Partners was executed February 11, 2019 and provided a 120-day negotiating period. The ENRA granted the City Manager authority to approve a 90-day extension. On April 3, 2019 the required appraisal report was completed and on May 20, the Phase I Environmental Site Assessment was completed. The City Manager authorized the 90-day extension which is set to expire on September 9, 2019. However, due to the findings and recommendations of the Phase I ESA and the requirements of grant administration, additional time is being requested to complete the predevelopment tasks and negotiate the Purchase and Sale Agreement. It is anticipated that the Phase II and final PSA negotiations will require 90-days. To provide a margin of error, staff is requesting a 180-day extension.

STRATEGIC PLAN CONSIDERATIONS

The proposed action supports several Strategic Plan goals, including:

Goal B: Achieve long-term financial sustainability by maximizing opportunities for existing and expanding businesses and exploring opportunities for public/private partnerships; and

Goal C: Deepen a sense of place and community identity by developing a vision for underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development.

ENVIRONMENTAL CONSIDERATIONS

Extension of the ENRA does not require environmental analysis under the California Environmental Quality Act (CEQA). The findings from the environmental assessments will be utilized in the CEQA analysis that will be required at the point where the developer is seeking permit approvals for their contemplated development.

FINANCIAL CONSIDERATIONS

There are no outside costs to the City for extending the ENRA. The cost of the appraisals and consultant time (legal and economic) for analyzing the developer documents and

drafting the PSA will be paid for from the developer deposit. The environmental assessment has been and will be paid for by the Brownfields grant administered by ABAG and Potrero Street Partners.

LEGAL CONSIDERATIONS

The resolution has been reviewed and approved by Counsel.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution

RESOLUTION 2019-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING AN AMENDMENT TO EXTEND THE EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH POTRERO STREET PARTNERS FOR THE DISPOSITION OF 6111 POTRERO AVENUE AND 11335-41 SAN PABLO AVENUE

WHEREAS, the former El Cerrito Redevelopment Agency ("Agency") acquired those certain properties located at 6111 Potrero Avenue (APN 513-372-018) and 11335-41 San Pablo Avenue (APN 513-372-015) (the "Property") for the purposes of facilitating development of the Property consistent with the El Cerrito Redevelopment Plan; and

WHEREAS, the former Agency was dissolved in accordance with State law effective February 1, 2012; and

WHEREAS, the Successor Agency to the El Cerrito Redevelopment Agency ("Successor Agency"), in accordance with Health and Safety Code Section 34191.5 approved a long-range property management plan ("LRPMP") dealing with the disposition of all of the former Agency owned property; and

WHEREAS, the LRPMP was approved by the Oversight Board to the Successor Agency and subsequently approved by the California Department of Finance; and

WHEREAS, the LRPMP calls for the Property to be transferred to the City for future development; and

WHEREAS, the adjacent property owner, Potrero Street Partners ("Proposed Purchaser") has expressed interest in acquiring the Property for purposes of constructing a mixed-use development; and

WHEREAS, the disposition of the Property to the Proposed Purchaser for purposes of development of residential and commercial space would be consistent with the Redevelopment Plan and the purposes for which the former Redevelopment Agency acquired the Property and would also further the owner participation goals of the Redevelopment Plan; and

WHEREAS, the City Council authorized entering into an Exclusive Negotiating Rights Agreement with the Proposed Purchaser in February 2019 (Resolution 2019-02) to negotiate a Purchase and Sale Agreement ("PSA") for the development of the Property whereby the City would convey the Property on terms to be negotiated by the parties; and

WHEREAS, the City through a partnership with the Metropolitan Transportation Commission (MTC) and their Brownfields Community Wide Assessment grant from the Environmental Protection Agency was able to facilitate completion of the Phase I

Environmental Site Assessment which identified the need for further environmental investigation through a Phase II sampling and possible remediations; and

WHEREAS, the executed ENRA was for one-hundred and twenty days and was extended pursuant to the terms of the ENRA by the City Manager for an additional ninety days; and

WHEREAS, completion of the Phase II and final PSA negotiations requires additional time;

NOW, THEREFORE, BE IT RESOLVED, that the City authorizes and directs the City Manager to amend the Exclusive Negotiating Rights Agreement with the Proposed Purchaser on behalf of the City for an additional one-hundred and eighty days, substantially in the form on file with the City Clerk, with such modifications as the City Manager determines appropriate to effectuate the purposes of this Resolution, such determination to be conclusively evidenced by the City Manager's execution of the Exclusive Negotiating Rights Agreement extension.

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

I CERTIFY that at a regular meeting on August 20, 2019 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 August XX, 2019.

Holly M. Charl  ty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



AGENDA BILL

Agenda Item No. 6(A)

Date: August 20, 2019
To: El Cerrito City Council
From: David R. Gibson, Fire Marshal
Michael Pigoni, Fire Chief
Subject: Public Hearing for Fire Hazard Abatement

ACTION REQUESTED

1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or her designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

BACKGROUND/ANALYSIS

The City of El Cerrito Fire Hazard Abatement program is designed to reduce fire hazards on 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.

This year, as reported previously to the City Council, the Fire Department implemented the Fire Hazard Abatement program with a strict adherence to the El Cerrito Vegetation Management Standards in response to an increased focus on wildfire danger in the community and the region. This resulted in a record number of properties determined to be in violation of El Cerrito Municipal Code Chapter 16.26. On July 16, 2019, the City held a public hearing adopting Resolution 2019-48 declaring weeds, rubbish, litter, or other flammable materials on certain real properties to be a public nuisance and Resolution 2019-49 overriding objections and authorizing abatement.

Thirty-one (31) properties from the initial inspections that were noticed as part of the July 16, 2019 public hearing process were not included on the Amended Exhibit A – List of Real Property Constituting Public Nuisances. Those properties were sent a letter from the Fire Marshal dated August 5, 2019 (Attachment 4) notifying those properties of the time, date and location of the August 20, 2019 City Council meeting where their properties would be declared a public nuisance and abatement would be ordered. Both re-inspections and fire assessments have been ongoing through August 20, 2019 and only those properties that were not voluntarily abated with the first notice are contained within the Master Abatement List, Exhibit A to the proposed Resolution.

Agenda Item No. 6(A)

This public hearing is the next step in the process to eliminate hazards on the private properties that were identified as a public nuisance and have not voluntarily abated said violations. In order to achieve full compliance, the City Council should declare the properties to be a public nuisance and direct the City Manager or her designee to abate such public nuisance conditions. Actual City-ordered abatement of fire hazards occurs only after all efforts at providing notice, information, and a public hearing have failed to induce voluntary compliance by the property owner.

The Fire Hazard Abatement process, under the direction of the Fire Department, should proceed according to El Cerrito Municipal Code Chapter 16.26, which specifies the following:

1. The Fire Department determines that hazards must be abated. Pursuant to these code sections, "hazards" are defined as weeds, rubbish, litter, or other flammable materials which create a fire hazard or are otherwise noxious or dangerous and which exist on specific parcels of property within the City.
2. The Fire Department shall post notice on each property or send notice by mail that the El Cerrito Fire Department has determined the existence of a public nuisance which must be abated and that a hearing will be held to consider any objections prior to the Council declaring the properties to be a public nuisance and ordering the City Manager or her designee to perform abatement.
3. At the August 20, 2019 City Council meeting, the City Council shall first adopt a resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance (Attachment 1).
4. At the same hearing, but after adoption of the first resolution, the City Council shall hear and consider all objections to declaration of public nuisances or the procedures proposed for abatement of the same. After the hearing, the Council shall adopt a resolution Overriding Objections by Property Owners and Ordering the City Manager or Her Designee to Abate Certain Public Nuisances Pursuant to Chapter 16.26 (Attachment 2).
5. At the conclusion of the August 20, 2019 hearing, a second and final notice shall be sent to each property owner prior to abatement (Attachment 7). This notice will order the immediate abatement of nuisance conditions. This notice will clearly state that if nuisance conditions are ignored, the City shall cause abatement and costs for removal will be assessed against the property as a lien and special assessment. It will also indicate that if the conditions are voluntarily abated, the property shall be removed from the process.
6. If the nuisance is not abated between August 21, 2019 and September 21, 2019, prior to the arrival of the hazard abatement crew, the City of El Cerrito shall cause the weeds, rubbish, refuse, and other flammable material to be removed and shall keep an account of the cost of abatement for each parcel of land where such work is performed.

Agenda Item No. 6(A)

7. At the October 15, 2019 City Council Meeting the City Manager or her designee shall submit to the City Council for confirmation an itemized written report showing the cost of abatement work performed. A copy of this report shall be posted for at least ten (10) days prior to its submission to the City Council. Each property owner upon whose property abatement work was performed shall be sent written notice by mail of a hearing by the City Council to consider the cost of abatement work performed on their property.
8. At the City Council Meeting on October 15, 2019, the City Council shall receive and consider the written staff report on abatement actions taken by the City and shall hear any objections from the property owners liable to be assessed for the abatement. The City Council may modify the staff report if deemed appropriate and then confirm the report by motion or resolution.
9. After City Council confirmation of the report, a certified copy of the report shall be filed with the county auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal E: Ensure the Public's Health and Safety.

ENVIRONMENTAL CONSIDERATIONS

The Fire Hazard Abatement Program is exempt from California Environmental Quality Act (CEQA) pursuant to Sections 15304 and 15308 of the CEQA Guidelines. Therefore, no further CEQA review is required.

FINANCIAL CONSIDERATIONS

The abatement program will be administered by Fire Department staff with minimum costs expended for printing and mailing. Abatement work will be completed by City maintenance staff or private contract labor as appropriate. Program costs will be recovered through the special assessment and lien process.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the process.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance
Exhibit A- Property List

Agenda Item No. 6(A)

2. Resolution Overriding Objections and Ordering the City Manager or her Designee to Abate Certain Public Nuisances
3. August 5, 2019 Letter of Advance notice from the Fire Marshal
4. August 5, 2019 Letter from Fire Marshal to 32 Properties Not Included on 7-16-19 Amended Exhibit A – List of Real Property Constituting Public Nuisances
5. Fire Hazard Abatement Inspection Form – Example
6. Vegetation Management Standards
7. August 21, 2019 Fire Marshal's Letter of Declared Fire Hazard

RESOLUTION NO. 2019 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DECLARING THAT WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON CERTAIN REAL PROPERTY CONSTITUTES A PUBLIC NUISANCE

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39560-39588, the City Council shall adopt this resolution declaring that certain real property within the City constitutes a public nuisance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the following properties identified on Exhibit A, attached hereto, are declared to be public nuisances pursuant to El Cerrito Municipal Code Section 16.26.160.

BE IT FURTHER RESOLVED that on this same date of August 20, 2019 at 7:00 in the City of El Cerrito, the City Council shall hold a hearing at which owners of the real property identified in Exhibit A hereto may object to the designation of their properties as public nuisances and object to the abatement actions proposed by the City.

