



AGENDA

REGULAR CITY COUNCIL MEETING
Tuesday, October 18, 2016 – 7:00 p.m.
City Council Chambers

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

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

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

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Mayor Pro Tem Jan Bridges.*

2. COUNCIL / STAFF COMMUNICATIONS (*Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.*)

3. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. PRESENTATIONS

A. Unity and Bullying Prevention Awareness Day Proclamation

Approve a proclamation proclaiming October 19, 2016 as Unity Day in the City of El Cerrito and encouraging all schools, students, parents, recreation programs, religious institutions and community organizations to engage in a variety of awareness and prevention activities designed to make our community safer for all

children and adolescents and encouraging all El Cerrito residents to wear orange on Unity Day to demonstrate the City's commitment to the prevention of bullying.

B. Recreation Department Update – *Presentation by Chris Jones, Director, Recreation Department.*

C. Crime Prevention Committee Workplan – *Presentation by Nicholas Arzio, Chair.*

Receive a presentation regarding the Crime Prevention Committee's accomplishments, goals and workplan.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(J)

A. Approval of Minutes

Approve the September 20, 2016 Regular City Council meeting minutes.

B. Arts and Humanities Month Proclamation

Approve a proclamation declaring October 2016 as "Arts and Humanities Month" in the City of El Cerrito and encouraging all residents to participate in arts-related events in El Cerrito throughout the month.

C. Proclamation Recognizing Chris Strachwitz and Down Home Music

Approve a proclamation commending Chris Strachwitz, for his many accomplishments, recognizing the fortieth anniversary of the Down Home Music Store and declaring October 20, 2016 as "Chris Strachwitz and Down Home Music Day" in the City of El Cerrito.

D. Shelter-in-Place Education Day Proclamation

Approve a proclamation recognizing the importance of preparing for emergencies and encouraging participation in the Contra Costa Community Awareness Emergency Response Group's (CAER) public education efforts in support of the parents, teachers, students and staff that will be participating with hundreds of other schools and childcare centers in the Shelter-in-Place Drill and proclaiming November 2, 2016 as "Shelter-in-Place Education Day" in the City of El Cerrito.

E. Proclamation Encouraging Autonomous Vehicle Testing as a Public Safety and Economic Development Initiative

Approve a proclamation declaring that the City of El Cerrito welcomes the testing and operation of intelligent vehicles on the streets and roads over which the City has jurisdiction in accordance with applicable law, as a means to encourage the advancement of this technology and to create economic benefit, and will, if necessary, work collaboratively with other jurisdictions in Contra Costa County to address any issues that arise in order to best protect the safety of our residents.

F. Amendments to City's Job Classification Plan

Adopt a resolution amending the City's Job Classification Plan to: 1) Re-title and revise the class specification of "Information Services Manager" to "Information Technology Manager;" and 2) Retitle the class specification of "Administrative Analyst I, II, III" to "Management Analyst I, II, III."

G. Conflict of Interest Code Update

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, the Employee Pension Board, and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2014-47.

H. Memorandum of Understanding with the Public Safety Management Group – Police Chief

Adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding between the City of El Cerrito and the Public Safety Management Group – Police Chief.

I. Financial Support for Youth Soccer Grant for Gilman Sports Fields

Adopt a resolution supporting the application for a California Youth Soccer Program Grant of \$1,000,000 by the Gilman Sports Fields Joint Powers Authority (JPA) and allocating \$20,000 from the City's General Fund Reserve (identified as Option 1) as local matching funds for the construction of a new youth soccer field and public restroom facility. *Exempt from CEQA.*

J. Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023)

Adopt a resolution taking the following actions: 1) Approve plans for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023); 2) Accept the two submitted bids; 3) Authorize the City Manager to execute a contract in the amount of \$205,268.50 with FBD Vanguard Construction, Inc. and approve change orders in an amount not to exceed \$21,000 for the construction of the Arlington Boulevard and Brewster Drive Intersection Safety Improvements Project; and 4) Amend the Fiscal Year 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to appropriate an additional \$40,000 in the Measure A Street Improvement Fund for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071. *Exempt from CEQA.*

6. PUBLIC HEARINGS

Local Modification of the 2016 California Building Standards Code, Including Green Building Code, Building Code, Fire Code and related Construction Codes

Conduct a public hearing and upon conclusion: 1) Adopt a resolution which makes findings justifying changes or modifications due to local climatic, geologic and topographic conditions in the 2016 California Building Standards Code, which includes the California Green Code, Building Code, Fire Code, Residential Code and related Construction Codes; and 2) Introduce by title and waive first reading of an Ordinance and set the second hearing for November 1, 2016 to adopt the 2016 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the ordinance. *Exempt from CEQA.*

7. POLICY MATTERS

Presentation and Possible Action in Support of California State Proposition 55 – Tax Extension to Fund Education and Healthcare – Presentation by Tony Thurmond, California State Assemblymember, District 15.

Receive a presentation from Assemblymember Tony Thurmond and consider adopting a resolution joining cities and school districts around the state in supporting California Proposition 55 and urging the Legislature to work with the public education community to identify stable, long-term, adequate funding solutions for public schools and support the passage of Proposition 55 because it provides needed

revenue to public schools and will specifically benefit the district.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, November 1, 2016 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/ind-ex.aspx?NID=114>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL PROCLAMATION
Unity and Bullying Prevention Awareness Day

WHEREAS, the City Council has declared October 16-22, 2016 as “Freedom from Bullies Week in El Cerrito;” and

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or intimidation intentionally directed at a person or group of people. Bullying occurs in neighborhood parks, playgrounds, schools, and through technology, such as the Internet and cell phones; and

WHEREAS, targets of bullying are more likely to acquire physical, emotional, and learning problems and students who are repeatedly bullied often fear such activities as riding the bus, going to school, and attending community activities; and

WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors and children who witness bullying often feel less secure, more fearful, and intimidated; and

WHEREAS, Unity Day will promote kindness, inclusion, and acceptance for all people and provide bullying awareness and prevention resources for families in El Cerrito; and

WHEREAS, the California Parks and Recreation Society District 3 has encouraged all of its member cities in Contra Costa and Alameda Counties to participate in UNITY DAY and is deserving of commendation for their efforts.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims October 19, 2016 as Unity Day in the City of El Cerrito and encourages all schools, students, parents, recreation programs, religious institutions, and community organizations to engage in a variety of awareness and prevention activities designed to make our community safer for all children and adolescents and encourages El Cerrito residents to wear orange on Unity Day to demonstrate the City’s commitment to the prevention of bullying.

Dated: October 18, 2016

Gregory B. Lyman, Mayor



(Crime Prevention Committee)

FISCAL YEAR 2015-2016 WORK PLAN

AND

2014-2015 ACCOMPLISHMENTS

Members: Marty Takimoto, Katherine Kreuger, Nicholas Arzio, Eugene Go, Molly Haze, Linda Jolivet, Bruce Yow and Staff Liaison Detective Edwin Jacala

MISSION STATEMENT:

Resolution 2001-105 abolished the El Cerrito Citizen's Committee on Crime Prevention and established the El Cerrito Crime Prevention Committee.

Goals:

1. Develop and promote crime prevention programs.
2. Promote cooperation with local law enforcement.
3. Promote awareness of methods to prevent crime.
4. Advise the City Council regarding crime prevention programs.

HISTORICAL BACKGROUND:

On September 15, 1975, the El Cerrito City Council established The Committee on Crime Prevention which was changed December 17, 2001 to its current title: Crime Prevention Committee. The Crime Prevention Committee is an active committee that develops and promotes crime prevention programs, promotes cooperation with local law enforcement and awareness of methods to prevent crime, as well as advises the City Council regarding crime prevention programs.

FISCAL YEAR 2015-16 WORK PLAN

GOAL/OBJECTIVE	PROPOSED ACTIVITIES	PRIORITY RANKING	TIMELINE FOR COMPLETION
1. One and Three	CPC and Neighborhood Watch Surveys	Top	Next Year: Surveys Created and Submitted to the ECPD. Awaiting Action from Staff Liaison
2. One and Three	Promote CPC and Neighborhood Watch to Groups.	High	Ongoing. Presented to Schmidt Lane Neighborhood Watch Group
3. One	Promote CPC and New Neighborhood Watch Programs.	High	Promoted National Night Out, July 4 th Festival, Tri-City Safety Day.
4. One and Two	Police and Community Clean-up	Mid	Complete, Event Held With Over 30 Attendees
5. One	Ohlone Greenway Mural Project	Mid	Next Year. Subcommittee proposal submitted. Pending Action

PRIOR YEAR ACCOMPLISHMENTS

GOAL/OBJECTIVE	ACTIVITIES SUPPORTING GOAL	STATUS
1. One and Three	Identity Theft Seminar	Completed
2. One	Neighborhood Watch Brochure	Completed
3. Three	CPC Promotional Items	Whistles ordered, Postcard designed
4. One	Promote CPC and New Neighborhood Watch Groups.	Promoted at National Night Out, July 4 th Festival, Tri-City Safety Day

ONGOING PROJECTS

PROJECT	ACTIVITIES
Promote Crime Prevention Committee, Neighborhood Watch and Cooperation with the El Cerrito PD	Event Attendance: National Night Out, Tri-City Safety Day, World One Festival
Promote Awareness of Identity Theft Prevention Methods	Identity Theft Seminar
Establish and Coordinate Neighborhood Watch Programs for Every Neighborhood in El Cerrito.	Neighborhood Watch Expansion

El Cerrito
Crime Prevention Committee

Agenda Item No. 4(C)

Fiscal Year 2015-16 Work Plan & Prior Year Accomplishments

Marty Takimoto, Chair

Catherine Krueger, Vice Chair

Nicholas Arzio

Eugene Go

Mollie Hazen

Linda Jolivet

Bruce Yow

Det. Edwin Jacala (Staff Liaison)

Mission Statement



Resolution 2001-105 abolished the El Cerrito Citizen's Committee on Crime Prevention and established the El Cerrito Crime Prevention Committee.

Goals:

1. Develop and promote crime prevention programs.
2. Promote cooperation with local law enforcement.
3. Promote awareness of methods to prevent crime.
4. Advise the City Council regarding crime prevention programs.

Prior Year Accomplishments



Activities	Goals	Status
Identity Theft Seminar	1,3	Complete. Event held with guest panel.
Neighborhood Watch Brochure	1	Brochure designed and printed.
CPC Promotional items	3	Whistles ordered, Postcard designed
Promote New NW Groups and the CPC	1	Promoted at National Night Out, July 4 th Festival, Tri-City Safety Day

Fiscal Year 2015-16 Work Plan



Activities	Goals	Priority	Timeline for Completion
CPC and NW Surveys	1,3	TOP	Next year. Surveys created and submitted to PD. Awaiting action from staff liaison.
Promote CPC at NW Groups	1, 3	TOP	Ongoing. Presented to Schmidt Lane NW Group.
Promote New NW Groups and CPC	1	TOP	Complete. Promoted at National Night Out, July 4 th Festival, Tri-City Safety Day
Police & Community Cleanup	1,2	MID	Complete. Event held with over 30 attendees.
Ohlone Greenway Mural Project	1	MID	Next Year. Formed a joint subcommittee and prepared a detailed proposal. Awaiting action from staff liaison.

Ongoing Projects



Activities	Project
Event attendance: National Night Out, Tri-City Safety Day, World-One Festival	Promote Crime Prevention Committee, Neighborhood Watches, cooperation with police.
Identity Theft Seminar	Promote awareness of identity theft prevention methods.
Neighborhood Watch Expansion	Establish and coordinate neighborhood watches for every neighborhood in El Cerrito.

EL CERRITO CITY COUNCIL

MINUTES

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

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

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

Councilmembers Abelson, Bridges, Friedman, Quinto and Mayor Lyman all present.

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

Mayor Lyman convened the regular City Council meeting at 7:01 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Paul Keith, Interim Chief of Police, reported that there was a great turn out of people at the City's meeting regarding marijuana regulations. The city received a lot of good input which will be incorporated into proposals that will be presented to the Council in the future.

Councilmember Bridges announced that October 2016 is Arts Month and invited all to attend the October 1, 2016 kick-off event. Councilmember Bridges also recognized Chris Jones and Recreation Department staff for the 27 awards they received from Parents Press Newspaper. Councilmember Bridges also reminded all that Restaurant Week is coming up October 6-9. Several local restaurants are participating. There will be discounts and prizes.

Mayor Pro Tem Abelson reported that she participated in Contra Costa College's Presidential Investiture of Mojdeh Mehdizadeh as the College's 12th President on September 13. President Mehdizadeh has a lot of experience and depth and has done an amazing job at the College. The grand opening of new buildings on campus was also celebrated. As a member of the Contra Costa College Foundation Board who awards scholarships to individuals that are also raising families, Mayor Pro Tem Abelson said she hopes that the students of El Cerrito will take advantage of the opportunity to attend the College as part of their own educational growth. Mayor Pro Tem Abelson also joined Mayor Lyman in attending the Mayors Innovation Project

Conference in Berkeley and commended Berkeley's entertainment district, including the newly refurbished UC Theater which is a live entertainment venue now.

Mayor Lyman stated that he was impressed with a tool presented in beta version at the Mayors Innovation Conference that allows the public to track the progress of requests for service and various projects within a City. The tool allows for more interaction between what is seen on a daily basis and how to get things repaired. It was nice to see Mayors throughout the United States present. Mayor Lyman announced that he attended a screening of the film "Fix It, Healthcare at the Tipping Point" on August 20 at the Cerrito Theater. The event was well attended and included a lively discussion. On September 8 Mayor Lyman represented the city before the BART Board of Directors regarding the Memorandum of Understanding that was on the Council's August 16 agenda regarding studying the possibility of a transit-oriented development at the Plaza BART Station that includes a library. The BART Board was overwhelmingly positive. Mayor Lyman also attended Tri-City Safety Day on September 17 and thanked the Police and Fire Departments for their work and also thanked the Crime Prevention Committee for its outreach. The event was very interesting and well received by the public.

Councilmember Friedman thanked all the members of the community who worked to support the Sem family and the retention of All Star Donuts at El Cerrito Plaza. Councilmember Friedman also thanked Rick Radin for increasing awareness about the issue in the community by publishing an article in the East Bay Times. It is a victory for a hardworking family and a business that is a treasure our community.

Councilmember Quinto thanked the many people who signed a petition and worked together to support the treasure that is All Star Donuts and its owners and also thanked the personal activism of Ms. Briones. Councilmember Quinto also reported that he spoke to a diverse group of young students at a government class in the new general education building at Contra Costa College, also attended the grand opening of new buildings and congratulated Contra Costa College for getting it done.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Melanie Proctor, El Cerrito, said she would love to see a new library in El Cerrito but will vote no on Measure B.

Cordell Hindler, Richmond, stated that he will provide the City Clerk with information relating to Boards and Commissions, noted that there was an El Cerrito police car on his street, My Fair Lady at the Contra Costa Theatre, and that he supports a library at the BART station.

Ramon Briones, Richmond, thanked Mayor Lyman and Councilmember Friedman for their support of All Star Donuts and expressed his appreciation for Mr. Sem.

Sam Cheung, El Cerrito, thanked El Cerrito for keeping All Star Donuts in the community and also thanked Melanie Mintz, Community Development Director, Councilmember Friedman, Mayor Lyman and Rick Radin/East Bay Times, for their efforts. Mr. Cheung said he and his wife have lived in El Cerrito for almost 40 years and that he loves El Cerrito and how it has grown. He loves the Plaza, particularly the Farmers Market and supporting small businesses like All Star Donuts. Mr. Cheung thanked the City for defending the community and for its dedication and hard work.

Khamoria Sem, El Cerrito Plaza, thanked the City for supporting All Star Donuts.

Al Miller, El Cerrito, urged those who are using a community electronic forum for asking questions and commenting on the library measure to review information that is posted on the City's website or contact Karen Pinkos, Assistant City Manager.

Ron Rothbart, El Cerrito, member of Citizens Climate Lobby, spoke in support of Consent Calendar Item No. 5(D), the Carbon Fee Resolution.

Ben de Lumen, El Cerrito, spoke in support of All Star Donuts and commended the City Council for supporting it, particularly Councilmember Friedman.

Joy Gray, El Cerrito, said she and her husband take their finances very seriously and are disappointed with the proposed cost of the library. They would like to hear of other options that would give the City a great facility without adding a new parcel tax to her family's budget. Ms. Gray also said she is opposed to asking for a blank check without any plans and that the City left off the property tax on published materials.

Bill Kuhlman, El Cerrito, spoke on behalf of El Cerrito Restaurant Week. The event has been a great effort of collaboration between the El Cerrito Chamber of Commerce, Economic Development Advisory Committee and City Staff.

Paul Fadelli, El Cerrito, thanked the Council for setting a flexible option for the City to proceed with building a safe, modern library. There will be plenty of scrutiny for any option that is brought back to the Council should Measure B succeed. There is never an easy path to take for adequate funding of public infrastructure. It takes courage to take a stand and move a project forward. Mr. Fadelli says he supports Measure B so that the City can move forward with a library and will see if the voters agree with this approach. Mr. Fadelli says he looks forward to getting it done with a lot of public involvement.

Kendra Zien, Relay for Life, thanked the City Council for sponsoring the 2016 Relay for Life and also thanked the community for its participation. The event raised over \$25,000 and had the most participants in El Cerrito Relay's history. El Cerrito was a beacon of hope for cancer survivors, caretakers and those who have lost loved ones to cancer.

Gayanne Kanneian, Relay for Life Volunteer, stated that individuals supporting Black Lives Matter in Oakland walked the track with El Cerrito Police Officers.

Steve, Relay for Life Volunteer, said he was able to see a young girl bring a ray of hope back to her mother who is being treated for cancer.

Frank, Relay for Life Volunteer, thanked the City Council for their support of the event.

Jessica, Relay for Life Staff Member, thanked the City Council and stated that El Cerrito is providing hope to the community.

Forrest MacDonald, Relay for Life, thanked the City Council for its generosity and support. Mr. MacDonald challenged the Council to be as strong in 2017 as it was in 2016 and presented the City Council with an award on behalf of Rely for Life to commemorate the City Council's generosity and commitment to fighting cancer.

Georgina Edwards, El Cerrito, stated that she loves El Cerrito's community and sense of engagement. Ms. Edwards expressed her support for the vision and research that has been done to bring a safe, modern library to El Cerrito. Ms.

Edwards says she knows the project will be well managed and will be fiscally responsible and said her family looks forward to budgeting \$13 per month for the months to come should Measure B pass.

Rochelle Pardue-Okimoto, El Cerrito, stated that safety is the number one priority for the City and that she is disturbed that the current library does not meet seismic standards. There are many children at the library on a daily basis. Ms. Pardue-Okimoto asked how a cost can be put on computer literacy. Many people in the City do not have access to a computer in their homes. Ms. Pardue-Okimoto said she looks forward to building a community space for children and senior citizens to use in the future and that everyone needs to pull together to make it happen.

Nicholas Arzio, El Cerrito, expressed several concerns with Measure B. Mr. Arzio stated that Yes on B's ballot argument rebuttal did not address the opponents arguments but led with name calling. Mr. Arzio said when residents reach out and try to have dialogue that they do not get answers and that is why they will vote no on the measure. Mr. Arzio said the rebuttal says all the money goes to fund a library but the ordinance says that money may be spent on associated public facilities and the Frequently Asked Questions that was mailed to city residents does not state that Measure B is a tax.

4. PRESENTATIONS

A. 2016 EC STARS Internship Program

Receive a presentation regarding the 2016 El Cerrito Students Training and Ready for Success ("EC STARS") Internship Program – *Presentation by Suzanne Iarla, Assistant to the City Manager, Corey Mason, West Contra Costa Unified School District, and Interns Jeff Feng, Minhali Motiwala, Muhammad Arsalan, John Ly and Abia Syed.*

Speaker: Cordell Hindler, Richmond, said he was impressed by the presentation and that the program offers opportunity.

Action: Received presentation.

B. Better Bay Area Rapid Transit – Time to Rebuild

Update on BART system, current projects and funding, BART ridership and planning for the future – *Presentation by BART Directors Zakhary Mallett and Rebecca Saltzman.*

Pamela Stewart-Wagner, El Cerrito, asked when the 2004 bond will expire and whether there will be an expiration with the proposed bond measure.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5(A) through 5(L)

Moved, seconded (Friedman/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5(A) and 5(C) through 5(L) in one motion as indicated below. Item No. 5(B) was removed from the Consent Calendar for the purpose of allowing a short presentation from the Meals on Wheels and Senior Outreach Services / Falls Prevention Program Manager.

CITY COUNCIL ITEMS

A. Approval of Minutes

Approve the following meeting minutes: 1) August 16, 2016 City Council Closed Session and August 16, 2016 Regular City Council; 2) August 2, 2016 Regular City Council; and 3) July 19, 2016 Regular City Council.

Action: Approved minutes.

B. Falls Prevention Proclamation

Approve a proclamation declaring the week of September 19 to 25, 2016 as “Falls Prevention Awareness Week” in the City of El Cerrito and calling upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Action: Removed from the consent calendar for the purpose of receiving a brief presentation from Alayne Balke, Fall Prevention Program Manager. Ms. Balke thanked the City Council for recognizing Falls Prevention Week.

Moved, seconded (Abelson/Quinto) and carried unanimously to approve the proclamation.

C. Domestic Violence Awareness Month Proclamation

Approve a proclamation declaring October 2016 as Domestic Violence Awareness Month and urging all residents to actively participate in efforts to end violence in our homes, in our schools, and in our communities.

Action: Approved proclamation.

D. Carbon Fee Resolution

At the request of Mayor Pro Tem Abelson, adopt a resolution: 1) Urging the United States Congress to enact without delay a revenue-neutral fee on carbon-based fossil fuels; 2) The fee rate should start low and increase steadily and predictably, to achieve the goal of reducing U.S. CO₂ emissions to 10% of 1990 levels by 2050; 3) All revenues from the fee should be returned to households to protect low and middle income Americans from the impact of rising prices due to the fee; 4) The international competitiveness of U.S. businesses should be protected by using border tariffs and refunds of the fee; and 5) The City Council directs the City Clerk to transmit copies of the resolution to Representative De Saulnier and Senators Boxer and Feinstein.

Action: Adopted Resolution No. 2016–69.

E. Proposition 67 Ban on Single-Use Plastic Bags Referendum

Adopt a resolution in support of Proposition 67, Ban on Single-Use Plastic Bags Referendum, which would be a position in favor of upholding SB 270, the contested State legislation regulating single-use carry-out bags.

Action: Adopted Resolution No. 2016–70.

F. Support for West Contra Costa Unified School District Measure T

Adopt a resolution in support of Measure T, the West Contra Costa Unified School District Parcel Tax Renewal, and encouraging the voters of the City of El Cerrito to review the language and arguments concerning Measure T and thereafter to cast their vote on Measure T at the November 8, 2016 election.

Action: Adopted Resolution No. 2016–71.

G. Support for BART’s General Obligation Bond Measure to Fund BART’s Safety, Reliability and Traffic Relief Program

Adopt a resolution in support of Bay Area Rapid Transit (BART) general bond measure for investment in the renewal of the BART system, and encouraging the voters of the City of El Cerrito to review the language and arguments concerning the measure and thereafter to cast their vote on the measure at the November 8, 2016 election.

Action: Adopted Resolution No. 2016–72.

H. Ratification of Appointment to the Oversight Board

Adopt a resolution ratifying the Mayor's appointment of Mark Rasiah, Finance Director/Treasurer, to the Oversight Board of the Successor Agency to the former El Cerrito Redevelopment Agency representing the former employees of the El Cerrito Redevelopment Agency.

Action: Adopted Resolution No. 2016–73.

I. Gilman/Tom Bates Sports Field Joint Powers Authority Alternate Appointment

Confirm the appointment of Mayor Lyman to represent the City of El Cerrito as its second alternate member on the Gilman/Tom Bates Sports Field Joint Powers Authority.

Action: Confirmed appointment of Mayor Lyman as alternate.

J. Crime Prevention Committee Appointment

Approve a Crime Prevention Committee recommendation to appoint Nathan DeClue to the Crime Prevention Committee, effective September 20, 2016.

Action: Appointed Nathan DeClue.

REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEMS

K. Amended Recognized Obligations Payment Schedule 16-17B

Adopt a Successor Agency resolution reviewing and authorizing submittal of an Amended Recognized Obligations Payment Schedule 16-17B (January 1, 2017-June 30, 2017).

Action: Adopted Successor Agency Resolution No. 2016–03.

L. Accept Former Redevelopment Agency Properties from the Municipal Services Corporation and Convey the Properties to the City of El Cerrito

That the City Council of the City of El Cerrito acting as the Governing Board of the Successor Agency to the El Cerrito Redevelopment Agency adopt a resolution accepting the conveyance of the following former Redevelopment Agency properties identified as: 1) Mayfair Block – 1925 Kearney Street, 11690 San Pablo Avenue; 11600 San Pablo Avenue; 2) Eastshore Block – 11335-41 San Pablo Avenue, 6111 Potrero Avenue, 1718 Eastshore Boulevard; and 3) Government Purpose Property – Civic Center 10930/10940 San Pablo Avenue, from the El Cerrito Municipal Services Corporation and approve the conveyance of the former Redevelopment Agency properties to the City of El Cerrito in accordance with the Successor Agency to the El Cerrito Redevelopment Agency Long Range Property Management Plan. *Exempt from CEQA.*

Action: Adopted Successor Agency Resolution No. 2016–04.

