



AGENDA

SPECIAL CITY COUNCIL MEETING

Tuesday, May 20, 2014 – 6:15 p.m.

Hillside Conference Room

CITY COUNCIL MEETING

Tuesday, May 20, 2014 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

6:15 p.m.

SPECIAL CITY COUNCIL MEETING

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One potential case

ORAL COMMUNICATIONS FROM THE PUBLIC (*Comments are limited to three minutes per speaker and to items listed on this special agenda only.*)

RECESS INTO CLOSED SESSION

ADJOURN SPECIAL CITY COUNCIL MEETING

ROLL CALL

7:00 p.m.

CONVENE CITY COUNCIL MEETING

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

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

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

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

4. **PRESENTATION**

A. Annual Sundar Shadi Garden Awards – *Presentation by Bonnie E. Smith, President, El Cerrito Garden Club.*

B. Utility Users Tax Presentation – *Presentation by Lisa Malek-Zadeh, Finance Director and Sky Woodruff, City Attorney.*

Receive a presentation from the City Attorney and Finance staff regarding the City's Utility Users Tax.

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

A. Minutes for Approval

Approve the May 6, 2014 Special City Council and Regular City Council meeting minutes.

B. Various Traffic and Parking Regulation Revisions

Adopt two separate resolutions authorizing the Public Works Director/City Engineer to:

1) Remove seventy-five feet of green curb marking on the south side of Madera Drive in front of Madera Elementary School; and 2) Remove existing four-hour parking restrictions on the west side of San Pablo Avenue between Knott Avenue and Wall Avenue. *Exempt from CEQA.*

C. Budget Appropriation for the City Housing Trust Fund

Adopt a resolution appropriating spending authority for the Fiscal Year 2013-14 budget for the newly creating City Housing Trust Fund.

D. Support for Contra Costa College Bond Measure E

Adopt a resolution supporting the goals of Contra Costa Community College District's Education Bond Measure E and encouraging the voters of the City of El Cerrito to review the language and arguments concerning Measure E and thereafter to cast their vote on Measure E at the June 3, 2014 statewide primary election.

E. Support for West Contra Costa Unified School District Measure H

Adopt a resolution supporting the goals of Measure H and encouraging the voters of El Cerrito to review the language and arguments concerning Measure H and thereafter cast their vote on Measure H at the June 3, 2014 statewide primary election.

F. Proclamation Recognizing Officer Bailey Thepkaysone

Approve a proclamation commending Officer Bailey Thepkaysone on the occasion of his recognition by the Exchange Club of Albany–El Cerrito as the Officer of the Year on May 28, 2014 and extending sincere appreciation to Officer Thepkaysone for his devotion to the mission, vision and values of the Police Department. He truly epitomizes community based policing in the City of El Cerrito.

G. Jewish American Heritage Month Proclamation

Approve a proclamation declaring May 2014 as Jewish American Heritage Month in the City of El Cerrito and calling upon all residents to celebrate Jewish Americans who have helped weave the fabric of not only American history, culture and society but also the City of El Cerrito and visit www.JewishHeritageMonth.gov to learn more about the heritage and contributions of Jewish Americans and to observe this month, the theme of which is healing the world, with solemn remembrance, appropriate programs, activities and ceremonies.

H. Asian American Pacific Islander Month Proclamation

Approve a proclamation declaring May 2014 as Asian American and Pacific Islander Heritage Month in the City of El Cerrito and inviting everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

I. June 2014 City Council Meeting Schedule

The City Council will meet on Monday, June 2, 2014. Approve a recommendation confirming an additional special meeting on Monday, June 9, 2014 and rescheduling the June 17, 2014 regular City Council meeting to Monday, June 23 and reserve Tuesday, June 24 and Monday, June 30 for additional consideration of the budget and other city business as necessary.

6. PUBLIC HEARINGS

A. Confirm the Diagram and Levy the Assessment for FY 2014-15 Landscape and Lighting Assessment District No. 1988-1

Conduct a public hearing and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year 2014-15 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

B. Fiscal Year 2014-15 Storm Drain Annual Report and Method of Collecting Storm Drain Fees

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2014-15 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

7. POLICY MATTERS

A. Smoking Pollution Protection Ordinance Study Session

Receive a presentation regarding secondhand smoke and pollution associated with smoking. Discuss community outreach and engagement, options for restricting smoking in public places, commercial areas and multi-family housing, tobacco sales and possible preparation of an ordinance for the City Council's consideration.

B. City Council Wall of Fame Nomination Subcommittee Recommendation

Approve the City Council Wall of Fame Nomination Subcommittee's recommendation to induct Tom Panas into the El Cerrito Wall of Fame and direct the City Clerk to return to the City Council with a resolution confirming the appointment and schedule the formal induction ceremony in either July or August 2014 pending the availability of all parties involved.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports. *(Held over from the May 6, 2014 City Council meeting.)*

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next City Council meeting is Monday, June 2, 2014 at 7:00 p.m. at City Hall, 10890 San Pablo Avenue, El Cerrito, California.

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.



AGENDA BILL

Agenda Item No. 4(B)

Date: May 20, 2014
To: El Cerrito City Council
From: Lori Trevino, Senior Financial Analyst
Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Utility Users Tax Presentation

ACTION REQUESTED

Receive a presentation from the City Attorney and Finance staff regarding the City's Utility Users Tax.

BACKGROUND/ANALYSIS

On November 2, 2004, the voters approved revisions to the Utility Users Excise Tax (UUT), Chapter 4.40 of the El Cerrito Municipal Code. The ordinance was revised by the City Council in March 2007 to clarify the definition of "telephone communications services" in the ordinance, as it related to the application of federal excise taxes on communications services, but did not affect the method of calculating the UUT.

Services subject to the 8% UUT include electricity, gas, water, video, and wired and wireless telephone. Taxes are collected by utility service providers from their customers and then remitted to the City on a monthly basis. Due to an unexpected decline in UUT revenues in FY 2012-13, City staff have been reviewing remittances for discrepancies and researching the possible reasons for the decline. During the March 2014 mid-year budget review, there were numerous questions about the UUT.

The presentation this evening will provide an overview of the UUT ordinance, UUT revenues, changes in legal and economic conditions related to the UUT since it was revised in 2004, and what the City can do to address revenue declines and fluctuations.

Reviewed by:

Scott Hanin, City Manager

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, May 6, 2014 – 6:40 p.m.
Hillside Conference Room

CITY COUNCIL MEETING

Tuesday, May 6, 2014 – 7:00 p.m.
City Council Chambers

Meeting Location

El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Janet Abelson – Mayor

Mayor Pro Tem Rebecca Benassini
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Greg Lyman

ROLL CALL

Present: Councilmembers Benassini, Bridges, Lyman and Mayor Abelson
Absent: Councilmember Friedman

6:40 p.m.

SPECIAL CITY COUNCIL MEETING

Mayor Abelson called the special City Council meeting to order at 6:40 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

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

Action: Conducted interview. The City Council, by mutual consent (Absent – Councilmember Friedman), appointed George Gager to the Arts and Culture Commission for a term beginning on May 6, 2014 and concluding on March 1, 2016.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:10 p.m.

ROLL CALL

Present: Councilmembers Benassini, Bridges, Lyman and Mayor Abelson
Absent: Councilmember Friedman

7:00 p.m. CONVENE CITY COUNCIL MEETING

Mayor Abelson called the City Council meeting to order at 7:15 p.m.

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

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Abelson announced the City Council's appointment of George Gager to the Arts and Culture Commission for a term beginning on May 6, 2014 and concluding on

Councilmember Bridges reported that she attended a city sponsored drought resilient home workshop on May 1. There was a presentation from a water conservation representative from the East Bay Municipal Utility District (EBMUD) who informed all of the importance of fixing everyday leaks and checking for leaks in the toilet tank. The workshop also featured a speaker from Greywater Action, who provided information on using laundry greywater in the landscape. The workshop was very informative and well attended.