I CERTIFY that at a regular meeting on August 20, 2019 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
505-211-009-4	1012 CONTRA COSTA DR
505-212-015-0	1015 CONTRA COSTA DR
573-133-007-1	1467 RIFLE RANGE RD
505-390-001-4	1475 VISTA RD
504-291-007-4	149 COLUSA AVE
500-170-003-7	2649 ARLINGTON BLVD
500-140-008-3	2721 DEL MONTE AVE
500-150-007-2	2732 DEL MONTE AVE
500-150-006-4	2738 DEL MONTE AVE
504-231-055-6	316 ASHBURY AVE
505-291-014-7	8551 TERRACE DR
505-292-034-4	876 BATES AVE
505-301-038-4	910 ARLINGTON BLVD
505-203-014-4	1120 KING DR
505-203-016-9	1134 KING DR
502-350-007-6	1427 NORVELL ST
502-360-005-8	1433 EVERETT ST
502-472-015-2	7119 MANILA AVE
503-060-011-7	1217 EVERETT ST
505-203-022-7	1220 KING DR
505-202-015-2	1221 KING DR
505-352-009-3	1230 BREWSTER DR
505-390-008-9	1434 CLUB VIEW CT
505-062-021-9	1530 NAVELLIER ST
502-153-023-2	1711 GANGES AVE

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
502-112-038-0	1715 ELM ST
501-160-006-0	2239 MIRA VISTA DR
505-403-003-5	7620 POTRERO AVE
505-403-002-7	7624 POTRERO AVE
505-301-016-0	8649 TERRACE DR
503-302-006-5	926 GALVIN DR
505-033-005-8	1760 ARLINGTON BLVD
505-033-004-1	1764 ARLINGTON BLVD
505-033-003-3	1768 ARLINGTON BLVD
505-033-002-5	1774 ARLINGTON BLVD
505-250-006-2	8106 TERRACE DR
505-181-010-8	1370 CONTRA COSTA DR
505-181-011-6	1364 CONTRA COSTA DR
503-301-009-0	7549 STOCKTON AVE
501-243-016-0	6327 CONLON AVE
572-240-009-9	101 COLUSA AVE
572-240-001-6	101 COLUSA AVE
505-332-010-6	8629 DON CAROL DR

RESOLUTION NO. 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO OVERRIDING OBJECTIONS BY PROPERTY OWNERS AND ORDERING THE CITY MANAGER OR HER DESIGNEE TO ABATE CERTAIN PUBLIC NUISANCES PURSUANT TO CHAPTER 16.26

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, on August 20, 2019, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588, the City Council adopted Resolution 2019-XX declaring that certain real property within the City constitutes a public nuisance; and

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides that notice shall be sent to owners of the real property declared a nuisance pursuant to Resolution 2019-XX providing those owners with the following: description of the nuisance; explanation of how the nuisance must be abated; explanation that if the nuisance is not abated; the City shall abate the public nuisance and the cost of abatement shall be assessed against the property as a special assessment; and informing the owners that the City Council shall hold a hearing at a certain date, time, and place at which the owners may present objections to the designation of their properties as public nuisances or to the proposed abatement of the nuisance; and

WHEREAS, after June 14, 2019 the City Fire Department sent written notice to those property owners describing the weeds, rubbish, refuse, or other flammable material that presented a fire hazard and public nuisance; explaining that the Fire Department had determined a public nuisance that must be removed; informing the owners that if they did not abate prior to August 20, 2019, the City Council would hold a hearing on August 20, 2019 at which the owners could present objections to the declaration of the nuisance or the proposed abatement measures and further explained the City could abate the nuisance and collect the costs as an assessment on the property; and

Agenda Item No. 6(A)
Attachment 2

WHEREAS, beginning on May 9, 2019, the City Fire Department sent written notice to property owners describing the weeds, rubbish, refuse, or other flammable material that presented a fire hazard and public nuisance; explaining that the Fire Department had determined a public nuisance that must be removed; informing the owners that if they did not abate between May 1st and July 16, 2019, the City Council would hold a hearing on July 16, 2019 at which the owners could present objections to the declaration of the nuisance or the proposed abatement measures and further explained the City could abate the nuisance and collect the costs as an assessment on the property; and

WHEREAS, on July 16, 2019, the City Council adopted Resolution 2019-48 confirming the nuisance declarations of the City Fire Department and declaring a public nuisance on certain real property pursuant to Chapter 16.26; and

WHEREAS, on July 16, 2019, the City Council adopted Resolution 2019-48 containing Amended Exhibit A – List of Real Properties Constituting Public Nuisances that omitted 31 properties that present a fire hazard and public nuisance; and

WHEREAS, the Fire Marshal notified the omitted 31 properties from Resolution 2019-48 containing Amended Exhibit A – List of Real Properties Constituting Public Nuisances of the time, date and location of the August 20, 2019 Council meeting where their properties would be declared a public nuisance and abatement would be ordered; and

WHEREAS, El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588 provide that after adoption of a resolution declaring a public nuisance and notice to affected property owners of the Council's hearing of objections, the Council may overrule any objections and order the City Manager or her designee to abate the public nuisances.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it overrides any objections by owners of that certain real property on which public nuisances were declared in Exhibit A to Resolution 2019-XX (adopted on the same date herewith).

BE IT FURTHER RESOLVED that the City Manager and her designee is hereby ordered to abate the public nuisances by having the weeds, rubbish, refuse, dirt, or other fire hazard or noxious or dangerous materials removed.

BE IT FURTHER RESOLVED that pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39574, the City Manager or her designee shall keep an account of the cost of abatement for each parcel of land on which work is performed. The City Manager or designee shall then prepare an itemized written report to be presented to the City Council so that, after the notice and hearing during the City Council meeting of October 15, 2019 these abatement costs can be confirmed as a special assessment against those parcels.

Agenda Item No. 6(A)
Attachment 2

I CERTIFY that at a regular meeting on August 20, 2019 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on August XX 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



EL CERRITO FIRE DEPARTMENT

10900 San Pablo Avenue ▪ El Cerrito ▪ CA ▪ 94530
(510) 215-4457 ▪ FAX (510) 232-4917 ▪ fpo@ci.el-cerrito.ca.us

Parcel Number:
Property Address:
Property Owner:
Property Owner's Address:

Dear El Cerrito Property Owner:

We are approaching the season of our highest fire danger when the grass, weeds, refuse, brush and other vegetation dry out and become highly flammable. To reduce the fire danger on private property, the Fire Department is beginning its annual Fire Hazard Abatement Program. We have inspected your property and found that it does not comply with the Vegetation Management Standards set forth in the El Cerrito Municipal Code 8.020. You are being contacted now so that you may remove those fire hazard conditions found on your property.

Please find the enclosed copy of the Fire Hazard Abatement Inspection form for the property listed above. **Please read this inspection form carefully.** In general, the Fire Department is concerned with removing refuse, dry and/or dead vegetation that is easily ignitable and capable of burning structures and endangering lives.

On August 20, 2019 the City Council will hold a hearing to declare those properties not in compliance with the Vegetation Management Standards as a public nuisance. We require that you bring your property into compliance prior to the August 20, 2019 hearing. Once your property meets the Vegetation Management Standards please contact Fire Prevention Office for re-inspection. Once your property meets the standards you will be removed from the Fire Department list of non-compliant properties and will not be subject to further abatement actions.

The enclosed Vegetation Management Standards provide an explanation of the vegetation clearing and maintenance standards to be followed. If you would like your property inspected by our Fire Prevention Officer, Captain Damien Carrion, at no cost, we will identify your specific fire hazards and provide you with the information needed to meet our standards. We urge you to call the Fire Prevention office at (510) 215-4457 with any questions about clearing or maintaining your property or to schedule an inspection.

Thank you for your cooperation in making El Cerrito a fire safe community.

Sincerely,

David Gibson

David Gibson Fire Marshal



EL CERRITO FIRE DEPARTMENT

10900 San Pablo Avenue • El Cerrito • CA • 94530
(510) 215-4457 • FAX (510) 232-4917 • fpo@ci.el-cerrito.ca.us

Parcel Number:
Property Address:
Property Owner:
Property Owner's Address:

Dear El Cerrito Property Owner:

Between May 9, 2019 and June 14, 2019, you were sent a letter from the Fire Department that we are approaching the season of our highest fire danger when the grass, weeds, refuse, brush and other vegetation dry out and become highly flammable. We informed you that we had inspected your property as part of our Fire Hazard Abatement Program and found that it did not comply with the Vegetation Management Standards (included with the letter) as set forth in the El Cerrito Municipal Code 8.020. Additionally, you were notified of the July 16, 2019 the City Council Public Hearing to declare those properties not in compliance with the Vegetation Management Standards as a public nuisance. You were required to bring your property into compliance prior to the July 16, 2019 Public Hearing that you were encouraged to attend should you protest being on the list of properties not in compliance with the Vegetation Management Standards as a public nuisance.

On July 16, 2019 the El Cerrito City Council was presented and Amended Exhibit A – List of Real Properties Constituting Public Nuisances that should have included your property based on the inspection conducted and that we had not received notification from you that the property was cleared of the hazard prior to July 16, 2019. Unexplainably your property was not included in the Amended Exhibit A – List of Real Properties Constituting Public Nuisances and therefore your property received an extension of the original abatement orders.

On August 20, 2019 the City Council will hold a hearing to declare those properties not in compliance with the Vegetation Management Standards as a public nuisance which includes your property. We require that you bring your property into compliance prior to the August 20, 2019 hearing. Once your property meets the Vegetation Management Standards please contact Fire Prevention Office for re-inspection. Once your property meets the standards you will be removed from the Fire Department list of non-compliant properties and will not be subject to further abatement actions. We urge you to call or E-mail the Fire Prevention office at (510) 215-4457 with any questions about clearing or maintaining your property or to schedule an inspection. We sincerely apologize for any confusion that was created with the omission and we thank you for your cooperation in making El Cerrito a fire safe community.

Sincerely,

David Gibson

David Gibson
Fire Marshal

Fire Hazard Abatement Inspection Form - EXAMPLE

Owner/Tenant	John Doe
APN	111-111-111-1
Site Address	123 Main Street
Site City	El Cerrito
Site State	CA
Site Zip	94530
Legal Property Owner	John Doe
Owner 2	Jane Doe
Mailing Address	123 Main Street
Mailing City	El Cerrito
Mailing State	CA
Mailing Zip	94530

YOUR PROPERTY IS NOT IN COMPLIANCE WITH THE FIRE CODE. YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS:

FIRE BREAK (ELIMINATE) Within 30' of a structure	Eliminate Hazardous vegetation, Maintain ornamental landscaping, Remove dead wood overhanging structures, Mature trees: Remove limbs 10' from ground, Small trees: Remove limbs 1/3 distance from ground, Provide 10' Clearance from chimney, Clear roof of combustible debris
---	--

FUEL BREAK (REDUCE) 30'-100' FROM STRUCTURE	Cut and maintain grass/weeds - 6", Clean and maintain hazardous vegetation - 18", Clear 10' from roadside
---	---

Both Fire Break & Fuel Break Requirements	Dispose of cut vegetation and debris, Remove vines, loose papery bark and loose branches, Install 1/2" screen covering on chimney and stovepipes
---	--

COMMENTS	Specific Comments Added Here
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Property Description	<i>Field not completed.</i>
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Inspected By	John Smith
--------------	------------

Inspection Number	19-2000
-------------------	---------

Date of Inspection	6/5/2019 3:15 PM
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City of El Cerrito Fire Hazard Reduction Program**I. INTRODUCTION****A. Purpose of Vegetation Management Standards**

Along with California's growth of population and expanding development, urban housing has interfaced with wildland areas. California communities have experienced devastating fire loss because of the severity of fires which occur in these interface areas. In these areas the risk of conflagration is increased further by homeowners who create uncontrolled landscaping of native and non-native plants on their properties. Thousands of homes are threatened by fire every year in California largely because of this heavy vegetation fuel load very near structures.

The City of El Cerrito contains wildland interface areas which increase the community's risk of loss from devastating fire. These areas have been identified by the California Department of Forestry (Cal Fire) and the El Cerrito Fire Department as Very High Fire Hazard Severity (VHFHS) Zones. As specified by State Law AB 337, property owners within these zones must take special precautions with their property, including vegetation management, to reduce the risk of fire.

The buildup of unmanaged vegetation, whether native or non-native, steep hillsides with canyons, draws, and periods of extremely hot, dry weather all combine to create in El Cerrito the potential for catastrophic fire behavior such as occurred in the Oakland/Berkeley Hills Fire of October 1991. Catastrophic fires can destroy large numbers of homes, threaten public safety and severely damage the natural areas which contribute to our high quality of living.