6. PUBLIC HEARINGS

A. Abatement of Fire Hazard Public Nuisances on Two Properties Pursuant to El Cerrito Municipal Code Chapter 16.26

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private property designated in Exhibit A to the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

Presenter: Christopher Renshaw, Fire Captain/Fire Prevention Officer/Paramedic.

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Bridges/Abelson) and carried unanimously to close the public hearing.

Action: Moved, seconded (Abelson/Friedman) and carried unanimously to adopt Resolution No. 2016–74.

B. PL14-0171 El Dorado Townhomes Tentative Subdivision Map

Conduct a public hearing and upon conclusion adopt a resolution approving the Tentative Subdivision Map for Planning Application PL14-0171, including changes to the project proposed by the applicant. *Exempt from CEQA.*

Presenter: Sean Moss, Senior Planner.

Mayor Lyman opened the public hearing.

Applicant Presentation: Keith McCoy, Principal, Urban Community Partners.

Speakers: Rebecca Benassini, Former El Cerrito Councilmember, said she had been following this item and expressed concern for the former residents of Audis RV Park and said she hoped they were doing well. Former Councilmember Benassini said she was very supportive of the project in its current form and noted that so many cities in the Bay Area are having deep conversations about affordable housing. The residents of San Francisco have taxed themselves to make affordable housing a community value. If the City really cares about affordable housing it will need to have a broad conversation about who will bear the burden of it. Former Councilmember Benassini said she looks forward to having that conversation.

Cordell Hindler, Richmond, said he enjoyed the presentation and hoped the Council will approve the project.

Robin Mitchell, El Cerrito, said the project continues to be a disappointment in its lack of options for different sized units as well as accessibility. The studio units are inadequate for a living space and two accessible units do not have covered parking spaces like the other units. Ms. Mitchell said the project moves in the direction of decreasing density and away from appropriate transit-oriented development. Additionally, the ramifications of the project for the previous occupants of the property at Audiss RV Park continue to play out. They are the most vulnerable citizens and we have not fulfilled our societal obligations to take care of them.

Howdy Goudey, El Cerrito, thanked the City Council for requesting more affordability and accessibility features for the project. There are many underutilized sites in El Cerrito that could have been chosen for development that would not have displaced people. The need for mitigation and the failure to apply the condo conversion ordinance reflects poorly on the developer. Mr. Goudey stated that both he and staff had provided different interpretations of the condo conversion ordinance for the City Council to consider. An expectation needs to be established that property rights also bring responsibility, including social obligations to the community as a whole. The project doesn't change density or opportunity it just changes who can live there. Mr. Goudey urged the Council to reject the project.

Dan Hardy, El Cerrito, said he has worked in affordable housing over the past several years and said the City has done a great job in affordable housing the past few years. Mr. Hardy stated that he supports the El Dorado Project. The City needs much more housing of all kinds. Mr. Hardy asked the City Council to do what it can to support infill transit housing like El Dorado and approve the project.

Sharon Maldonado, Berkeley, said 39 people lived at Audiss RV Park, were displaced, and lost their affordable housing, including their trailers. Ms. Maldonado queried how the proposed units can remain affordable over time without a guarantee and asked the City Council to reject the proposal and address affordability.

Sidney Manchester-Jones, El Cerrito, said he is one of the displaced residents of Audiss RV Park and queried what affordability is. Mr. Manchester-Jones said the project comes down to conscience in terms of what is happening.

Keith McCoy, Applicant, stated that his team put together affordability by design in a small infill site. Although it was not legally required, it is a good compromise.

Moved, seconded (Friedman/Bridges) and carried unanimously to close the public hearing.

Action: Moved, seconded (Quinto/Bridges; Ayes – Councilmembers Abelson, Bridges, Quinto and Mayor Lyman; Noes – Councilmember Friedman; Abstain – None; Absent – None) and carried to adopt Resolution No. 2016–75 as amended by Mayor Lyman to: 1) Add an additional condition of approval which states that the Covenants, Conditions and Restrictions for the project allow for no more than five of the units to be rented at any one time excluding the units that would be required by the El Cerrito Municipal Code to be deed restricted to have the owner occupy either the main unit or the accessory unit; and 2) Correct the resolution to indicate that the plans were shown to the City Council on September 20, 2016.

7. **POLICY MATTERS – None**

8. **COUNCIL ASSIGNMENTS/LIAISON REPORTS**

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

Mayor Lyman reported that he attended two Marin Clean Energy meetings regarding power purchases. The agency is moving forward with additional solar and wind power to increase the “Light Green” content. The Light Green content is moving up from 50% which will benefit everyone in the community. On September 1, the City hosted the Contra Costa Mayors Conference at the Mira Vista Country and Golf Club. Chris MacKenzie, Executive Director, League of California Cities, spoke at the meeting. Mr. MacKenzie is retiring at the end of October and emphasized the importance of continued support for the League.

9. **ADJOURNED REGULAR CITY COUNCIL MEETING at 10:13 p.m.**

SUPPLEMENTAL REPORTS AND COMMUNICATIONS #1

Item No. 6(B) PL14-0171 El Dorado Townhomes Tentative Subdivision Map

1. Comments on the project – *Submitted by Rebecca Benassini, Former El Cerrito Councilmember.*
2. Comments in favor of the project – *Submitted by Jennifer Sobol, El Cerrito.*
3. Yes for the El Dorado Townhome Development – *Submitted by Ryan Call, El Cerrito.*

Other:

4. Comments regarding a no vote on Measure B – *Submitted by Laura Rogers Sievers, El Cerrito.*

5. Measure B concerns – *Submitted by Reed O'Brien, El Cerrito.*

SUPPLEMENTAL REPORTS AND COMMUNICATIONS #2

(Submitted at the September 20, 2016 City Council meeting)

Item No. 4(A) 2016 EC STARS Internship Program

6. Powerpoint presentation – *Submitted by Suzanne Iarla, Assistant to the City Manager.*

Item No. 4(B) Better Bay Area Rapid Transit – Time to Rebuild

7. Powerpoint presentation – *Submitted by Karen Basting, Principal Government and Community Relations Representative, San Francisco Bay Area Rapid Transit District.*

Item No. 5(B) Falls Prevention Proclamation

8. Brochure "Saving Lives – One Meal, One Ride or One Visit at a time – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*
9. Brochure "Fall Prevention Checklist and Resource Guide" – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*
10. Brochure "Enhancing the Quality of Life for Older Adults in Contra Costa County" – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*
11. The IndeeLift Pancake Breakfast and Resource Fair to benefit Meals on Wheels and Senior Outreach Services – *Submitted by Alayne Balke, Fall Prevention Program Manager, Meals on Wheels and Senior Outreach Services, Walnut Creek.*

Item No. 6(B) PL14-0171 El Dorado Townhomes Tentative Subdivision Map

12. Email to City Council re: Response to 5828 El Dorado Staff Report for Sept. 20 – *Submitted by Melanie Mintz, Community Development Director.*

Other:

13. Award, Certificate and Brochures presented to the City of El Cerrito for its sponsorship and participation in 2016 El Cerrito Relay for Life – *Submitted by Laura Zien, Relay for Life.*
14. El Cerrito Restaurant Week Flyer – *Submitted by Bill Kuhlman, El Cerrito*
15. New College Center Ribbon Cutting & Presidential Investiture for Mojdeh Mehdizadeh – *Submitted by Mayor Pro Tem Abelson.*

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing October 2016 as
National Arts and Humanities Month in El Cerrito

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for more than two decades; and

WHEREAS, the arts and humanities embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and humanities enhance and enrich the lives of every American; and the arts and humanities play a unique role in the lives of our families, our communities, and our country;

WHEREAS, the arts and humanities enhance and enrich the lives of every American as well as contribute towards cross-cultural understanding; and

WHEREAS, studies show that innovation and creativity are key components to a prosperous future California economy, and

WHEREAS the City of El Cerrito's Arts and Culture Commission works to encourage and promote arts programs and events and this year hosted the Arts Month Kick-Off Celebration on October 1, and is also co-sponsoring the El Cerrito Free Folk Festival on October 8, and the El Cerrito Historical Society's screening of "This Ain't No Mouse Music" on October 15.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim October 2016 as "Arts and Humanities Month" in the City of El Cerrito and encourages all residents to participate in arts-related events in El Cerrito throughout the month.

Dated: October 18, 2016

Gregory B. Lyman, Mayor

***EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing Chris Strachwitz and Down Home Music***

WHEREAS, Mr. Christian Strachwitz is a music producer, filmmaker, author and business owner who started recording American roots music in his twenties and established Arhoolie Records in 1960; and

WHEREAS, in 1976, he opened a retail record store, the Down Home Music Store at 10341 San Pablo Avenue, now celebrating its fortieth year in business. The Down Home Music Store offers Folk, Bluegrass, Blues, Cajun, Zydeco, Country, Gospel, Jazz, Latin, Mexican and World Music on sound carriers of all kinds, and periodically hosts in-store performances; and

WHEREAS, in 1995, Mr. Chris Strachwitz established the not-for-profit Arhoolie Foundation to document, preserve, present and disseminate regional vernacular music, specifically partnering with UCLA to digitally preserve nearly 150,000 recordings in the Strachwitz Frontera Collection of Mexican and Mexican American music; and

WHEREAS, Chris Strachwitz also made two films with filmmaker Les Blank documenting vernacular cultures: "I Went to the Dance" (1989) and "Chulas Fronteras" (1976), the later added to the U.S. Library Of Congress National Film Registry; and

WHEREAS, Mr. Chris Strachwitz has received numerous honors for his contributions to the music industry and American cultural heritage including a National Heritage Fellowship from the National Endowment for the Arts (NEA) in 2000; and a Trustees Award from the Recording Academy in 2016; and

WHEREAS, in 2016, Arhoolie Records was acquired by Smithsonian Folkways Recordings, the nonprofit record label of the Smithsonian Institution, the national museum of the United States; and

WHEREAS, October is National Arts and Humanities Month.

NOW THEREFORE, the City Council of the City of El Cerrito hereby commends Chris Strachwitz, for his many accomplishments and recognizes the fortieth anniversary of the Down Home Music Store and declares Thursday, October 20, 2016 as "Chris Strachwitz and Down Home Music Day" in the City of El Cerrito.

Dated: October 18, 2016

Gregory B. Lyman, Mayor

***EL CERRITO CITY COUNCIL PROCLAMATION
Shelter-in-Place Education Day***

WHEREAS, public and private schools and childcare centers throughout Contra Costa County will be participating in the Shelter-in-Place Drill on November 2, 2016; and

WHEREAS, Contra Costa Community Awareness Emergency Response Group (CAER) is sponsoring the 15th Annual Shelter-in-Place Drill and assisting schools and childcare centers with their emergency preparedness; and

WHEREAS, emergency response agencies including fire, sheriff and health officials all recommend Shelter-in-Place as the immediate action to take in case of a hazardous release; and

WHEREAS, the Shelter-in-Place Drill increases public awareness about Shelter-in-Place as a protective action and gives students and teachers practice in implementing this important procedure; and

WHEREAS, the County Office of Education has endorsed the Shelter-in-Place Drill and encouraged all sites to participate.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby recognize the importance of preparing for emergencies and encouraging participation in the Contra Costa Community Awareness Emergency Response Group's (CAER) public education efforts in support of the parents, teachers, students and staff that will be participating with hundreds of other schools and childcare centers in the Shelter-in-Place Drill and proclaims November 2, 2016 as "Shelter-in-Place Education Day" in the City of El Cerrito.

Dated: October 18, 2016

Gregory B. Lyman, Mayor

***EL CERRITO CITY COUNCIL PROCLAMATION
Encouraging Autonomous Vehicle Testing as a Public
Safety and Economic Development Initiative***

WHEREAS, the introduction of passenger and freight automobiles operating with autonomous functionality is imminent and likely to profoundly affect our lives and our communities; and

WHEREAS, these vehicles have the potential to greatly reduce or eliminate traffic fatalities caused by human error and distraction. Furthermore, intelligent vehicles will reduce congestion, emissions and the need for costly additions of lanes to busy roadways; and

WHEREAS, the Contra Costa Transportation Authority and its partners at GoMentum Station – the largest secure connected and autonomous vehicle proving grounds in the nation, located in Contra Costa County – are at the forefront of advancing innovations in vehicle-to-vehicle communications, sensor technology, human factors, artificial intelligence, clean air, safety, and public policy issues critical to the success of this transformational change; and

WHEREAS, it is our stated goal to engage in strategic economic development initiatives that will create high-paying employment opportunities to strengthen our overall economy and provide benefit to all citizens. We realize that those communities and states that are first to embrace this life-saving and transformational technological advancement will stand to gain the most potential economic benefit.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim that the City of El Cerrito welcomes the testing and operation of intelligent vehicles on the streets and roads over which the City has jurisdiction in accordance with applicable law, as a means to encourage the advancement of this technology and to create economic benefit, and will, if necessary, work collaboratively with other jurisdictions in Contra Costa County to address any issues that arise in order to best protect the safety of our residents.

Dated: October 18, 2016

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(F)

Date: October 18, 2016
To: El Cerrito City Council
From: Karen Pinkos, Assistant City Manager
Subject: Amendments to City's Classification Plan

ACTION REQUESTED

Adopt a Resolution amending the City's Classification Plan to:

- 1) Re-title and revise the class specification of "Information Services Manager" to "Information Technology Manager;" and
- 2) Re-title the class specification of "Administrative Analyst I, II, III" to "Management Analyst I, II, III."

BACKGROUND

The City's Strategic Plan identifies "Deliver Exemplary Government Services" as a primary goal. The strategies outlined for this goal include recruiting and retaining a talented workforce, and maintaining an emphasis on providing excellent customer service.

Human Resources has worked with Department and Division managers to review class specifications throughout the City to confirm that they are representative of organizational changes and duties performed that have evolved over time.

ANALYSIS

Information Technology Manager

The Information Services Division is a division of City Management. With the planned retirement of the Information Services Manager this year, Human Resources has conducted a review of the classification with respect to the duties performed as well as how the classification compares to the function performed in similar public agencies. It has been determined that the use of the term "Information Services" is out of date. The use of the term "Information Technology" is more descriptive to the position and is much more commonly used throughout the public and private sector. Based on the nature and scope of duties performed by the incumbent Information Services Manager, staff recommends that it is appropriate to re-title and revise the job description of "Information Services Manager" to "Information Technology Manager" to better reflect the duties and needs of the Division. The City is currently recruiting for the Information Technology Manager position, with the job description listed in draft form pending the City Council's approval.

Management Analyst I, II, III

The City's classification plan includes the series for "Administrative Analyst I, II, III." This position was created in 2003 as a career ladder for entry- to journey-level management positions for emerging leaders, performing a variety of technical work involving review and analysis of departmental programs, procedures, staffing, systems, and budgets. Human Resources has determined within its research of other municipal agencies that the title "Management Analyst" is more commonly used. This title better reflects the job duties performed, and should serve to assist in attracting a high level candidate pool in future recruitments.

The incumbents currently working under the titles of "Administrative Analyst I, II, III" will be placed in the corresponding ladder classification of "Management Analyst I, II, III". This title change will affect three employees, all at the Analyst II level. The salary and benefits that apply to the title of "Administrative Analyst I, II, III" will continue to apply for the classification of "Management Analyst I, II, III". No other revisions to the job description, duties, or requirements of this classification are being proposed at this time.

STRATEGIC PLAN CONSIDERATIONS

Amending the City's classification plan will help fulfill City of El Cerrito Strategic Plan Goal A: Delivering Exemplary Public Services and the following objectives:

- Recruit and retain a talented and effective workforce
- Maintain emphasis on providing excellent customer service

FINANCIAL CONSIDERATIONS

There will be no additional costs for the proposed changes to the classification plan for Information Technology Manager or Management Analyst I, II, III; as the costs for these positions are included within the adopted 2016-17 operating budget.

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Resolution
2. Class Specification – Information Technology Manager
3. Class Specification – Management Analyst I, II, III

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
AMENDING THE CITY CLASSIFICATION PLAN TO RE-TITLE AND REVISE
THE CLASSIFICATION FOR INFORMATION TECHNOLOGY MANAGER AND
RE-TITLE THE CLASSIFICATION FOR MANAGEMENT ANALYST I, II, III

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

WHEREAS, the Information Services Manager position is recommended
to be re-titled as "Information Technology Manager" and the class specification
revised based on a study of the position and the nature of duties and
responsibilities performed, requiring an amendment to the current class
specification; and

WHEREAS, the Administrative Analyst I, II, III series classification is
recommended to be re-titled as "Management Analyst I, II, III" based on a study
of the position and the nature of the duties and responsibilities performed,
requiring an amendment to the current class specification.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby
amend the City's Classification Plan to:

1. Re-title and revise the class specification for Information Services
Manager to Information Technology Manager, as specified in Exhibit A to this
resolution;
2. Re-title the class specification for Administrative Analyst I, II, III to
Management Analyst I, II, III, as specified in Exhibit B to this resolution.

I CERTIFY that at a regular meeting on October 18, 2016, the El Cerrito
City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate
seal of the City of El Cerrito on October XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

DRAFT
PENDING CITY COUNCIL APPROVAL 10/18/2016
CITY OF EL CERRITO

INFORMATION TECHNOLOGY MANAGER

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

DEFINITION

Under administrative direction, administers plans and organizes the operations and activities of the City's Information Technology division; ensures technological, system and equipment compliance with business needs; provides highly technical and complex assistance to City management staff in information technology development and analysis; and performs related work as assigned.

DISTINGUISHING CHARACTERISTICS

This management-level classification is responsible for the development of strategic, innovative information technology services for the City and plans the day-to-day operations of the Information Technology division. The incumbent serves as the principal information technology advisor to other City departments.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the City Manager and/or the Assistant City Manager.

Exercises supervision over information technology, data processing staff and/or contract staff.

ESSENTIAL FUNCTION STATEMENTS

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

Essential Functions:

Management Responsibilities:

- Manage the Information Technology division, in citywide computer systems, data and voice communication networks, including traffic and planning, network monitoring, security, and administration; facilities operations systems including camera surveillance system, door access control, AV system (including live webcast and TV broadcasting), and City Hall HVAC system.
- Manage and participate in the development and implementation of Information Technology policies, standards, practices and security measures.
- Coordinate Information Technology division activities with other departments ensuring understanding of departmental information needs, capabilities and limitations.
- Monitor and evaluate the efficiency and effectiveness of service delivery methods and procedures; recommend appropriate service and staffing as necessary.
- Plan, direct, coordinate and review the work plan for assigned staff; assign work activities, projects and programs; review and evaluate work products, methods and procedures; meet with staff to identify and resolve problems.
- Select, train, motivate and evaluate Information Technology staff; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline and

termination procedures

- Develop long-and short-range strategic information technology plans, related to the development, implementation, and maintenance of systems, operations, services and hardware.
- Oversee and participate in the development and administration of the division's annual budget; participate in the forecast of funds needed for staffing, equipment, materials and supplies; monitor and approve expenditures; implement adjustments.

Technical/Operational Responsibilities:

- Resolve service complaints received from departments and implement corrective action; receive and prioritize requests for computer applications development and oversee the development and implementation processes.
- Maintain liaison with equipment manufacturer's representatives to ensure satisfactory support and develop timely information regarding new technology, techniques and developments affecting City operations.
- Direct computer operations, data control and data entry activities; coordinate the acquisition of computers, peripherals, and software for individual department use.
- Conduct or direct the conduct of analytical studies; develop and review reports of findings, alternatives and recommendations.
- Participate on various City management committees; represent the City in meetings with representatives of manufacturers, vendors, professional and business organizations.
- Coordinate application technologies and systems to achieve overall City objectives.
- Monitor developments and legislation related to information technology matters; evaluate their impact upon City operations and recommend and implement equipment, policy and procedural improvements.

Marginal Functions:

Performs related duties and responsibilities as required.

QUALIFICATIONS

Knowledge of:

- Operational characteristics, services and activities of a complex information technology program, including those specifically used by full service municipalities
- Principles, practices and techniques of applications design and hardware and software options for major administrative and business-oriented applications, network security design and implementation.
- Principles and practices of municipal budget preparation and administration.
- Principles of supervision, training and performance evaluation.
- Pertinent Federal, State and local laws, codes and regulations governing information technology.

Ability to:

- Oversee and participate in the management of a comprehensive information technology program.

- Select, supervise, train, motivate and evaluate staff
- Oversee, direct and coordinate the work of assigned staff.
- Participate in the development and administration of division goals, objectives and procedures.
- Analyze complex problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of goals.
- Recognize future avenues of information technology service development and conceptualize appropriate plans and responses.
- Prepare clear and concise administrative and financial reports.
- Operate all required office equipment.
- Assess user department needs, set priorities, and allocate staff to meet such needs in a timely and effective manner.
- Research, analyze and evaluate innovative service delivery methods and techniques.
- Interpret and apply Federal, State and local policies, laws and regulations governing information systems.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of the work.
- Assimilate information, process logically and make sound decisions.
- Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.
- Maintain physical and mental capacities appropriate to the performance of assigned duties and responsibilities.

Special Requirements:

May be required to perform work outside of normal business hours.

Experience and Education Guidelines:

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

Experience:

Five (5) years of increasingly responsible management/administrative experience in a centralized information technology environment which included experience in one or more of the following areas: systems analysis, software administration, network administration, application support and/or development/programming, of which at least two (2) years included supervision of professional information technology staff. Public sector experience is highly desirable.

Education:

Equivalent to a Bachelor's degree from an accredited college or university with major course work in Computer Science, Mathematics, Engineering, Business Administration, Public Administration or a related field. An appropriate advanced degree is desirable.

License/Certification:

Possess and maintain a valid California driver's license.

PHYSICAL DEMANDS

Sitting:	Frequently	Lifting:	
Standing:	Occasionally	up to 10 lbs:	Frequently
Walking:	Occasionally	11 to 25 lbs:	Occasionally
Bending:	Occasionally	26 to 50 lbs:	Occasionally
Crouching:	Occasionally	51 to 75 lbs:	Occasionally
Stooping:	Occasionally	76 to 100 lbs:	Rarely
Kneeling:	Rarely	100 + lbs:	Never
Crawling:	Rarely	Carrying:	
Climbing:	Never	up to 10 lbs:	Frequently
Balancing:	Never	11 to 25 lbs:	Occasionally
Running:	Never	26 to 50 lbs:	Occasionally
Twisting:	Occasionally	51 to 75 lbs:	Occasionally
Turning:	Occasionally	76 to 100 lbs:	Rarely
Jumping:	Never	100 + lbs:	Never
Pushing/Pulling:			
up to 10 lbs:	Occasionally		
11 to 25 lbs:	Occasionally		
26 to 50 lbs:	Occasionally		
51 to 75 lbs:	Rarely		
76 to 100 lbs:	Rarely		
100 + lbs:	Rarely		
Grasping – firm:	Occasionally		
Finger dexterity:	Occasionally to Frequently		
Reaching forward:	Occasionally		
Reaching overhead:	Occasionally		
Pinch grasp:	Occasionally		
Grasp – light:	Occasionally		
Coordination -	Eye-hand:	Frequently	
	Eye-hand-foot:	Never	
	Driving:	Occasionally	
Talking -	Face-to-face:	Frequently	
	Verbal contact:	Frequently	
	Public:	Occasionally	
Vision -	Acuity far:	Required	
	Acuity, near:	Required	
	Depth perception:	Required	
	Field of vision:	Required	
	Accommodation:	Required	
	Color vision:	Required	
Hearing -	Conversation:	Occasionally	
	Telephone:	Occasionally	
	Earplugs:	Never	

MENTAL REQUIREMENTS

Abstract variables, Interpret instructions, Problems-standard, Reading-simple, Reading-complex, Writing-simple, Writing-complex, Math skills-simple, Math skills-complex, Spatial, Form, Clerical, Coordination, Analyzing, Compiling, Computing, Copying, Comparing, Mentoring, Negotiating, Instructing, Supervising, Diverting, Persuading, Speaking-signaling, Serving, Taking instructions-helping, Precision Working, Operating-controlling, Driving-operation, Manipulation, Tending, Handling, Comprehend/follow instructions, Perform simple-repetitive tasks, Maintain work pace, Relate to other people, Influence other people, Perform varied-complex tasks, Generalizations/evaluations, Responsibility for direction.

WORK ENVIRONMENT

Exposure to: Indoors, Outdoors, Slippery/uneven surfaces, Using computer/computer monitor screen, Works around others, Works alone, Works with others.

Revised: 10/2016

CITY OF EL CERRITO

MANAGEMENT ANALYST I, II, III

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

DEFINITION

Under supervision, performs variety of technical work involving review and analysis of departmental programs, procedures, staffing, systems, and budgets; maintains liaison with assigned departments and public and provides organizational and informational analysis. Management Analyst II and III perform increasingly difficult and complex assignments and oversee the work performed by assigned staff.