Mayor Pro Tem Benassini informed all about Stege Sanitary District's upcoming public hearing on June 12, 2014 at 7:00 p.m. at Stege's office on Schmidt Lane regarding a proposed rate increase. The hearing will provide information about why an increase is needed including water quality regulations and the District's overall program to replace and repair sewer lines.

Councilmember Lyman discussed a home survey and leak detection/water saving kit he received from EBMUD that is also available to all residents. Councilmember Lyman encouraged all to contact EBMUD at 866-403-2683 or www.ebmud@com to obtain a free kit to survey a home and fix any leaks. It is Stroke Awareness Month. Councilmember Lyman referenced a card distributed by Doctors Hospital that contains important information regarding stroke symptoms and described the various symptoms that might be indicative of a stroke and require urgent medical care.

Mayor Abelson reported that she attended the 2014 Asian Pacific Islander American Heritage Awards Ceremony in San Francisco on May 5th which featured many interesting speeches and performances. The ceremony was also attended by San Francisco Mayor Ed Lee. Additionally, the Bay Area Rapid Transit (BART) is looking for everyone's input on its "Fleet of the Future," a mock-up of new cars that one can sit in. On April 29, Mayor Abelson welcomed the Contra Costa Climate Leaders to a workshop held at City Hall. The Climate Leaders talked about General Plans. On April 23, Mayor Abelson attended the League of California Cities Legislative Action Day in Sacramento regarding the League's perspective on priority bills and bills currently under review by the State Legislature. She also participated in a briefing via League webcast on April 10. At the April 24 West County Mayors and Supervisors Association meeting, the Mayors received a presentation from the West Contra Costa Unified School District (WCCUSD). Mayor Abelson noted that WCCUSD Board President, Charles Ramsey, stated that it is time for the School District to support cities during these difficult financial times. On May 1, the Contra Costa Mayors Conference received a presentation on homeless services from a representative of the Trinity Center. Homelessness is everywhere in every city in Contra Costa County and everyone needs to work together to find solutions to this problem. There are 49 homeless in El Cerrito according to the most recent census. Mayor Abelson also attended the Contra Costa Transportation Authority (CCTA) meeting and the Committee on Aging meeting. There will be a balance and brain integration class offered at the Senior Center that will go on for eight weeks. Interested individuals can call 559-7677 to register or to obtain more information.

The City's Earth Day Celebration occurred on April 26. Mayor Abelson thanked the outstanding group of people who worked on various projects. Participants, which included Councilmembers Bridges and Lyman, collected approximately 4300 cigarette butts along San Pablo Avenue. Cigarette butts are highly toxic to the water system. Fifty people worked at the El Cerrito High project site. The event offered something for everybody. Mayor Abelson also thanked those who put together lunch.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Manish Doshi, El Cerrito, expressed concerns about construction related damage that has occurred on Castro Field. Soccer and other youth groups have not had use of the field for over a year. Mr. Doshi asked if the field would be replaced by the school district and when it would occur. A lot of kids and community members have been unable to use the field. Athletic groups are being charged \$38 per hour to use the high school field and have received reports that use will be \$84 per hour in the summer despite the El Cerrito community's long time support of the school district.

Andy Lojo, Kensington, spoke on behalf of El Cerrito Youth Baseball (ECYB). Mr. Lojo described the program and reminded the school district of the significant investment of time and fundraising that ECYB has done for the fields. ECYB has invested over \$40,000 and hundreds of hours of volunteer time, labor and materials over the past few years. The 2006 Joint Use Agreement between the City and West Contra Costa Unified School District (WCCUSD) outlines priorities and standards for use. The El Cerrito High School Athletic Program is disrupting, delaying or preventing ECYB's use of the fields and does not communicate in advance about scheduling and field use changes or cancellations.

Susan Schwartz, Friends of Five Creeks, stated that the City needs to devote more attention, stewardship, budget and fire hazard reduction in the Hillside Natural Area. Ms. Schwartz stated that volunteers have been doing detailed geographical positioning system (GPS) mapping of plants in the area and have put hours into removal of fire-prone invasive plants but the City will need to put additional money and resources toward the fire hazard reduction effort and should also consider the height and timing of mowing. Volunteers have persuaded experts on native grasslands to meet with city staff for free to talk about adjustments that can be made. Ms. Schwartz invited all to attend the May 17 Hillside Festival to pull broom and participate in a wildflower walk. There is a plant list and slideshow on the Friends of Five Creek's website <http://www.fivecreeks.org/>.

Anne Ogonowsky, El Cerrito, described the work she had done in helping Friends of Five Creeks to clear brush in El Cerrito and encouraged the City Council to place more resources toward stewardship of the Hillside Natural Area. Ms. Ogonowsky said the volunteers need more help and direction and noted that there are many willing hands.

4. PRESENTATION

A. Contra Costa Community College District Facility Needs & Priorities: Information about Measure E – Presentation by Denise Noldon, President at Contra Costa College and John Marquez, President, Contra Costa Community College District Governing Board.

Receive a presentation outlining the role of Contra Costa Community College District in the community and information regarding Measure E, an education bond measure on the June 3 ballot.

Action: Received presentation.

B. Update from West Contra Costa Unified School District on School Construction Activities – *Presentation by Charles Ramsey, President, Board of Education and Bill Fay, Assistant Superintendent, West Contra Costa Unified School District, Hibser Yamauchi Architects, Inc.*

Action: Received presentation. [Mr. Fay provided an update on the status of construction at El Cerrito High and Harding Elementary, and also reported on plans and timelines for Fairmont Elementary and Portola Middle School. In response to issues related to field use raised during public comment and by the City Council, Mr. Fay stated that Castro Field will be ready by August and as to other issues raised, including High School field use, access to bathrooms and user fees, follow up discussions will take place with Dr. Harter.]

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

Moved, seconded (Lyman/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Friedman) and carried to approve Consent Calendar Item Nos. 5(A) through 5(F) as indicated below.

A. Minutes for Approval

Approve the April 22, 2014 Closed Session and Regular City Council meeting minutes.

Action: Approved minutes.

B. Ordinance Establishing the Measure A Swim Center Parcel Tax Rates for Fiscal Year 2014–15 *First Reading April 22, 2014. Vote: Unanimous*

Adopt Ordinance 2014–02 establishing the Measure A Swim Center Parcel Tax rates for Fiscal Year 2014-15, equal to the approved FY 2013-14 rates of \$38.61 per single-family residential unit, \$29.73 per multi-family residential unit and \$270.66 per acre of non-residential property.

Action: Adopted Ordinance No. 2014–02. *Effective June 5, 2014.*

C. Landscape and Lighting Assessment District No. 1988-1 Resolution of Intent to Order Improvements and Set the Date for the Public Hearing as May 20, 2014

Accept the Engineer's Report specifying assessments for the Landscaping and Lighting Assessment District and adopt a Resolution of Intention to Order Improvements pursuant to the Landscape and Lighting Act of 1972, and setting the time, date and place of the public hearing as May 20, 2014 at 7:00 p.m.

Action: Adopted Resolution No. 2014–12.

D. Bike to Work Proclamation

Approve a proclamation proclaiming May 8, 2014 as Bike to Work Day in the City of El Cerrito, recognizing the value of increased bicycle use and encouraging participation in the 20th Annual Bike to Work Day and other bicycling activities during the month of May.

Action: Approved proclamation.