A key goal of local community fire protection planning is to reduce the level of fire hazards in El Cerrito's wildland interface areas, designated as VHFHS Zones. While it is not possible to eliminate all threats of catastrophic wildfire, fire hazards can be reduced to acceptable levels and still allow a "green" El Cerrito.

Vegetation management planning in the VHFHS Zone focuses on areas where fire poses the greatest risk to life and property. There are three specific goals of the program:

1. Keep all fires small. Small fires generally are cooler than large fires and are more easily extinguished.
2. Limit the speed with which any fire will grow. Fires need fuel to burn; if fuel is available, fires will continue to grow rapidly. Fuel must be limited or made unavailable to spreading fire.
3. Make it more difficult for fires to ignite and spread. Small fires can ignite progressively larger fuels. Small fuels are like kindling and are easily ignited. Reducing and separating kindling fuels from larger fuels reduces sources for ignition and the potential for fire spread.

Fires will continue to be a part of California urban living. By implementing vegetation management standards, El Cerrito residents can significantly reduce the potential a small fire will grow into a catastrophic event involving one or more structures. The primary method of stopping fire spread is by increasing separation distances between combustible fuels. An important component of reducing the community's fire risk requires vegetation management to be practiced by property owners.

B. Fire Safe Vegetation Management Concepts

There are three basic methods employed to manage vegetation fuels: firebreaks, fuel breaks and ornamental landscaping. A firebreak eliminates all flammable vegetation and combustible growth. Appropriate ornamental landscaping is acceptable in this area. A fuel break reduces the fuel mass of

flammable vegetation and combustible growth, thereby limiting the intensity of fire and slowing its rate of spread. Ornamental landscaping provides a yard or garden with decorative fire resistive plants that are irrigated, maintained and arranged to be aesthetically pleasing, functionally useful and enhance fire safety. Refer to the definitions listed for these terms.

Within VHFHS Zones, structures are to be protected from wildfire by creating firebreaks immediately surrounding structures and fuel breaks further out from structures. Within 30 feet of a structure a firebreak should be created which contains well-irrigated, maintained and appropriately spaced ornamental landscaping with fire resistant plants. All flammable vegetation and combustible growth in this area immediately surrounding a structure should be eliminated. This creates a safety margin of defensible space so that wildfire can be stopped before it reaches a structure.

A fuel break should be created from 30 feet to 100 feet from structures located within the VHFHS Zones. The heightened risk of wildfire within the VHFHS Zones makes it necessary to provide an added safety margin of defensible space for all structures and a fuel break will provide this extra protection. Fuel breaks are meant to reduce fire hazardous vegetation and maintain it to specified heights and arrangements, limiting fire intensity and impeding fire spread. The purpose of the fuel break is to deny any fire entering it enough fuel to sustain fire intensity and speed. By the time it reaches the firebreak area containing ornamental landscaping nearer the structure, the now low-intensity fire should be stopped easily by the firebreak surrounding the structure.

Ornamental landscaping with fire resistant plants is encouraged as a long-term approach to maintain yard and garden vegetation in a fire safe manner. Landscaping with healthy, appropriately irrigated plants and ground cover provides a permanent reduction of the fire hazard adjacent to structures when such landscaping is maintained at regular intervals. Ornamental landscaping can enhance a firebreak by inhibiting the growth of weeds, grass, brush and similar fire hazardous vegetation. A list of fire resistant and highly flammable plants is available on the Diablo Firesafe Council website at <http://diablofiresafe.org/tolerance.html>.

C. Process

No person shall be prosecuted criminally under the provisions of Section 8.30.040 of the El Cerrito Municipal Code until that person has received written notice of how that property violates these standards and until that person has had the reasonable opportunity to meet with City staff concerning the procedures set forth in Chapter 8.34 or Chapter 16.26 of the El Cerrito Municipal Code. Civil procedures for fire hazard abatement include providing the property owner with (1) written notice on how the property violates these guidelines, (2) reasonable opportunity to meet with City staff to discuss this matter and (3) opportunity to be heard before the City Council.

II. FIRE HAZARD REDUCTION GUIDELINES

Many factors combine to create a fire hazard on any specific property. It is difficult to single out a specific vegetation species or configuration to declare it either fire hazardous or completely fire safe in all situations. The Fire Department has developed guidelines conforming to State Law and National Fire Protection Standards which address most situations found on private property within El Cerrito. Please read these guidelines along with the accompanying glossary. If you are still unsure of how to proceed please call the Fire Department and we will work with you to develop a fire hazard reduction plan for your property.

A. Hazard Zones

Portions of the City of El Cerrito lie adjacent or near to large wildland areas containing steep slopes and naturally growing trees, brush and grasses. Every year under certain critical weather conditions, the neighborhoods near these wildland areas are at heightened risk of seasonal wildfire sweeping into the City

and burning homes. These areas at heightened risk of wildfire have been designated as Very High Fire Hazard Severity (VHFHS) Zones. The rest of the City faces a lesser risk of wildfire.

Fire hazard reduction measures common to the entire City are required on both vacant and developed lots:

1. Property owners must ensure that all vegetation, native or non-native, shall be maintained so as not to constitute a fire hazard.
2. Property owners must maintain their property either by ornamental landscaping or by establishing a fuel break along the property line and adjacent to structures. For properties within the VHFHS Zones, there are additional requirements for firebreaks within 30 feet of structures and fuel breaks from 30 to 100 feet.
3. Property owners are responsible for clearance and maintenance of their own property only. Property owners will be required, however, to create fuel breaks on their property to protect neighboring structures. Dimensions of fuel breaks will depend on the proximity of neighboring structures and on whether the properties are within VHFHS Zones.
4. All brush, weeds, grass and fire hazardous vegetation within 10 feet of any usable road surface, public way or combustible fence shall be maintained in a non-hazardous condition with a fuel break.
5. Property owners must maintain their property free from all nuisances, including debris, garbage, rubbish and trash, hazardous materials, junk and noxious growth.

B. Ornamental Landscaping

Ornamental landscaping is encouraged throughout the City of El Cerrito to enhance fire safety. Ornamental landscaping consists of decorative plants growing within a tended garden or yard which are well watered, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control.

With the VHFHS Zones, ornamental landscaping in the 30-foot firebreak adjacent to structures must meet the following requirements:

1. Ornamental landscaping shall be maintained free of dead wood and litter and trimmed of small twigs and branches at least two (2) feet or 1/3 of their height from the ground, whichever is less.
2. Ornamental landscaping must be healthy, pruned, adequately irrigated and regularly maintained so that plants and the area beneath them are free from dead or dying material.
3. Single specimen trees must be trimmed and maintained.
4. Ground cover may be used as part of ornamental landscaping provided it is kept green, free of dead wood and litter, and at a height so that they do not form a means of rapidly transmitting fire from native growth (located outside the firebreak) to any building or structure.

C. Vegetation Management Standards

Vegetation management standards exist for the entire City, including areas designated as VHFHS Zones. Refer to the glossary (Section III) for a definition of terms used in these standards.

1. Properties within VHFHS Zones:

- a. Firebreaks must be created and maintained in areas within 30 feet of any occupied dwelling.

- b. Fuel Breaks must be created and maintained in areas extending from 30 to 100 feet surrounding any structure.
- c. Fuel Breaks must be created and maintained on vacant lots 30 feet wide along the property line and 100 feet from neighboring structures.

2. Properties outside VHFHS Zones:

- a. Fuel Breaks must be created and maintained in areas within 30 feet of any structure.
- b. Fuel Breaks must be created and maintained on vacant lots to be 10 feet wide along the property line.

3. Vegetation Management Standards for Firebreaks:

- a. All flammable vegetation or combustible growth must be removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire.
- b. Adequately irrigated and maintained ornamental landscaping is not flammable vegetation or combustible growth and is encouraged within a firebreak.
- c. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- d. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- e. All roof surfaces shall be maintained free of substantial accumulations of needles, twigs and any other combustible matter.
- f. All cut vegetation and debris must be disposed of either by hauling and dumping in a lawful manner, or by chipping and dispersing over the property in a manner and to a height which will not constitute a fire hazard.
- g. Chipped materials which are spread on the ground shall be of a size no greater than 1 inch by 1 inch by 3 inches.

4. Vegetation Management Standards for Fuel Breaks:

- a. Maintain ornamental landscaping in yards.
- b. All fire hazardous vegetation with the exception of weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.
- c. All weeds and grass shall be cleared and maintained at a height no greater than 6 inches above the ground.
- d. Remove from trees all vines, loose papery bark and dead branches.

- e. All cut vegetation and debris must be disposed of either by hauling and dumping in a lawful manner, or by chipping and dispersing over the property in a manner and to a height which will not constitute a fire hazard.
- f. Chipped materials which are spread on the ground shall be of a size no greater than 1 inch by 1 inch by 3 inches.

5. Additional Considerations for Vegetation Management:

- a. The Fire Hazard Abatement Program is intended to promote community fire safety by reducing the combustible vegetation fuel mass on private properties. Clearing vegetation by heavy construction methods, such as grading, discing, trenching or dozing shall require special permits from the City. **Disposal by burning is not permitted.**
- b. Any parcel where slope stability will be threatened by removal of plants may be exempt from treatment requirements or subject to alternate treatments. The property owner must submit a report documenting the probability of slope failure due to vegetation removal, prepared by a licensed civil, geotechnical or soils engineer. The report shall propose alternative treatment methods to address fire hazards. The report will be reviewed by city staff. Review and acceptance by the City of alternative treatment will supersede other requirements.
- c. Any parcel or lot which includes plant or animal species that are rare, endangered or of special concern may qualify for alternative plant treatment and spacing requirements. The property owner must submit a report from a qualified resource biologist or landscape architect describing the species, actions required to preserve its environmental value, and proposed alternative measures to address fire hazards. The report will be reviewed by the City. Review and acceptance by the City of alternative treatment will supersede other requirements.

D. Planting Considerations

Any plant will burn if the conditions are right. Some plants are considered to be extremely flammable while other plants are considered to have some resistance to fire. Verifiable tests of fire exposure characteristics for all specific ornamental landscaping plants are not available.

The Vegetation Management Standards for El Cerrito utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

At the base of trees and shrubs, replace flammable vegetation with bark, mulch, rock, gravel or low-growing or more fire-resistant ground covers. This cover reduces the fire danger and minimizes weeds.

Avoid placing medium-sized shrubs beneath trees or taller shrubs. By breaking up the available fuel mass in ornamental landscaping, a fire will be kept at lower intensity, flame lengths will be shorter and fire will be less likely to form a continuous line or front.

E. Structural Fire Safety

The City's roofing and vegetation management standards are designed to reduce the amount of airborne burning material, limiting fire spread. Once a fire starts, it is often accelerated by wind-borne burning material. Burning embers or brands are the main source of fire spread in mixed urban-wildland fires. The roof of a house is most vulnerable to this type of ignition followed by openings such as vents. Spark arresters with a maximum of ½ inch openings in the mesh are required over the outlet of every chimney. Class A is the top rating for fire resistive roofing, followed by Classes B and C. The City of El Cerrito requires that all roofing be Class B or better, and wood shake shingle roofing materials are prohibited in

new construction or replacement of more than 50% of the roof. It is recommended to cover vent openings with ¼ inch openings in the mesh to prevent flying embers from entering the structure.

III. GLOSSARY OF TERMS

The following terms are used to describe the vegetation management standards in California State Law and in the City of El Cerrito's Fire Hazard Reduction Program.

Very High Fire Hazard Severity (VHFHS) Zones: Any geographic area designated per Government Code Section 51178 to contain the type and condition of vegetation, topography, weather and structure density to potentially increase the possibility of wildland conflagration fires. As a community adjacent to extensive wildland areas, the City of El Cerrito contains several VHFHS zones. A map of these zones is available from the Fire Department. Fire hazard reduction standards are more extensive for properties located within VHFHS zones.