DISTINGUISHING CHARACTERISTICS

Management Analyst I

This is the entry-level job class and is responsible for gathering, preparing and analyzing data relative to organization, operational functions, budget, and other departmental operating procedures; coordinates programs, as assigned, and completes a variety of projects.

Management Analyst II

This is the journey-level class in this series. Positions in this class are assigned difficult and complex assignments in management and budget analysis requiring a high degree of knowledge of City, administrative, and budgetary policies, practices and techniques. Assignments are usually received with general guidelines requiring incumbents to act with considerable independence. This class performs analytical work of average to above-average scope and responsibility and designs and coordinates programs as assigned.

Management Analyst III

This is the advanced journey-level class in the series. Positions in this class are assigned more complex budgetary or management analysis assignments, projects and/or programs. The work assigned requires thorough knowledge of highly complex and changing laws and administrative regulations affecting the operations of assigned departments. A great degree of technical input is provided to the City Manager and Department Directors on complex issues. Incumbents have responsibility for the training, supervision and oversight of work of assigned staff.

NOTE: Depending on experience, incumbents in each class may progress to the next classification level provided that the assigned Department can certify that the employee is working at the required level and possesses the required skills, knowledge and abilities, and provided that budgetary constraints allow for promotion to the next class.

SUPERVISION RECEIVED AND EXERCISED

Management Analyst:

Receives general supervision from Department Director or Manager and, when applicable, Administrative Analyst III.

Management Analyst II

Receives general supervision from Department Director or Manager and, when applicable, Administrative Analyst III.

Management Analyst III

Receives general supervision from Department Director or Manager and City Manager.

ESSENTIAL FUNCTION STATEMENTS

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

Essential Functions:

Management Analyst I:

- Plans, organizes, coordinates and implements day-to-day program assignments and projects independently.
- Collects, assembles, analyzes and interprets data relating to departmental and interdepartmental operations including policies, functions, organizational structures, forms and procedures, budgetary issues, work output and workload, space and physical layouts, and effectiveness of equipment.
- Prepares narrative and statistical reports and makes recommendations in connection with these studies; prepares and makes presentations to staff and public.
- Assembles and prepares charts, diagrams, photographs, and visual displays.
- Presents findings and conclusions.
- Analyzes Federal and State laws and regulations as they relate to assigned programs.
- Monitors expenditures, staffing, equipment purchases, and operations of City departments.
- Participates in the preparation of plans and specifications for contract services, equipment and materials; prepares and evaluates proposals for contract services and special projects; reviews and provides input and recommendations on contractual proposals.
- Establishes and maintains administrative systems and procedures for record keeping; maintains accurate and complete records.
- Prepares grant proposals; monitors active grants to ensure that all stipulations and regulations regarding the use of funds are met; maintain appropriate records and documentation to satisfy audit requirements.
- Educates and provides information to other City staff, City Council, community representatives, and citizens; conducts training sessions, as required.
- Prepares operating manuals, organizational charts and work-flow charts.
- Confers with departmental staff and officials in order to secure necessary information.
- Attends departmental staff and committee meetings and provides assistance by conducting research and preparing agendas and reports for meetings; presents proposals and recommendations.
- Serves as liaison between department and other City departments, committees, and community groups.
- Analyzes and develops procedures related to work simplification, methods of improvement, and computer applications; assists in development and adoption of improved management practices through research and analysis.

Management Analyst II

In addition to duties of Management Analyst I:

- Assists in the development and implementation of departmental and/or City goals, objectives, policies and priorities.
- Designs and coordinates a variety of special events and programs.
- Provides highly responsible administrative staff assistance including conducting specific and comprehensive analysis of a wide range of municipal policies involving organization, procedures, finance and services.
- Assists in the preparation of departmental budget; makes budget recommendations relative to assigned program areas of responsibility; coordinates and compiles budget recommendations into comprehensive budget document.
- Assists in determining financial methods, procedures, and costs pertaining to a departmental service or City program; conducts cost benefit analyses and reviews and prepares financial and statistical reports; coordinates contract arrangements with other agencies/parties.
- Represents the department in meetings with other departments, organizations and with representatives of other cities, public agencies and the general public.
- Establishes office procedures and forms, and maintains procedures manuals; resolves problems and complaints regarding program activities.
- Performs technical work pertaining to the operation and maintenance of specialized equipment, such as computers and communication equipment.
- Conducts organizational, administrative, fiscal and personnel studies; conducts surveys and collects information on operational and administrative problems; evaluates programs and initiates studies and analyses.
- May perform special assignments or assist City Manager or a Department Director in routine or special activities.

Management Analyst III

In addition to duties of Management Analyst I and II:

- Performs and coordinates analytical studies of complex organizational, budgetary, administrative and management problems; prepares report and makes presentation to Department Director and/or City Manager.
- Keeps the City Manager and Department Director informed of complex and changing Federal and State laws and administrative regulations affecting the budget and overall operations of the departments assigned.
- Forecasts departmental budget needs, taking into consideration the possibility that future legislation may impact future operations of department.
- May be assigned operational authority over projects, services or administrative operations within department.
- Supervises, trains, and oversees the work performed by assigned staff.

Marginal / Non-Essential Functions:

Perform related duties and responsibilities as required

QUALIFICATIONS

Knowledge Of:

Management Analyst I:

- Statistical, research and survey methods; analytical techniques.
- Basic policies and objectives of assigned program(s) and department.
- Principles of administration, organization and management.
- Effective oral and written communications methods.
- Advanced administrative and record-keeping methods.
- Modern office practices and procedures, including operation of computer equipment and related software.
- Grant administration and monitoring.
- Basic information specific to assigned department or program activities and functions.

Management Analyst II:

In addition to Management Analyst I:

- Considerable knowledge of the principles and practices of public administration, including budgeting, personnel administration, and/or program management.
- Considerable knowledge in the field(s) related to the specific assignment.
- Considerable knowledge of the organizations, functions, policies and administrative practices of local government.

Management Analyst III:

In addition to Management Analyst I and II:

- Advanced knowledge of principles of public and business administration including organization, personnel and fiscal management.
- Advanced knowledge of functions and trends of assigned department, program or area of specialization.
- Work direction and delegation.
- Group dynamics as it relates to public organizations.

Ability To:

Management Analyst I:

- Summarize facts and recommendations accurately.
- Analyze and evaluate data; plan and organize research and statistical work.
- Work independently in the completion of assignments.
- Prepare and present clear and concise reports both orally and in writing.
- Understand, interpret and apply rules, regulations and ordinances.
- Establish and maintain effective working relationships with others.

- Effectively plan, organize, and prioritize work.
- Maintain physical and mental capacities appropriate to the performance of assigned duties and responsibilities.

Management Analyst II:

In addition to Management Analyst I:

- Provide effective project leadership.
- Interpret and apply rules, regulations and ordinances of Federal, State and local legislation.
- Present conclusions to management, City officials, and public.

Management Analyst III:

In addition to Management Analyst I and II:

- Effectively manage comprehensive specialized functions, projects and studies.
- Administer major programs.
- Interpret and apply specialized Federal and State legislation and court rulings.
- Project consequences of decisions and recommendations.
- Supervise, train and evaluate assigned staff.

Experience and Training Guidelines

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

Experience:

Management Analyst I: One to two years experience, preferably in a public agency, related to general administration, accounting, budgetary analysis, or personnel work including research, analysis and preparation of written reports and recommendations.

Management Analyst II: Three years experience, preferably in a public agency, related to general administration, accounting, budgetary analysis, or personnel work including research, analysis and preparation of written reports and recommendations. Specific experience in entry-level class Analyst position.

Management Analyst III: Five years experience, preferably in a public agency, related to general administration, accounting, budgetary analysis, or personnel work including research, analysis and preparation of written reports and recommendations with increasing complexity and responsibility, including supervision of assigned staff. Specific experience in journey-level class Management Analyst position.

Training:

Management Analyst I: Bachelor's degree in public/business administration or related field.

Management Analyst II: Bachelor's degree in public/business administration or related field. Master's level course work desirable.

Management Analyst III: Bachelor's degree in public/business administration or related field. Master's degree desirable.

Licenses/Certificates/Other requirements:

Valid California driver's license.

PHYSICAL DEMANDS (may vary depending on area of assignment/program/department.)

Sitting:	Frequently	Lifting:	
Standing:	Occasionally	up to 10 lbs:	Occasionally to Frequently
Walking:	Occasionally	11 to 25 lbs:	Occasionally
Bending:	Occasionally	26 to 50 lbs:	Occasionally
Crouching:	Occasionally	51 to 75 lbs:	Never
Stooping:	Occasionally	76 to 100 lbs:	Never
Kneeling:	Never	100 + lbs:	Never
Crawling:	Never	Carrying:	
Climbing:	Occasionally	up to 10 lbs:	Occasionally to Frequently
Balancing:	Never	11 to 25 lbs:	Occasionally
Running:	Never	26 to 50 lbs:	Occasionally
Twisting:	Occasionally	51 to 75 lbs:	Never
Turning:	Occasionally	76 to 100 lbs:	Never
Jumping:	Never	100 + lbs:	Never
Pushing/Pulling:			
up to 10 lbs:	Occasionally		
11 to 25 lbs:	Occasionally		
26 to 50 lbs:	Never		
51 to 75 lbs:	Never		
76 to 100 lbs:	Never		
100 + lbs:	Never		
Grasping – firm:	Occasionally		
Finger dexterity:	Frequently		
Reaching forward:	Frequently		
Reaching overhead:	Occasionally		
Pinch grasp:	Occasionally		
Grasp – light:	Frequently		
Coordination -	Eye-hand:	Occasionally	
	Eye-hand-foot:	Occasionally	
	Driving:	Occasionally	
Talking -	Face-to-face:	Frequently	
	Verbal contact:	Frequently	
	Public:	Frequently	
Vision -	Acuity far:	Required	
	Acuity, near:	Required	
	Depth perception:	Required	
	Field of vision:	Required	
	Accommodation:	Required	
	Color vision:	Required	
Hearing -	Conversation:	Frequently	
	Telephone:	Frequently	
	Earplugs:	Never	

MENTAL REQUIREMENTS

Abstract variables, Interpret instructions, Problems-standard, Detailed, uninvolved instructions, One or two-step instructions, Reading-simple, Reading-complex, Writing-simple, Writing-complex, Math skills-simple, Math skills-complex, Clerical, Coordination, Analyzing, Compiling, Computing, Copying, Comparing, Negotiating, Instructing, Supervising, Persuading, Speaking-signaling, Serving, Taking instructions-helping, Setting-up, Comprehend/follow instructions, Perform simple-

repetitive tasks, Maintain work pace, Relate to other people, Influence other people, Perform varied-complex tasks, Generalizations/evaluations, Responsibility for direction.

WORK ENVIRONMENT

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

Revised 10/2016



AGENDA BILL

Agenda Item No. 5(G)

Date: October 18, 2016
To: El Cerrito City Council
From: Cheryl Morse, City Clerk
Subject: Conflict of Interest Code Update

ACTION REQUESTED

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, the Employee Pension Board, and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2014-47.

BACKGROUND

The Political Reform Act of 1974 (“Act”) (codified in Government Code Sections 8100 et seq.) requires the City to adopt and promulgate a Conflict of Interest Code (“Code”) applicable to designated City employees and public officials.

The City first adopted its Conflict of Interest Code in 1977. In 1983, the City Council enacted Resolution No. 83-14 to adopt the model Conflict of Interest Code drafted by the Fair Political Practices Commission. The Conflict of Interest Code covers matters such as the manner of reporting financial interests, the procedures to be utilized in filing conflict of interest statements, the contents of such statements, and the time within which such statements must be filed.

The Municipal Services Corporation (MSC) is not included in the City’s Conflict of Interest Code. The Corporation is not a public agency. It is a non-profit, public benefit corporation, which is subject to the California Corporations Code. The MSC Board instead adopted its own Conflict of Interest Policy on October 17, 2011 by MSC Resolution No. 2011-11, following the model IRS Conflict of Interest Policy by which a charitable organization should implement decisions regarding transactions or arrangements between the charitable organization and members of the charitable organization’s board of directors and other individuals. As such, MSC Directors and Officers do not file a Statement of Economic Interests – Form 700 pertaining to the MSC, but file a separate annual declaration as required under the MSC’s existing Conflict of Interest Policy.

The City Council is the code-reviewing body, and has regularly amended the Conflict of Interest Code to correspond to changes in the City. The last revision was completed in 2014, by Resolution No. 2014-47. State law and the City’s Conflict of Interest Code mandate the filing of the Fair Political Practices Commission Statement of Economic Interests – Form 700. The Form 700 for

City Councilmembers and those who hold positions designated in the City's Conflict of Interest Code are kept on file in the Office of the City Clerk and are available for public review upon request.

ANALYSIS

The proposed resolution requires minor revision and reflects changes in employee classifications and organizational structure.

Attachment 1 presents the entire Code for adoption with all changes incorporated. The proposed resolution clearly illustrates those portions of the Code which require revision. Text which is underlined has been added and text proposed for deletion contains ~~striketrough~~. Appendix A indentifies designated positions and commissions and establishes their respective levels of disclosure. Appendix B outlines the specific requirements of each disclosure category.

Appendix A has been updated to reflect changes in department organization, including the addition of newly established classifications. Updates to Appendix A include the following changes in position classifications:

1. Senior Human Resources Analyst – *New position added*
2. Recycling Operations Supervisor – *Added*
3. Assistant to the City Manager – *Added. Previously inactive.*
4. Administrative Analyst I, II, III – *Retitled as Management Analyst I, II, III*
5. Environmental Services Manager – *Reclassified as Operations and Environmental Services Division Manager*
6. Information Systems Manager – *Reclassified and Retitled as Information Technology Manager*

The following commissions are not included in the proposed amendment because they do not meet the State's criteria for disclosure at this time: Centennial Celebration Planning Task Force, Citizens Street Oversight Committee, Civil Service Commission, Committee on Aging, Crime Prevention Committee, Economic Development Committee, Environmental Quality Committee, Human Relations Commission, Parks and Recreation Commission and the Tree Committee.

Appendix B outlines specific disclosure criteria for the designated employment classifications and the boards and commissions.

The Conflict of Interest Code as presented accurately designates all positions that make or participate in the making of governmental decisions. The disclosure categories assigned to these positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income

which may foreseeably be affected materially by the decisions made by those designated positions. The Code includes all other provisions required by Ca. Government Code Section 87302 and incorporates by reference FPPC Regulation 2 Cal. Admin. Code Section 18730.

Although the City Council, City Manager, City Attorney, City Treasurer and Planning Commissioners are Ca. Govt. Code Section 87200 filers, the City Clerk notifies each person in this group of his/her filing obligation, including local filing requirements for membership on the Successor Agency, Public Financing Authority and Employee Pension Board. The Fair Political Practices Commission acts as the Filing Officer for §87200 filers, reviews statements for completeness and enforces penalties for any late filings.

The City updates its Conflict of Interest Code biennially to accommodate changes in organizational structure and job classifications. Biennial review of the City's Conflict of Interest Code is mandated by the California Political Reform Act.

STRATEGIC PLAN CONSIDERATIONS

Although mandated by state law, reviewing and updating the City's Conflict of Interest Code is in alignment with the following organizational values identified in the City's Strategic Plan: Ethics and Integrity, Professional Excellence and Transparency and Open Communication.

FINANCIAL CONSIDERATIONS

There will be no costs associated with the proposed revisions to the Conflict of Interest Code.

LEGAL CONSIDERATIONS

The Act requires the City Council to review the Conflict of Interest Code on a regular basis and when such amendments are necessitated by changed circumstances, pursuant to Government Code Sections 87306 and 87306.5. Council adoption of the proposed Conflict of Interest Code will sustain continued compliance with State law.

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Proposed Resolution with revisions illustrated with underline and strikethrough

RESOLUTION NO. 2016–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING A REVISED CONFLICT OF INTEREST CODE FOR THE CITY OF EL CERRITO, INCLUDING THE FILING OF ANY RELATED AGENCY POSITIONS, SUCH AS THE EMPLOYEE PENSION BOARD, THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY, AND THE PUBLIC FINANCING AUTHORITY (PFA) AND RESCINDING RESOLUTION NO. 2014–47

WHEREAS, the Political Reform Act of 1974 (“Act”), Government Code Sections 8100 et seq. enacted as part of Proposition 9, requires every local agency to adopt and promulgate a Conflict of Interest Code applicable to employees or consultants holding designated positions and public officials within the jurisdiction of the local agency; and

WHEREAS, in 1977, the El Cerrito City Council enacted Resolution No. 3843, adopting a Conflict of Interest Code for the City of El Cerrito (“City”), and

WHEREAS, subsequent to the enactment of Resolution No. 3843, the Fair Political Practices Commission enacted 2 Cal.Code of Regs. Section 18730 which contains the terms of a standard model Conflict of Interest Code, which could be adopted by local agencies covering such matters as the manner of reporting financial interests, the procedures to be utilized in filing conflict of interest statements, the contents of such statements, the time within which such statements must be filed, etc; and which may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments to the Political Reform act; and

WHEREAS, in 1983, the City Council enacted Resolution No. 83-14 which adopted the model Conflict of Interest Code drafted by the Fair Political Practices Commission, including any amendments duly adopted by the Commission to conform to amendments to the Political Reform Act; and

WHEREAS, Appendix A of Resolution No. 83-14 listed the designated employees subject to the model Conflict of Interest Code (listed as “designated filers”); and Appendix B of Resolution No. 83-14 identified the specific financial interests that would be reportable; and

WHEREAS, state law as specified in the Act requires the City Council, as the City’s code-reviewing body to direct the review of its Conflict of Interest Code; and

WHEREAS, the Act additionally requires the submission of a revised conflict of interest code for approval by the code-reviewing body or the notification of said body that no changes are necessary pursuant to Government Code Section 87306.5; and

WHEREAS, the City Council has regularly amended its Conflict of Interest Code to correspond to changes in the City resulting from reorganization of City

Agenda Item No. 5(G)

Attachment 1

departments and employees, changes in job classifications, and the addition and deletion of certain boards and commissions and to respond to any changes in State law; and

WHEREAS, the Conflict of Interest Code was last amended in 2014 through Resolution 2014–47 and the Code requires revision to reflect the changes in designated positions and the financial interests required to be reported; and

WHEREAS, this review has been completed and the City Council has determined that such changes are necessary due to changes in City organization and to comply with state law and that Exhibits A and B, attached herein, accurately sets forth the designated positions, and their respective categories of financial interests which should be made reportable and those boards, commissions and committees which should be designated and the respective categories of financial interests which should be made reportable by their members; and

WHEREAS, the Conflict of Interest Code includes filing requirements for related agency positions, such as the Successor Agency to the former El Cerrito Redevelopment Agency, the Public Financing Authority (PFA), and the Employee Pension Board; and

WHEREAS, the City of El Cerrito Conflict of Interest Code, incorporated herein, requires revision so that it accurately sets forth the designated positions and categories of financial interests which should be made reportable.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of El Cerrito as follows, with additions indicated by underline and deletions indicated with ~~strikethrough~~:

Section 1. Incorporation of Recitals. All Recitals above are true and correct and are incorporated herein.

Section 2. Adoption of Model Conflict of Interest Code. The terms of 2 Cal. Adm. Code Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and included as part of the Conflict of Interest Code of the City of El Cerrito.

Section 3. Statement of Economic Interest Requirement. Persons holding designated positions and persons required to do so by statute shall file Statements of Economic Interests with the City of El Cerrito on Fair Political Practices Commission forms, in conformance with the individual disclosure categories and State guidelines, when requested by the City Clerk. Persons holding designated positions and persons required by statute to file statements of economic interests shall also report interests for any other related agency positions, such as the Employee Pension Board, Successor Agency to the former Redevelopment Agency, and the Public Finance Authority (PFA). The City Clerk will retain custody of the statements and make the statements available for public inspection and reproduction.

Section 4. Form 700 Requirement. In accordance with FPPC Regulation 18734, any individual hired for a position not yet covered under this Conflict of Interest Code must file a Form 700 if the individual serves in a position that makes or participates in making governmental decisions. Individuals in this category must file under the broadest disclosure category until the code is amended to include the new position unless the City of El Cerrito provides, in writing, a limited disclosure requirement.

Section 5. Late Filings and Failure to File Statements. Any violation of any provision of this Code is subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 et seq. The following additional regulations shall apply to City of El Cerrito (a) designated employees, (b) designated members of boards and commissions appointed by the City Council, and (c) consultants:

(a) City Employees:

If a City employee fails to file an Initial, Assuming Office or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, he or she shall undergo steps resulting in a written reprimand in accordance with the provisions of the appropriate Memorandum of Understanding or City of El Cerrito Personnel Policies and Administrative Regulations. The employee's supervisor shall comply with the provisions of the appropriate Memorandum of Understanding or City of El Cerrito Personnel Rules and Administrative Regulations. In addition, the City Clerk shall impose late filing fees in accordance with Government Code Section 91013 and 91013.5. No person who has left City employment and failed to file the appropriate statement shall resume active employment with the City of El Cerrito if there are outstanding statements or fines.

(b) Members of Boards and Commissions:

If a member of any non-elected board, commission or committee specified in the Code fails to file an Assuming Office, Initial or Annual Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, the member's term on the commission shall expire. The City Clerk shall notify the commissioner that his/her term has expired and notify the City Council that a vacancy exists on the commission. In addition, the City Clerk shall impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

Prior to being eligible for reappointment to any board, commission, or committee all outstanding filings for all commission appointments must be filed and any outstanding fines, payable under Government Code Section 91013, shall be paid. No person shall be appointed to any commission if there are outstanding statements or fines, and no person shall be appointed to any commission for a period of one year if terminated from any commission more than once for failure to file statements.

(c) Consultants:

If a consultant, as defined in 2 Cal. Code Regs. Section 18701, fails to file any Statement of Economic Interests within thirty days after the City Clerk has given specific written notice of non-filing, he or she shall be advised by the City's project manager that no further payments shall be made by the City of El Cerrito under the contract until such statement has been received by the City Clerk. The City Clerk shall also impose late filing fees in accordance with Government Code Sections 91013 and 91013.5.

Section 6. Employees and Officials that Must Disclose Financial Interests.

The City Conflict of Interest Code hereby includes Appendix A, which reflects changes in City organization and in the job titles of City management staff and reflects the inclusion of staff positions with decision making authority as authorized by the El Cerrito Municipal Code and in compliance with Title 2, Section 18701 of the California Code of Regulations. Designated Employees and Public Officials shall disclose financial interests as set forth in Appendix B.

A P P E N D I X A

DESIGNATED FILERS

Job Classification	Disclosure Category
<u>Assistant to the City Manager</u> <i>(added - previously inactive)</i>	<u>1,2,3,4</u>
Assistant City Attorney	1,2,3,4
Assistant City Manager	1,2,3,4
Associate Engineer	1,2,3,4
Associate Planner <i>(Inactive)</i>	1,2,3,4
Battalion Fire Chief	1,2,3,4
Building Official	1,2,3,4
City Clerk	1,2,3,4
Community Development Director	1,2,3,4
Development Services Manager	1,2,3,4
Economic Development Director <i>(inactive)</i>	1,2,3,4
<u>Operations and Environmental Services Manager</u>	1,2,3,4
Environmental Programs Manager	1,2,3,4
Fire Chief	1,2,3,4
Human Resources Manager <i>(inactive)</i>	1,2,3,4
Information Systems <u>Technology</u> Manager <i>(retitled/reclass)</i>	1,2,3,4
Maintenance Superintendent	1,2,3,4
Administrative Management <u>Analyst</u> <i>(Retitled)</i>	1,2,3,4
Planning Manager <i>(Inactive, replaced by Devt. Svcs. Mgr)</i>	1,2,3,4
Police Lieutenant	1,2,3,4
Public Works Director/City Engineer	1,2,3,4
Police Chief	1,2,3,4
Police Captain	1,2,3,4

Agenda Item No. 5(G)
Attachment 1

Program Manager	1,2,3,4
Recreation Director	1,2,3,4
Recreation Supervisor	1,2,3,4
<u>Recycling Operations Supervisor</u> (<i>added</i>)	<u>1,2,3,4</u>
Economic Program Manager (<i>inactive</i>)	1,2,3,4
Senior Engineer (<i>inactive</i>)	1,2,3,4
<u>Senior Human Resources Analyst</u> (<i>new</i>)	<u>1,2,3,4</u>
Senior Planner	1,2,3,4
Senior Program Manager (<i>inactive</i>)	1,2,3,4
Special Counsel	1,2,3,4
Consultants*	1,2,3,4
Commissioners & Board Members:	
Arts and Culture Commissioners	5
Design Review Board Members	1,2,3,4
Financial Advisory Board Members	1,2,3,4

* With respect to consultants, the City Manager or designee may determine in writing that a particular consultant, has been hired to perform a range of duties that is sufficiently limited in scope so as not to require full compliance with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements, if any. The City Manager's determination is a public record and shall be retained for public inspection in the same manner and location as the disclosure statements filed pursuant to this Resolution.