E. Comprehensive Annual Financial Report and Internal Controls

Receive and file the City's Comprehensive Annual Financial Report (CAFR) and the Memorandum on Internal Control and Required Communications (MOIC) for the fiscal year ending June 30, 2013.

Action: Received and filed.

F. Modify Summer City Council Meeting Schedule

Approve a recommendation to adopt a reduced City Council meeting schedule consisting of the third Tuesday in July and August and the fourth Monday in September 2014. Cancelling

the first regularly scheduled meeting in July through September is consistent with a reduced meeting schedule approved by the City Council for the past thirteen years. City Council meeting dates in July, August and September would be Tuesday, July 15, Tuesday, August 19 and Monday, September 22 with an additional request to keep the first Tuesday in July and September reserved for special meetings as needed.

Action: Approved recommendation.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

Capital Improvement Program Study Session

Receive a presentation on the City's current Capital Improvement Program (CIP), discuss potential changes or additions to the CIP, and provide possible direction to staff regarding preparation of next year's CIP as part of the City's Fiscal Year 2014-15 budget process.

Presenter: Yvetteh Ortiz, Public Works Director.

Action: Received presentation. Discussion held. Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Friedman) to include the following projects listed on the CIP wish list (supplemental powerpoint slide 23): 1) Hillside Natural Area Improvements (trails and landscaping); 2) Citywide Path/Stairway/Boardwalk Rehabilitation & Improvement; 3) Urban Forest Management Plan Improvements; 4) Canyon Trail Clubhouse Improvements; 5) Park Facilities Rehabilitation & Improvements; and 6) Creek Major Maintenance & Restoration to the existing list of projects identified in the ten year capital improvement plan.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports. (*Held over to the May 20, 2014 City Council meeting.*)

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:54 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(A) Contra Costa Community College District Facility Needs & Priorities: Information about Measure E

1. Resolution in Support of Measure E, Contra Costa Community College District – *Submitted by John Marquez, President, Contra Costa Community College District Governing Board.*
2. Additional information about Measure E, Contra Costa Community College District Bond – *Submitted by Denise Noldon, Ph.D., President, Contra Costa College.*

Item No. 4(B) Update from West Contra Costa Unified School District on School Construction Activities

3. Bond Program Projects May 2014 Powerpoint presentation – *Submitted by Bill Fay, Assistant Superintendent, West Contra Costa Unified School District.*
4. Portola Middle School Project Status Powerpoint Presentation – *Submitted by Bill Fay, Assistant Superintendent, West Contra Costa Unified School District.*
5. Community Update Portola Middle School at Castro Project - *Submitted by Bill Fay, Assistant Superintendent, West Contra Costa Unified School District.*
6. Harding Elementary School Update - *Submitted by Bill Fay, Assistant Superintendent, West Contra Costa Unified School District.*
7. El Cerrito High School Stadium Update – *Submitted by Bill Fay, Assistant Superintendent, West Contra Costa Unified School District.*

Item No. 5(C) Landscape and Lighting Assessment District No. 1988-1 Resolution of Intent to Order Improvements and Set the Date for the Public Hearing as May 20, 2014

8. LLAD Engineers Report, Section 9: individual parcel assessments list – *Submitted by Lori Treviño, Senior Financial Analyst.*

Item No. 7 Capital Improvement Program Study Session

9. Revised powerpoint presentation – *Submitted by Yvetteh Ortiz, Public Works Director.*

Other:

10. Fire-prone invasives, Hillside Natural Area, Main Section – *Submitted by Susan Schwartz, Friends of Five Creeks.*
11. League of California Cities Legislative Action Day Preview Briefing on Priority Bills – *Submitted by Mayor Abelson.*



AGENDA BILL

Agenda Item No. 5(B)

Date: May 20, 2014
To: El Cerrito City Council
From: Melissa L. Tigbao, Engineering Manager / Senior Engineer
Yvetteh Ortiz, Interim Public Works Director / City Engineer
Subject: Various Traffic and Parking Revisions

ACTION REQUESTED

Adopt two separate resolutions authorizing the Public Works Director / City Engineer to:

1. Remove seventy-five feet of green curb marking on the south side of Madera Drive in front of Madera Elementary school
2. Remove existing four-hour parking restrictions on the west side of San Pablo Avenue between Knott Avenue and Wall Avenue

DISCUSSION

The Public Works Department has received requests from Madera Elementary School and Honda of El Cerrito to evaluate parking revisions as discussed below.

Removal of Green Curb Marking on Madera Drive

The El Cerrito Public Works Department is proposing the removal of the green curb marking on Madera Drive. In 2007, the Council approved Resolution 2007-73, authorizing the installation of seventy-five feet of green curb marking in front of Madera Elementary School to better facilitate vehicle movement during pick-up and drop-off times. The green curb zone is located between the school's two driveways which access the main parking lot. Green curb marking designates short-term parking and is supplemented by signs to indicate that it is to be used actively for drop-off and pick-up activities. However, student drop-off and pick-up in this designated area has led to conflicts with students crossing traffic at either the two school driveways on Madera Drive or within the school property itself.

As a result of a 2013 community meeting and discussions with school representatives and the Police Department, various parking changes were proposed to reduce traffic congestion and improve pedestrian safety during drop-off and pick-times. In July 2013, an initial notification regarding traffic and parking changes, including the removal of the green curb marking, was sent to property owners and businesses within a 300-foot radius of the school. No comments were received regarding the green curb removal. Given Public Works staff's concern that the removal might exacerbate congestion in the area,

Agenda Item No. 5(B)

in August 2013, the Public Works Department temporarily removed the green curb restriction. The feedback from the school's representatives regarding the temporary removal of the parking restriction has been favorable. Our staff continues to work with the school representatives on various other parking and circulation modifications to address the traffic congestion. At this time, staff is proposing the removal of the green curb marking which requires City Council approval.

Removal of Four-Hour Parking on San Pablo Avenue between Knott Avenue and Wall Avenue

The Public Works Department is proposing the removal of a four-hour parking restriction on the west side of San Pablo Avenue, between Knott Avenue and Wall Avenue. This is in response to a request from Honda of El Cerrito, located at 11755 San Pablo Avenue, to remove the parking restriction to better serve their business needs for long-term parking. Currently, all the businesses on this block have off-street parking available to meet their short-term parking needs. The existing four-hour time limited parking was increased from a two-hour time limit in 2010 by City Council Resolution 2010-77 to better serve business needs and to be consistent with the time restriction used in the residential permit parking areas within a half-mile around the Del Norte Bart Station.

On July 31, 2013, a courtesy notification for temporary parking changes was sent to property owners, current residents and businesses within a 300-foot radius of this location. Given concerns of residential and BART parking spillover, the Public Works Department temporarily removed the parking restriction by covering the sign panels along the segment. The response from Honda of El Cerrito was positive and they requested a permanent removal. A final notification was sent to the requestor and immediately adjacent property owners and businesses on March 27, 2014. Since then no comments were received regarding the parking changes. The removal of the established parking time limit requires City Council approval.

ENVIRONMENTAL CONSIDERATIONS

The removal of signs and curb markings is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

STRATEGIC PLAN CONSIDERATIONS

Approval of the removal of green curb marking and parking restrictions would help fulfill the following Strategic Plan Goals:

Goal C: By working with Madera Elementary School, the community and the Police Department to find parking solutions, the removal of green curb marking fosters a strong partnership with the schools.

Goal B: By working with El Cerrito Honda to remove the parking restriction on San Pablo Avenue between Knott Avenue and Wall Avenue, the City attracts and maximizes opportunities for expanding business.

FINANCIAL CONSIDERATIONS

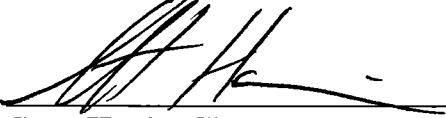
The cost for removal of signs and curb markings are estimated to be under \$500 and is included in the Public Works, Maintenance operating budget.