Defensible Space: A concept in landscape design for homes which provides a band of managed vegetation around a home that slows movement of fire by reducing or denying fuel and provides a space for firefighters to take a stand to protect the house.

Fire Resistant Plants: A relative term used to describe plants that are "more resistant: or "less resistant" than other plants to fire. Given enough heat, all vegetation will burn. Yet plants in fact differ in how fast they burn, how high a flame they produce and their ability to survive fire. Fire resistance is enhanced by higher amounts of moisture within twigs and foliage. Fire-resistant plants can lose this quality altogether if not property maintained and irrigated. The Vegetation Management Standards for El Cerrito utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

Fire Hazardous Vegetation: Plants which can burn easily because they generate dry undergrowth, contain flammable oils or produce significant quantities of dead or dying material. Hazardous vegetation is fuel which must be removed or strictly maintained so as not to constitute a fire hazard by igniting easily and then contributing to rapid fire spread. Seasonally dry grass, weeds, brush, and unmaintained and unirrigated trees and ornamental vegetation are examples of fire hazardous vegetation. Properly chipped, mulched and disbursed material does not constitute fire hazardous vegetation. Fire hazardous vegetation is also known as **flammable vegetation and combustible growth.**

Ornamental Landscaping: Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

Firebreak: An area in which all flammable vegetation or combustible growth is removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire. Ornamental landscaping is permissible within a firebreak as long as it is adequately irrigated, maintained and spaced so as not to provide a means of rapidly transmitting fire. Compare to **fuel break.**

Fuel Break: An area in which all flammable vegetation or combustible growth is reduced and cleared away according to established standards, thereby limiting the mass and arrangement of fire hazardous vegetation fuels which can rapidly transmit fire. Appropriate ornamental landscaping is permissible within a fuel break. Fuel reduction standards for fuel breaks limit the height of certain vegetation (brush, native shrubs, weeds and grasses). Remove from trees any fuels which can ladder fire into the canopies and provide adequate spacing between remaining plants. Compare to **firebreak.**



CITY OF EL CERRITO
10900 San Pablo Avenue
El Cerrito, CA 94530
(510) 215-4450
FAX (510) 232-4917

August 21, 2019

To: «OWNER_NAME_1»
«OWNER_ADDRESS» «OWNER_CITY», «OWNER_STATE». «OWNER_ZIP»
Re: «SITE_ADDR» «SITE_CITY», «SITE_STATE». «SITE_ZIP»
Parcel Number: «APN»

**NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND OTHER FLAMMABLE MATERIAL**

On **August 20, 2019** the El Cerrito City Council declared that your property in the City of El Cerrito, designated above by address and parcel number, constitutes a public nuisance because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

A previous notice was sent to you informing you of the August 20, 2019 hearing and further informing you of your obligation to remove the weeds, rubbish, refuse and other flammable material from your property. **If you do not immediately abate these nuisance conditions, the City will do so and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment.** These removal costs shall then be collected in the time and in the manner of ordinary municipal taxes.

You will not receive any further notices from the City prior to this removal. The City shall perform this removal either through its own staff or through private contract sometime between the dates of **September 22, 2019 to October 4, 2019**. It is impossible to predict what it will cost the City to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded \$5,000 per parcel for those parcels with severe nuisance conditions

The City Council will conduct a public hearing on **October 15, 2019** to confirm the cost of the abatement work performed on your property. The meeting will be held in the **El Cerrito City Council Chambers at 10890 San Pablo Avenue in El Cerrito at 7:00 p.m.** During this public hearing you will be given the opportunity to voice objections regarding the report and the assessment of the abatement costs for your property. At this hearing you will also be given the opportunity to object, protest and/or present evidence to support your arguments.

If you have any questions, contact the El Cerrito Fire Department at 10900 San Pablo Avenue. The phone number is (510) 215-4450.

David R. Gibson

David R. Gibson
Fire Marshal



SUPPLEMENTAL AGENDA MATERIALS

CITY COUNCIL MEETING August 20, 2019

AGENDA ITEM 1 – ORAL COMMUNICATIONS FROM THE PUBLIC

1. Public Comments

AGENDA ITEM 3 – TENANT PROTECTIONS TASK FORCE INTERVIEWS AND APPOINTMENTS

1. Revised Applicant Matrix

AGENDA ITEM 4(B) – Declaration of a Climate Emergency

1. Revised Resolution
2. Public Comments

AGENDA ITEM 4(C) – Ordinance to Repeal Ordinance 2019-04

1. Public Comments

AGENDA ITEM 5(A) – Contra Costa Transportation Authority (CCTA) Briefing on the Initial Draft of the Transportation Expenditure Plan

1. Presentation

AGENDA ITEM 6(A) – Public Hearing for Fire Hazard Abatement

1. Amended Attachment 1 Exhibit A

From: [El Cerrito Progressives](#)
To: [Rochelle Pardue-Okimoto](#); [Paul Fadelli](#); [Greg Lyman](#); [Gabe Quinto](#); [Janet Abelson](#); [Aissia Ashoori](#); [Melanie Mintz](#); [Karen Pinkos](#)
Cc: [City Clerk](#); [EC Tenant Rights](#)
Subject: Candidates for Tenant Protection Task Force
Date: Friday, August 16, 2019 10:36:20 PM

Dear members of the City Council, City Manager and Staff,
Upon a careful consideration of your initial list of applications for the Tenant Protection Task Force, we believe that you have prematurely ended the application period. It appears that the consulting firm is perhaps misinformed about the type of tenant representation required in order to have the full depth of tenant issues discussed throughout the duration of the task force. Tenants who are realtors, developers, property managers or heavily tied to the real estate industry, or who might also own homes in other parts of the country do not adequately represent the interests of the vulnerable tenants whom we expected to be part of the discussion. Clearly you have a strong representation of anti-rent control and just cause eviction landlords, however, you have yet to demonstrate a clear balance in terms of tenants.

We appreciate the fact that you have yet to vote on the candidates and we would like to recommend that you reopen the application for tenants with a clear criteria that prioritizes their renter history in El Cerrito, their vulnerability in the current housing market, and their interest in remaining in El Cerrito. These are simple criteria and reflect the targets of any real protections that seek to stop displacement. In all fairness, since the Council refused to include homeowners in fear of bias, we would highly suggest that renters involved in the real estate industry not represent tenants.

Members of the Housing Justice Committee

For El Cerrito Progressives
[El Cerrito Progressives](#)

[JOIN HERE](#)

Tenant Protections Task Force List of Applicants

First Name	Last Name	Tenant/ Landlord	# Units Owned	# Years of Residency	Interview	Comments
Buddy	Akacic	Tenant	N/A	7	8/20/2019 6:00	
Isis	Bastet	Tenant	N/A	8	7/31/2019	
Richard	Bell	Tenant	N/A	10	7/31/2019	
Ed	Crowley	Landlord	Single-Family	32	8/20/2019 5:50	
Ken Wayne	Epley	Tenant	N/A	5.6	8/20/2019 6:20	Committee on Aging Member
George	Gager	Tenant	N/A	13	7/31/2019	Arts and Culture Commissioner Economic Dev. Committee member
Marlene	George	Landlord	Single-Family	2.5	8/20/2019 6:30	Applicant Withdrew
Martha	Jewett	Tenant	N/A	25	8/20/2019 6:30	
Norman	LaForce	Landlord	Duplex	36	8/20/2019 6:10	Park & Recreation Commissioner
Peter	Pan	Landlord	Duplex	22	7/31/2019	
Jean	Shrem	Landlord	2 SFR in El Sobrante	21	7/31/2019	Economic Dev. Committee member
Patricia	Sydnor	Tenant	N/A	24	7/31/2019	
Judith	Tannenbaum	Tenant	N/A	N/A	N/A	Applicant Withdrew
Elizabeth	Thorsnes	Landlord	Quadraplex	39	7/31/2019	
Tyra	Wright	Landlord	Single-Family	32	8/20/2019 6:40	

RESOLUTION 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DECLARING A CLIMATE EMERGENCY AND ENDORSING EMERGENCY MOBILIZATION EFFORTS TO RESTORE A SAFE AND STABLE CLIMATE

WHEREAS, consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases (GHG) from human activities is among the most significant problems facing the world today; and

WHEREAS, documented impacts of climate change include but are not limited to increased occurrences of extreme weather events (e.g. droughts and floods), adverse impacts on ecosystems, demographic patterns, and the flow of goods and services; and

WHEREAS, El Cerrito, like the Bay Area and the state of California, is already suffering impacts of climate change in the form of droughts, wildfire danger, air pollution, heat stress, and increased risk of lowland flooding, and these impacts will grow more severe if global GHG emissions are not significantly reduced; and

WHEREAS, in April 2016 world leaders from 175 countries recognized the threat of climate change and the urgent need to combat it by signing the Paris Agreement, agreeing to keep global warming “well below 2°C above pre-industrial levels” and to “pursue efforts to limit the temperature increase to 1.5°C”; and

WHEREAS, the State of California has mandated a statewide reduction of GHG emissions to 80% below 1990 levels by 2050; and

WHEREAS, the City of El Cerrito has adopted a Climate Action Plan with GHG emission reduction targets of 15% below 2005 levels by the year 2020 and 30% below 2005 levels by 2035, and anticipates updating the Plan beginning next year; and

WHEREAS, the City of El Cerrito has adopted six (6) previous resolutions supporting state, local, and global actions to reduce GHG emissions; and

WHEREAS, for these efforts and the implementation of the Climate Action Plan and associated initiatives, the City will receive the prestigious Beacon Award in 2019 from the Institute for Local Government, a Statewide honor recognizing the City's achievements in reducing GHG emissions and addressing climate change; and

WHEREAS, local government actions to reduce GHG emissions provide multiple benefits by decreasing air pollution, creating jobs, reducing energy expenditures, and saving money for City government, its businesses, and its citizens; and

WHEREAS, addressing climate change requires an emergency mobilization on a global scale to reach zero GHG emissions across all sectors, to rapidly and safely drawdown excess carbon from the atmosphere, and to implement measures to protect all people and species from the consequences of climate change; and

Agenda Item No. 4(B)
Attachment 1

WHEREAS, in developing and carrying out the emergency mobilization to address climate change, justice requires the active consultation, participation with, and benefits for communities that have historically borne the brunt of the fossil fuel extractive economy.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of El Cerrito does hereby declare that a climate emergency threatens our City, region, state, nation, civilization, humanity and the natural world.

BE IT FURTHER RESOLVED, the City of El Cerrito endorses and will support and participate in climate emergency mobilization and collaboration efforts to reverse global warming at the City, region, state, national, and global levels to protect our residents.

BE IT FURTHER RESOLVED, the City of El Cerrito reiterates its commitment to further reducing GHG emissions through active implementation of the City's Climate Action Plan.

BE IT FURTHER RESOLVED, the City of El Cerrito supports an increase in our Citywide GHG emissions reduction rate and will strive for zero GHG emissions Citywide as quickly as possible within the forthcoming Climate Action Plan update.

BE IT FURTHER RESOLVED, the City of El Cerrito will continue working with various agencies to actively educate our residents, businesses, and visitors about the climate emergency and inform residents about local actions they can take to transition to a zero GHG emissions existence.

BE IT FURTHER RESOLVED, the City of El Cerrito will continue to educate and inform residents, businesses, and visitors on preparedness actions we can all take to address impacts of the climate emergency in the form of disasters including droughts, wildfire, air pollution, heat stress, power outages, increased risk of lowland flooding, and other climate-related disasters.