Section 7. Adoption of Disclosure Categories. The City Conflict Code hereby includes Appendix B, to achieve consistency with State Law and reflect the required disclosure categories of this Conflict of Interest Code:

A P P E N D I X B
DISCLOSURE CATEGORIES

Category 1: Personal Income

All sources of income, including investments, gifts, loans and travel payments as defined in Government Code Section 82030, as amended. Not included as income in this disclosure category is income received from any source outside the City of El Cerrito if that source is not presently doing business within the City of El Cerrito and has not done business within the City of El Cerrito during the two years prior to the time this disclosure statement is made.

Category 2: Interests in Real Property

All interests in real property in excess of \$2,000 held by the designated employee, or commissioner, the employee or commissioner's spouse, domestic partner or dependent children located in whole or in part within the City of El Cerrito or within a two mile radius of the boundaries of the City of El Cerrito. Included within this disclosure category is any leasehold, beneficial or ownership

interest or an option to acquire such an interest in real property. Included within this disclosure category is any pro rata share of interests in real property of any business entity or trust in which the designated employee, or commissioner, the employee or commissioner's spouse, domestic partner or dependent children, owns directly, indirectly or beneficially, a 10 percent interest or greater. An "interest in real property" does not include the principal residence of the employee or commissioner, making the disclosure unless all or part of that residence is used for business purposes and claimed as a business deduction on the designated employee or commissioner's income tax return.

Category 3: Investments

All financial interests in excess of \$2,000 held by the designated employee or commissioner, the employee or commissioner's spouse, domestic partner or dependent children in security issued by a business entity, including but not limited to common stock, preferred stock, options, debt instruments and any partnership or other ownership interest if the business entity or any parent, subsidiary or otherwise related business entity has an interest in real property in the City of El Cerrito, or does business or plans to do business in the City of El Cerrito, or has done business within the City of El Cerrito at any time during the two years prior to the time this disclosure statement is made. The term "investments" does not include a time or demand deposit in a financial institution, shares in a credit union, any insurance policy, interest in a diversified mutual fund registered with the Securities and Exchange Commission or a common trust fund created pursuant to Section 1564 of the Finance Code, or any bond or other debt instrument issued by any government or government agency. The term "investments" does include a pro rata share of investments of any business entity, mutual fund, or trust in which the designated employee or commissioner, or the employee's or commissioner's spouse, domestic partner or dependent children own directly, indirectly or beneficially, a 10 percent interest or greater.

Category 4: Management Positions

Management positions held with any business entity located, doing business, planning to do business, or having done business in the past two years within the City of El Cerrito.

Category 5: Arts and Culture Commission

All members of the Commission shall disclose business entities in which they have an investment, or in which they are a director, officer, partner, employee, or hold any position of management; and income as defined in Government Code Section 82030, as amended, including gifts, loans, and travel payments; if the business entity or source of income: a) has applied for, is receiving, or within the previous two years has received, funds through the City to advance Arts in El Cerrito; b) has profited from the creation, production, sale, or display of any artistic endeavor; or c) has provided services, goods, or equipment to artistic endeavors in the City of El Cerrito.

Section 8. Rescission of Previous Conflict of Interest Code. The City Council hereby rescinds Resolution No. 2014-47.

I CERTIFY that at a regular meeting on October 18, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October __, 2016.

Cheryl Morse, City Clerk

Approved:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(H)

Date: October 18, 2016
To: El Cerrito City Council
From: Scott Hanin, City Manager
Subject: Adopt Memorandum of Understanding between the City of El Cerrito and the Public Safety Management Association – Police Chief.

ACTION REQUESTED

Adopt a Resolution authorizing the City Manager to execute the attached Memorandum of Understanding (MOU) between the City of El Cerrito and the Public Safety Management Association – Police Chief.

BACKGROUND

In March 2016, former Police Chief Sylvia Moir resigned from the City of El Cerrito Police Department to take a similar position with the City of Tempe, Arizona. Captain Paul Keith was named the Interim Police Chief of the El Cerrito Police Department on March 7, 2016. The City has announced that Paul Keith has been appointed to the permanent position of Police Chief.

Chief Paul Keith has served with the El Cerrito Police Department for over 15 years in the positions of Police Officer, Corporal, Sergeant, Lieutenant and Captain. In these roles, Chief Keith has focused on connecting officers with the community they serve. He is a coach for the Writer Coach Connection through the West Contra Costa Unified School District and a faculty member at the Napa Valley College Criminal Justice Training Center. Chief Keith is a resident of El Cerrito where he lives with his wife and two young children.

Although the City Manager does not need City Council approval for the permanent appointment to the Police Chief position, Council approval is required to enter into a MOU with the Public Safety Management Association - Police Chief, a recognized bargaining unit.

ANALYSIS

The MOU outlines all of the terms and conditions for the position of Police Chief. The provisions included in the agreement are consistent with the El Cerrito Municipal Code and Personnel Rules and Regulations, as well as the MOUs between the City and the El Cerrito Police Employees Association and Public Safety Management Association. The salary is within the current control point range for the position.

STRATEGIC PLAN CONSIDERATIONS

Adoption of this MOU will help fulfill City of El Cerrito Strategic Plan Goal A: Delivering Exemplary Public Services, specifically the objective of "Recruit and retain a talented and effective workforce", as well as Goal E: Ensure the Public's Health and Safety.

FINANCIAL CONSIDERATIONS

The compensation for the Public Safety Management Association - Police Chief is included within the FY 2016-17 operating budget.

LEGAL CONSIDERATIONS

The MOU has been reviewed by both the Public Safety Management Association and the City's contract negotiator.

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Resolution
2. MOU Between City of El Cerrito and the Public Safety Management Association – Police Chief

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO TO
ADOPT A MEMORANDUM OF UNDERSTANDING WITH THE PUBLIC
SAFETY MANAGEMENT ASSOCIATION – POLICE CHIEF

WHEREAS, it is in the City's best interest to recruit and retain high quality public safety management employees for the City; and

WHEREAS, an effective means for achieving this objective is to provide competitive salaries, benefits, and conditions of employment for said employees; and

WHEREAS, the City has a recognized bargaining unit of Public Safety Management Association - Police Chief; and

WHEREAS, the City and the Public Safety Management Association have met and conferred in good faith; and

WHEREAS, the City of El Cerrito and the Public Safety Management Association representatives have reached agreement regarding matters within the scope of representation, including wages, hours and other terms and conditions of employment as specified in the attached Memorandum of Understanding (Exhibit A).

NOW, THEREFORE, BE IT RESOLVED, that the El Cerrito City Council hereby adopts the attached Memorandum of Understanding for the Public Safety Management Association - Police Chief; and directs the City Manager to execute the agreement.

I CERTIFY that at a regular meeting on October 18, 2016, the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF EL CERRITO
AND
THE EL CERRITO
PUBLIC SAFETY MANAGEMENT ASSOCIATION
POLICE CHIEF

October 18, 2016 to June 30, 2021

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF EL CERRITO
AND
PUBLIC SAFETY MANAGEMENT ASSOCIATION – POLICE CHIEF**

This Memorandum of Understanding is entered into pursuant to the Meyers-Milias-Brown Act (Government Code Section 3500 et seq). The parties to this Memorandum of Understanding are the City of El Cerrito, State of California, which hereinafter shall be referred to as "City," and the El Cerrito Public Safety Management Association – Police Chief, which hereinafter shall be referred to as "Police Chief." The parties have met and conferred in good faith regarding wages, hours and other terms and conditions of employment for the employee represented by the Police Chief and have freely exchanged information, opinions and proposals and have endeavored to reach agreement on all matters relating to the employment, conditions and employee relations of such employee.

This Memorandum of Understanding shall be presented to the City Council as a joint recommendation of the undersigned for salary, fringe benefits and other working conditions and shall be in full force and effect at such date as herein prescribed, upon ratification by both the City Council and affected member of the Public Safety Management Association – Police Chief. It is expressly understood and agreed to by the parties that this Memorandum of Understanding will automatically terminate and be of no further legal force or effect if Paul Keith ceases to be the Police Chief for the City of El Cerrito.

City of El Cerrito

Scott Hanin
City Manager
Date: _____

Karen Pinkos
Assistant City Manager
Date: _____

**Public Safety Management
Association - Police Chief**

Paul Keith
Police Chief
Date: _____

Stephen Bonini
Association Representative
Date: _____

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF EL CERRITO
AND

PUBLIC SAFETY MANAGEMENT ASSOCIATION – POLICE CHIEF

This Agreement is entered into by and between, the City of El Cerrito, hereinafter referred to as the “City,” and the El Cerrito Public Safety Management Association – Police Chief, hereinafter referred as the “Police Chief.” This Agreement establishes the salaries, benefits, and conditions of employment for the City’s public safety management employee – Police Chief as follows:

CHAPTER 1
MANAGEMENT EMPLOYEE

- 1.1 The Police Chief is an at-will employee who serves at the discretion of the City Manager. Pursuant to Section 3.10.020 of the El Cerrito Municipal Code, the Police Chief is not entitled to any of the rights or protections of the City’s civil service system. In the event that the Police Chief is removed from his position as Police Chief, he may, at his discretion, return to his prior position as Police Captain in the El Cerrito Police Department, as permitted under El Cerrito Municipal Code § 3.10.090 and any related rules or regulations. Should the Police Chief return to his prior position as Police Captain, he shall be credited with all service time with the City of El Cerrito and not suffer a loss of seniority, and enjoy all benefits and compensation of a Police Captain. Reversionary rights will not apply in the case of termination based upon an independent finding of misconduct, made by the Civil Service Commission or a mutually agreed hearing officer.

The Police Chief shall be entitled to those rights contained in the Public Safety Officers Procedural Bill of Rights Act, and specifically to those rights contained in Government Code Section 3304(c). However, such rights shall not be deemed to create a property interest in the job of Police Chief or to make the job of Police Chief other than an at-will position with the City.

- 1.2 Management employee is, for purposes of this section, the individual actively involved in the following classification: Police Chief.

CHAPTER 2
SALARIES AND BENEFITS

2.1 Salary

- A. Consistent with El Cerrito City Council Resolution 2014-22 for Management and Confidential Employees, a salary range of 25% above and below the control point of \$15,511 shall be created within which the City Manager may approve salary adjustments of up to 10% per calendar year.

- B. Effective the first full pay period after adoption by the City Council, the Police Chief shall receive a monthly salary of \$15,344.
- C. Effective the first full pay period in July 2017, the City will increase the salary for the Police Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.
- D. Effective July 2018, the City shall survey similar cities as those surveyed by the El Cerrito Police Employees Association and establish a new control point for the Police Chief classification.
- E. Effective the first full pay period in July 2019, the City will increase the salary for the Police Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.
- F. Effective the first full pay period in July 2020, the City will increase the salary for the Police Chief by the April to April San Francisco Area Consumer Price Index (CPI). This salary increase will be no less than 2.0% and no more than 4.0%.

2.2 Longevity

The City shall make longevity bonus payments to the Police Chief employed with the City as of the day of the payment as follows:

- A. For employee with 10 years of service with the City but less than 20 years, the annual longevity bonus payment shall be six percent (6%) of the annual base rate of pay.
- B. For employee with 20 or more years of service with the City, the annual longevity bonus payment shall be nine percent (9%) of the annual base rate of pay.

Longevity bonus payments shall be paid by separate check on the first payroll date in December.

2.3 Uniform Allowance

The uniform allowance for the Police Chief is \$1,000 per year. Uniform allowance shall be paid on the first payroll date in December, covering the calendar year beginning the prior January. Such payment shall be by check separate from the normal payroll check. If the Police Chief leaves City employment during the calendar year, the uniform allowance shall be prorated and paid only for months worked in that calendar year.

2.4 Auto Allowance

The City will supply an automobile to the Police Chief who, in the opinion of the City Manager, requires a City vehicle as an integral part of their work. Alternately, the City will provide a cash allowance of up to \$350 per month in lieu of use of a City automobile.

2.5 Pension Plan Benefits and Reimbursement

The City's contract with the California Public Employees Retirement System (CalPERS) provides the Police Chief with the 3% at Age 50 CalPERS plan. This plan includes the CalPERS single highest year option, service credit for unused sick leave, Pre-Retirement Optional Settlement 2 Death Benefit, 1959 Survivor Benefit Fourth Level, and Retired Death Benefit.

The 3% at age 50 CalPERS Plan has a 9.0% employee contribution. The Police Chief shall make an additional 3.0% contribution to CalPERS for a total employee contribution of 12.0%.

2.6 Flexible Benefits Plan

The City has a Flexible Benefits Plan which is consistent with Section 125 of the Internal Revenue Code. The plan is known as "Citiflex." For the duration of this agreement, the plan provides the following:

- A. With the exception of those employees who choose the "no medical plan" option, the City will contribute an amount equivalent to the Kaiser medical plan rate according to dependent status, regardless of which medical plan is chosen. "According to dependent status" means that if an employee is single, the employee shall receive the equivalent to the Kaiser single premium in the employee's flexible spending account. If an employee and a dependent are enrolled in a City medical plan, the employee shall receive the equivalent to the Kaiser two-party premium in the employee's flexible spending account. If an employee and more than one dependent are enrolled in a City medical plan, the employee shall receive the equivalent to the Kaiser family premium in employee's flexible spending account.
- B. Employee may select one of the following medical plans within their individual Flexible Benefits Plan:
 - Kaiser HMO
 - Alternative HMO
- C. In the event that the employee selects a medical plan which exceeds the City's premium contribution, the employee is responsible to pay the difference through payroll deduction.
- D. In the event that an employee has alternate comprehensive group medical coverage through a spouse's medical plan or some other group medical plan, the employee may select a "no medical plan" option. (Proof of alternate coverage is required.) In this event, the City shall contribute the equivalent to the Kaiser single medical premium to their Flexible Benefit Plan and the employee may receive this amount in cash, in which case the amount is treated as taxable income; or the employee may reallocate it toward the purchase of other benefits in the Plan, or a combination of both.

E. The employee may contribute salary up to the IRS limits on a pretax basis in order to purchase the following benefits:

- Medical Premiums, Co-Payments, and Deductibles
- Dental Premiums, Co-Payments, and Deductibles
- Un-reimbursed Medical & Dental Expenses
- Dependent Care

Rules governing the allocation and distribution of such funds shall conform to applicable sections of State and Federal tax codes and the City of El Cerrito's Flexible Benefits Plan.

F. The health benefit programs recognize the participation of domestic partners of eligible employees. Please refer to the City's Citiflex document for details.

G. During the term of the contract, the City may establish a City-wide task force for the purpose of exploring alternate health plans, including PERS Health, for both active and retired employees. The City or the Public Safety Management Association- Police Chief agrees to re-open negotiations for the sole purpose of implementing alternative medical coverage.

2.7 Dental Plan

The City will pay the full cost of employee plus dependent coverage under the Delta Dental Plan.

2.8 Retirement Health Plan

Retirees, survivors of retirees and survivors of deceased employees, unless prohibited by the carrier, will be permitted to maintain the current level of health plan benefits available to employees. Retirees, survivors of retirees and survivors of deceased employees may maintain such health plans at their discretion and with no cost to the City.

2.9 Life Insurance

The City will provide a \$100,000 term life insurance policy for the Police Chief.

2.10 Long-term Disability Insurance

The City shall provide the Police Chief with long-term disability insurance with coverage of two-thirds salary up to the maximum set by the Municipal Pooling Authority and a sixty-day elimination period. Like regular wages, this benefit is taxable.

2.11 Benefit Status

A. The salary and benefits contained within this Memorandum of Understanding are granted only to the Police Chief if he is in a current pay status. The City shall incur no cost, nor shall benefits accrue for retirees, survivors, or

employees in a non-pay status, unless the employee is granted medical leave of absence or military leave of absence.

- B. In the event the Police Chief is in a non-pay status because of a disputed workers' compensation claim, benefits under this article shall be continued upon written agreement of the affected employee to repay to the City the amount of any premiums paid by the City during the non-pay status period if the employee's claim is denied by the Workers Compensation Appeals Board or withdrawn by the employee prior to a decision by the Board.

CHAPTER 3 HOLIDAYS

3.1 Holidays

The following holidays are recognized as municipal holidays for pay purposes:

New Year's Day	Labor Day
Dr. M.L. King Jr. Birthday (3rd Monday in January)	Veteran's Day
President's Day (3rd Monday in February)	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day (July 4)	Christmas Eve Day
	Christmas Day
	½ Day New Year's Eve

In the event that any of the aforementioned days falls on a Sunday, the following Monday shall be considered a holiday for pay purposes. In the event that any of the aforementioned days fall on a Saturday, the preceding Friday shall be considered a holiday for pay purposes. The afternoon of New Year's Eve, commencing at 12 noon, shall be considered a holiday for pay purposes. In the event New Year's Eve fall on a Sunday or a Monday, the preceding Friday afternoon shall be considered a holiday for pay purposes. The City Manager may make changes in the above schedule in accordance with the needs of the City.

3.2 Birthday and Floating Holidays

In addition to the recognized municipal holidays, the Police Chief shall receive annually three (3) floating holidays, subject to the same requirements for scheduling vacation. Floating holidays must be taken during the fiscal year they are received and may not be carried over and accumulated.

The Police Chief is allowed an additional holiday on his birthday or another day at the convenience of the City.

3.3 Compensation for Municipal Holidays

- A. If the Police Chief is on leave-of-absence without pay, he shall not receive any compensation for holidays occurring during such leave.

- B. The Police Chief must be in a pay status on the workday preceding a holiday to be eligible to be compensated for the holiday.

CHAPTER 4
SICK LEAVE, WORKERS' COMPENSATION, FAMILY SICK LEAVE,
AND OTHER LEAVES

4.1 Accrual of Sick Leave – Rate

Sick leave shall accrue at the rate of eleven (11) hours and twenty-five (25) minutes per calendar month worked, providing the Police Chief has worked or been on authorized leave with pay for at least ten working days in the month.

4.2 Sick Leave - Maximum Accrual

The maximum accumulation of sick leave is unlimited.

4.3 Activity During Sick Leave

No employee who is absent from work on sick leave shall engage in any work or other activity that would interfere with the employee's ability to return to work to perform regular duties.

4.4 Sick Leave Retirement Benefit

Upon retirement from City service, the Police Chief shall be entitled to compensation for one-fourth of the accumulated sick leave on the books at the time of such retirement, with a maximum payment equivalent to 200 hours pay. The sick leave payout may be converted to the Retirement Health Savings Account to pay for qualified health premiums. Actual sick leave remaining on the books will be reported to PERS in accordance with PERS regulations governing the sick leave credit contract option. In no case will unearned sick leave be reported for the purpose of increasing the member's retirement as prohibited by PERS.

The date of disability retirement for the employee may be established or determined to be effective prior to the expiration of sick leave benefits.

4.5 On-the-Job Injury

The Police Chief is eligible for benefits (salary continuance) for time off work due to on-the-job injuries as specified in Labor Code Section 4850.

4.6 Accrued Sick Leave As Life Insurance

Upon the death of the represented employee, the value of the Police Chief's accrued sick leave, calculated at the Chief's hourly rate, shall be paid to the employee's estate or designated beneficiary.

4.7 Family Sick Leave

Under Labor Code Section 233, employees may utilize accrued sick leave to care for an ill or injured child, spouse or parent. The City has extended this provision to include domestic partners and their dependent children. There is no requirement

that the illness or injury reach the level of seriousness provided for under the Family and Medical Leave Acts. However, if the illness or injury qualifies under the Family and Medical Leave Act, it also satisfies the "family sick leave" criteria. The maximum "family sick leave" allowed each calendar year that is subject to this provision is one-half (1/2) of the employee's annual accrual of sick leave. Additional family sick leave may be taken subject to departmental regulations and approval of the City Manager.

4.8 Bereavement Leave

The Police Chief is entitled to time off with pay when there is a death or anticipated death in the immediate family. Bereavement leave shall not exceed five (5) consecutive days when death is anticipated. Bereavement leave after death shall not exceed that period of time between death and the day of the funeral, providing the funeral is held within five days following death. Additional time may be granted and charged as sick leave when, in the opinion of the City Manager, unusual circumstances identify the need for additional time off.

Immediate family is defined as spouse, domestic partner, child, parent, parent-in-law, sister, brother, sister-in-law, brother-in-law, grandparent, spouse's grandparent, grandchild, son-in-law, daughter-in-law, or any other relative of the employee or employee's spouse residing in the same household, or who has resided with the employee in the same household for three or more years. In cases where death has occurred involving someone other than the immediate family, the City Manager shall make the decision as to qualification for bereavement leave.

4.9 Administrative Leave

The Police Chief shall receive administrative leave in recognition of extraordinary working hours and conditions. The City Manager will annually approve the number of leave hours by the individual employee based on the amount of overtime performed and the quality of work produced. The annual amount of time assigned shall not exceed eighty (80) hours. Unused administrative leave cannot be carried over from year to year or cashed out at year-end or upon separation.

4.10 Family and Medical Leave

Pursuant to State and Federal law, the City will provide family and medical care leave for eligible employees. The City Family Care and Medical Leave policy sets forth employees' rights and obligations with respect to such leave. Rights and obligations which may not be specifically set forth in the City's policy are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA") and the regulations of the California State Pregnancy Disability Act and the California Fair Employment and Housing Commission implementing the California Family Rights Act ("CFRA") (Government Code Section 12945.2). Unless otherwise provided by the City's policy or this Memorandum of Understanding, "Leave" under this article shall mean leave pursuant to the FMLA.

CHAPTER 5 VACATION

5.1 Eligibility

The Police Chief shall be eligible to take accrued vacation.

5.2 Scheduling

The scheduling of annual vacation leave and the amount to be taken at any one time shall be determined by the Police Chief, subject to City Manager approval, in accordance with departmental regulations and with regard for the needs of the City and the preference of the employee.

5.3 Vacation at Termination

The Police Chief, who leaves the municipal service with accrued vacation leave, shall be paid the amount of accrued vacation to the date of termination. Payment for accrued vacation shall be at the Police Chief's current rate of pay.

5.4 Effect of Extended Military Leave

A Police Chief who interrupts his/her City service because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective.

5.5 Sick Leave During Vacation

Vacation leave may be converted to sick leave subject to the review and approval of the City Manager, if the Police Chief is injured or sick during the vacation for a period in excess of 24 hours.

5.6 Vacation Cap

The vacation cap shall be two (2) times the employee's annual vacation accrual rate. Thereafter, at any time an employee reaches the maximum accrual, the employee will cease accruing vacation hours until such time as the balance falls below the cap. No employee will be allowed to accrue vacation hours above the cap, unless an employee has a work related injury and is on leave pursuant to Labor Code Section 4850.

5.7 Vacation Cash-Out

Employees may annually cash-out up to 16 days (128 hours) of vacation provided that they have taken a minimum of 16 vacation days (or administrative leave for management employees) in the previous fiscal year and maintain a vacation balance of 40.0 hours at the time of vacation cash out. Employees may elect to cash-out a maximum of two (2) times annually and each cash-out request must be a minimum of 8 days (64 hours). All requests must be in writing to the Human Resources Manager for initial review with final approval by the City Manager.

5.8 Accrual

Unless otherwise provided by the City Manager, vacation leave will be accrued from the first day of employment when a Police Chief is in a pay status and will be credited on a monthly basis. Municipal holidays shall not be counted during vacation. The schedule is listed below.

Vacation Benefit

<u>Service</u>	<u>Hrs. Earned/Year</u> <u>(40-hour week)</u>
Accrue during 1st year	88
2	96
3	96
4	104
5	112
6	120
7	120
8	128
9	128
10	136
11	136
12	144
13	144
14	152
15	152
16	160
17	160
18	168
19	168
20	176
21	184
22	192
23	200
24	208
25	216
26	224
27	232
28	240
29	248
30	256
31	264
32	272
33	280
34	288

CHAPTER 6 WORK SCHEDULE

6.1 Workweek

The workweek for the Police Chief is as required by the City. The normal workday is from 8:00 a.m. to 5:00 p.m.

CHAPTER 7 EDUCATION BENEFITS

7.1 Tuition Refund Plan

The Police Chief is eligible for educational cost reimbursement up to a maximum of \$1,000 per year for work-related studies at a recognized college, university, or professional school. Course content should relate to one of the following:

1. Knowledge or skills needed by the employee in his/her present job
2. Preparation for promotional opportunities or advancement in the same or different field within the City organization
3. The requirements of a program leading to a degree, at an approved institution, which enhances the employee's job knowledge or on-the-job skills

Procedures for obtaining reimbursement and limitations regarding reimbursement may be found in the City of El Cerrito administrative procedure on educational expense reimbursement.

7.2 Education Incentive Program

A \$290 monthly education incentive payment shall be paid to the Police Chief in recognition of completion of the requirements to obtain a baccalaureate degree.

CHAPTER 8 MISCELLANEOUS POLICIES FOR THE POLICE CHIEF

8.1 Continuing Education

It is the policy of the City that each management employee, including the Police Chief, take part in some educational or training course each year, and the City Council will attempt to provide funds in each budget for such purpose.