LEGAL CONSIDERATIONS

El Cerrito Municipal Code Section 11.40.160 requires that any modification of green curb markings be approved by City Council Resolution.

El Cerrito Municipal Code Section 11.40.210 requires that any modification of time limited parking restrictions be approved by City Council Resolution.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution for Removal of Green Curb Parking on the south side of Madera Drive
2. Resolution for Removal of Four-Hour Parking Restriction on San Pablo Avenue between Knott Avenue and Wall Avenue

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
AUTHORIZING THE REMOVAL OF GREEN CURB MARKING ON MADERA DRIVE IN FRONT OF
MADERA ELEMENTARY SCHOOL

WHEREAS, the Public Works Department has received requests from staff at Madera Elementary School to evaluate the current need for the green curb marking on the south side of Madera Drive in front of Madera Elementary School; and

WHEREAS, the City Council approved the green curb marking under Resolution 2007-73 to serve Madera Elementary School; and

WHEREAS, pedestrian and vehicular conflict has increased in the area and the removal of green curb marking will reduce the conflict during pick-up and drop-off times; and

WHEREAS, Section 11.40.160 of the El Cerrito Municipal Code requires that the modification of green curb marking be approved by the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby authorizes the Public Works Director/City Engineer to remove the green curb marking on Madera Drive in front of Madera Elementary School.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito finds that this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

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

I CERTIFY that at a regular meeting on May 20, 2014 the City Council of the City of El Cerrito 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 May __, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
AUTHORIZING THE REMOVAL OF FOUR-HOUR PARKING RESTRICTION ON THE WEST SIDE OF
SAN PABLO AVENUE BETWEEN KNOTT AVENUE AND WALL AVENUE

WHEREAS, the Public Works Department has received a request from the business at 11755 San Pablo Avenue that the existing four-hour parking time limit in front of 11755 San Pablo Avenue be removed to better serve their business needs; and

WHEREAS, on-street parking is currently limited to four hours between 9 a.m. and 6 p.m. except Sundays and Holidays as established by City Council Resolution 2010-77; and

WHEREAS, the businesses on this block currently have off-street parking available to meet their short-term parking needs; and

WHEREAS, removing the parking limit will serve the need of this business by providing long-term on-street parking; and

WHEREAS, Section 11.40.210 of the El Cerrito Municipal Code requires that the modification of time limited parking be approved by the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby authorizes the Public Works Director/City Engineer to remove the four-hour parking restriction on the west side of San Pablo Avenue between Knott Avenue and Wall Avenue.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito finds that this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

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

I CERTIFY that at a regular meeting on May 20, 2014 the City Council of the City of El Cerrito 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 May _____, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(C)

Date: May 20, 2014
To: El Cerrito City Council
From: Hilde Myall, Housing Program Manager
Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Budget Appropriation for the City Housing Trust Fund

ACTION REQUESTED

Adopt a resolution appropriating spending authority for the Fiscal Year (FY) 2013-14 budget for the newly created City Housing Trust Fund.

BACKGROUND & ANALYSIS

The requested action is to appropriate spending authority of \$2,860,000 in State Proposition 1C Infill Grant funds to the City Housing Trust Fund for construction of the Ohlone Gardens housing project.

Appropriation of the grants funds was previously approved by City Council action on March 18, 2014 per Resolution 2014-05 in the Low and Moderate Income Housing Asset Fund. Since that time, staff was been advised that the housing grant funds should be administered through a separate fund and the City has created the City Housing Trust Fund for this purpose.

FINANCIAL CONSIDERATIONS

Appropriation of \$2,860,000 of spending authority will facilitate City administration of the grant funds and is consistent with State Infill Grant program requirements. This action does not impact the City's General Fund or other City funds.

LEGAL CONSIDERATIONS

The Counsel to the City as housing successor has reviewed this report and the attachments.

Reviewed by:

Scott Hanin, City Manager

Attachments:

1. Resolution

RESOLUTION NO. 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROPRIATING SPENDING AUTHORITY FOR THE CITY HOUSING TRUST FUND FOR THE CITY OF EL CERRITO FOR FISCAL YEAR 2013-14

WHEREAS, on June 27, 2013 the City Council of the City of El Cerrito adopted the Fiscal Year 2013-14 Budget with spending limits across funds; and

WHEREAS, on March 18, 2014 the City Council adopted Resolution No. 2014-05, which included an increase in spending authority of \$2,860,000 for State Proposition 1C Infill grant funds in the Low and Moderate Income Housing Asset Fund; and

WHEREAS, staff has been informed that a separate fund is required to administer the grant funds; and

WHEREAS, the City created the City Housing Trust Fund for this purpose.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito as follows:

1. The City Council of the City of El Cerrito hereby appropriates \$2,860,000 in spending authority for the Housing Trust Fund for Fiscal Year 2013-14.
2. This Resolution shall become effective immediately upon its adoption.

I CERTIFY that at the regular meeting on May 20, 2014, the City Council of the City of El Cerrito passed this resolution by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAIN:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

IN WITNESS of this action, I have hereunto set my hand and affixed the official Seal of the City of El Cerrito on May __, 2014.

Cheryl Morse, City Clerk

Approved:

Janet Abelson, Mayor

RESOLUTION NO. 2014-XX

**A RESOLUTION OF THE EL CERRITO CITY COUNCIL SUPPORTING MEASURE E, CONTRA
COSTA COMMUNITY COLLEGE DISTRICT**

WHEREAS, the Contra Costa Community College District Education Bond Measure E will appear on the June 3, 2014 ballot; and

WHEREAS, the Contra Costa Community College District, which includes Contra Costa College, Diablo Valley College, Los Medanos College, San Ramon Campus and Brentwood Center, is one of the largest community college districts in California, serving over 55,000 local students annually; and

WHEREAS, our community colleges are an essential safety net providing education for local students, many who cannot afford four year colleges and universities, and additional funds are needed to help make sure our students can continue and successfully complete their educational goals; and

WHEREAS, our community colleges prepare students to become part of our local workforce, and Measure E will help maintain high quality career training programs in healthcare, sciences, technology, and public safety; and

WHEREAS, this Measure will bring advanced medical career training facilities to our colleges, helping students prepare for some of the fastest growing careers in the country; and

WHEREAS, many important core academic classes are currently being held in overcrowded and deteriorating facilities, making it hard for students to get the classes they need, and Measure E will make more classrooms available to students, update learning technology, and meet demand for these classes; and

WHEREAS, funds from this Measure are required by law to be spent in Contra Costa County to improve the facilities at each and every one of our local community colleges and education centers, including Diablo Valley College, Contra Costa College, Los Medanos College, San Ramon Campus, Brentwood Center; and

WHEREAS, Measure E includes strict fiscal accountability requirements including a public expenditure plan, independent annual audits, and an Independent Citizens' Oversight Committee to ensure funds are spent properly and as promised.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby supports the goals of Contra Costa Community College District's Education Bond Measure E and encourages the voters of the City of El Cerrito to review the language and arguments concerning Measure E and cast their vote on Measure E at the June 3, 2014 statewide primary election.

I CERTIFY that at the regular meeting on May 20, 2014 the El Cerrito City Council passed this resolution by the following vote:

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

ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



CONTRA COSTA COLLEGE

a premier community college right in your backyard

Agenda Item No. 5(D)
Attachment

May 5, 2014

TO: Members of the El Cerrito City Council

FROM: John Marquez, President, Contra Costa Community College District Governing Board
Denise Noldon, President, Contra Costa College

SUBJ: Additional information about Measure E, Contra Costa Community College District Bond

I am providing additional information with respect to Measure E, the Contra Costa Community College District (District) bond on the upcoming election ballot.