BE IT FURTHER RESOLVED, the City of El Cerrito supports full public participation toward GHG reduction goals—including input from and participation by disenfranchised communities—and recognizes that El Cerrito residents, community organizations, labor organizations, businesses, and schools are integral to leading this effort.

BE IT FURTHER RESOLVED, the City of El Cerrito commits to keeping the concerns of vulnerable communities central to all climate emergency mobilization planning processes and to inviting and encouraging such communities to actively participate in order to advocate directly for their needs.

BE IT FURTHER RESOLVED, the City of El Cerrito calls on the State of California and the United States of America to initiate an emergency mobilization effort to reverse global warming, reducing GHG emissions as quickly as possible.

Agenda Item No. 4(B)
Attachment 1

I CERTIFY that at a regular meeting on August 20, 2019 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 August XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

Lina Huang

From: City Clerk
Subject: In support of El Cerrito Climate Emergency Declaration

From: Sarah Klauer
Sent: Sunday, August 18, 2019 2:02 PM
To: rpardueokimoto@ci.el-cerrito.ca
Cc: City Clerk <cityclerk@ci.el-cerrito.ca.us>
Subject: In support of El Cerrito Climate Emergency Declaration

Dear Mayor Pardue-Okimoto:

We're proud of the actions El Cerrito has taken to minimize our impact on the environment, and El Cerrito's LEED City certification is a great step in the right direction. When people are looking at houses in the area, or when we're telling friends about El Cerrito who have never visited, the city's commitment to sustainability is one of the things we reference.

It's important to continue this sustainable momentum by making a climate emergency declaration, and working toward zero greenhouse gas emissions.

Best,
Sarah Klauer & Marc Shinn-Krantz

El Cerrito residents since 2018

Sarah

Lina Huang

From: City Clerk
Subject: FW: THANK YOU for REPEALING JUST CAUSE in El Cerrito

From: Eva I-hua Chao [REDACTED]
Sent: Tuesday, August 20, 2019 4:01 PM
To: Greg Lyman <GLyman@ci.el-cerrito.ca.us>; Gabe Quinto <GQuinto@ci.el-cerrito.ca.us>; Paul Fadelli <PFadelli@ci.el-cerrito.ca.us>; Janet Abelson <jabelson@ci.el-cerrito.ca.us>
Cc: City Clerk <cityclerk@ci.el-cerrito.ca.us>; Rochelle Pardue-Okimoto <RPardueOkimoto@ci.el-cerrito.ca.us>
Subject: THANK YOU for REPEALING JUST CAUSE in El Cerrito

Dear Councilmembers Abelson, Lyman, Fadelli and Quinto:

I wished I'd more time to write to each of you, individually. On behalf of my friends and families, thank you so very, very much for acknowledging, believing and trusting in the wisdom of the majority within the community with your vote on repealing Just Cause Eviction.

To be fair, I'm not always about no rent control because there are a place and proper context for every case, but for sure JCE is bad!!! We have already noticed a drop in rents in El Cerrito by 10% from three years ago. Most of us are wary of what the media says because they don't report first-hand accounts, but "sound-bites".

In San Francisco, when you google "average 1-bedroom rents, you'll surely see \$3100" for available rentals, but what is under-represented or NOT represented are the unintended effects of these laws:

1) I see records of 75% of rental units in any buildings that are under rent control are paying between \$300- 700+/-, not \$3100. This can be confirmed by going to the "Census data of S.F. County" (you have to dig around a little) which shows the medium price paid of a one-bedroom in 2015 is \$1,509, not \$3100. This is absolutely true because a 100% of the units completed on or before 6/14/1979 are under rent control. Of that 100%, 75% of the units have occupants paying only between \$300 - 700+/- for a 1- 3 bedroom apartment all over the city (because of unreasonable rent control caps of 60% of CPI over the years), causing a permanent hold and an unnatural restrictions of supply that normally would be available from people changing jobs, getting married, moving out to be closer to aging family members, etc. I personally know of multiple renters who have 2 locations because the units are so cheap. Like JCE, these laws were proposed with good intention but the reality

provided inadvertent results when human nature and the concept of supply and demand are not considered, so that the price of the newly available units become unduly exorbitant because of the unequaled housing supply that should have been available and built, and the newcomers are having to pay the exorbitant rents not because the owners are greedy, when in fact they have been honestly and quietly subsidizing the price differential for their renters; as a result, IF and WHEN the unit actually became available...the new and exorbitantly priced real rents get charged (from being in an inadequate market supply) to surely sometimes cover for the numerous years of imbalance between annual rise in property tax by the hundreds and insurance, utility and maintenance, but the problem is that laws more frequently restrict supply more than it will free them....which is why just cause is so bad because when you can't evict without costing you substantially, you'd rather not get involved.

2) Restrictive laws are inversely correlated with inventory as they create undue burdens on anyone taking risks to provide, and develop or build housing (think: lawsuits and substantially low rent caps) on units that would otherwise or normally get developed or rented, are not produced....again, as corroborated by the SF Census Data of 5% vacancies *while market rents are high, because when it becomes unreasonable to do business under difficult and expensive conditions, normal people will withdraw from such risks where the logistics of having to pay for lawsuits with years of your life and hundreds of thousands of dollars outweigh several thousands of dollars. Many homeowners combined years of savings from two generations as a downpayment for a house.

3) Many renters file fabricated lawsuits for money, embroil innocent property owners and drag down the legal system. S.F. receives 10,000 lawsuits each year while its court can only process 200 cases each year.

JCE implementation would further divert resources from needed programs that matter. Why would we irresponsibly burden our community?

4) We are wary of officials who do not apply common sense and are instead lead by the wift of the news, serving the 10 -15 % instead of the 85% middle class, who are already much burdened with employment, sdi, sales, RM3, SB1, federal, state, local, property taxes.

Please stay firm with your votes tonight and confirm with your conviction. --

~ Eva

α

Lina Huang

From: Tracy Thompson <[REDACTED]>
Sent: Tuesday, August 20, 2019 11:58 AM
To: City Clerk
Subject: Just Cause Eviction in El Cerrito

Dear City Council Members.

Thank you to the 4 how voted for your vote to repeal the JCE issue.

Tracy Thompson

Lina Huang

From: City Clerk
Subject: FW: Please Stay with the repeal of JCE

From: Meina Young
Sent: Tuesday, August 20, 2019 10:16 AM
To: Greg Lyman <GLyman@ci.el-cerrito.ca.us>; Janet Abelson <jabelson@ci.el-cerrito.ca.us>; Paul Fadelli <PFadelli@ci.el-cerrito.ca.us>; Gabe Quinto <GQuinto@ci.el-cerrito.ca.us>; City Clerk <cityclerk@ci.el-cerrito.ca.us>
Subject: Please Stay with the repeal of JCE

Honorable Mayor Pro Tem Greg Lyman, Councilmembers Janet Abelson, Paul Fadelli, and Gabriel Quinto,

For the long term health of the El Cerrito housing supply, thank you and please stay with your 7/31 votes to REPEAL JCE.

- The people's voice from more than 1920+ Signed and verified Petition to REPEAL JCE must be followed.
- It's not a matter of "why" at this point because the petitions have spoken on behalf of the citizens via signatures; this meeting is really about the PRACTICALITY of stamping the repeal tonight at the meeting and NOT place it on the ballot for the voters to decide, which will be very expensive....
 - a) Cost El Cerrio \$114K just to put it on the ballot, money it does not have the budget for
 - b) Save the residents' hard-earned tax dollars for needed infrastructure improvements like the outdated public pools
 - c) Save the taxpayers money for improving local schools
 - d) Use the money saved towards fast-tracking building housing

Thank you,
Meina Young
small property owner



A Plan for Contra Costa's Future

»» 2020 Transportation Expenditure Plan



CONTRA COSTA
transportation
authority

WHO WE ARE

- CCTA is a public agency formed by voters in 1988 to manage the county's transportation sales tax program and to lead transportation planning efforts.
- CCTA is responsible for maintaining and improving the county's transportation system by delivering critical transportation infrastructure projects to safely and efficiently get people where they need to go.



CONTRA COSTA
transportation
authority



WHAT WE DO



PEDESTRIAN

Make improvements to sidewalks, crosswalks, trails, and paths



LOCAL STREETS

Smooth traffic flow on major roads and invest in improvements such as repairing potholes and road surfaces



BUSES

Invest in a reliable, comfortable and convenient bus network



SAFE ROUTES TO SCHOOLS

Focus on programs and projects aimed at bicycle and pedestrian safety for K-12 students



FERRIES

Expand the Bay Area ferry system by looking to ferries as an alternate commute method between West County and San Francisco



BICYCLE

Invest in safe routes and infrastructure improvements for bicyclists



BART

Improve BART service and stations, extend routes and increase parking at stations



HIGHWAYS

Complete Contra Costa's highway system, and improve air quality and noise protection along these corridors



CARPOOL/RIDESHARE

Implement programs to reduce traffic congestion by encouraging carpooling and ridesharing



PROGRAMS FOR SENIORS AND PEOPLE WITH DISABILITIES

Enhance transit options to improve mobility for seniors and people with disabilities

Prudent Financial Stewardship

- Highly Rated
 - AA+ Bond Rating by Fitch
 - AA+ by Standard & Poor's
 - Recipient of "Excellence in Government Financial Reporting" by Government Finance Officers Association
 - Good Governance Award from Contra Costa Tax Payers Association – July 2019
- Responsible management through recession
 - 47% cumulative growth in sales tax revenues since 2010
- Lean Organization
 - 20 employees
 - Established budget controls – 1% limitation on administration costs
 - Conservative pension plan – no spiking, no unfunded liability
 - Low debt levels
- Last bond sale – August 2018
 - Restructured debt and saved \$10.8 over the next 16 years
 - High California investor demand AA+ bonds

FitchRatings

**STANDARD
& POOR'S**
RATINGS SERVICES



A blue-tinted photograph of a tunnel interior, showing the road ahead and the curved walls. A large, semi-transparent circular graphic is overlaid on the left side of the image. The text "Delivering on our Promises" is centered in white, with a thin white horizontal line underneath it.

Delivering on our Promises

Caldecott Tunnel Fourth Bore Complete!