8.2 Membership

It is the policy of the City to provide paid membership in approved professional associations for management employees, including the Police Chief. This policy shall include publications associated with membership and other educational materials as may be approved.

8.3 Conferences

It is the policy of the City that each management employee, including the Police Chief, attend (as a member) a professional conference of his or her peers each year at City expense; however, travel outside the state of California may be discouraged in the event of budgetary constraints.

8.4 Benefit Relationship to Rank and File

If new or deleted material benefits and/or cost sharing mechanisms are agreed to with the Police Employees' Association or the Public Safety Management Association, they would apply to the Police Chief.

CHAPTER 9

TERM

9.1 Term

This Memorandum of Understanding shall be in full force and effect at such date as adopted by the City Council until June 30, 2021.



AGENDA BILL

Agenda Item No. 5(l)

Date: October 18, 2016
To: El Cerrito City Council
From: Mayor Greg Lyman and Councilmember Jan Bridges
Subject: Financial Support for Youth Soccer Grant for Gilman Sports Fields

ACTION REQUESTED

Adopt a resolution supporting the application for a California Youth Soccer Program Grant of \$1,000,000 by the Gilman Sports Fields Joint Powers Authority (JPA) and allocating \$20,000 from the City's General Fund Reserve (identified as Option 1 below) as local matching funds for the construction of a new youth soccer field and public restroom facility.

BACKGROUND

The Gilman Sports Field Complex was built in 2008 and expanded in 2010 by the JPA consisting of the cities El Cerrito, Albany, Berkeley, Emeryville and Richmond in partnership with the East Bay Regional Parks District. The complex is at capacity with athletes of all ages from the East Bay and beyond throughout the day, seven days per week. The sports complex currently consists of two synthetic turf fields, three natural fields, a softball field, and two parking lots. Due to the shortage of field space in El Cerrito and the other four cities, the sports complex is heavily used and there is more demand than availability. Additionally, the sports complex relies exclusively on portable toilets that are often vandalized, unsanitary, and over capacity.

ANALYSIS

On November 1, 2016, the State of California will accept one final round of Youth Soccer Grant Program applications with the maximum grant amount being \$1,000,000. The JPA considered three options for the grant application:

1. Construct one new youth soccer field and one new public restroom with a grant request of \$1,000,000 to cover construction costs only. This option requires a \$20,000 commitment from each JPA member city in order to help cover the non-construction costs. The local match will also add five points in favor of the JPA receiving the grant.
2. Construct one new youth soccer field only with a grant request of \$845,260 for construction costs only. Each JPA city would contribute \$10,000 in local matching funds. This option would also gain the grant application five extra points.

3. Construct one new youth soccer field with a grant request of \$995,310 to cover both construction and non-construction costs with no local matching funds required resulting in the loss of five points for the grant application.

Option 1 is recommended because it solves many issues at the Gilman Sports Complex, namely additional field capacity and clean and safe restroom facilities at a relatively small expense to the City of El Cerrito. An additional soccer field will increase the sports complex usable hours by 13% and the construction of permanent restrooms will reduce overall operating costs in addition to providing better facilities for the sports complex's users. For more information about the grant application and process, see the attached Memorandum from the City of Berkeley.

STRATEGIC PLAN CONSIDERATIONS

A successful grant application and construction of a new field and restroom facility at the Gilman Fields Sports Complex will further the following Strategic Plan Goals and Identified Strategies:

1. Goal A - Deliver exemplary government services: Develop and strengthen relationships with public and private partners, residents, businesses, schools and community groups.
2. Goal B – Achieve long-term financial sustainability: Explore opportunities for public/private partnerships & track and promote State and Federal legislation that would create new funding opportunities.
3. Goal C – Deepen a sense of place and community identity: Identify, promote, and/or develop entertainment, recreational, and leisure activities for people of all ages and demographics.
4. Goal D – Develop and rehabilitate public facilities as community focal points.

ENVIRONMENTAL CONSIDERATIONS

Staff recommends that the Council find that this action is exempt from the California Environmental Quality Act, (CEQA). The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. (CEQA Guidelines Section 15061(b)(3). Supporting a grant application and appropriating matching funds for a potential project is not an activity subject to CEQA. The City of Berkeley as lead agency, is handling any required environmental review for the construction of the facilities.

FINANCIAL CONSIDERATIONS

Funding of the \$20,000 local matching funds will be appropriated in an amendment to the FY 2017 Budget. By sharing the local matching funds cost with the other four cities in the JPA, El Cerrito's contribution is greatly reduced compared to the overall cost of the proposed projects and future projects as well. This expenditure is intended to be a one-time expense in support of the proposed projects.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Memorandum from City of Berkeley dated September 28, 2016
2. Resolution



Parks Recreation & Waterfront Department

Memorandum

September 28, 2016

To: Five Cities of the Sports Fields Joint Powers Agreement (Albany, Berkeley, El Cerrito, Emeryville, and Richmond)

From:  Scott Ferris, Director, Parks, Recreation & Waterfront Dept, City of Berkeley

Subject: Cal Youth Soccer Grant Application 2016 - Gilman Sports Fields

OVERVIEW

On November 1, 2016, the State's California **Youth Soccer Grant Program** (funded by Proposition 40) will accept one final round of grant applications for a maximum grant award of \$1 million. The five member cities of the Sports Fields Joint Power Agreement (JPA) are being asked to provide assistance in the form of local cash match in order for the City of Berkeley to submit a competitive grant application for new project elements at the Gilman Sports Fields.

BACKGROUND

In 2003, due to a shortage of playing fields, five East Bay cities of Albany, Berkeley, El Cerrito, Emeryville, and Richmond entered into a joint powers agreement (JPA) to work together to seek funding as a regional group to develop new sports fields. The first project initiated by the JPA was the Gilman Sports Fields Complex.

Since opening in 2008, the Gilman Sports Fields Complex has been a huge success, greatly expanding the opportunities for sports for youth and adults throughout the five JPA cities. The demand for the facility is constant, leading to fully scheduled fields throughout the year, and providing a capacity of over 365,160 player hours per year, rain or shine.

In 2008, phase one of the facility was completed with two synthetic turf fields with night lighting, three natural turf fields with irrigation, the north parking lot, pathways and fencing, stormwater drainage improvements, and user amenities (drinking fountains, benches, bicycle racks, etc.) In 2010, the softball field and the south parking lot were added at the Gilman Fields. However, several project elements are still unfunded, such as a new youth soccer field (north grass field), newly paved south parking lot, newly improved north parking lot, night lighting, and restrooms (north and south).

GRANT OPPORTUNITY

This grant opportunity will allow the five JPA cities of Albany, Berkeley, El Cerrito, Emeryville, and Richmond to compete for up to \$1 million to implement some of these project elements.

On September 21, 2016, at a noticed meeting of the five JPA cities and the sports user groups, the JPA agreed by consensus to prioritize the **north youth soccer field**, along with a **new public restroom** at the south parking lot for this grant proposal.

In order to be as competitive as possible, and obtain the five points for matching funds as defined in Criteria No. 7 in the Grant Project Selection Criteria (see Attachment 1), the JPA cities are being asked to consider providing a cash match to help cover the non-construction costs related to the project.

OPTIONS

On September 21, 2016, in consultation with the five JPA cities and the sports user groups, three options were developed, with **Option 1** as the preferred option.

- **Option 1** would construct **one new youth soccer field** and **one new public restroom** with a grant request of \$1,000,000 to cover construction costs only. This will require a local cash match of \$20,000 from each of the five JPA cities to help cover non-construction costs, which will allow the application to get five points added to the score.
- **Option 2** would construct **one new youth soccer field only** (no restroom) with a grant request of \$845,260 to cover construction costs only. This will require a local cash match of \$10,000 from each of the five JPA cities to cover non-construction costs, which will allow the application to get five points added to the score.
- **Option 3** would construct **one new youth soccer field only** (no restroom) with a grant request of \$995,310 to cover both construction and non-construction costs. This will require no local match, which means a loss of five points.

Option	Project Element	Grant Request	Contribution (per JPA City)	Points for Grant Application
1	Youth Soccer Field and Public Restroom	\$1,000,000	\$20,000	Earn 5 points
2	Youth Soccer Field only	\$845,260	\$10,000	Earn 5 points
3	Youth Soccer Field only	\$995,310	\$0	Lose 5 points

RECOMMENDATION

Using the preferred **Option 1**, the five JPA cities can leverage \$20,000 each in local funds to help submit a highly competitive grant application in the amount of \$1,000,000 that will provide one new youth soccer field (the north grass field) and a permanent vault restroom (south parking lot). This project will provide an additional capacity of 48,000 player hours per year (primarily youth), which represents a 13% expansion in player hours at the Gilman Fields.

We anticipate that grant funding decisions will be announced in April of 2017.

Attachment 1

Overview of the California Youth Soccer Program

The intent of the State's **Youth Soccer Program** is to award grants on a competitive basis for "fostering the development of new youth soccer, baseball, softball, and basketball recreation opportunities...(in) heavily populated, low-income urban areas with a high youth crime and unemployment rate." As approved by the Legislature, this program will have an emphasis on creating new opportunities along with water conservation measures.

Project Selection Criteria Overview

The State's Office of Grants and Local Services (OGALS) will use Project Selection Criteria responses to rank all competing applications. All competing applications start with 0 points. The maximum score is 100 points. Note that out of a possible 100 points, five points are automatically given to applications that provide matching funds that cover the non-construction costs for the project (see Criteria 7), whereas zero points are given to applications that use any grant funds for non-construction costs as well as construction costs. The non-construction costs for the project involve the following, and are required for all publicly funded construction projects: design by licensed professional, permitting, construction management, testing, and inspection.

Criteria	Pts
1. Demographics (based on the Community Factfinder Census data) a. Population - percentile rank among all applicants b. Median Household Income - percentile rank among all applicants c. Unemployment Rate - percentile rank among all applicants	40
2. Community Challenges and Project Benefits a. The need for the project b. Youth crime c. Existing recreational deficiencies d. Lost recreational opportunities if project is not implemented	20
3. Community Involvement a. Outreach efforts b. What was learned from outreach c. How did this influence the project	10
4. Availability a. Open to public 24/7 (10-7 pts) b. Open to public 3-7pm (6-3 pts) c. Limited hours (e.g., only school hrs) (0-2 pts)	10
5. Organizational Capacity a. Has applicant performed similar projects, etc.	10
6. Water Conservation Measures a. 5 pts – project uses less than local jurisdiction's requirements b. 0 pts – project will not use less water than required by local jurisdiction	5
7. Matching funds • 5 pts for projects that use all grant funds for "construction only" • 0 pts for projects that use any grant funds for "non-construction"	5
Maximum Score	100

The full Application Guide for the California Youth Soccer and Recreation Development Program - March 1, 2016 can be found at http://www.parks.ca.gov/?page_id=28475

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO SUPPORTING THE SUBMITTAL OF THE GRANT APPLICATION FOR THE CONSTRUCTION OF ONE NEW SOCCER FIELD AND ONE RESTROOM FACILITY FOR THE GILMAN SPORTS FIELDS COMPLEX AND APPROPRIATING \$20,000 FROM GENERAL FUND RESERVES AS LOCAL MATCHING FUNDS.

WHEREAS, the cities of El Cerrito, Albany, Berkeley, Emeryville, and Richmond are members of the Gilman Sports Fields Complex Joint Powers Authority; and

WHEREAS, the Joint Powers Authority has recommended to the cities that it apply for \$1,000,000 from the State of California's Youth Soccer Grant Program to construct an additional soccer field and restroom facility with each city contributing \$20,000 in local matching funds for non-construction costs; and

WHEREAS, there is a field space shortage in El Cerrito as well as at the Gilman Sports Fields Complex and a successful grant application will result in a 13% increase in usable field hours; and

WHEREAS, the use of portable toilets often results in unsanitary conditions and increases operating costs when compared to a permanent restroom building; and

WHEREAS, by combining resources with the other four cities in the Gilman Fields Sports Complex Joint Powers Authority, the City of El Cerrito has a much greater chance to increase field space hours for residents at a significantly reduced cost.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby

1. Supports the submittal of the grant application for the Youth Soccer Grant Program by the Gilman Sports Fields Complex Joint Powers Authority for \$1,000,000 for the construction of one new soccer field and one restroom facility and amends the Fiscal Year 2017 budget to appropriate \$20,000 from the General Fund Reserve as local matching funds; and

2. Finds this action exempt from CEQA based on the general rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

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

I CERTIFY that at a regular meeting on October 18, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

Agenda Item No. 5(I)
Attachment 2

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 5(J)

Date: October 18, 2016
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023)

ACTION REQUESTED

Adopt a resolution which take the following actions:

- 1) Approve plans for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023);
- 2) Accept the two submitted bids;
- 3) Authorize the City Manager to execute a contract in the amount of \$205,268.50 with FBD Vanguard Construction, Inc. and approve change orders in an amount not to exceed \$21,000 for the construction of the Arlington Boulevard and Brewster Drive Intersection Safety Improvements Project; and
- 4) Amend the Fiscal Year (FY) 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to appropriate an additional \$40,000 in the Measure A Street Improvement Fund for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071.

BACKGROUND

The Arlington Boulevard and Brewster Drive Safety Improvements Project, City Project No. C3071, came about in the wake of a fatal accident at the Brewster Drive curve south of Arlington Park in June 2012. The project is intended to improve pedestrian safety and calm vehicle traffic speeds in this area. After a community meeting in the summer of 2012, City staff and the City's traffic consultant began to finalize the design of a two-phased improvement plan. The near-term improvements including relocation of the marked crosswalk and enhanced signing and striping were completed in late 2012. At about this time, using the long-term improvements as a basis, City staff successfully applied for a Highway Safety Improvement Program (HSIP) grant of \$237,800 to fund a large portion of the project. The long-term improvements are intended to replace some of the temporary features of the near-term work as well as include installation of standard sidewalk, curb extensions, bus stop improvements, speed feedback signs, and other minor modifications to signs, pavement markings, and drainage.

The project was originally advertised for bids in March 2016. At that time, only one bid was received. The base bid amount was approximately 43% above the Engineer's Estimate and exceeded the project budget. As such, in April 2016, City Council adopted Resolution No. 2016-26 rejecting the sole bid and authorizing City staff to retool and rebid the project. The City's consultant engineers made changes to the design, keeping the essential safety improvements, and creating several alternate bid items that would allow flexibility in being able to award the project. Alternate Bid A involves the additional installation of a Rectangular Rapid Flashing Beacon System, while Alternate Bid B involves the installation of two Vehicle Speed Feedback Signs. The Vehicle Speed Feedback Signs were original elements in the project scope, while the Rectangular Rapid Flashing Beacon System was added in the retool of the project as a potential supplement to the project given positive experience with recent installations at other locations in the city.

The project was advertised for rebid in the West County Times on August 30 and September 6, 2016. Additionally, the Notice Inviting Bids was sent to contractor plan rooms and posted on the City's website. One mandatory pre-bid meeting was also held on September 13, 2016.

ANALYSIS

Two bids were received on September 22, 2016 with the following results:

Name and Location of Bidder	Base Bid	Alternate A – Rectangular Rapid Flashing Beacon	Alternate B – Vehicle Speed Feedback Sign
FBD Vanguard Construction, Livermore	\$175,056.50	\$37,585.00	\$30,212.00
Ray's Electric, Oakland	\$184,903.00	\$27,000.00	\$38,160.00
Engineer's Estimate	\$157,205	\$23,000	\$38,640

The Contract Documents stipulated that the low bidder was to be determined by the amount of the Base Bid. The low Base Bid in the amount of \$175,056.50 is from FBD Vanguard Construction, Inc. It is approximately 11% over the Engineer's Estimate of \$157,205 while Alternate B is approximately 22% under the Engineer's Estimate of \$38,640. The Grand Total of the Base Bid plus Alternate B for FBD Vanguard Construction is \$205,268.50; approximately 5% above the Engineer's Estimate of \$195,845.

Since the project is largely funded by a federal grant from the Highway Safety Improvement Program (HSIP), the low bidder is required to make a good faith effort to incorporate the services of Disadvantaged Business Enterprises (DBEs) in their bid for

completing the project. The City determined a DBE goal of 8.0% of the total construction cost for this project was obtainable. The low bid exceeded the City's DBE goal by including a commitment of 12.6% of work to be performed by DBEs.

As shown below, the total project expenditures are projected to result in a funding shortfall of \$40,000. This shortfall is due to increases in construction prices over the last few years since the project was first developed. The project was value-engineered to reduce construction costs and the Engineer's Estimate was also adjusted to reflect recent bids. As such, staff believes the low bid to be a good value worthy of funding of Alternate B. This would deliver the major project components described in the grant award. Alternate A is not recommended for award at this time because the bid is approximately 63% above the Engineer's Estimate. Staff recommends that City Council award a construction contract in the amount of \$205,268.50 for the Base Bid plus Alternate B to FBD Vanguard Construction, Inc. as the lowest responsive and responsible bidder.

STRATEGIC PLAN CONSIDERATIONS

The project is consistent with the El Cerrito Strategic Plan Goal E – Ensure the public's health and safety by improving the safety of the City's transportation network.

ENVIRONMENTAL CONSIDERATIONS

The Arlington Boulevard and Brewster Drive Safety Improvements Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a minor alteration to an existing facility involving negligible or no expansion of use beyond that presently existing. More specifically, restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood, is exempt from CEQA.

Additionally, Caltrans, which provides oversight for federally-funded projects, reviewed compliance with the National Environmental Policy Act (NEPA) and determined that the project has no significant impacts on the environment as defined by NEPA and therefore the project is categorically excluded from the requirements of preparing an environment assessment or environmental impact statement.

FINANCIAL CONSIDERATIONS

This Arlington Boulevard and Brewster Drive Safety Improvements Project is included in the Fiscal Year (FY) 2016-17 Adopted Budget and Capital Improvement Program. The primary funding for this project for both the design and construction phases is provided by an HSIP grant of \$237,800 with local matching funds provided by Measure A Street Improvement funds of \$50,000 for a total project budget of \$287,800.

The total project expenditures are summarized below.

Project Phases	Cost
Planning/Environmental	\$17,462
Design	
Consultant (including rebid)	\$40,336
City Staff	\$1,157
Misc. (printing, postage, etc)	\$2,466
Design Subtotal	\$43,959
Construction	
Contract	\$205,269
Contingency	\$21,000
Construction Management and Materials Testing	\$37,610
Misc. (printing, postage, etc)	\$2,500
Construction Subtotal	\$266,379
TOTAL EXPENDITURES	\$327,800

The life-to-date expenditures projected for the end of FY 2015-16 were \$45,815. As such, the approved expenditure appropriation in the FY 2016-17 Adopted Budget is \$241,985.

Given that project scope is an appropriate use of Measure A Street Improvement Funds, staff is recommending an additional appropriation of \$40,000 in the Measure A Street Improvement Fund from the existing fund balance to cover the total expenditures of \$327,800.

An amendment to the FY 2016-17 Adopted Budget is required to appropriate \$40,000 in this year's Measure A Street Improvement Fund within the Annual Program of Maintenance and Improvement pursuant to Measure A Street Improvement Program.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Resolution

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS FOR THE ARLINGTON BOULEVARD AND BREWSTER DRIVE INTERSECTION SAFETY IMPROVEMENTS PROJECT, CITY PROJECT NO. C3071, FEDERAL AID PROJECT NO. HSIP-5239(023); ACCEPTING THE TWO SUBMITTED BIDS; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$205,268.50 WITH FBD VANGUARD CONSTRUCTION, INC. AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$21,000 FOR THE CONSTRUCTION OF THE PROJECT; AND AMENDING THE FISCAL YEAR 2016-17 ADOPTED BUDGET AND ANNUAL PROGRAM OF MAINTENANCE AND IMPROVEMENT PURSUANT TO MEASURE A STREET IMPROVEMENT PROGRAM TO APPROPRIATE AN ADDITIONAL \$40,000 IN THE MEASURE A STREET IMPROVEMENT FUND, FOR THE ARLINGTON BOULEVARD AND BREWSTER DRIVE INTERSECTION SAFETY IMPROVEMENTS PROJECT, CITY PROJECT NO. C3071

WHEREAS, the Arlington Boulevard and Brewster Drive Intersection Safety Improvements Project is intended to improve pedestrian safety and calm vehicle traffic speeds in this area; and

WHEREAS, the work generally consists of replacing some of the temporary safety features previously installed, as well as installation of standard sidewalk, curb extensions, bus stop improvements, speed feedback signs, and other minor modifications to signs, pavement markings and drainage; and

WHEREAS, a Notice Inviting Bids for the project was advertised in the West Contra Costa Times on August 30 and September 6 , 2016, sent to eight Builder and Construction Exchanges, and posted on the City's website and two bids were received on September 22, 2016; and

WHEREAS, the Contract Documents stipulated that the low bidder was to be determined by the amount of the Base Bid, and FBD Vanguard Construction, Inc. submitted the lowest Base Bid of \$175,056.50, which is approximately 11 percent above the Engineer's Estimate; and

WHEREAS, the lowest responsive, responsible bidder was FBD Vanguard Construction, Inc. and their combined bid for the Base Bid and Alternate B is \$205,268.50, which is approximately five percent above the Engineer's Estimate; and

WHEREAS, the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071 is included in the Fiscal Year (FY) 2016-17 Adopted Budget and Capital Improvement Program, and is funded by a \$237,800 federal grant from the Highway Safety Improvement Program with local matching funds of \$50,000 provided by Measure A Street Improvement funds for a total project budget of \$287,800; and

WHEREAS, the project scope is an appropriate use of Measure A Street Improvement Funds; and

WHEREAS, an amendment to the FY 2016-17 Adopted Budget is required to cover the total project expenditures of \$327,800.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby:

- 1) Approves plans for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023);
- 2) Accepts the two submitted bids;
- 3) Authorize the City Manager to execute a contract in the amount of \$205,268.50 with FBD Vanguard Construction, Inc. and to approve change orders in an amount not to exceed \$21,000 for the construction of the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071, Federal Aid Project No. HSIP-5239(023); and
- 4) Amend the FY 2016-17 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A Street Improvement Program to appropriate an additional \$40,000 in the Measure A Street Improvement Fund for the Arlington Boulevard and Brewster Drive Intersection Safety Improvements, City Project No. C3071.

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

I CERTIFY that at a regular meeting on October 18, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 6

Date: October 18, 2016
To: El Cerrito City Council
From: Mark Soltes, Building Official,
Michael Bond, Fire Marshal
Margaret Kavanaugh-Lynch, Development Services Manager
Subject: Introduction to and local modification of the 2016 California Building Standards Code, including Green Building Code, Building Code, Fire Code, and related Construction Codes

ACTION REQUESTED

Conduct a public hearing, and upon conclusion:

- 1) Adopt a Resolution which makes findings justifying changes or modifications due to local climatic, geologic and topographic conditions in the 2016 California Building Standards Code, which includes the California Green Code, Building Code, Fire Code, Residential Code and related Construction Codes; and
- 2) Introduce by title, waive first reading of an Ordinance and set the second hearing for November 1, 2016 to adopt the 2016 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code and related Construction Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the Ordinance.

BACKGROUND

The 2016 California Building Standards Codes (CBSC), which includes the Fire Code, becomes effective in California cities on January 1, 2017. Typically every three years, the California Building Standards Commission reviews and revises the California Building, Fire, Plumbing, Mechanical, Residential and Electrical Codes. The California Health and Safety Code requires local agencies to adopt the building standards contained in these uniform statewide codes, but allows cities to modify the codes to reflect local conditions. El Cerrito adopted its current codes, incorporating and modifying the 2013 California Building Standards Code, including the Fire Code, in November 2013.

ANALYSIS

A city may establish more restrictive standards in their Building Codes because of local climatic, geological, or topographical conditions. The local modifications proposed for El Cerrito are outlined in the attached resolution, and include the following local environmental conditions:

1. Climatic Conditions
 - a. Precipitation and Relative Humidity
 - b. Temperature
 - c. Winds
2. Geologic Conditions
 - a. Seismic
3. Topographic
 - a. Soils
 - b. Vegetation
 - c. Surface Features Buildings and Landscaping.

The attached draft ordinance adopting the 2016 CBSC generally represents a continuation of existing City practice with regard to local modifications. It revalidates and readopts the City's current local amendments, and includes El Cerrito's minor modifications due to local climatic, geologic and topographic conditions. There are no substantial qualitative changes from the Codes previously codified in Title 16 of the El Cerrito Municipal Code in November 2013; except that the provisions for existing buildings in Part 2, Volume 2, Chapter 34 of the 2013 CBSC have been relocated to their own Part 10 of the 2016 CBSC. It is worth noting that there is one change to the Building Code to require a new Certificate of Occupancy to be issued when a change of use or occupancy occurs, and a minor change to the Fire Code to require that when a fire sprinkler system is installed, it must be interconnected to the structure's smoke detection or alarm system, so that an audible alarm is sounded inside and outside the building.