Current Contra Costa Community College District bond information follows:

Measure	Year	Amount	Tax Rate per 100,000 in assessed value (current)	End Date
A	2002	\$120,000,000	\$4.72	2029
A+	2006	\$286,500,000	\$9.00	2038

Currently, the tax rate for the two bonds is \$13.72. Additionally, the District has twice issued "refunding or refinanced" bonds saving taxpayers \$14.5 million dollars over the life of the bonds.

The proposed Measure E (2014) information follows:

Measure	Year	Amount	Tax Rate per 100,000 in assessed value	End Date
E	2014	\$450,000,000 ¹	\$13.00 (anticipated although it could be lower)	2039

The total tax rate for the three measures is \$26.72.

¹Preliminary, subject to change based on market interest rates and actual assessed valuation growth/decline. Assumes 5.50% interest rates.

If you have additional questions, please do contact the Contra Costa Community College District contact, Tim Leong, at (925)229-6823 or email info@4cd.edu.

RESOLUTION NO. 2014-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO EXPRESSING ITS
SUPPORT OF MEASURE H ON THE JUNE 3, 2014, STATEWIDE PRIMARY ELECTION
BALLOT**

WHEREAS, the West Contra Costa Unified School District serves to educate the children of the City of El Cerrito; and

WHEREAS, El Cerrito requires quality schools capable of serving its children and their families; and

WHEREAS, the City of El Cerrito seeks to improve safety for students, staff and residents and have school facilities that are accessible to the disabled; and

WHEREAS, the City of El Cerrito desires to have school facilities that have energy efficient lighting, heating and ventilation systems; and

WHEREAS, the City of El Cerrito seeks to enhance property values in neighborhoods with school facilities that are appealing, durable and accessible to the community; and

WHEREAS, the West Contra Costa Unified School District has embarked on an investment program to reconstruct and modernize all of its schools; and

WHEREAS, the Board of Education of the West Contra Costa Unified School District has placed Measure H on the June 3, 2014 statewide primary election ballot; and

WHEREAS, Measure H is a local construction bond measure that will allow West Contra Costa Unified School District to raise additional funds to continue to repair and rebuild its schools throughout the community; and

WHEREAS, West Contra Costa Unified School District bond measures have allowed the district to access more than \$161 million in State funding that would not have been provided with the local bond measures; and

WHEREAS, local school funds supplemented by state funding have paid to modernize Harding, Madera, and El Cerrito High, with Portola and the El Cerrito fields under construction and will soon build new schools for Fairmont and Cameron as well as permanent classrooms for the 6th graders at Madera; and

WHEREAS, the entire community of El Cerrito benefits from investing in our schools and our children.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby supports the goals of Measure H and encourages the voters of the City of El Cerrito to review the language and arguments concerning Measure H and thereafter to cast their vote on Measure H at the June 3, 2014 statewide primary election.

I CERTIFY that at the regular meeting on May 20, 2014 the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION

*Congratulating Officer Bailey Thepkaysone
For his recognition by the Albany El Cerrito Exchange Club
As the El Cerrito PD Honoree for Officer of the Year*

WHEREAS, Officer Bailey Thepkaysone personifies professionalism, dedication and leadership in the field of Law Enforcement; and

WHEREAS, Officer Bailey Thepkaysone began with the ECPD as an Academy Recruit on February 27, 2006; and

WHEREAS, Officer Bailey Thepkaysone graduated from the Basic Police Academy and began the Field Training Program on August 31, 2006; and

WHEREAS, Officer Bailey Thepkaysone became a lead Explorer Advisor in 2013; and

WHEREAS, Officer Bailey Thepkaysone became a Field Training Officer in 2014;

WHEREAS, Officer Bailey Thepkaysone has been a dedicated member of the Mobile Field Force since 2011 and completed High Risk Entry Training in 2013; and

WHEREAS, Officer Bailey Thepkaysone has demonstrated adherence to the Mission of the Department which states, "The El Cerrito Police Department is committed to service, safety and enhancing the public trust through professionalism and leadership."

NOW THEREFORE, the City Council of the City of El Cerrito, hereby commends Officer Bailey Thepkaysone on the occasion of his recognition by the Exchange Club of Albany – El Cerrito as the Officer of the Year on May 28th, 2014 and extends sincere appreciation to Officer Bailey Thepkaysone for his devotion to the Mission, Vision, and Values of the El Cerrito Police Department. He truly epitomizes community-based policing in the City of El Cerrito.

Dated: May 20, 2014

Janet Abelson, Mayor

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
JEWISH AMERICAN HERITAGE MONTH, 2014***

WHEREAS, for thousands of years, the Jewish people have sustained their identity and traditions, persevering in the face of persecution. Through generations of enslavement and years of wandering, through forced segregation and the horrors of the Holocaust, they have maintained their holy covenant and lived according to the Torah. Their pursuit of freedom brought multitudes to our Nation's shores, and today El Cerrito is the proud home to thousands of Jewish Americans. This month, let us honor their tremendous contributions -- as scientists and artists, as activists and entrepreneurs. And let all of us find inspiration in a story that speaks to the universal human experience, with all of its suffering and all of its salvation; and

WHEREAS, this history led many Jewish Americans to find common cause with the Civil Rights Movement. African Americans and Jewish Americans marched side-by-side in Selma and Montgomery. They boarded buses for Freedom Rides together, united in their support of liberty and human dignity. These causes remain just as urgent today. Jewish communities continue to confront anti-Semitism -- both around the world and, as tragic events mere weeks ago in Kansas reminded us, here in the United States. Following in the footsteps of Jewish civil rights leaders, we must come together across all faiths, reject ignorance and intolerance, and root out hatred wherever it exists; and

WHEREAS, in celebrating Jewish American Heritage Month, we also recognize this Country's unbreakable bond with the nation of Israel. It is a bond that transcends politics, a partnership built on mutual interests and shared ideals. El Cerrito is enriched by diversity and faith, fueled by innovation, and ruled not only by men and women, but also by laws. As we continue working in concert to build a safer, more prosperous, more tolerant world, may our friendship only deepen in the years to come; and

WHEREAS, May 2014 is recognized as Jewish American Heritage Month by Congressional resolution and by Presidential Proclamation.

NOW THEREFORE, the City Council of the City of El Cerrito hereby approves a proclamation declaring May 2014 as Jewish American Heritage Month in the City of El Cerrito and calls upon all residents to celebrate Jewish Americans who have helped weave the fabric of not only American history, culture and society but also the City of El Cerrito and visit www.JewishHeritageMonth.gov to learn more about the heritage and contributions of Jewish Americans and to observe this month, the theme of which is healing the world, with solemn remembrance, appropriate programs, activities, and ceremonies.

Dated: May 20, 2014

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(H)

Date: May 20, 2014
To: El Cerrito City Council
From: Mayor Janet Abelson
Subject: Asian American and Pacific Islander Heritage Month

ACTION REQUESTED

At the request of Mayor Pro Tem Abelson, approve a proclamation proclaiming the month of May 2014 as Asian American and Pacific Islander Heritage Month in the City of El Cerrito and inviting everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

BACKGROUND

In 1978 Congress passed a joint Congressional Resolution to commemorate Asian American Heritage Week during the first week of May. It was chosen because of two important and significant anniversaries that took place during this time: The arrival of the first Japanese immigrants in America on May 7, 1843 and the completion of the transcontinental railroad by many Chinese laborers, on May 10, 1869.