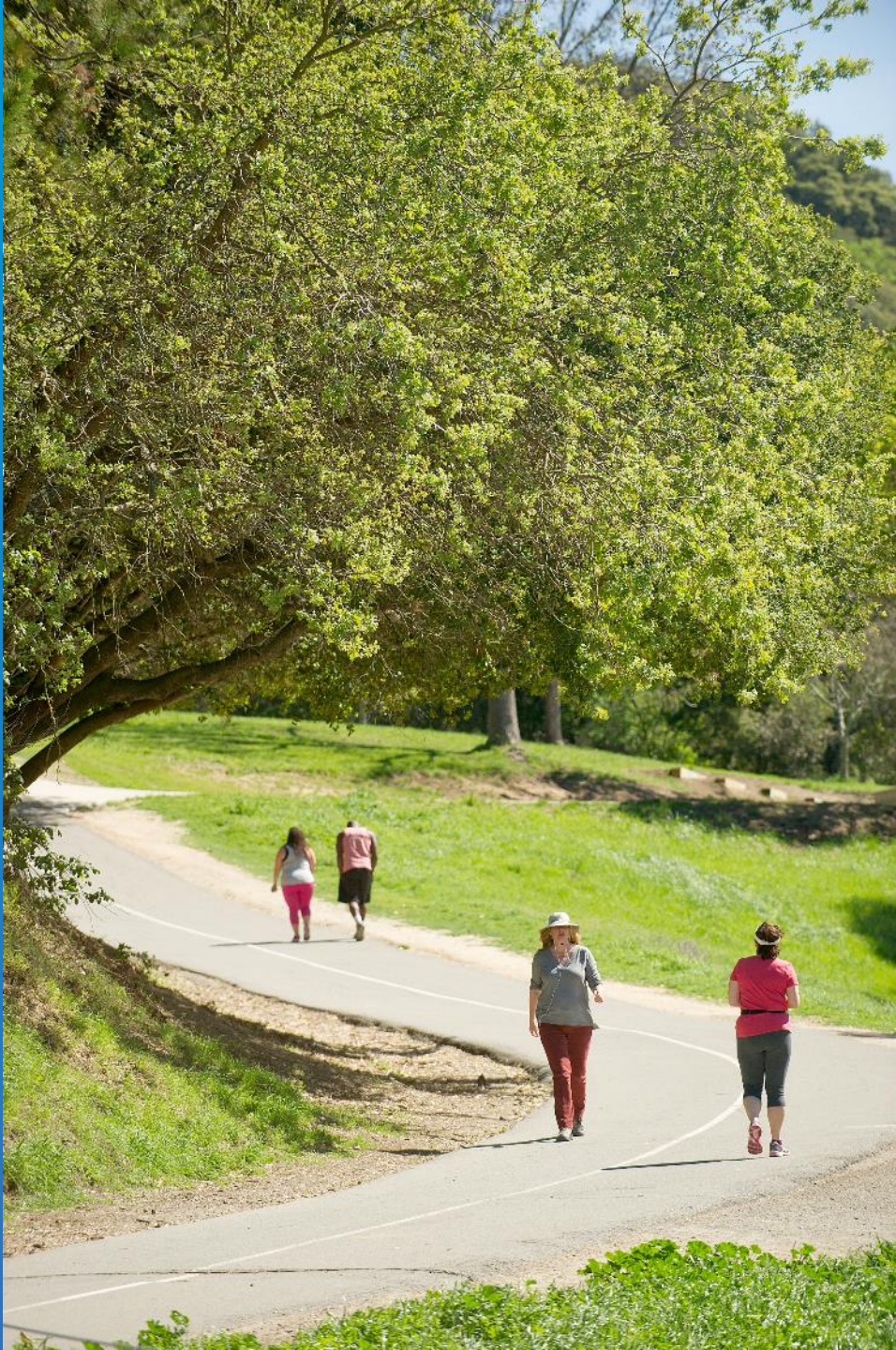




Interstate 80 SMART Corridor Complete!

Ferry Service from Richmond Complete!





From Trails to Transit, We're Multimodal





Planning for the Future

Transportation Needs

- **Gap between available funding and needs is at an all time high.** Local funding will keep vital services in place and help attract other funding sources.
- **By 2035, 30 percent of the population is expected to be 65* or older.** New and alternative transportation solutions are needed to support the aging population.
- **Population in the county is increasing, as is the demand on roads, highways, and transit.** Investments are needed to maintain and improve transportation system to effectively accommodate growth.

** Population based on Association of Bay Area Governments (ABAG Projections 2013)*



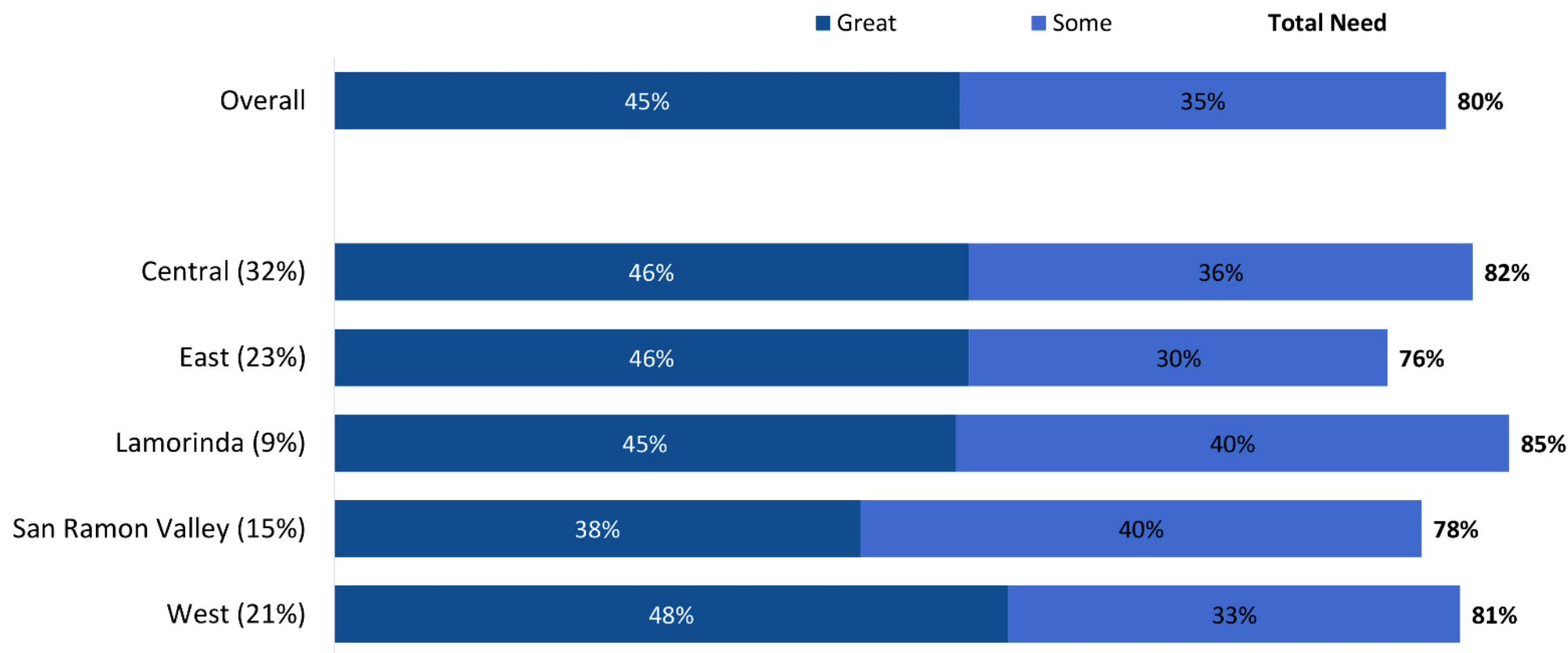
A Roadmap to Developing a Transportation Expenditure Plan



Sample Ballot Election Schedule
Subject to Change

Need for Transportation Funding by Region

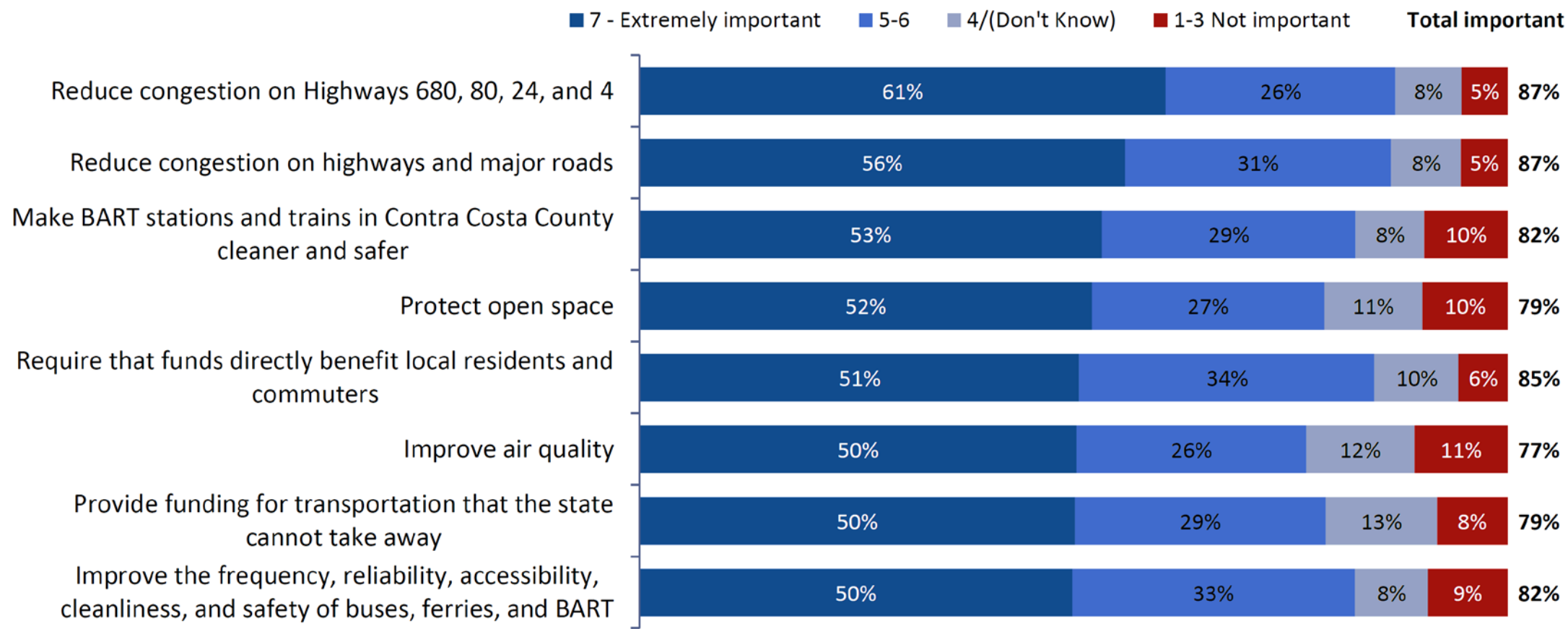
Perception of need for funding is pervasive across the county, though intensity is lowest in the San Ramon Valley.



Q6. Thinking about the roads, highways, BART, buses, ferries, bike paths, and sidewalks in Contra Costa County, that is, the entire county transportation network, would you say that there is a great need for additional funding, some need, a little need, or no real need for additional funding?

Top Potential Measure Elements

Top-tier elements include congestion reduction, BART and other transit improvements, and environmental protections. Requiring funds directly benefit local residents and commuters is a key feature.



Q19-43. Next, I'd like to read you some items that may be included in this measure. After each one, please rate how important it is to you that it is included in the measure, using a scale of 1 to 7, where 1 means not at all important, and 7 means extremely important.

Top Measure Information

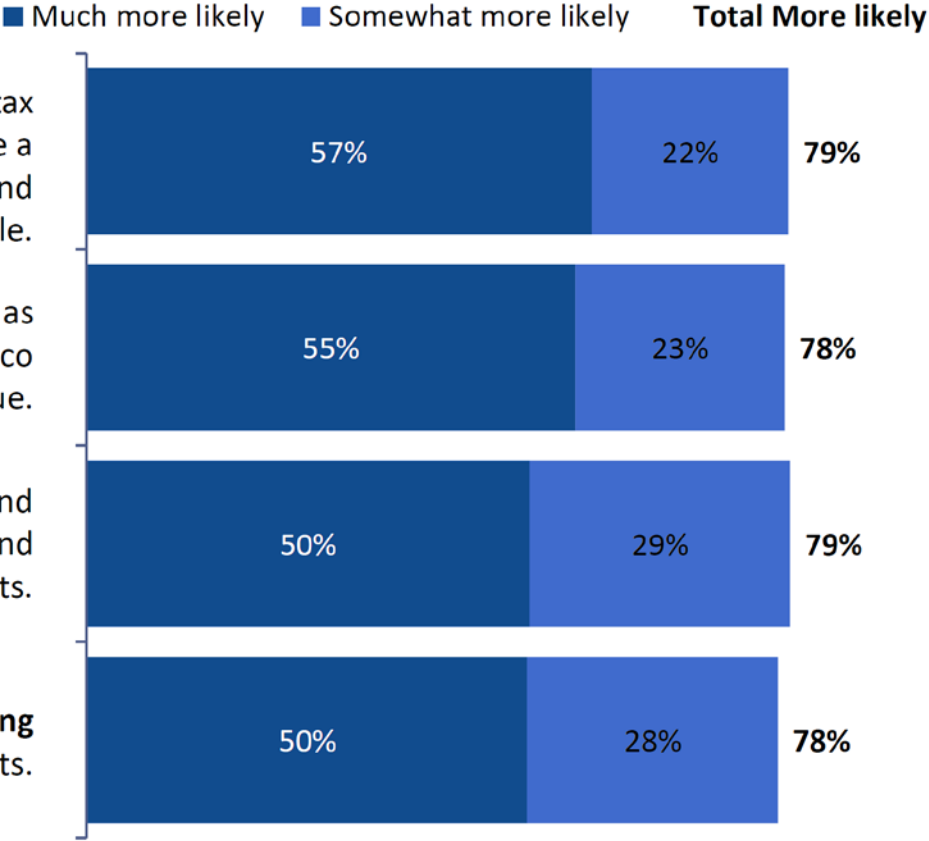
Voters like the idea of an accountability mechanism that requires funds go to things that impact congestion.