There are considerable changes to the reference numbering in the new California Codes, and the proposed ordinance reflects these new reference numbers in order to ensure that the Municipal Code continues to relate accurately to the California Building Standards Code. Other construction-related California Codes are not included in this ordinance as City staff is not recommending that they be amended. Those Codes will be automatically adopted and enforced as published by the State on January 1, 2017.

STRATEGIC PLAN CONSIDERATIONS

The task of updating and adopting the new California codes is specifically modified to align with El Cerrito's local climatic, geologic and topographic conditions is in keeping with the Strategic Plan goals of delivering exemplary government services and ensuring the public's health and safety.

ENVIRONMENTAL CONSIDERATIONS

This project is exempt from environmental review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3), Review for Exemptions – General Rule, in that it can be seen with certainty that there is no possibility for these actions to have a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The cost of implementing this project is already included in the City of El Cerrito's 2016-2017 Budget. No additional funding is necessary.

LEGAL CONSIDERATIONS

State law requires that the local agency adopt findings for any local modifications to the building standards contained in the CBSC. These findings are included in the attached resolution.

The City of El Cerrito is following the general process for adopting another code by reference, pursuant to Government Code 50022.1 et seq. and has caused to be published, the required notice of the ordinance pursuant to Government Code Sections 50022.3 and 6066. The City Council must determine that the form of this publication is sufficient to give notice to interested persons of the purpose of the ordinance and the subject matter thereof, and the resolution contains a finding to this effect.

In addition, the City Clerk is required to keep on file a copy of the codes to be adopted by reference for at least 15 days before the public hearing as well as after its adoption pursuant to Government Code section 6066.

The City Attorney has reviewed and approved the attached draft resolution, ordinance and hearing notice.

Reviewed by:



Karen Pinkos
Assistant City Manager

Attachments:

1. Resolution
2. Draft Ordinance
3. Public Hearing Notice

RESOLUTION NO. 2016-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING FINDINGS TO SUPPORT LOCAL MODIFICATIONS TO THE STANDARDS CONTAINED IN THE 2016 CALIFORNIA BUILDING STANDARDS CODE, ENACTED AS PART OF ORDINANCE NO. 2016-XX; AND DIRECTING THE CITY CLERK TO SCHEDULE A HEARING AND PUBLISH NOTICE

WHEREAS, Section 17922 of the California Health and Safety Code requires that local agencies adopt Title 24, which is including but not limited to the building standards contained in the California Building Code, the California Fire Code, the California Plumbing Code, the California Mechanical Code, and the California Electrical Code, as such codes are approved by the State Building Standards Commission (collectively, the "California Building Standards Code"); and

WHEREAS, Section 17958.5 of the California Health and Safety Code allows local agencies to enact modifications to those building standards provided that such modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, Section 17958.7 of the California Health and Safety Code further provides that a local agency which enacts modifications to those building standards must adopt findings which tie those modifications to such local climatic, geological or topographical conditions; and

WHEREAS, the El Cerrito City Council has considered whether certain modifications to the building standards contained in the California Building Standards Code are necessary in El Cerrito due to local climatic, geological, or topographical conditions.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does hereby adopt the following findings in conformance with its obligations under Section 17958.7 of the California Health and Safety Code

I. The City of El Cerrito is subject to the following climatic, geological and topographical conditions:

A. Climatic Conditions

General Conditions

The seasonal climatic conditions during late summer, fall and early winter create serious difficulties regarding the control of and protection against fires in El Cerrito. The hot, dry weather typical of this area in the summer and fall, and the extreme dryness of fuel stands in the early winter, coupled with wind, temperature and precipitation conditions outlined below frequently cause fire events which threaten the City.

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of 18 inches per year. Ninety-five percent of all rainfall occurs during the seven months of October through April and only five percent occurs from May through September. The dry season is considered to last at least six months in this area, where typically 0.8 percent of the annual rainfall occurs in any given month during this period. In addition, the Northern California area is subject to recurrent periods of drought lasting for several years. Relative humidity remains in the middle range most of the year with 45 to 65 percent occurring during the spring, summer and fall, and a wider range of 60 to 90 percent in the winter. Occasionally, the relative humidity falls as low as 12 percent during temporary changes in climate and wind direction. Such low humidity periods can occur any time of year. Coastal fog, on the other hand, can raise humidity especially during night hours.

(b) Impact

During the dry season generally and during occasional periods of low humidity, burning conditions are worse than normal. Such weather conditions cause extreme dryness in combustible material including untreated wood shakes and shingles on buildings, wood siding, and combustible building materials. Non-irrigated grass, brush, and weeds, which are often near buildings, are also subject to extreme drying. Extremely dry, combustible materials are vulnerable to rapidly spreading exterior fires which can quickly transfer to other buildings by means of radiation or flying brands, sparks, or embers. Under such conditions, a small fire can rapidly grow in magnitude beyond the capabilities of the fire department to control. Such fires produce excessive fire loss that has a negative impact on the quality of life in the community.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 106° F. Seasonal highs over 90° can be sustained for several days in a row.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, reducing their effectiveness and ability to control large building and wildland fires. High temperatures will preheat combustible building materials and non-irrigated weeds, grass and brush causing their materials to ignite readily and burn more rapidly and intensely. In addition, a series of local ridges and valleys produce differences in solar heating of fuels which increase the probability of erratic fire behavior, including area-wide ignition and "blow-up" conditions. Higher air and fuel temperatures increase the rate of fire spread and reduce the effectiveness of water applied to extinguish fires. Additional fire department resources and water will be required for timely and effective suppression of fires. Temperature has a direct relationship to the intensity and size of fires.

3. Winds

(a) Conditions

Prevailing winds in the area occur from the west or southwest. Off shore winds from the northeast and east, known locally as Diablo winds, frequently occur during the summer and fall and are prevalent during periods of hot, dry weather. Virtually any time during the year a climatic pattern of strong, steady, dry winds can occur for several days in succession, creating extremely dry conditions. Hillside elevation differences are ideal for the creation of localized up slope or down slope winds, which follow ridgelines or canyon valleys. Because of these topographic variables, winds can be experienced from virtually every direction depending on location and surrounding climatic conditions. Wind velocities range generally from 15 to 25 mph, with typical gusting to 35 mph. Severe storm gusts have been recorded as high as 80 mph. Westerly afternoon winds are common. Forty mph winds are experienced occasionally during extreme fire weather conditions. In rare circumstances, both on shore and off shore breezes up to 55 mph have been registered locally during non-storm conditions.

(b) Impact

Local winds can cause water intrusion and structural deterioration to building components, this deterioration may facilitate a premature structural building collapse. These local winds cause interior and exterior fires to burn intensely and spread rapidly. Wind driven fires involving non-irrigated weeds, grass and brush can grow to a magnitude and intensity beyond the capabilities of the fire department to control. Even relatively moderate winds can cause extreme and erratic fire behavior. Prevailing winds generally align with local topographical features creating ideal avenues for uphill fire spread. Wind driven fires can move uphill or downhill with great speed. When wind driven fires are not controlled they can spread from property to property and threaten the entire community.

Summary

The local climatic conditions created by precipitation patterns, temperature and wind conditions combine to affect the rate of acceleration, intensity, and magnitude of fire in the community. Periods with little or no rainfall, low humidity and high temperatures create extreme fire hazard conditions. Temperature extremes can create intense and erratic fire behavior. Local winds can have a tremendous impact on fire intensity, growth, and spread. Winds can carry sparks and burning brands to other areas up to one-mile away thus spreading fire and causing conflagrations. In building fires and fires at the bottom of canyons, winds can literally create a "blow torch" effect, which concentrates heat and resists control efforts.

B. Geologic Conditions

General Conditions

The geologic features of the local area create conditions that leave the area vulnerable to local flooding, earthquakes, land sliding, restricted access and conflagration. These events create serious difficulty regarding the control of and protection against fires in El Cerrito. Local flooding conditions can impede the ability of the fire department to aid or assist in fire control, evacuations, rescues and other emergency tasks. Among the potential effects of earthquake activity are isolation of neighborhoods or the entire community, loss of water sources and conflagration. Seismic events and landslides may isolate El Cerrito from surrounding communities and restrict or eliminate internal circulation by rendering surface travel difficult or impossible. Topographic features present multiple problems in the delivery of emergency services including fire protection.

1. Seismic

(a) Conditions

El Cerrito is located in a High Risk Seismic Zone, the worst risk rating in the United States. Buildings and other structures in High Risk Zones can experience major damage as the result of a seismic event. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, Rogers and other lesser faults. The Hayward and Calaveras faults have been identified as likely sites for a major seismic event in the 7 + Richter scale range within the next 25 years. Minor seismic events have been localized in the El Cerrito-Berkeley area.

Much of the transportation infrastructure is built upon soils classified as subject to liquefaction or landslide. San Pablo Avenue, a major north-south route through the city, is subject to liquefaction. Arlington Blvd., the other main north-south route, is subject to damage from landslide. Potrero, Moeser and Stockton Avenues, primary east-west routes, are all subject to damage from landslide. Damage to these roadbeds would have a significant, negative impact on response times.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities which in turn, cause power failures while at the same time starting fires throughout the city. The simultaneous occurrence of multiple fires will quickly disperse available fire department resources, thereby reducing and delaying an emergency response to any additional fires. An electrical power outage would incapacitate elevators, building smoke management systems, lighting systems, alarm systems and other electrical equipment. Since these are urgently needed to assist evacuation and fire control in large buildings there is increased expectation of life loss and major fire losses in such larger buildings.

A seismic event powerful enough to damage roadways would also damage other utility systems such as water mains, natural gas pipelines and telephone lines. The East Bay Municipal Utilities District anticipates seismic disruption of water service. Damage to these systems would have a negative impact on the service delivery capabilities of local emergency services.

(b) Impact

The above listed local geologic conditions increase accessibility problems and fire hazards in the City of El Cerrito. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to a larger number of citizens should a leak occur during a significant seismic event. Public safety resources would have to be prioritized to meet the greatest threat and may be unavailable for smaller structure fires in dwellings or other structures. Smaller fires may grow to conflagration proportions. Other factors can intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge or freeway overpass collapse;
- 3) The extent of roadway damage or amount of debris blocking

- the roadway;
- 4) Climatic conditions (hot, dry weather with high winds);
 - 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
 - 6) The availability of timely mutual aid or military assistance;
 - 7) Dwellings with wood shingle roof coverings could burn and result in conflagrations.

Summary

The local geologic conditions leave the city vulnerable to emergency conditions created by local flooding, earthquakes, landslide, and conflagration. Local flooding from the drainages and slopes of the East Bay Hills could result in conditions rendering the roads impassible. Earthquakes can occur at anytime. Earthquakes can isolate the community or significant portions of the community, cause loss of water sources used to provide fire protection and cause injury or rescue situations, which could then overtax the available resources to respond to new fires. Land movement can impair, restrict or deny emergency access to significant portions of the city. Geologic features and conditions can make firefighting strategy and tactics difficult at best. When coupled with prevailing climatic and topographic conditions, the City is at risk to conflagration at any time and is extremely vulnerable during or after a triggering event such as earthquake, floods, landslide or fire.

C. Topographic

General Conditions

The topographic features of the city increase the difficulty of fighting fires. Steep hillsides, ridges and deep, well-defined canyons are subject to fires that, in those areas, are easily influenced by wind and weather. Steep canyons are subject to rapid-fire spread, spot fires and area ignition. Fire growth controlled by topographic features (topography-driven fires) is subject to erratic fire behavior including blowups, fire whirls, and sudden changes in fire front direction. On the other hand, certain topographic features such as moist or sparse vegetation conditions, surface features, and man-made improvements such as roads have a dampening influence on erratic fire behavior.

1. Soils

(a) Conditions

The area is replete with various soils, which are unstable: clay loam, unconsolidated fills, and alluvial fans are predominant. These soil conditions are moderately to severely prone to swelling and shrinking, and are plastic and tend to liquefy. Large hillside portions of the city are subject to landslide, slumping and collapse.

(b) Impact

Throughout El Cerrito the topography and the pattern of growth and development have created a network of aging, narrow roads which limit access to some neighborhoods even in the best conditions. These roads are subject to damage and closure from mud and rock slides caused by earthquakes, storms or erosion. Unstable soils can slip

causing trees, power poles and lines, or other obstructions to close roadways. Any significant seismic or weather event can close roadways isolating residential subdivisions.

2. Vegetation

(a) Conditions

Highly combustible dry grass, weeds and brush are common six to eight months of each year in the hilly and open space areas adjacent to built-up locations. Many of these areas have experienced wildland fires, which have threatened nearby buildings; particularly those with wood roofs or siding. The City Council has designated areas of the city as Very High Fire Hazard Severity Zones (VHFHSZ) and has adopted vegetation management standards for these areas. Many residential areas border parklands, which contain vegetation fire hazards.

(b) Impact

Combustible dry grass, weeds and brush contribute to a recognized conflagration hazard. City programs like the vegetation management program, the Hillside Natural Area Fire Hazard Reduction Program and strict fire code enforcement have reduced but not eliminated the threat of conflagration due to rapid fire spread in vegetation stands. Should active fire become established in vegetation stands, this growing fire could rapidly overcome fire department control efforts.

3. Surface Features

(a) Conditions

The arrangement and location of natural and man-made surface features, including hills, valleys, creeks, roadways, housing density, commercial areas, and fire stations combine to limit feasible emergency response routes to certain areas.

(b) Impact

The arrangement and location of natural surface features produce an area very similar to those conditions found in the Oakland-Berkeley hills prior to their conflagration of October 1991. Surface features can easily produce fires of great magnitude or with erratic fire behavior that could threaten the entire community.

4. Buildings and Landscaping

(a) Conditions

Many commercial buildings and apartment complexes have building and landscape features, which preclude or greatly limit the operational access of fire department vehicles. There are many concentrations of houses and other buildings with untreated wood shake or shingle roofs or siding in the City which are within 10 feet of each other. There are many such buildings to which access to all but one side is virtually impossible due to landscaping, fences, electrical transmission lines, slopes or other buildings.

(b) Impact

When Fire Department vehicles cannot gain access to buildings on fire, there is a high potential for complete loss. Difficult access to a fire site often requires that personnel must carry equipment for long distances. Such operations quickly exhaust fire personnel and reduce the effective number of personnel available for suppression. Access problems often result in severe delays, the misdirection of fire and smoke control efforts, or the failure to make a timely fire attack.

Summary

The above listed local topographical conditions increase accessibility problems and fire hazards in the City of El Cerrito. Should a significant emergency occur, such as an area wide conflagration, public safety resources would be prioritized to mitigate the greatest threat and may likely remain unavailable for smaller single dwelling or structure fires. Other variables may intensify the situation:

- 1) The extent of damage to the water system;
- 2) The extent of isolation due to bridge and/or freeway overpass collapse;
- 3) The extent of roadway damage and/or amount of debris blocking the roadways;
- 4) Climatic conditions (hot, dry weather with high winds);
- 5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business and commute hours;
- 6) The availability of timely mutual aid or military assistance;
- 7) The large proportion of dwellings with wood single roof coverings could result in conflagrations.

D. Conclusion

Based on the local climatic, geologic, and topographic conditions outlined above, there is a real risk of damage to the community from a disaster. A seismic event can cause structural damage to buildings and utility infrastructure; storm flooding and high winds may increase the damages. Any of these conditions may negatively affect fire prevention efforts by increasing the frequency, spread, acceleration, intensity, and size of fires involving buildings in this community. Further, these conditions will increase the potential damage to all structures occurring from any earthquake and subsequent fire. It is found, therefore, to be reasonably necessary that the California Fire Code and the State Building Standards Code are changed or modified to mitigate the effects of the above conditions.

II. Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the City Council of the City of El Cerrito makes the finding that changes, modifications, and amendments to the 2016 Edition of the California Building Standards Codes are needed and are reasonably necessary because of certain local climatic, geologic and topographic features and conditions as described in Section I above, and that those features and conditions, under certain circumstances, affect delivery of emergency services. The amendments to the California Building Standards Codes are enacted to mitigate the impact of those local features and conditions by (i) preventing the chance of accident or injury by

Agenda Item No. 6**Attachment 1**

requiring standards more stringent than required by the current codes; and (ii) requiring additional built-in automatic fire protection systems which will provide for early detection and initial fire control.

III. The following changes and/or modifications to the 2016 California Building Standards Code are found to be necessary to mitigate the impacts caused by the local climatic, geologic and topographic conditions and are listed as follows:

<u>Municipal</u> <u>Code Section</u>	<u>CBC Section</u>	<u>Findings in Section 1</u>
16.02.020	105.2 (4)	A, B, C, D
16.02.030	107.6	B.1, C.1
16.02.040	107.3	A, B, C, D
16.02.050	114.1.1	A, C.2, C.4
16.02.060	117	A, C.2, C.4
16.02.070	501.2	A, C.2, C.4
16.02.080	903.2	A, C.2, C.4
16.02.090	904.3.5	A, C.2, C.4
16.02.100	905.3	A, C.2, C.4
16.02.110	1705.3	B, C
16.02.120	1905.1.7	B, C
16.02.130	Chapter 23	A, C.2, C.4
16.02.140	2304.12.1.5	A, C.2, C.4
16.02.150	2505	A, C.2, C.4
16.02.160	Chapter 1, Section 110.7	A, C
16.02.170	Appendix G, Section 102.3	A, B, C
16.03.020	R105.2	A,B,C,D
16.03.030	R106.2.1	B1, C1
16.03.040	R106.3.1 R113.5	A,B,C,D A,C2,C4

Agenda Item No. 6
Attachment 1

16.03.050	R115	A,C2,C4
	R319.1	A,C2,C4
16.03.060	R322.1	A,B,C
16.03.070	R402.3	A,C2,C4
	R602.10.4.4	A,C2,C4
16.03.080	And/Table R602.10.3(3)	
16.03.090.	R703.6	A,C2,C4
16.03.100		
16.03.110		
16.08.040	Article 23.70(A)(1)	A, C.2, A,C.2,C.4,D
16.09.020	202	B, C
16.09.030	404	B, C
16.26.020	1.1.1.2	A, C.2, C.4, D
16.26.030	1.1.8	A, C.2, C.4, D
16.26.040	1.11.1	A, C.2, C.4, D
16.26.050	102.1	A, C.2, C.4, D
16.26.060	102.9	A, C.2, C.4, D
16.26.070	104.1	A, C.2, C.4, D
16.26.080	104.1.1A and 104.1.1B	A, C.2, C.4, D
16.26.090	104.9	A, C.2, C.4, D
16.26.100	105.1.1	A, C.2, C.4, D
16.26.110	105.6	A, C.2, C.4, D
16.26.120	108	A, C.2, C.4, D
16.26.130	202	A, C.2, C.4, D
16.26.140	202	A, C.2, C.4, D
16.26.150	202	A, C.2, C.4, D
16.26.160	320	A, C.2, C.4, D
16.26.170	401.5	A, C.2, C.4, D
16.26.180	503, 504 and 507	A, C.2, C.4, D
16.26.190	603.6	A, C.2, C.4, D
16.26.200	903.2	A, C.2, C.4, D
16.26.210	903.2	A, C.2, C.4, D
16.26.220	905.3.1	A, C.2, C.4, D
16.26.230	907.2	A, C.2, C.4, D
16.26.240	907.8.2	A, C.2, C.4, D

16.26.250	1010.1.9.3	A, C.2, C.4, D
16.26.260	1028.5	A, C.2, C.4, D
16.26.270	5004	A, C.2, C.4, D
16.26.280	5004.1	A, C.2, C.4, D
16.26.290	5304.2	A, C.2, C.4, D
16.26.300	5601.1.1A	A, C.2, C.4, D
16.26.310	5704.2.11.6	A, C.2, C.4, D
16.26.320	5704	A, C.2, C.4, D
16.26.330	5803	A, C.2, C.4, D
16.26.340	6103.2.1.7	A, C.2, C.4, D
16.26.350	6104.2A	A, C.2, C.4, D

The aforementioned amendments have been incorporated in detail in Ordinance 2016-XX.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito does hereby direct the City Clerk to schedule a public hearing for consideration of Ordinance No. 2016-XX, to be held November 1, 2016, at 7:00 p.m. at the City Council Chambers, and to publish a notice of such hearing in accordance with Government Code Section 50022.3; and that such notice state that the purpose of the ordinance is to adopt the 2016 California Building Standards Code (including the Fire Code) and the California Housing Regulations, with modifications to address unique local conditions.

I CERTIFY that at a regular meeting on October 18, 2016 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on October XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

ORDINANCE NO. 2016-XX

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 16 OF THE EL CERRITO MUNICIPAL CODE TO ADOPT, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING CODE, THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE), VOLUMES 1 AND 2, INCLUDING SEVERAL APPENDICES THERETO, THE 2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE), INCLUDING ALL APPENDICES THERETO, THE 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL RESIDENTIAL CODE) WITH SOME APPENDICES, THE 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE (BASED ON THE 2015 INTERNATIONAL EXISTING BUILDING CODE) INCLUDING SOME APPENDICES, THE 2016 CALIFORNIA PLUMBING CODE (BASED ON THE 2015 UNIFORM PLUMBING CODE), THE 2016 CALIFORNIA MECHANICAL CODE (BASED ON THE 2015 UNIFORM MECHANICAL CODE), AND THE 2016 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2014 NATIONAL ELECTRICAL CODE).

The City Council of the City of El Cerrito does hereby ordain as follows:

DIVISION I. That certain documents, copies of which are on file and are open for inspection by the public in the office of the Building Official of the City of El Cerrito, being marked and designated as the California Building Standards Code, 2016 Edition, comprising Title 24, Parts 1, 2 (Vol. 1 and 2), 2.5, 3, 4, 5, 6, 9,10, 11, and 12 California Code of Regulations, together with all appendices thereto and the California Housing Law Regulations, are hereby adopted, with certain modifications to reflect unique local conditions, as contained in the Municipal Code of the City of El Cerrito for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of El Cerrito. Each and all of the regulations, provisions, conditions, and terms of such California Building Standards Code, California Housing Law Regulations, all of which are on file in the office of the Building Official are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance. The application and use of the Appendices in the California Building Standards Codes and California Fire Code are adopted individually and are subject to approval of the Building Official and Fire Chief respectively.

The City Council of the City of El Cerrito further ordains as follows:

DIVISION II. TITLE 16, CHAPTER 16.02., ORDINANCE NO. 2013-05, (CALIFORNIA BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.02, TITLED "CALIFORNIA BUILDING CODE":

Chapter 16.02

CALIFORNIA BUILDING CODE

Sections:

16.02.010	California Building Code - Adoption
16.02.020	Chapter 1 Subsection 105.2 (4) Amended - Exempted Work
16.02.030	Chapter 1 Section 107.6 Added - Garage, Carport and Driveway Grades
16.02.040	Chapter 1 Subsection 107.3 Amended - Examination of Documents
16.02.050	Chapter 1 Section 114.1.1 Added - Littering of Streets
16.02.060	Chapter 1 Section 117 Added - General Regulation of Construction
16.02.070	Chapter 5 Section 501.2 Amended - Premises Identification Numbering
16.02.080	Chapter 9 Subsection 903.2 Amended - Automatic Fire Extinguishing Systems
16.02.090	Chapter 9 Subsection 904.3.5 Amended - Sprinkler System Supervision Alarm
16.02.100	Chapter 9 Subsection 905.3.1 Amended - Standpipe Requirements
16.02.110	Chapter 17 Subsection 1705.3 Amended - Special Inspection
16.02.120	Chapter 19 Subsection 1905.1.8 Amended - Structural Forces
16.02.130	Chapter 23 Subsections 2308.6.4 and 2308.6.5 and tables 2308.6.1 and 2308.6.3(1) Amended - Wood
16.02.140	Chapter 23 Subsection 2304.11.2.6 Amended - Shingle or Shake Siding Materials
16.02.150	Chapter 25 Section 2505 Deleted - Gypsum Shear
16.02.190	Chapter 1, Section 110.7 Added - Storm Water Control
16.02.200	Appendix G Subsection G102.3 Added - Construction in Flood Hazard Areas

16.02.010 California Building Code - Adoption.

The Building Code for the City, sometimes referred to as “the CBC,” is the 2016 California Building Code, incorporating Volumes 1 and 2, (based on the International Building Code, 2015 Edition), including Appendix chapters D, F, G, H, and J, as approved by the California Building Standards Commission, and as published in Title 24, Part 2, Volumes 1 and 2, and Part 2.5 of the California Code of Regulations.

16.02.020 Chapter 1 Subsection 105.2 (4) Amended - Exempted Work

Subsection 105.2(4) of the CBC is amended to read:

4. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.02.030 Chapter 1 Section 107.6 Added -Garage, Carport & Driveway Grades

Section 107.6 is added to the CBC, to read as follows:

Section 107.6 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.02.040 Chapter 1 Subsection 107.3 Amended - Examination of Documents

Subsection 107.3.1.1 is added to the CBC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CBC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.02.050 Chapter 1 Section 114.1.1 Added - Littering of Streets

Section 114.1.1 is added to the CBC, to read as follows:

Section 114.1.1 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.02.060 Chapter 1 Section 117 Added - General Regulation of Construction

Section 117 is added to the CBC, to read as follows:

Section 117 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.