In 1990 Congress voted to expand the commemoration from one week to an entire month of celebration. In May 2009, President Obama officially proclaimed the month of May as “Asian American and Pacific Islander Heritage Month” in celebration of the culture, traditions, and history of Asian Americans and Pacific Islanders in the United States.

Asian Americans and Pacific Islanders are one of the fastest growing ethnic populations in the state. According to the 2010 census, Asian persons represented 27.2% of El Cerrito’s population.

Asian Americans and Pacific Islanders contribute many resources that enrich our social, economic and political fabric. Some of the many contributions range from housing and job services, to organizing local and grassroots campaigns for economic and political justice, to serving on boards and commissions for the city, creating wonderful music, dance, art, poetry, theater and film. Asian Americans and Pacific Islanders have been critical to keeping the diverse quality of life that has always been a part of El Cerrito.

Attachment:

1. Proclamation

***CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
May 2014 is Asian American and Pacific Islander Heritage Month***

WHEREAS, the earliest Asian Americans immigrated to the United States in the 1800's and many Asian laborers contributed to the completion of the transcontinental railroad during the 1860s, and in the development of California's agricultural industry to this day; and

WHEREAS, Asian Americans and Pacific Islanders have played a critical role in the social, economic, and political development of California throughout its history; and

WHEREAS, Asian Americans and Pacific Islander immigrants have contributed greatly to California's economic success, rural growth and urban development; and

WHEREAS, Asian Americans and Pacific Islander entrepreneurs have led many of California's businesses to the pinnacle of their respective industries; and

WHEREAS, approximately 27 million Asian Americans and Pacific Islanders in the nation are one of the fastest growing ethnic populations in the country; and

WHEREAS, Asian Americans and Pacific Islanders represent 27.2 percent of El Cerrito's population, representing ancestries throughout Asia; and

WHEREAS, Asian Americans and Pacific Islanders will continue to be an important part of El Cerrito's cultural diversity and understanding; and

WHEREAS, Asian Americans and Pacific Islanders have a proud legacy of service and dedication to our community, our City, our State and our Country; and

WHEREAS, May has become a symbolic month in which Asian Americans and Pacific Islanders and supporters come together in various celebrations of culture, traditions and history.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims the month of May 2014 Asian American and Pacific Islander Heritage Month in the City of El Cerrito and invites everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

Dated: May 20, 2014

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 6(A)

Date: May 20, 2014
To: El Cerrito City Council
From: Lori Trevino, Senior Financial Analyst
Lisa Malek-Zadeh, Finance Director/City Treasurer
Subject: Public Hearing to Confirm the Diagram and to Levy the Assessment for FY 2014-15 for Landscape and Lighting Assessment District No. 1988-1

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a Resolution setting the annual Landscape and Lighting Assessment for FY 2014-15 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

BACKGROUND AND ANALYSIS

On June 6, 1988, the City Council established Assessment District No. 1988-1 pursuant to the Landscape and Lighting Act of 1972. The purpose of this Landscape and Lighting Assessment District (LLAD) is to raise funds to support improvements and maintenance of the City's park areas, landscaping areas, and street lighting. Every year since 1988, this Assessment District has generated approximately \$771,000 to support LLAD activities.

In November 1996, the LLAD was approved by the voters and therefore complies with the provisions of Proposition 218. Any increase in the assessment fee level would be subject to Proposition 218's voter approval requirement.

In order to impose this annual assessment, the City Council must annually authorize an Engineer's Report to identify the costs, uses, and general benefits of those parcels within the Assessment District. As detailed in the Engineer's Report, the revenues are used for eligible activities including staff salaries and wages, streetlight maintenance, utility costs for the District, landscaping services, graffiti removal, and park maintenance.

The City Council authorized such a report on April 1, 2014. The Engineer of Record, NBS Local Government Solutions (NBS) prepared and delivered the Engineer's Report prior to the May 6, 2014 City Council meeting. At the May 6, 2014 City Council meeting, this public hearing was scheduled.

In order for these assessments to be imposed, the City Council must accept the Engineer's Report and conduct a public hearing to hear comments on their imposition. The City is also required to cause the notice of the public hearing to be published one time at least ten days prior to the hearing in a newspaper of general circulation. Such a notice was published in the *West County Times* on May 9, 2014.

Agenda Item No. 6(A)

The purpose of this public hearing is to confirm the diagram and the assessment, as appearing in the Engineer's Report. The procedures for conducting the public hearing and receiving protests are the same as for forming the District; however, there are no provisions for majority protest.

The California Streets and Highways Code Section 22631 specifies the options available to the City Council, as follows:

If a majority protest has not been filed, the legislative body may adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment.

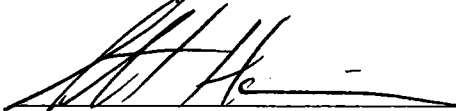
FINANCIAL CONSIDERATIONS

Staff estimates that the current rate of assessment will generate approximately \$771,000 of revenue, which is included in the total revenue estimate for the City's FY 2014-15 Budget. To the extent the expenditures eligible for funding by the LLAD exceed the amount received from this assessment, City staff are in the process of identifying other funding sources and reductions in expenditures, in order to keep the LLAD budget in balance.

LEGAL CONSIDERATIONS

The provisions of the Landscape and Lighting Act of 1972 require that a public hearing be held prior to adopting a resolution levying the annual assessment.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CONFIRMING THE DIAGRAM AND LEVYING THE ASSESSMENT FOR FISCAL YEAR 2014-15 FOR THE LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT NO. 1988-1

WHEREAS, the City of El Cerrito, by Resolution No. 88-53 dated June 6, 1988, adopted Assessment District No. 1988-1 pursuant to the Landscape and Lighting Act of 1972; and

WHEREAS, the City of El Cerrito, by Resolution No. 2014-06 dated April 1, 2014, directed the filing of the Annual Report for Assessment District No. 1988-1; and

WHEREAS, the Engineer of Record, NBS Local Government Solutions prepared and, on April 24, 2014 filed said Annual Report; and

WHEREAS, the City of El Cerrito by Resolution No. 2014-12, dated May 6, 2014, reviewed and accepted said annual report and declared its intent to order improvements and provided notice of a public hearing to be held May 20, 2014, and notice of the hearing was given in the time and manner required by law; and

WHEREAS, in November 1996, the voters approved the Landscape and Lighting Assessment thereby complying with the provisions of Proposition 218; and

WHEREAS, at the public hearing, the City Council afforded to every interested person an opportunity to make a protest to the annual report, and the City Council has considered each protest.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the diagram and assessment as set forth in the Annual Report of the Engineer of Record is hereby confirmed and the assessment set forth therein for Fiscal Year 2014-15 is hereby levied.

BE IT FURTHER RESOLVED this Resolution is adopted pursuant to California Streets and Highways Code §22631.

BE IT FURTHER RESOLVED that upon adoption of this resolution, the diagram and assessment, or a certified copy thereof is hereby directed to be filed with the County Auditor no later than August 10, 2014.

I CERTIFY that at the regular meeting on May 20, 2014 the El Cerrito City Council passed this resolution by the following vote:

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

Agenda Item No. 6(A)
Attachment 1

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May __, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 6(B)

Date: May 20, 2014
To: El Cerrito City Council
From: Lori Trevino, Senior Financial Analyst
Lisa Malek-Zadeh, Finance Director
Subject: Fiscal Year 2014-15 Storm Drain Annual Report and method of collecting storm drain fees

ACTION REQUESTED

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2014-15 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

BACKGROUND

In March 1993, the voters of the City of El Cerrito approved the issuance of \$6.3 million in revenue bonds for the reconstruction of the City's storm drain system. In June 1993, the City Council adopted Ordinance 93-4, which amends Title 4 (Revenue and Finance) of the El Cerrito Municipal Code by adding a new Chapter 4.44, providing for the imposition and collection of Storm Drain Fees to pay the debt service on the revenue bonds. Ordinance 93-4 set the Storm Drain Fee at \$58 for each single-family residential property and other amounts for other property types.