This measure will make our elected officials **accountable** for how they spend our tax money by requiring proof that anything that is funded with the revenue will make a real impact on congestion in Contra Costa County. They will not be allowed to spend any money on things that don't make our commutes faster and more predictable.

This measure will focus improvements in areas with the **worst bottlenecks**, such as Highways 680, 80, 24, and 4, as well as Ygnacio Valley Road, Kirker Pass Road, Vasco Road, San Pablo Dam Road, and Central Avenue.

This measure uses **technology** that makes getting around faster, easier, safer, and more reliable, like synchronized traffic lights to keep traffic moving, on-demand shuttles to BART, and smart freeway signs to steer drivers around accidents.

This measure allows Contra Costa County to qualify for state and federal **matching funds**, providing more money for badly-needed local transportation improvements.



Q44-58. Next, I'd like to read you some things people might say about the about the Contra Costa County Transportation Improvement Plan. After you hear each statement, please tell me if it makes you much more likely, somewhat more likely, somewhat less likely, or much less likely to support the measure, or if it makes no difference.

Expenditure Plan Overview

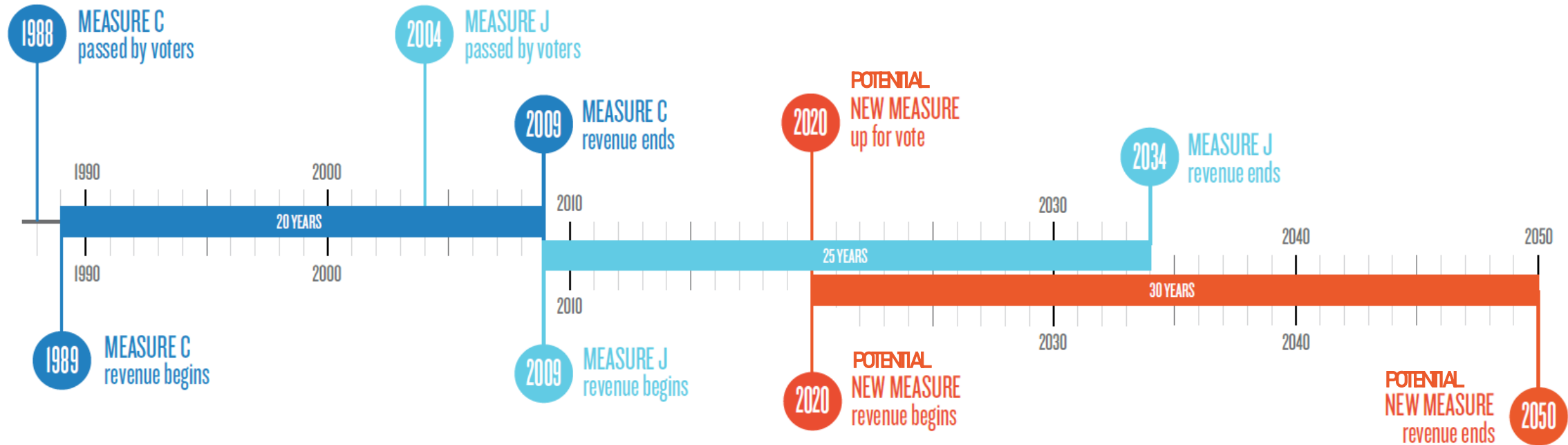
- o CCTA has prepared a **30-year transportation expenditure plan that will promote a strong economy, create jobs, protect the environment, and enhance the quality of life** for all of Contra Costa's diverse communities.
- o ½ Cent Sales Tax
- o 30-Year Measure

A PLAN FOR CONTRA COSTA'S FUTURE

2020 Transportation Expenditure Plan



Timeline of Local Funding



Guiding Principles



**Relieve Traffic
Congestion**



**Accountability and
Transparency**



**Balanced and Equitable
Approach**



Economic Opportunity



**Maximize Available
Funding**



Public Participation



Transit First



**Performance
Orientation**



**Protect the
Environment**



**Commitment to
Growth Management**



**Commitment to
Technology and Innovation**

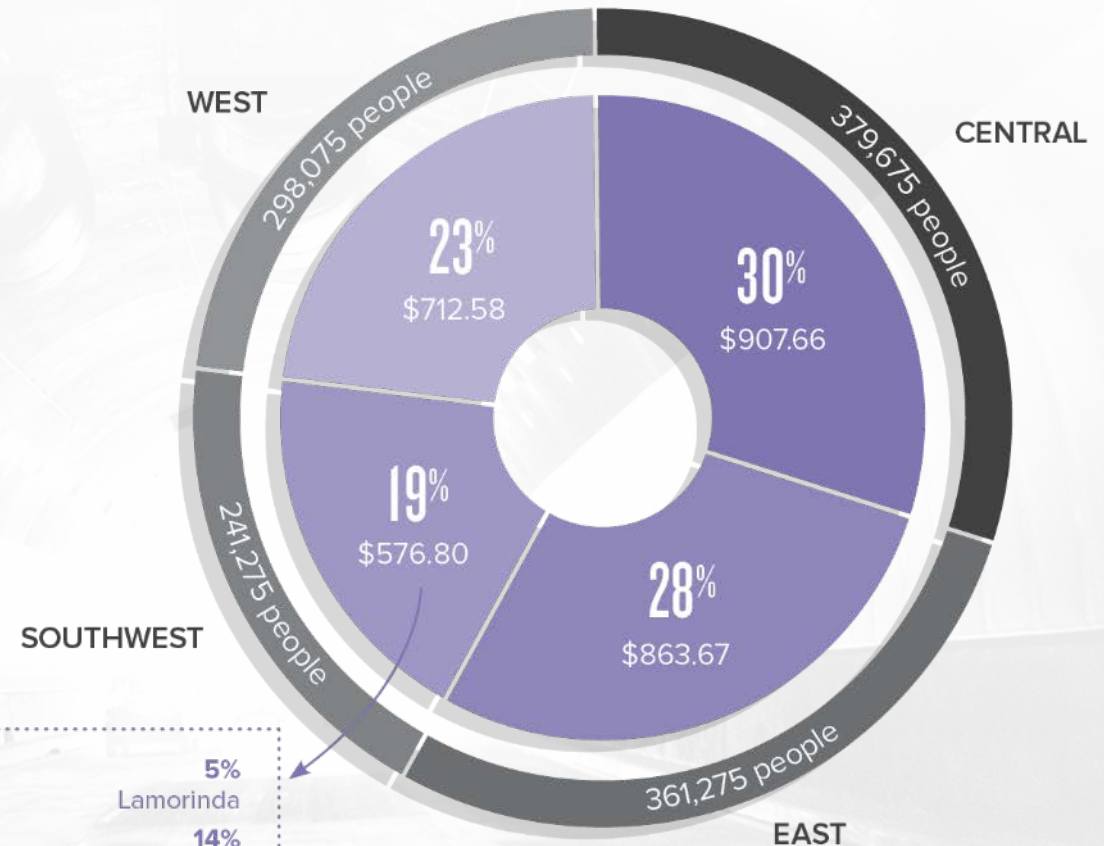
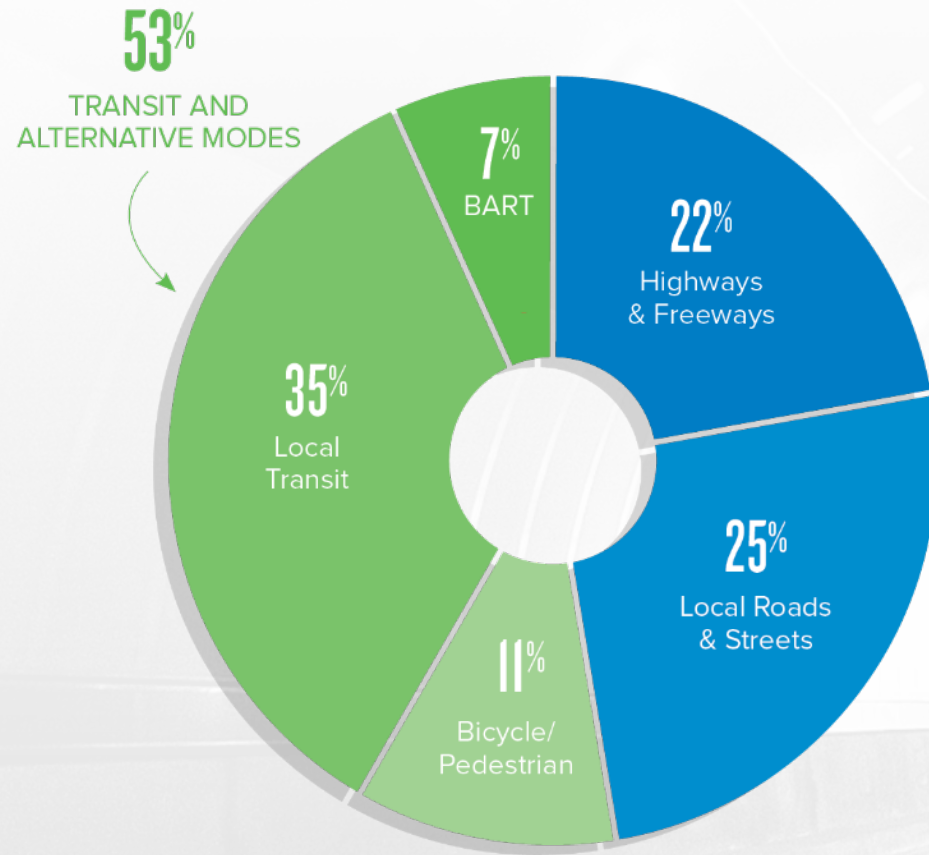
Expenditure Plan Funding Categories

Funding Category

Relieve Congestion on Highways, Interchanges, and Major Roads	\$1.37B
Improve State Route 242, Highway 4, and eBART Corridor	
Modernize I-680, Highway 4, and BART Corridor	
Enhance I-80, I-580 (Richmond-San Rafael Bridge), and BART Corridor	
Improving Transportation Countywide In All Our Communities	\$1.57B
Planning and Administration	\$123M

»»» \$3.06B

Expenditure Plan Overview



5%
Lamorinda
14%
San Ramon Valley

Total Funding >>> **\$3.06B**

*population based on Association of
Bay Area Governments (ABAG)
Projections 2013 for year 2035



Relieving Congestion on Highways, Interchanges, and Major Roads

»» \$1.37B

Enhance I-80, I-580, and BART Corridor

- Improve Transit Reliability Along the I-80 Corridor
- Relieve Congestion and Improve Local Access along I-80 Corridor
- Improve Traffic Flow and Local Access to Richmond-San Rafael Bridge along I-580 and Richmond Parkway
- Improve Traffic Flow on Major Roads in West County
- Enhance Ferry Service and Commuter Rail in West County
- Seamless Connected Transportation Options