Work hours in the public right-of-way shall be regulated by Public Works Department.

- (c) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.02.070 Chapter 5 Section 501.2 Amended - Premises Identification Numbering

Section 501.2 of the CBC is amended to read as follows:

Section 501.2 - Premises Identification Numbering.

- a) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution, and shall be available for inspection by any member of the public.
- b) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.
- c) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum ½" stroke width for residential, and six (6) inches in height with minimum 1" stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- d) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- e) The owner shall be responsible for the maintenance of identification numbers.

- f) Any change of the assigned street identification number must be approved by the Building Official.
- g) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.02.080 Subsections 903.2 Amended - Automatic Fire-Extinguishing Systems

Subsection 903.2 of the CBC is amended to add:

- a) In every building where the total floor area exceeds 5,000 square feet.
- b) In every building having three (3) or more stories.

16.02.090 Subsection 904.3.5 Amended - Sprinkler System Supervision Alarm

Section 904.3.5 of the CBC is amended by adding the words, “or when required by the Fire Chief.”

16.02.100 Subsection 905.3 Amended - Standpipe Requirements

Subsection 905.3 is amended by adding the following:

Standpipes shall be required in all buildings three (3) stories in height in addition to other requirements in this section, or when required by the Fire Chief.

16.02.110 Subsection 1705.3 Amended - Special Inspection

CBC Subsection 1705.3, Concrete Construction is amended to read as follows:

1705.3 Concrete Construction. The *special inspections* and verifications for concrete construction shall be as required by this section and TABLE 1705.3.

Exceptions: *Special inspections* shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above *grade plane* that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

16.02.120 Subsection 1905.1.8 Amended - Structural Forces

Section 1905.1.8. ACI 318 section 14.1.4 allows the use of plain concrete in structures assigned to seismic design category C, D, E or F.

Section 1905.1.8 ACI 318, section 14.1.4 Delete ACI 318, section 14.1.4, and replace with the following:

14.1.4 - Plain concrete in structures assigned to seismic design category C, D, E or F.

14.1.4.1 - Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross –sectional area of the footing.

16.02.130 Chapter 23 Amended - Wood

The following tables 2308.6.1 and 2308.6.3(1) and sections 2308.6.4 and 2308.6.5 are amended to read as follows:

Table 2308.6.1 - Wall Bracing Requirements

Remove “PCP” and “GB” from the table column under the heading of “Bracing method” and remove footnotes “c” and “d” and any other references to “Portland Cement Plaster” and/or “Gypsum board”.

Table 2308.6.3(1) - Bracing Methods

Under column “Methods, Material”, remove rows “GB Gypsum board (double sided)” and “PCP Portland cement plaster” from table.

Section 2308.6.4 - Braced wall panel construction

Remove reference to “PCP” from text.

Section 2308.6.5 – Alternative bracing is amended to read as follows:

2308.6.5 Alternate Bracing

An alternate braced wall (ABW) or a portal frame with hold-downs (PFH) described in this section is permitted to substitute for a 48-inch (1219 mm) braced wall panel of Method DWB, WSP, SFB, PBS, or HPS.

16.02.140 Subsection 2304.12.1.5 Amended - Shingle or Shake Siding Materials

Subsection 2304.12.1.5 of the CBC is amended to add the following sentence at the end thereof:

Siding Materials: Wood shingles or shakes shall be Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

16.02.150 Section 2505 Deleted - Gypsum Shear

Section 2505 of the CBC on the use of gypsum shear is deleted in its entirety.

16.02.160 Chapter 1, Section 110.7 Added - Storm Water Pollution Control Measures

Chapter 1 Section 110.7 is added to the CBC to read as follows:

Storm water pollution control measures shall be implemented during all construction phases of development to prevent pollution from entering waterways. Specific practices of the California Stormwater Quality Association (CASQA) Construction Best Management Practices Handbook shall be incorporated herein.

16.02.170 Appendix G Subsection G102.3 Added - Construction in Flood Hazard Areas

Section G102.3 is added to the CBC, to read as follows:

Section G102.3 - construction in Special Flood Hazard Area

Construction within special Flood Hazard Areas must comply with chapter 13.40 of the Municipal Code.

DIVISION III. TITLE 16, CHAPTER 16.03., (CALIFORNIA RESIDENTIAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.03, TITLED “CALIFORNIA RESIDENTIAL CODE”:

Chapter 16.03

CALIFORNIA RESIDENTIAL CODE

Sections:

- 16.03.010 California Residential Code - Adoption
- 16.03.020 Chapter 1 Subsection R105.2 (3) Amended - Exempted Work
- 16.03.030 Chapter 1 Section R106.2.1 Added - Garage, Carport and Driveway Grades
- 16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents
- 16.03.050 Chapter 1 Section R103.5 Added - Littering of Streets
- 16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction
- 16.03.065 Chapter 1 Section 116 Added - Small Residential Rooftop Solar Energy System Review Process
- 16. 03.070 Chapter 3 Section R319.1 Amended - Premises Identification Numbering
- 16.03.080 Chapter 3 Section R322.1 of the CRC Amended-Flood-Resistant Construction
- | 16.03.100 Chapter 6 Section R602.10.2 and Table R602.10.3(3) of the CRC Amended – Seismic Reinforcing
- | 16.03.110 Chapter 7 Subsection R703.6 Amended - Shingle or Shake Siding Materials

16.03.010 California Residential Code - Adoption

The Residential Code for the City, sometimes referred to as “the CRC,” is the 2016 California Residential Code, (based on the International Building Code, 2015 Edition), including Appendix chapters G and H, as approved by the California Building Standards Commission, and as published in Title 24, Part 2.5 of the California Code of Regulations.

16.03.020 Chapter 1 Subsection 105.2 (3) Amended - Exempted Work

Subsection 105.2(3) of the CRC is amended to read:

3. Retaining walls which do not retain more than thirty (30) inches of earth when the earth retained is level and where there is no surcharge load, and retaining walls which do not retain more than two (2) feet of earth when the earth retained is sloping not greater than 2h:1v and there is no surcharge load. The above does not apply to retaining walls impounding Class I, II, or IIIA Liquids. See CBC Section 2304.12.5 for treatment of wood used for retaining walls.

16.03.030 Chapter 1 Section 106.2.1 Added -Garage, Carport & Driveway Grades

Section 106.2.1 is added to the CBC, to read as follows:

Section 106.2.1 Garage, Carport and Driveway Grade Requirements.

- (a) Garage and carport floors shall be concrete.
- (b) Any person to whom a building permit has been issued shall, where established, obtain official line and grade information as required in Section 13.20.150 of the City Code prior to the construction of foundations or footings for carports and garages.
- (c) When official line and grade has not been established, it shall be the responsibility of that person to provide such information as required by City Engineer to establish lines and grades.
- (d) Any person to whom a building permit has been issued shall construct the finish floor of carports and garages to an elevation which shall conform to the official driveway data as set forth on plan LL-1031 on file with the City Engineer.

16.03.040 Chapter 1 Subsection R106.3.1 Amended - Examination of Documents

Subsection R106.3.1 is amended by adding a second paragraph to the CRC, to read as follows:

Review by Fire Chief. Whenever application is made for a building permit, as required by the CRC, the Building Official shall withhold issuance of the building permit until notification from the Fire Chief that all plans required by the California Fire Code (chapter 16.26 of this title) have been reviewed and approved, and that the requirements specified in Section 16.26 have been met.

16.03.050 Chapter 1 Section R113.5Added - Littering of Streets

Section R113.5 is added to the CRC, to read as follows:

Section R113.5 - Littering of Streets

It shall be unlawful for any person to excavate, dig or move dirt, rock, or other substances so as to allow fragments thereof from being thrown or dropped against or upon lots or buildings, or upon any public right-of-way. Any person dropping such material or tracking dirt, mud or rocks from private property upon any public right-of-way

shall immediately cause the same to be removed. Transportation of dirt and rock requires a permit obtained pursuant to chapter 13.24 of the El Cerrito Municipal Code.

16.03.060 Chapter 1 Section R115 Added - General Regulation of Construction

Section R115 is added to the CRC, to read as follows:

Section R115 - General Regulation of Construction

- (a) Work may be prohibited during inclement weather upon the order of the City Building Official.
- (b) The hours of work shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday. Work shall be prohibited on Sundays and Holidays.
- (c) Work hours in the public right-of-way shall be regulated by Public Works Department.
- (d) Work must be controlled to prevent causing a public nuisance such as dust, noise, vibrations, uncontrolled storm water runoff, and traffic congestion.

16.03.065 Chapter 1, Section R116 added—Small Residential Rooftop Solar Energy System Review Process.

Section R116 is added to the CRC to read as follows:

Section 116 – Small Residential Rooftop Solar Energy System Review Process

A. The following words and phrases as used in this section are defined as follows:

“Electronic submittal” means the utilization of one or more of the following:

- 1. e-mail,
- 2. the internet,
- 3. facsimile.

“Small residential rooftop solar energy system” means all of the following:

- 1. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
- 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

“Solar energy system” has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

- B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.
- C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop a modified version of the eligibility checklist from the 2014 California Solar Permitting Guidebook to conform to the City of El Cerrito’s unique climactic, geological, seismological, or topographical conditions and adopt such checklist.
- D. The checklist shall be published on the city’s internet website. The applicant may submit the permit application and associated documentation to the City’s building division by personal, mailed, or electronic (when developed and available) submittal together with any required permit processing and inspection fees.
- E. Prior to submitting an application, the applicant shall:
 1. Verify to the applicant’s reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and
 2. At the applicant’s cost, verify to the applicant’s reasonable satisfaction using standard electrical inspection techniques that the existing electrical system, the main panel make and type, including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system’s current use, to carry all new photovoltaic electrical loads and accept new electrical connections.
- F. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the building official and fire chief. If a

small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however the subsequent inspection need not conform to the requirements of this subsection.

- G. An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
- H. Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

16.03.070 Section R319.1 Amended - Premises Identification Numbering

Section R319.1 of the CRC is amended to read as follows:

Section R319.1 - Premises Identification Numbering.

- h) The city shall keep on file a description of the method to be used in the assignment of street address identification numbers. This method shall be approved by Council resolution, and shall be available for inspection by any member of the public.
- i) Every main structure or building constructed, altered, repaired or moved into the city shall be assigned a street identification number by the Building Official.
- j) Numbers identifying the street address shall be placed on the street side of the building or structure in such manner as to be plainly visible from the street or public way. Identification numbers shall be a minimum of four (4) inches in height with minimum ½" stroke width for residential, and six (6) inches in height with minimum 1" stroke width for commercial buildings, and of a color to contrast with the surrounding color. Numbers shall be installed prior to final inspection and occupancy of the building or structure.
- k) The premises street address shall be internally or externally illuminated to the satisfaction of the Building Official.
- l) The owner shall be responsible for the maintenance of identification numbers.

- m) Any change of the assigned street identification number must be approved by the Building Official.
- n) Every owner or occupant of any building or structure not numbered in accordance with the provisions of this section shall, within ten (10) days after notice given by the City change the number of such building or structure to the number specified in the notice.

16.03.080 Section R322.1 of the CRC Amended-Flood-Resistant Construction

Section R322.1 of the CRC is amended by adding the following sentence:

Construction within special Flood Hazard Areas must comply with Chapter 13.40 of the Municipal Code.

16.03.090 Section R402.1 of the CRC Deleted – Wood Foundations

Section R402.1 of the CRC concerning the use of wood foundations is deleted in its entirety.

16.03.100 Section R602.10.2 and Table R602.10.3(3) of the CRC Amended – Seismic Reinforcing

Section R602.10.4.4 and Table R602.10.3(3) of the CRC are amended by adding a new footnote “f” to the end of CRC Table R602.10.3(3), to read:

- e. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

16.03.110 Subsection R703.6 Amended - Shingle or Shake Siding Materials

Subsection R703.6 of the CRC is amended to add the following sentence:

Wood shingles or shakes shall be Class B or better which comply with ASTM E108 or UL 790, except that in very high fire hazard severity zones, no wood shake or shingle siding shall be permitted regardless of class designation. See section 8.30.030 of the El Cerrito Municipal Code for roofing standards in very high fire hazard severity zones.

DIVISION IV. TITLE 16, CHAPTER 16.04., ORDINANCE NO. XXX-XX, (CALIFORNIA PLUMBING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.04, TITLED “CALIFORNIA PLUMBING CODE”:

Chapter 16.04

CALIFORNIA PLUMBING CODE

Sections:

16.04.010 California Plumbing Code - Adoption

The Plumbing Code for the City, sometimes referred to as “the CPC,” is the California Plumbing Code, 2016 Edition, (based on the Uniform Plumbing Code, 2015 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 5, of the California Code of Regulations.

DIVISION V. TITLE 16, CHAPTER 16.06., ORDINANCE NO. XXX-XX, (CALIFORNIA MECHANICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.06 TITLED “CALIFORNIA MECHANICAL CODE”:

Chapter 16.06

CALIFORNIA MECHANICAL CODE

Sections:

16.06.010 California Mechanical Code - Adoption.

The Mechanical Code for the City, sometimes referred to as “the CMC,” is the California Mechanical Code, 2016 Edition, (based on the Uniform Mechanical Code, 2015 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 4, of the California Code of Regulations

DIVISION VI. TITLE 16, CHAPTER 16.08., (CALIFORNIA ELECTRICAL CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.08, TITLED “CALIFORNIA ELECTRICAL CODE”:

Chapter 16.08

CALIFORNIA ELECTRICAL CODE

Sections:

16.08.010 California Electrical Code – Adoption

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

16.08.010 California Electrical Code - Adoption

The Electrical Code for the City sometimes referred to as “the CEC,” is the California Electrical Code, 2016 Edition, (based on the National Electrical Code, 2014 Edition), as approved by the California Building Standards Commission, and as published in Title 24, Part 3, of the California Code of Regulations, except as amended and supplemented in the manner set forth in this chapter.

16.08.040 Article 230.70 (A) (1) Amended - Readily Accessible Location

Article 230.70 (A) (1) of the National Electric Code is amended to read as follows:

The service disconnecting means shall be installed at a readily accessible location outside of a building or structure near the point of entrance of the service conductors for single family dwellings. For other occupancies where direct access from the exterior does not occur, a remote control (shunt trip) activating the disconnect shall be located on the exterior of the building in a location and manner acceptable to the Fire and Building Officials.

DIVISION VII. TITLE 16, CHAPTER 16.09., (THE CALIFORNIA EXISTING BUILDING CODE) IS HEREBY ADDED TO THE EL CERRITO MUNICIPAL CODE TITLED “CALIFORNIA EXISTING BUILDING CODE”:

Chapter16.09

The California Existing Building Code

Section:

- 16.09.010 California Existing Building Code – Adoption**
- 16.09.020 Section 202 Amended - Substantial Structural Damage**
- 16.02.030 Section 404 Added - Repairs including all subsections associated**

16.09.010 California Existing Building Code - Adoption

The Existing Building Code for the City, sometimes referred to as “the CEBC,” is the 2016 California Existing Building Code, (based on the International Existing Building Code, 2015 Edition), including Appendix chapters A3 and A4, as approved by the California Building Standards Commission, and as published in Title 24, Part 10 of the California Code of Regulations.

16.09.020 Section 202 Amended - Substantial Structural Damage

Subsection 202 of the CBEC is amended to read as follows:

Substantial Structural Damage. A condition where one or both of the following apply:

1. In any story, the vertical elements of the lateral-force-resisting system, have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than 20 percent from its pre-damaged condition, or
2. The capacity of any vertical gravity load-carrying component, or any group of such components, that supports more than 30 percent of the total area of the structure's floor(s) and roof(s) has been reduced more than 20 percent from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than 75 percent of that required by the building code for new buildings of similar structure, purpose, and location

16.02.030 Section 404 Added - Repairs including all subsections associated

The following repair requirements are hereby added as a new Subsection 404.2.1.1 to Section 404 "Repairs" of the CBC to read as follows:

404 Repairs. Section 404 is amended to add "Repairs of structural elements shall comply with this section."

404.2.1.1 Seismic evaluation and design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

404.2.1.2 Evaluation and design procedures. The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section 404.2.1.4.

404.2.1.3 CBC level seismic forces. When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100 percent of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as "Ordinary" unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "Intermediate" or "Special".
2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 404.2.1.3.

TABLE 404.2.1.3
ASCE 41 and ASCE 31 PERFORMANCE LEVELS

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
P e r I	Life Safety (LS)	Collapse Prevention (CP)
f II	Life Safety (LS)	Collapse Prevention (CP)
o III	Note (a)	Note (a)
r IV	Immediate Occupancy (IO)	Life Safety (LS)

a. Performance levels for Occupancy Category III shall be taken as halfway between the performance levels specified for occupancy Category II and Occupancy Category IV.

404.2.1.4 Reduced CBC level seismic forces. When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor as specified in Section 404.2.1.3.

2. In accordance with the applicable chapters in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.

2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in

Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5. Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 404.2.1.3.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 404.2.1.3. Where ASCE 41 is used, the design spectral response acceleration parameters S_x and S_{x1} shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_D and S_{D1} defined by the *International Building Code* and its reference standards.

404.2.1.5 Wind Design. Wind design of existing buildings shall be based on the procedures specified in the building code.

404.2.1.6 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

404.2.1.7 Unsafe conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

DIVISION VIII. TITLE 16, CHAPTER 16.24., (CALIFORNIA GREEN BUILDING CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.24, TITLED “CALIFORNIA GREEN BUILDING CODE”:

Chapter 16.24

CALIFORNIA GREEN BUILDING CODE

Section:

16.24.010 California Green Building Code - Adoption.

The Green Building Code for the City is the California Green Building Standards Code, 2016 Edition, as approved by the California Building Standards Commission, and as published in Title 24, Part 11, of the California Code of Regulations.

DIVISION IX. TITLE 16, CHAPTER 16.26., (CALIFORNIA FIRE CODE) OF THE EL CERRITO MUNICIPAL CODE IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING CHAPTER 16.26, TITLED “CALIFORNIA FIRE CODE”:

Chapter 16.26
CALIFORNIA FIRE CODE

Section:

16.26.010	California Fire Code - Adoption
16.26.020	Chapter 1 Section 1.1.1.2 Added - Title
16.26.030	Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code
16.26.040	Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshall
16.26.050	Chapter 1 Section 102.1 Amended - Applicability
16.26.060	Chapter 1 Section 102.9 Amended - Matters Not Provided For
16.26.070	Chapter 1 Section 104.1 Amended - General Authority and Responsibility
16.26.080	Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority Peace Officer Status
16.26.090	Chapter 1 Section 104.9 Amended - Alternative materials and methods
16.26.100	Chapter 1 Section 105.1.1 Amended - Required permits
16.26.110	Chapter 1 Section 105.6 Amended - Required operational permits
16.26.120	Chapter 1 Section 108 Amended - Board of Appeals
16.26.130	Chapter 2 Section 202 Amended – General Definitions
16.26.140	Chapter 2 Section 202 Amended - Definitions - F
16.26.150	Chapter 2 Section 202 Amended - Definitions - R
16.26.160	Chapter 3 Section 320 Added - General precautions against fire
16.26.170	Chapter 4 Section 401.5 Amended - Making false report
16.26.180	Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service Features
16.26.190	Chapter 6 Section 603.6 Amended - Building Services and Systems
16.26.200	Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing Systems
16.26.210	Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems
16.26.220	Chapter 9 Section 905.3.1 Amended - Standpipe Systems
16.26.230	Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems
16.26.240	Chapter 9 Section 907.8.2 Amended - Record of completion
16.26.250	Chapter 10 Section 1010.1.9.3 Amended - Panic and fire exit hardware
16.26.260	Chapter 10 Section 1028.5 Amended - Exit and pathways
16.26.270	Chapter 50 Section 5004. Added - Hazardous Materials
16.26.280	Chapter 50 Section 5004.1 Amended - General Provisions

- 16.26.290 Chapter 53 Section 5304.2S Added - Compressed Gasses
- 16.26.300 Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks
- 16.26.310 Chapter 57 Section 5704.2.11.6 Added - Flammable and Combustible Liquids – Below Ground Tanks
- 16.26.320 Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks
- 16.26.330 Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids
- 16.26.340 Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases – Inside Buildings
- 16.26.350 Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases - Outside Buildings

16.26.010 California Fire Code - Adoption.

It is hereby adopted by the city council of the city of El Cerrito for the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, that certain codes and standards known as the 2013 California Building Standards Code, Title 24, California Code of Regulations (CCR), Part 9 (California Fire Code), and by reference the 2012 International Fire Code published by the International Code Council, Inc. (ICC), (including Appendix Chapters A, B, C, D, E, F, G, I, and J) save and except such portions as are deleted, modified or amended by this chapter, of which not less than one copy each have been and are now filed in the office of the Fire Chief and the Building Official of the City of El Cerrito and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of El Cerrito.

16.26.020 Chapter 1 Section 1.1.1.2 Added - Title

Section 1.1.1.2 Title is added as follows:

Section 1.1.1.2 These regulations shall be known as the Fire Code of the City of El Cerrito, hereinafter referred to as "this code." The California Fire Code and the International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions as set forth in this Section shall become effective as set forth in Section 1.1.8 Division and Appendix numbers used are those of the California Fire Code.

16.26.030 Chapter 1 Section 1.1.8 Amended - Amendments to the Fire Code

Section 1.1.8 is amended by adding the following:

The limits referred to in Section 1.1.8.1 of the California Fire Code and International Fire Code adopted by reference in Section 1, amendments thereto, additions, and deletions and appendices as set forth in this section shall become effective as set forth in Section 1.1.9 Article, Section, Division, and Appendix numbers used are those of the California Fire Code.

16.26.040 Chapter 1 Section 1.11.1 Amended - Office of the State Fire Marshal

Section 1.11.1 is amended by adding 1.11.1 A, B and C

A. The California Fire Code as adopted and amended herein shall be enforced by the city fire prevention division which is hereby established and which shall be operated under the supervision of the fire marshal.

B. The fire marshal in charge of the fire prevention division shall be appointed by the fire chief of the city of El Cerrito on the basis of examination to determine his or her qualifications for the position.

C. The chief of the fire department shall recommend to the city council the employment of technical staff members, who, when such authorization is made, shall be selected on the basis of examination to determine their qualifications for the position.

16.26.050 Chapter 1 Section 102.1 Amended - Applicability

Section 102.1 is amended by adding Section 102.1.1

Section 102.1.1 Buildings in existence at the time of the adoption of this code may have their existing use or occupancy continued, if such use or occupancy was legal at the time of the adoption of this code, provided such continued use is not dangerous to life.

Section 102.2 is amended by adding section 102.2.1

Section 102.2.1 Plans for compliance. Upon written notice to the responsible property owner, plans for compliance shall be submitted and approved, and within 18 months or earlier depending on the life-safety significance of the hazard work shall be completed or the building shall be vacated until made to conform.

16.26.060 Chapter 1 Section 102.9 Amended - Matters Not Provided For

Section 102.9 is amended by adding subsection 102.9.1A

102.9.1A Unless otherwise limited by law, the applicable provisions of this code shall apply to vehicles, ships, boats, and mobile vehicles and other facilities when fixed in a specific location within the boundaries of this jurisdiction.

16.26.070 Chapter 1 Section 104.1 Amended - General Authority and Responsibility

Section 104.1 is amended by adding the following:

The Fire Chief or the Fire Code Official is authorized to render interpretations of this code and to make and enforce rules and supplemental regulations in order to carry out the application of its provisions. The Chief may be guided by the 2013 Supplement to the Uniform Fire Code. Such interpretations, rules and regulations, and supplements shall be in conformance with the intent and purpose of this code and shall be available to the public during normal business hours.

16.26.080 Chapter 1 Section 104.1.1A and 104.1.1B Added - General Authority Peace Officer Status

Section 104.1.1A and 104.1.1B are added in their entirety to read as follows:

Section 104.1.1A The Fire Chief and his designated representatives shall have the powers of peace officers while engaged in the performance of their duties with respect to the prevention, investigation, and suppression of fires and the protection and preservation of life and property against the hazards of fire and conflagration.

Section 104.1.1B The Chief, or his duly authorized agents, may issue citations for violations of this ordinance in accordance with Chapter 5C (commencing with Section 853.5), Title 4, Part 2, of the Penal Code.

16.26.090 Chapter 1 Section 104.9 Amended - Alternative materials and methods

Section 104.9 is amended by adding 104.9.3

Section 104.9.3 - The city council, the fire chief and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the California Fire Code. The fire marshal shall post such list in a conspicuous place at the offices of the fire prevention division and distribute copies thereof to interested persons.

16.26.100 Chapter 1 Section 105.1.1 Amended - Required permits

Section 105.1.1 is amended by adding Section 105.1.1A:

Section 105.1.1A Fee for Plan Review, Inspection and Permits. Fees required by the City shall be established in the City's master fee schedule, to defray: the costs for plan review of plans required by this code; requested or required inspection services; administrative costs; issuance of permits and all other direct costs incurred by the city.