Ordinance 93-4 further provided that the Storm Drain Fees are to be collected on the property tax roll, based on amounts specified in an annual written report. Attachment 2 to this staff report is the FY 2014-15 Storm Drain Annual Report (Annual Report) which contains the description of each parcel of real property receiving storm drain services and the amount of the annual fee for each parcel. The engineering firm of NBS Local Government Solutions prepared the Annual Report.

The City must annually conduct a public hearing to consider the method of collecting the Storm Drain Fees. Notice of such a public hearing must be made at least twice within a two-week period, as specified in Government Code §6066, as follows:

Publication of notice pursuant to this section shall be once a week for two successive weeks. Two publications in a newspaper published once a week or oftener, with at least five days intervening between the respective publication dates not counting such publication dates, are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the fourteenth day, including therein the first day.

Agenda Item No. 6(B)

The City met this notification requirement by publishing the notice of public hearing in the *West County Times* on May 5, 2014 and May 12, 2014.

This hearing is not for consideration of the amounts of the Storm Drain Fees, which were already set by the City Council by adoption of Ordinance 93-4; however, the City Council may consider corrections to the use classification of properties in the Annual Report.

ANALYSIS

The City Council needs to determine whether a majority protest exists with respect to the method of collecting the Storm Drain Fees. If a majority protest is lodged against collecting these fees on the property tax roll (as a method of collection), the Storm Drain Fees shall be collected on behalf of the City by a public utility and the City Council would be required to authorize negotiation of an agreement with such a utility.

If the City Council finds that protest is made by the owners of a majority of the parcels of property described in the Annual Report, then the Annual Report shall not be adopted. In the event of such majority protest, the Storm Drain Fees may be collected with the rates for any publicly or privately owned utility through an agreement with such utility.

The administrative costs of collecting the Storm Drain Fee through utility services are substantially higher than by using the property tax bill. Also, if collected through a utility, the Storm Drain Fees would not constitute a lien against any parcel or parcels of land, which would make delinquent collections far more cumbersome and costly.

Since the amount of the Storm Drain Fee is based on property use, the public hearing also provides an opportunity for property owners to contest the fee amount based on the actual use of their property. The City Council may accordingly adjust the fee amount based on the property use.

The adoption of the Annual Report requires the same two-thirds vote as was required to enact Ordinance 93-4. If approved, the Annual Report must be filed with the County Auditor-Controller not later than August 10, 2014, per California Health and Safety Code Section 5474.4, as follows:

On or before the tenth day of August of each year following such final determination, the legislative body shall certify to the auditor a list of the lots or parcels of land, as they appear on the current assessment roll, subject to such fees or charges and the amounts of the installments of such fees or charges and interest to be entered against such lots or parcels on the assessment roll.

FINANCIAL CONSIDERATIONS

The annual Storm Drain Fee will continue to be assessed at \$58 for each single-family residential unit. Such a rate is expected to generate annual revenues of approximately \$698,000. The last debt service payment on the Storm Drain Revenue Bonds was paid in FY 2013-14. Therefore, the FY 2014-15 proceeds of the Storm Drain Fees will be used

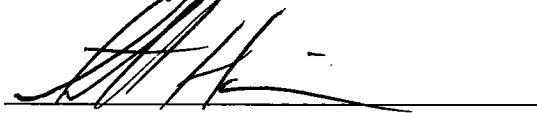
Agenda Item No. 6(B)

to fund storm drain improvements, maintenance and related activities which will be reflected in the City's FY 2014-15 Budget.

LEGAL CONSIDERATIONS

California Health and Safety Code Section 5470 et seq. requires that a public hearing be held prior to adopting a resolution to accept the Annual Report and levying the annual Storm Drain Fees. The City has complied with the minimum public notice requirements.

Reviewed by:

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

Scott Hanin, City Manager

Attachments:

1. Resolution
2. FY 2014-15 Storm Drain Annual Report

RESOLUTION 2014-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ADOPTING THE FISCAL YEAR 2014-15 STORM DRAIN ANNUAL REPORT AND DIRECTING THAT STORM DRAIN FEES FOR FISCAL YEAR 2014-15 BE COLLECTED THROUGH THE PROPERTY TAX ROLLS

WHEREAS, the City of El Cerrito, by Ordinance 93-4, directed the filing of an annual report for the imposition and collection of storm drain fees; and

WHEREAS, the Engineering firm of NBS Local Government Solutions has prepared said Fiscal Year 2014-15 Storm Drain Annual Report (the "Annual Report"); and

WHEREAS, the City provided notice on May 5, 2014 and May 12, 2014 of a public hearing to be held by the City Council, with the notice of the hearing being given in the time and manner required by law; and

WHEREAS, at the public hearing the City Council afforded to every interested person an opportunity to make a protest to the Annual Report and the City Council has considered each protest.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby confirms the storm drain fees as set forth in the Annual Report, directs the collection of these fees through the property tax rolls, and directs the City Clerk to file the Annual Report or a certified copy thereof with the County Auditor-Controller not later than August 10, 2014.

I CERTIFY that at the regular meeting on May 20, 2014 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May ___, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



City of El Cerrito

Storm Drain Reconstruction Project

Fiscal Year 2014/15

Main Office

32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516 Fax: 951.296.1998

Regional Office

870 Market Street, Suite 1223
San Francisco, CA 94102
Toll free: 800.434.8349 Fax: 415.391.8439

CITY OF EL CERRITO
10890 San Pablo Avenue
El Cerrito, California 94530
Phone - (510) 215-4300
Fax - (510) 215-4319

CITY COUNCIL

Janet Abelson, Mayor

Rebecca Benassini, Mayor Pro Tem

Jan Bridges, Councilmember

Mark Friedman, Councilmember

Greg Lyman, Councilmember

CITY STAFF

Lisa K. Malek-Zadeh, Finance Director/City Treasurer

Lori Trevino, Senior Financial Analyst

NBS

Tim Seufert, Client Services Director

Jason Roth, Consultant

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1. EXECUTIVE SUMMARY

On March 2, 1993, the qualified voters of the City of El Cerrito (the "City") approved the issuance of revenue bonds, in an amount not to exceed \$6.3 million, to finance the first phase of the reconstruction of the City's storm drain system. The qualified voters also approved the repayment of those bonds through the imposition of an annual storm drain fee on property within the City.

Section 5470, et seq. of the *California Health and Safety Code* authorizes cities to enact an ordinance, approved by a two-thirds vote of the members of the legislative body, establishing fees and charges for services and facilities furnished by the City in connection with its storm drain system. The proceeds of these fees and charges may be used only for the acquisition, construction, reconstruction, maintenance, and operation of its storm drain facilities, including the repayment of principal and interest on bonds issued to finance the construction or reconstruction of such facilities.

The storm drain fees and charges shall be used exclusively for the uses and purposes of the storm drain system and for the payment of interest and redemption, including premiums payable from the calling of bonds, for those bonds authorized by the qualified voters on March 2, 1993, and for the payment of interest and redemption, including premiums payable from the calling of bonds, for any other bonds for storm drain construction or reconstruction which may be authorized in the future, provided that such bonds are approved in the manner required by California law.