»» \$216M

Enhance I-80, I-580, and BART Corridor



Improve SR-242, Highway 4, and eBART Corridor

- Relieve Congestion and Improve Access to Jobs along Highway 4 and SR-242
- Improve Local Access to Highway 4 and Byron Airport
- Additional eBART Train Cars
- East County Transit Extension to Brentwood & Connectivity to Transit, Rail, and Parking
- Improve Transit Reliability along SR-242, Highway 4 and Vasco Road
- Improve Traffic Flow on Major Roads in East County
- Enhance Ferry Service and Commuter Rail in East and Central County
- Seamless Connected Transportation Options

»» \$673M

Improve SR-242, Hwy 4,
and eBART Corridor



Modernize I-680, Highway 24, and BART Corridor

- Relieve Congestion, Ease Bottlenecks and Improve Local Access along the I-680 Corridor
- Provide Greater Access to BART Stations along I-680 and Highway 24
- Improve Traffic Flow on Highway 24 and Modernize Old Bores of Caldecott Tunnel
- Improve Transit Reliability along the Interstate 680 and Highway 24 Corridors
- Improve Traffic Flow on Major Roads in Central County and Lamorinda
- Improve Traffic Flow on Major Roads in San Ramon Valley
- Seamless Connected Transportation Options

»» \$481M

Modernize I-680, Hwy 24,
and BART Corridor



Improving Transportation Countywide in All Our Communities

Modernize Local Roads and Improve Access to Jobs

Improving Walking and Biking on Streets and Trails

Providing Convenient and Reliable Transit Services in Central, East and Southwest Contra Costa

Increase Bus Services and Reliability in West Contra Costa

Affordable Transportation for Seniors, Veterans, and People with Disabilities

Cleaner, Safer BART

Safe Transportation for Youth and Students

Reduce Emissions and Improve Air Quality

Reduce and Reverse Commutes

Planning and Administration

»»» **\$1.57B**

\$532M

\$215M

\$192M

\$187M

\$154M

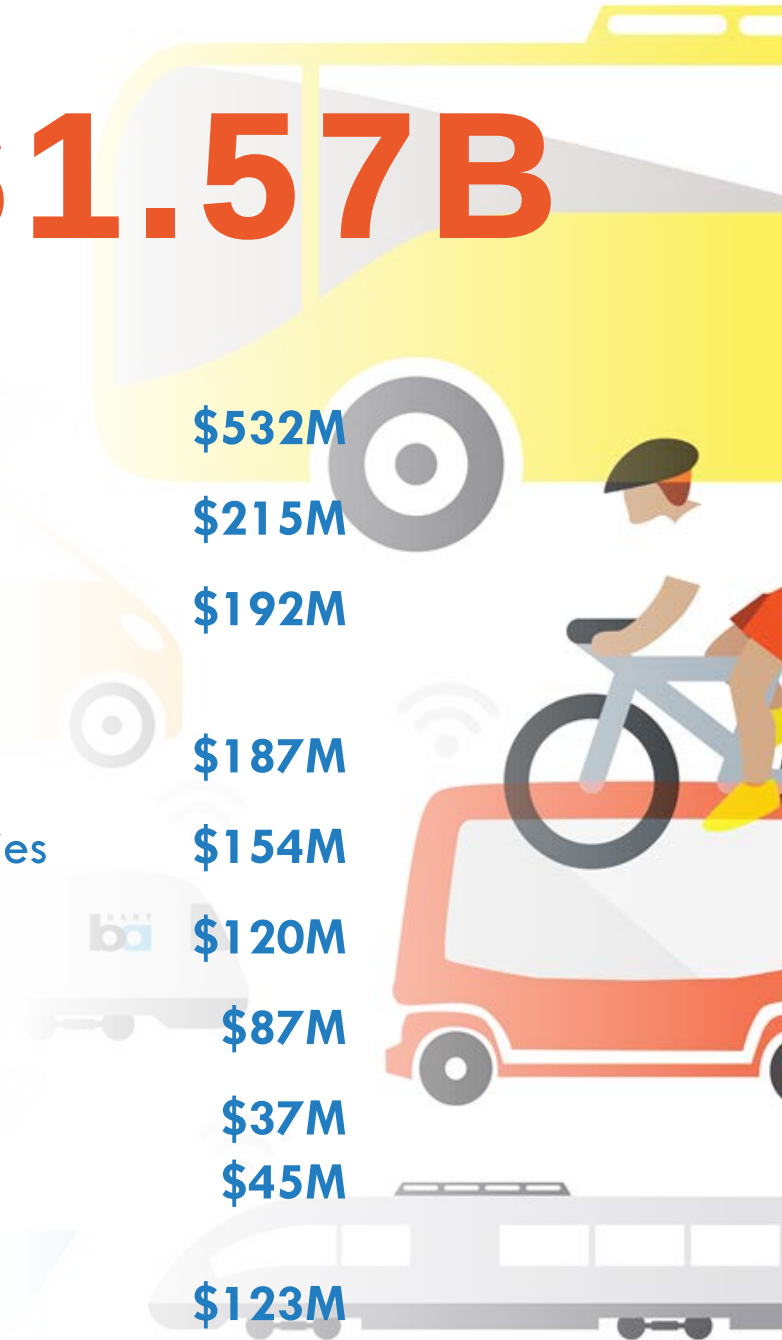
\$120M

\$87M

\$37M

\$45M

\$123M



Countywide and Regional Benefits

- Relieve Traffic Congestion on Highways and Interchanges
- Make Bus, Ferry, Passenger Train, and BART Safer, Cleaner, and More Reliable
- Provide Affordable and Safe Transportation for Children, Seniors, Veterans, and People with Disabilities
- Improve Transportation and Enhance Quality of Life in Our Communities
- Improve Air Quality



Key Policy Considerations

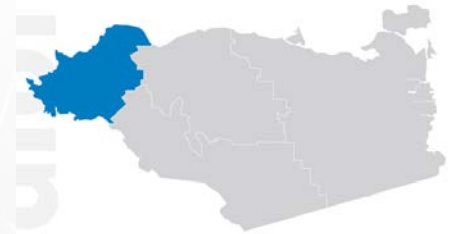
- Growth Management Program
- Urban Limit Line Compliance Policy
- Transit Policy
- Advance Mitigation Program
- Complete Streets Policy
- Road Traffic Safety (aka Vision Zero) Policy
- Taxpayer Safeguards and Accountability Policy



West County Investments

»»» \$713M

Cities and Towns: Crocket, El Cerrito, El Sobrante, Hercules, Pinole, Richmond, Rodeo, and San Pablo



Funding Category

Relieve Congestion on Highways, Interchanges, and Major Roads	\$215M
<i>Upgrade I-80 and I-580 (Richmond Bridge), and BART Corridor</i>	<i>\$215M</i>
Improving Transportation Countywide In All Our Communities	\$469M
<i>Modernize Local Roads and Improve Access to Jobs and Housing</i>	<i>\$101M</i>
<i>Improve Walking and Biking on Streets and Trails</i>	<i>\$51M</i>
<i>Increase Bus Service and Reliability in West Contra Costa</i>	<i>\$187M</i>
<i>Affordable Transportation for Seniors, Veterans, and People with Disabilities</i>	<i>\$41M</i>
<i>Cleaner, Safer BART</i>	<i>\$43M</i>
<i>Safe Transportation for Youth and Students</i>	<i>\$27M</i>
<i>Reduce and Reverse Commutes</i>	<i>\$10M</i>
<i>Reduce Emissions and Improve Air Quality</i>	<i>\$9M</i>
Planning and Administration	\$28M

*numbers may not add up due to rounding

City of El Cerrito

»» \$11.5M

Modernize Local Roads and Improve Access to
Jobs and Housing

Total »»

Potential Measure (30 years)

\$11.5 million

Measure J (14 years*)

\$5.7 million

Annually »»

Potential Measure (per year)

\$383,000

Measure J (per year)

\$410,000

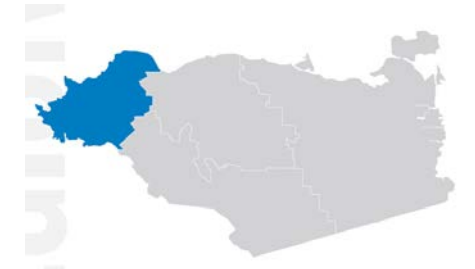


*remaining duration

Benefits to El Cerrito

- **\$383,000 per year to El Cerrito** to modernize local roads and improve access to jobs and housing
- Improve transit reliability along I-80 Corridor such as the I-80 Transit Lane, Shared Mobility Hubs, and San Pablo Multimodal Improvements
- Relieve congestion and improve local access along I-80 Corridor including HOV enforcement and I-80/Central Interchange Improvements
- Funding to improve traffic flow on major roads such as San Pablo Avenue
- Greater access to BART
- Bicycle and pedestrian improvements to streets and trails
- Affordable transportation for seniors, veterans, and people with disabilities
- Safe transportation for youth and students
- Investments to reduce emissions and improve air quality such as electric vehicle charging stations

West County Investments



»» \$713M

Total includes



»» \$187M

To Increase Bus Service

Thank you



ccta.net/theplan



CONTRA COSTA
transportation
authority

EXHIBIT A

RECEIVED
AT THE MEETING OF

AUG 20 2019

El Cerrito

List of Real Property Constituting Public Nuisances – AMENDED 8-20-19

CITY OF EL CERRITO
CITY CLERK

<u>APN</u>	<u>Street Address</u>
505-211-009-4	1012 CONTRA COSTA DR
505-212-015-0	1015 CONTRA COSTA DR
573-133-007-1	1467 RIFLE RANGE RD
505-390-001-4	1475 VISTA RD
504-291-007-4	149 COLUSA AVE
500-170-003-7	2649 ARLINGTON BLVD
500-140-008-3	2721 DEL MONTE AVE
500-150-007-2	2732 DEL MONTE AVE
500-150-006-4	2738 DEL MONTE AVE
504-231-055-6	316 ASHBURY AVE
505-291-014-7	8551 TERRACE DR
505-292-034-4	876 BATES AVE
505-301-038-4	910 ARLINGTON BLVD
505-203-014-4	1120 KING DR
505-203-016-9	1134 KING DR
502-350-007-6	1427 NORVELL ST
502-360-005-8	1433 EVERETT ST
502-472-015-2	7119 MANILA AVE
503-060-011-7	1217 EVERETT ST
505-203-022-7	1220 KING DR
505-202-015-2	1221 KING DR
505-352-009-3	1230 BREWSTER DR
505-390-008-9	1434 CLUB VIEW CT
505-062-021-9	1530 NAVELLIER ST
502-153-023-2	1711 GANGES AVE
502-112-038-0	1715 ELM ST

EXHIBIT A

El Cerrito List of Real Property Constituting Public Nuisances – AMENDED 8-20-19

APN	Street Address
501-160-006-0	2239 MIRA VISTA DR
505-403-003-5	7620 POTRERO AVE
505-403-002-7	7624 POTRERO AVE
505-301-016-0	8649 TERRACE DR
503-302-006-5	926 GALVIN DR
505-033-005-8	1760 ARLINGTON BLVD
505-033-004-1	1764 ARLINGTON BLVD
505-033-003-3	1768 ARLINGTON BLVD
505-033-002-5	1774 ARLINGTON BLVD
505-250-006-2	8106 TERRACE DR
505-181-010-8	1370 CONTRA COSTA DR
505-181-011-6	1364 CONTRA COSTA DR
503-301-009-0	7549 STOCKTON AVE
501-243-016-0	6327 CONLON AVE
572-240-009-9	101 COLUSA AVE
572-240-001-6	101 COLUSA AVE
505-332-010-6	8629 DON CAROL DR