Section 105.4.1.1 is amended by adding Section 105.4.1.2 (1 to 6):

Section 105.4.1.2 Review of Plans. Whenever required by this Code, plans shall be submitted to the Fire Chief for review and approval prior to construction. Whenever application is made for a building permit, as required by the Building Code, the Building Official shall withhold issuance of the building permit until notification from the Fire Department that plans required by this code have been reviewed and approved and that the requirements set forth in section 105 have been met. In addition to plan submittals required by other sections of this Code, plans shall be submitted whenever any of the following land developments and/or improvements are proposed:

1. Subdivision of land.
2. Construction, alteration or renovation of a building.

3. Demolition of a building.
4. Provision of a water supply for fire protection.
5. Provision of access for fire apparatus.
6. An occupancy for the storage, use, or handling of any hazardous substance, hazardous material process, or hazardous device.

16.26.110 Chapter 1 Section 105.6 Amended - Required operational permits

Section 105.6 is amended by adding 105.6.50 thru 105.6.53.

48. Christmas tree sales. To use a property for the purpose of selling cut Christmas trees. See applicable provisions of Chapter 3 General Precautions against fire.

49. Pumpkin patches/lots. To use a property for the purpose of selling pumpkins and seasonal items. See applicable provisions of Chapter 3 General Precautions against fire.

50. Liquefied petroleum gases. To store, use, or handle liquefied petroleum gas inside buildings. See Chapter 38.

51. Rockets. To launch model rockets. See California Code of Regulations Title 19, Division 1, Article 17.

16.26.120 Chapter 1 Section 108 Amended - Board of Appeals

Section 108 is amended by adding 108.1.1

Section 108.1.1 Whenever the fire chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal within thirty days the chief's decision to the city council.

16.26.130 Chapter 2 Section 202 Amended – General Definitions

Section 202 - General Definitions is amended as follows: by changing the definition of Jurisdiction and adding the definition for Fire Marshal by adding Sections 202. A and 202. B.

- A. Wherever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of El Cerrito.
- B. Where the party responsible for the enforcement of the California Fire Code is given the title of "Fire Marshal," add the following definition: Fire Marshal is the chief of the bureau of fire prevention.

16.26.140 Chapter 2 Section 202 Amended - Definitions - F

Section 202 -F - is amended by adding:

Facility - any structure or location used for storing, processing or handling material or

equipment.

Fair - a temporary enterprise principally devoted to the exhibit or sale of products of commerce, agriculture or industry, or to entertainment and amusement and may include the operation of amusement rides or devices, or concession booths.

Firebreak - a continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn when dry has been abated or otherwise removed in order to prevent the surface extension of fire from one area to another.

Fire trail - a graded firebreak of sufficient width, surface, and design to provide access for fire personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Fuel break - a specified width, strip, or block of land on which the vegetation has been permanently modified to a low volume fuel type so that fires burning on it can be more readily controlled.

16.26.150 Chapter 2 Section 202 Amended - Definitions - R

Section 202 - R is amended by adding:

Response Time - the calculated time difference between receiving a report of an alarm and the application of extinguishing agent.

Running Time - the calculated time difference between leaving the first due fire station and arriving on the emergency scene.

Rural Area - that area generally designated for agricultural or open space uses with parcels over 10 acres in size.

Rural Residential Area - that area generally designated for single family residential use with parcels between 3 and 10 acres in size.

16.26.160 Chapter 3 Section 320 Added - General precautions against fire

Chapter 3 Section 320 is added in its entirety:

Section 320 Exterior hazard control.

Section 320.1 Weeds and Rubbish to be Destroyed or Removed.

It shall be unlawful for any person owning, occupying, renting, managing or controlling any real property in this jurisdiction to cause, or permit to remain on the property, or on portions of streets adjoining such property, any weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise

noxious or dangerous. It shall be the duty of every such person to remove or destroy such weeds, rubbish, litter or other flammable material. Destruction by burning within the jurisdictions unlawful unless the written permission of the Fire Chief of the City is first obtained and all other applicable permits are obtained from appropriate governing jurisdictions.

Section 320.2 Definitions, as used in this article

1. "Weed," as used in this part, means all weeds growing upon streets or private property in this jurisdiction and includes any of the following:
2. Weeds that bear seeds of a downy nature or are subject to flight.
3. Sagebrush, chaparral and any other brush or weeds which obtain such large growth as to become, when dry, a fire menace to adjacent improved property or to streets.
4. Weeds that are otherwise noxious or dangerous.
5. Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
6. Dry grass, stubble, brush, litter or other flammable materials that endanger the public safety by creating a fire hazard.
7. "Rubbish" means waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction that is, or when dry may become a fire hazard.
8. "Streets" include alleys, parkways, driveways, sidewalks and areas between sidewalks and curbs.
9. "Person" includes individuals, firms, partnerships and corporations.
10. "Cost of Abatement" shall include all expenses incurred by jurisdiction, including administrative costs, in its work of abatement undertaken pursuant Section 318 of this ordinance.
11. "Superintendent" shall mean the City Manager or designee.

Section 320.3 Declaration of Policy.

The City Council, as the supervising, legislative and executive authority of this jurisdiction, hereby declares that the removal of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous is a matter of extreme municipal

importance. The City Council hereby adopts the following Fire Hazard Abatement Program for the purpose of abating fire hazards caused by the presence of dry grass, stubble, brush, rubbish, litter or other flammable material on private properties within the City. This program shall be conducted in accordance with the provisions of Government Code Sections 39560-39588 as those sections presently exist or as may be amended. The City Manager or designee shall be deemed the street superintendent for the purpose of carrying out the provisions of this policy.

Section 320.4 Abatement Procedures

- a. The City Council of El Cerrito shall declare by resolution annually, or as often as may be necessary, those properties which are deemed public nuisances because of the presence of dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous.
- b. The resolution may also declare that certain identified properties are seasonal and recurrent nuisances as defined by Government Code Section 39562.1
- c. The resolution shall designate a date, time and place for a hearing at which the owners of the properties identified in the resolution may object to the designation of their properties as public nuisances, and object to the abatement actions proposed by the City as authorized by Government Code Sections 39560-39588.
- d. Written notice shall be provided to the owners of the properties identified in the resolution informing them of the date, time and place of the hearing. This notice shall be in substantially the same form as contained in Government Code Section 39566. Notice to the owners of those properties declared seasonal and recurrent nuisances shall incorporate the provisions contained in Government Code Section 39562.1. The notice shall be served as provided for in Government Code Sections 39564-39567.1.
- e. At the hearing, the City Council shall hear and consider all objections. By resolution, the City Council shall allow or overrule these objections. The City Council shall also order the City Manager or designee to abate the public nuisances conditions at the properties designated in the initial resolution by having the dry grass, stubble, brush, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous removed.
- f. The City Manager may abate these public nuisance conditions either through the use of City employees or by private contract. The City Manager is authorized to execute such public contracts as may be necessary to abate these public nuisance conditions.
- g. The City Manager shall keep a report of the cost of abatement for each property subject to the City Council resolution. At such time as the City Manager deems appropriate, a hearing shall be scheduled before the City Council for confirming the

report. Notice shall be mailed to each property owner at least five days before the date of the hearing. The notice shall inform the property owner of the costs of abatement of the public nuisance conditions on the property; date, time and place of the hearing at which the property owner may object to the report; and a statement that if the report is confirmed by the City Council, that the costs of tax bill levied against the parcel for collection at the time and in the manner of ordinary municipal taxes. The report shall also be posted at least three days prior to the hearing date at or near the hearing place as required by Government Code Section 39575.

h. At the time fixed for the hearing, the City Council shall consider the report and hear any objections from the property owners liable to be assessed the costs of abatement. The City Council may modify the report if it is deemed necessary. The City Council may also establish installment payments for the abatement costs as provided for in Government Code Section 39581. At the conclusion of the hearing, the City Council shall confirm the report by resolution.

i. The cost of abatement upon each property and the costs incurred by the City in enforcing the abatement shall constitute a special assessment against the property as provided for in Government Code Section 39577. A lien shall attach to the property upon recordation of the order confirming the assessment by the County Recorder. On or before August 10th of each year, the City Manager shall file a certified copy of the report with the County Auditor. As authorized by Government Code Section 39581, the amount of the assessment shall be collected at the time and in the manner of ordinary municipal taxes, subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes.

Section 320.5 Alternate Mitigation.

In lieu of ordering abatement of fire hazards as provided in Section 319.4, the Fire Chief may order the preparation of firebreaks/fuel breaks around parcels of property when combustible weeds, crops, or brush is present. In determining the proper width of firebreaks/fuel breaks, the Fire Chief shall consider the height of the growth, weather conditions, topography and accessibility to the property of fire protection equipment. The procedure set forth in Section 319.4 for the abatement of weeds and rubbish shall also apply to the preparation of firebreaks/fuel breaks.

Section 320.6 Alternate Procedures

The procedures provided for by this Article are an alternative to any other procedure adopted by the City Council for the abatement of public nuisances, such as Chapter 8.34 of the El Cerrito Municipal Code, or which may be authorized by the law of the State of California.

Section 320.7 Peat Fire, Penalties Therefore

a. It is the duty of each person, firm, corporation or association not to permit on their property a peat fire in, or a fire involving combustible vegetable materials under the surface of the natural ground. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetative material at his/her own cost and expense.

b. If there exists upon the lands of any person herein defined, subsurface fire involving the burning or combustion of peat or vegetative matter, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, the City of El Cerrito may, in addition to its regular duties to extinguish or minimize such fire or combustion, enter upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire Department in fighting the fire and for the cost of providing rescue or emergency medical services shall be a charge against said person. The charge shall constitute a debt of that person and is collectable by the fire department incurring those costs in the same manner as in the case of an obligation under contract, express or implied. (Health & Safety Code 13009.)

16.26.170 Chapter 4 Section 401.5 Amended - Making false report

Section 401.5 is amended by adding an additional sentence:

Section 401.5 A charge may be made for excessive false alarms.

16.26.180 Chapter 5 Sections 503, 504, 505 and 507 Amended -Fire Service Features

Chapter 5 Sections 503, 504, 505 and 507 are amended as follows.

Section 503.4 is amended by adding Section 503.4.2:

Section 503.4.2 When approved, gates and barriers may be installed across or over Fire Department access roads. These installations shall meet the standards approved by the Fire Chief and design shall be approved prior to installation.

Section 504.1 is amended by adding:

504.1.1 Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

Section 505 is amended by adding 505.1.1

505.1.1 Approved address numbers attached to the building or the primary address of the building shall be internally or externally illuminated.

Section 507.1 is amended by adding a preface sentence to read as follows: The type of water supply provided shall meet the standards approved by the Fire Chief.

16.26.190 Chapter 6 Section 603.6 Amended - Building Services and Systems

Section 603.6 is amended by adding subsection 603.6.6:

Section 603.6.6 Spark Arrester. Chimneys used with fireplaces or heating appliances in which solid or liquid fuel is used shall be maintained with a spark arrester as required for incinerators by the mechanical code.

16.26.200 Chapter 9 Section 903.2 Amended – Automatic Fire Extinguishing Systems

Section 903.2 is amended by adding 903.2.20:

903.2.20. An automatic fire extinguishing system shall be required in all occupancies of 5000 square feet or greater. This shall include addition of square footage causing building to be greater than 5,000 square feet.

16.26.210 Chapter 9 Section 903.2 Amended - Automatic Fire Sprinkler Systems

Section 903.2 is amended by adding subsections 903.2.20.1 through 903.2.20.10

Section 903.2.20.1 Fire Department Delivery Capability. An automatic fire sprinkler system shall be installed in all new buildings or occupancies or in existing buildings or structures that change occupancy classification or use when the required fire flow exceeds 2,000 GPM, or the total floor area exceeds 5,000 square feet.

For the purpose of this section, buildings separated by area separation walls, as set forth in Section 706 of the California Building Code, shall not be considered to create separate buildings unless such walls are constructed as specified in the California Fire Code.

Section 903.2.20.2 Undetermined Occupancy. When fire sprinkler systems are required in buildings of undetermined occupancy, they shall be designed and installed to have a sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with a minimum design area of 3,000 square feet. Occupancy is considered undetermined if not classified at the time the building permit is issued. Where a subsequent occupancy requires a fire sprinkler system of greater density than Ordinary Hazard Group 2, the system shall be upgraded to such use.

Section 903.2.20.3 Response Times. An automatic fire sprinkler system shall be installed in all new buildings or occupancies when any of the following requirements is exceeded.

Section 903.2.20.4 Run Times. A maximum running time of 3 minutes or a maximum response time of 5 minutes from the first-due station. Times shall be measured by the most direct route on surface streets.

Section 903.2.20.5 Distance from Fire Apparatus Access. The Fire Chief may require installation of automatic fire sprinkler system when the exterior wall of the 1st story is located more than 150 feet from approved fire apparatus access.

Section 903.2.20.6 Other Codes. An automatic sprinkler system shall be installed in all other occupancies as may be required by the Uniform Building Code or the California Building Code.

Section 903.2.20.7 NFPA 13D fire sprinkler systems installed shall be interconnected to the structure's smoke detection or fire alarm system. The smoke of fire alarm systems need not be monitored by a central monitoring station.

16.26.220 Chapter 9 Section 905.3.1 Amended - Standpipe Systems

Section 905.3.1 Subsection (2) is amended by replacing subsection (2) in its entirety:

Section 905.3.1 Subsection (2). "three stories" (3) or more in height replaces four stories (4) or more in height.

Section 905.3.1 is amended by adding subsection (6):

6. When standpipes are required and the building is equipped with automatic fire sprinklers, a class one standpipe(s) is required and the standpipe shall be interconnected with the fire sprinkler system.

16.26.230 Chapter 9 Section 907.2 Amended - Fire Alarm and Detection Systems

Section 907.2 is amended by adding subsection 907.2 A:

Section 907.2 A. At the discretion of the Fire Chief, single-station smoke alarms or multiple-station smoke alarms may be required to be connected to an approved 24-hour monitored fire alarm system.

16.26.240 Chapter 9 Section 907.8.2 Amended - Record of completion

Section 907.8.2 is amended by adding subsection 907.8.2.1

Section 907.8.2.1 Acceptance, maintenance and testing records. A copy of acceptance, maintenance and testing records shall be maintained on site and shall be available to the city upon request.

16.26.250 Chapter 10 Section 1010.1.9.3 Amended - Panic and fire exit hardware.

Section 1010.1.9.3 Exception is amended by adding the following sentence:

The use of this exception may be revoked by the Fire Chief or the Building Official for due cause.

16.26.260 Chapter 10 Section 1028.5 Amended – Access to Public Way

Section 1028.5 is amended by adding Subsection 1028.5.1:

Section 1028.5.1. Exterior Exit Pathways. Exterior exit pathway surfaces leading from an exit to a public way shall be maintained and suitable for pedestrian use in all weather conditions.

16.26.270 Chapter 50 Section 5001.2 Added - Hazardous Materials

Section 5001.1 is amended by adding subsection 5001.1.2:

Section 5001.1.2 Coordinated Enforcement. Where the Contra Costa County Health Services Department is enforcing State Health and Safety and/or County health regulations, the Fire Department will coordinate efforts to eliminate duplication of time and resources to comply with hazardous material regulations. When approved by the Fire Chief equivalent documentation and compliance may be accepted in lieu of requirements of Appendix E. Where Contra Costa County Health & Safety regulations and California Fire Code regulations conflict, the more restrictive provisions shall prevail.

Exception: Where state or county regulations specifically limit or pre-empt local regulations to be more restrictive.

16.26.280 Chapter 50 Section 5004.1 Amended - General Provisions

Section 5004.1 is amended by adding 5004.1. A, and 5004.1. B

A. The limits referred to in Section 5004.1 of the California Fire Code, in to which the storage of hazardous materials is restricted are hereby established as follows: All areas within the jurisdiction shall be for retail in group M occupancies.

B. Exception - A permit shall be obtained from the Fire Marshal approving on site Hazardous Materials for retail sales, storage or commercial/industrial use.

16.26.290 Chapter 53 Section 5304.2A Added - Compressed Gasses

Section 5304.2 is amended by adding 5304.2A

A. The limits referred to in Section 5304.2 (ch 54, 58, 60 through 67) of the California Fire Code, in which the storage of compressed natural gas is restricted, are hereby amended as follows: All areas within the jurisdiction without and approved permit by the Fire Marshall.

16.26.300 Chapter 56 Section 5601.1.1A Added - Explosives and Fireworks

Section 5601.1.1 is amended by adding 5601.1A and Exception:

A. The limits referred to in Section 5601.1 of the California Fire Code and Title 19 Division 1 Chapter 6 and 10 subchapter 3, in which the storage of storage of explosives and blasting agents is restricted, are hereby amended as follows: All areas within the jurisdiction.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.310 Chapter 57 Section 5704.2.11.6 Added - Flammable and Combustible Liquids – Below Ground Tanks

Section 5704.2.11.5 is added in its entirety to read:

Section 5704.2.11.5. Abandonment and status of tanks. Tanks taken out of service as a result of properties being abandoned or its use being changed shall be removed in accordance with Section 5704.2.14.2

Section 5704.2.13.1.3 is amended in its entirety to read:

Section 5704.2.13.1.3 Out of Service for More Than 180 Days. Underground tanks that have been out of service for a period greater than 180 days shall be removed from the ground in accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied concurrently with the permit requirements of the City.

Section 5704.2.13.2.3 is deleted in its entirety.

Section 5704.2.13.2.3 is amended to replace “one year” with “more than 180 days”

Section 5704.2.13.2.3. Out of service for more than 180 days aboveground tanks which have been out of service for a period greater than 180 days shall be removed in

accordance with Section 5704.2.14 and the site shall be restored in an approved manner. Permit requirements with the Contra Costa County Health Services Department, Environmental Division shall be complied with concurrently with the permit requirements of the City.

16.26.320 Chapter 57 Section 5704 Amended - Flammable and Combustible Liquids - Above Ground Tanks

Section 5704.2.9.6.1 is amended by adding 5704.2.9.6.1A and 5704.2.9.6.1B establishment of limits of districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited or restricted:

A. The limits referred to in Section 5704.2.9.6.1 of the California Fire Code, in which the storage of flammable or combustible liquids in outside above ground tanks is restricted, are hereby amended as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

B. The limits referred to in Section 5704.2.9.6.1 in which new bulk plants for flammable or combustible liquids are prohibited, are hereby amended as follows: Any area which is zoned other than industrial without an approved permit from the Fire Marshal.

16.26.330 Chapter 58 Section 5803A Added - Flammable Gases and Flammable Cryogenic Fluids

Section 5803 is amended by adding 5803A and Exception:

A. Stationary containers is restricted, are hereby established as follows: All areas within the jurisdiction without an approved permit by the Fire Marshal.

Exception: The Fire Marshall may authorize limited amount of explosives or blasting agents with permit.

16.26.340 Chapter 61 Section 6103.2.1.7 Amended - Liquefied Petroleum Gases - Inside Buildings

Section 6103.2.1.7 is amended in its entirety to read:

Section 6103.2.1.7 Individual portable containers used, stored, or handled inside of buildings used for assembly or business for people cooking, display, or similar use shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the Fire Chief or authorized representative.

16.26.350 Chapter 61 Section 6104.2A Added - Liquefied Petroleum Gases - Outside Buildings

Section 6104.2 is amended by adding 6104.2 A

A. The limits referred to in Section 6104.2 of the California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby amended as follows: All areas of the jurisdiction without an approved permit from the Fire Marshal.

DIVISION X. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds that adoption of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines") under the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and in this case it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

DIVISION XI. SEVERABILITY CLAUSE

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance. The Council hereby declares that it would have adopted the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

DIVISION XII. EFFECTIVE DATE

This ordinance shall take effect thirty days after passage and shall within fifteen days after passage, be posted in accordance with Section 36933 of the Government Code of the State of California with the names of these City Council members voting for and against it.

THE FOREGOING ordinance was introduced at a regular meeting of the City Council of the City of El Cerrito, held on the fifteenth day of October 18, 2016 and passed by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Agenda Item No. 6
Attachment 2

ADOPTED AND ORDERED published and posted at a meeting of the City Council for the City of El Cerrito held on the 1st of November, 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Gregory B. Lyman, Mayor

ATTEST:

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2016-0x 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 1st day of November, 2016; and that said Ordinance has been ordered 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 November, 2016.

Cheryl Morse, City Clerk



EL CERRITO CITY COUNCIL

PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the El Cerrito City Council will conduct a public hearing on **Tuesday, October 18, 2016 at 7:00 p.m.** or as soon thereafter as the matter can be heard, in the Council Chambers at the El Cerrito City Hall, 10890 San Pablo Avenue, El Cerrito, California, for the purpose of considering the following:

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 16 OF THE EL CERRITO MUNICIPAL CODE TO ADOPT, WITH MODIFICATIONS TO ADDRESS UNIQUE LOCAL CONDITIONS, THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING CODE, THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE (BASED ON THE 2015 INTERNATIONAL BUILDING CODE), VOLUMES 1 AND 2, INCLUDING SEVERAL APPENDICES THERETO, THE 2016 CALIFORNIA FIRE CODE (BASED ON THE 2015 INTERNATIONAL FIRE CODE), INCLUDING ALL APPENDICES THERETO, THE 2016 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2015 INTERNATIONAL RESIDENTIAL CODE) WITH SOME APPENDICES, THE 2016 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE (BASED ON THE 2015 INTERNATIONAL EXISTING BUILDING CODE) INCLUDING SOME APPENDICES, THE 2016 CALIFORNIA PLUMBING CODE (BASED ON THE 2015 UNIFORM PLUMBING CODE), THE 2016 CALIFORNIA MECHANICAL CODE (BASED ON THE 2015 UNIFORM MECHANICAL CODE), AND THE 2016 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2014 NATIONAL ELECTRICAL CODE).

The purpose of this public hearing is for the City Council to consider adopting the Ordinance identified above to add and update references to various state building codes including, but not limited to, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Existing Building Code, the 2016 California Plumbing Code, the 2016 California Mechanical Code, the 2016 California Electrical Code, and the 2016 California Green Buildings Standards Code. Any person wishing to speak to the City Council on this matter is invited to attend the hearing and/or to furnish written comments to the City Council in care of the City Clerk, City of El Cerrito, 10890 San Pablo Avenue, El Cerrito, CA 94530, prior to the hearing. Comments received no later than Monday, October 10, 2016 will be included in Council agenda packets. Comments received thereafter will be submitted to Council as supplemental communications at the meeting. Copies of the proposed Ordinance and the referenced codes are available and open for public inspection at the Office of the City Clerk. You may also contact

the Building Official by telephone at (510) 215-4360 if you have questions regarding the ordinance.

Dated: September 30, 2016

CITY OF EL CERRITO

Cheryl Morse, City Clerk

RESOLUTION NO. 2016-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO IN SUPPORT OF CALIFORNIA STATE PROPOSITION 55 – TAX EXTENSION TO FUND EDUCATION AND HEALTHCARE

WHEREAS, the City of El Cerrito is committed to making policy and financial decisions that enable our school districts to provide quality educational programs and services to the school-age children of our community; and

WHEREAS, during the recent recession, the state cut more than \$56 billion from education, healthcare and other critical services; and public schools statewide experienced unprecedented funding reductions and apportionment deferrals; and

WHEREAS, California public schools rank 42nd out of the 50 states in per-pupil spending; California public schools are the most crowded in the nation; and California provides fewer guidance counselors and librarians per student than any other state in the nation;¹and

WHEREAS, many of California's schoolchildren come from low-income families that lack access to the health care services needed to keep those children in school and learning; and

WHEREAS, passage of California Proposition 30 in 2012 helped increase state revenues, providing a significant boost to California's k-12 school spending and sending funds directly to school districts through the education protection account; and

WHEREAS, the revenues from Proposition 30 will decline after 2016 and will disappear completely after 2018, the last year its provisions will be in effect; and

WHEREAS, Proposition 55 would extend Proposition 30's temporary income tax rates for an additional 12 years, to continue funding the education protection account and boost spending on health care for low income families; and

WHEREAS, unless Californians extend Proposition 30's temporary tax increases, the state's schools most likely will receive relatively fewer dollars in the years ahead, raising the prospect that California's school spending will fall even further behind the nation; and

WHEREAS, strong schools are vital to the health and happiness of El Cerrito residents and the loss of education protection account funds may negatively impact public schools in El Cerrito.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby joins cities and school districts around the state in supporting proposition 55 and in urging the legislature to work with the public education community to identify stable, long-term, adequate funding solutions for public schools.

¹ http://calbudgetcenter.org/wp-content/uploads/Californias-Support-for-K12-Education-Ranks-Low-by-Almost-Any-Measure_FactSheet_11.17.2015.pdf

Agenda Item No. 7

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption. The City Council of the City of El Cerrito supports the passage of Proposition 55 because it provides needed revenue to public schools and will specifically benefit this district for the reasons described herein.

I certify that at a regular meeting on October 18, 2016 the City Council of the City of El Cerrito passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the city of El Cerrito on October XX, 2016.

Cheryl Morse, City Clerk

APPROVED:

Gregory B. Lyman, Mayor