The authorized amounts and rates for storm drain fees and charges are as follows:

Classification	Rate
Single Family residential	\$58.00 per unit
Multi Family residential 2 through 20 units	43.50 per unit
Multi Family residential over 20 units	870.00 plus 29.00 for each unit over 20
Commercial/Industrial	870.00 per acre
Institutional (Churches, Schools, Fraternal and Service Organizations)	406.00 per acre
Golf Courses, Cemeteries, Vacant Land	11.60 per acre

The following table summarizes the annual levy by Classification of parcel:

Classification	Number of Parcels (1)	Levy Total (2)
Single Family residential	7,507	\$440,386.00
Multi Family residential	617	119,886.00
Commercial/Industrial	259	102,970.58
Institutional (Churches, Schools, Fraternal and Service Organizations)	51	32,114.04
Golf Courses, Cemeteries, Vacant Land	218	2,404.72
Total:	8,652	\$697,761.34

(1) Includes parcels divided by City boundaries.

(2) Total amount may vary slightly due to rounding adjustments.

2. ASSESSMENTS

2.1. Method of Assessment

The number of Equivalent Residential Units ("ERUs") was determined for each parcel based upon an estimate of the impervious surface associated with the use of the property.

- 1) Single Family (detached) Residential ("SFR") parcels were assumed to have an average of 2,900 sq. ft. of impervious surface. Approximately 90% of the properties in the City are SFR. These parcels were assigned 1.0 ERU.
- 2) Multi Family dwelling unit complexes of up to 20 units were assigned 0.75 ERU (2,175 sq. ft) of impervious surface area per unit. Complexes of more than 20 units were assigned 15 ERU plus 0.5 ERU (1,450 sq. ft) for each unit over 20.
- 3) Commercial/Industrial uses were assigned 15.0 ERU (43,560/2,900 sq. ft.) of impervious surface area per acre.
- 4) Institutional uses such as Churches, Schools, Fraternal, and Service Organizations were assigned 7.0 ERU (21,000 sq. ft.) of impervious surface area per acre based upon the Contra Costa County Report on Stormwater Utility Assessment dated March 1994 (County Report).
- 5) Golf courses, cemeteries, and other open spaces were assigned 0.2 ERU (580 sq. ft.) per acre based upon the County Report.

The storm drain fee for a parcel is calculated by multiplying the number of ERU assigned to such parcel by the rate per ERU. The rate for the 2014/15 Fiscal Year is \$58.00/ERU.

The following table shows a breakdown of Classification of parcels by County Use Code and the associated rates for Fiscal Year 2014/15:

Classification	County Use Code (1)	ERU (2)	Rates
Single Family residential	11, 12, 13, 14, 15, 16, 19, 29, 89	1.0	\$58.00 per unit
Multi Family residential 2 through 20 units	21, 22, 23, 24, 25, 26, 27, 28	0.75*n	43.50 per unit
Multi Family residential over 20 units	21, 22, 23, 24, 25, 26, 27, 28	15.0 + 0.5*m	870.00 + 29.00 for each unit over 20
Commercial/Industrial	31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 46, 47, 48, 49, 53, 85	15.0*A	870.00 per acre
Institutional (Churches, Schools, Fraternal and Service Organizations)	70, 71, 72, 75, 76	7.0*A	406.00 per acre
Golf Courses, Cemeteries, Vacant Land	10, 17, 18, 20, 30, 37, 38, 50, 63, 74, 78, 81	0.2*A	11.60 per acre

(1) Use Code 79 is assigned to Government Owned, and is not charged

(2) n = number of residential units up to 20

m = number of residential units over 20

A = acreage, per Contra Costa County Assessor or City Estimate

2.2. Collection of Fees and Charges

The storm drain fees and charges shall be collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the City's general taxes.

The City Council shall have prepared each year, prior to the commencement of the fiscal year, a written report which shall be filed with the City. The report shall contain a description of each parcel of real property receiving storm drain services and the amount of the annual fee and charge for each parcel. This charge shall be computed in conformity with the fees and charges prescribed in the report.

2.3. Annual Hearing

Each year, prior to the commencement of the fiscal year, the City Council shall hold a public hearing at which the Council shall hear and consider all objections and protests, if any, to the written report. The City Council may continue the hearing from time to time. If the City Council finds that protest is made by the owners of a majority of the parcels of property described in the report, then the report shall not be adopted. In the event of such majority protest, the storm drain fees and charges shall be collected with the rates for any other publicly or privately owned public utility through agreement with such utility. If collected in this manner, the storm drain fees and charges shall not constitute a lien against any parcel or parcels of land.

2.4. Notice

Notice of the filing of the report and of the time and place of hearing thereon, shall be published once a week for two consecutive weeks prior to the hearing, in a newspaper of general circulation printed, published or distributed in the City.

3. LIST OF CHARGES

The parcel list of charges is provided as a separate document.

A copy of the parcel levy list contains owner names and addresses. The List of Charges - Levy List is available for review at the following locations:

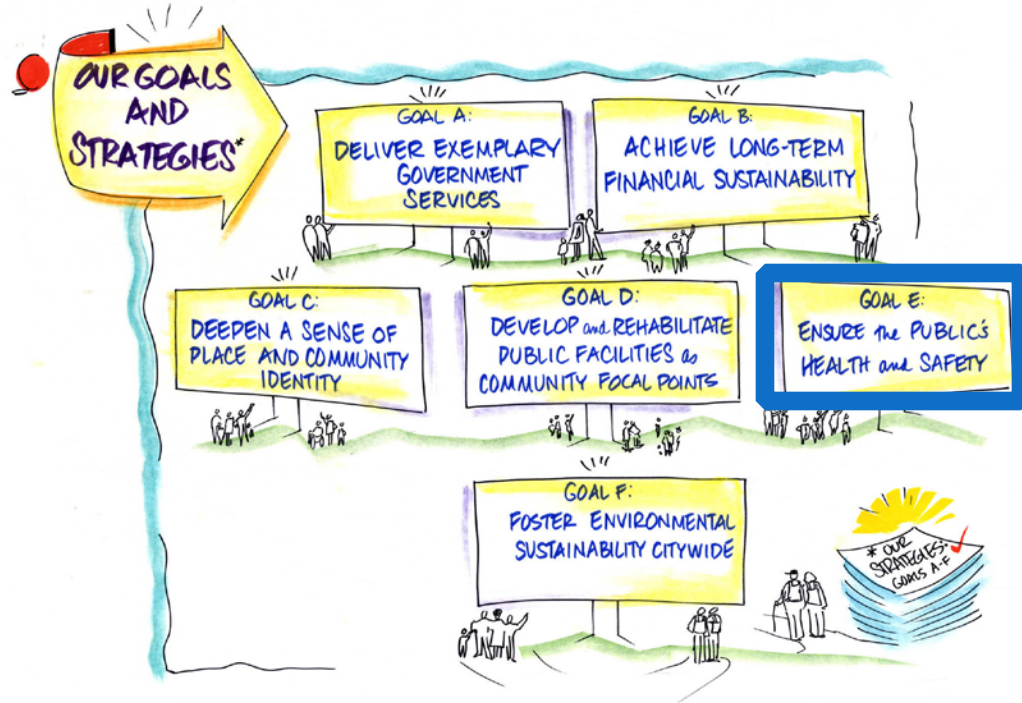
**1) OFFICE OF THE CITY CLERK
EL CERRITO CITY HALL
10890 San Pablo Avenue
El Cerrito, CA 94530
(510) 215-4305**

**2) EL CERRITO LIBRARY
6510 Stockton Avenue
El Cerrito, CA 94530**

STUDY SESSION SMOKING POLLUTION PROTECTION ORDINANCE

*City of El Cerrito
City Council Meeting
May 20, 2014*

El Cerrito Strategic Plan



- Goal E: Ensure the Public's Health and Safety
 - Strategy: Explore innovative and best practices for promoting public health (e.g., smoking ordinances, nutrition, and obesity prevention).

Why Smoking Pollution Protection?

□ Risk to Public Health



□ Financial Drain



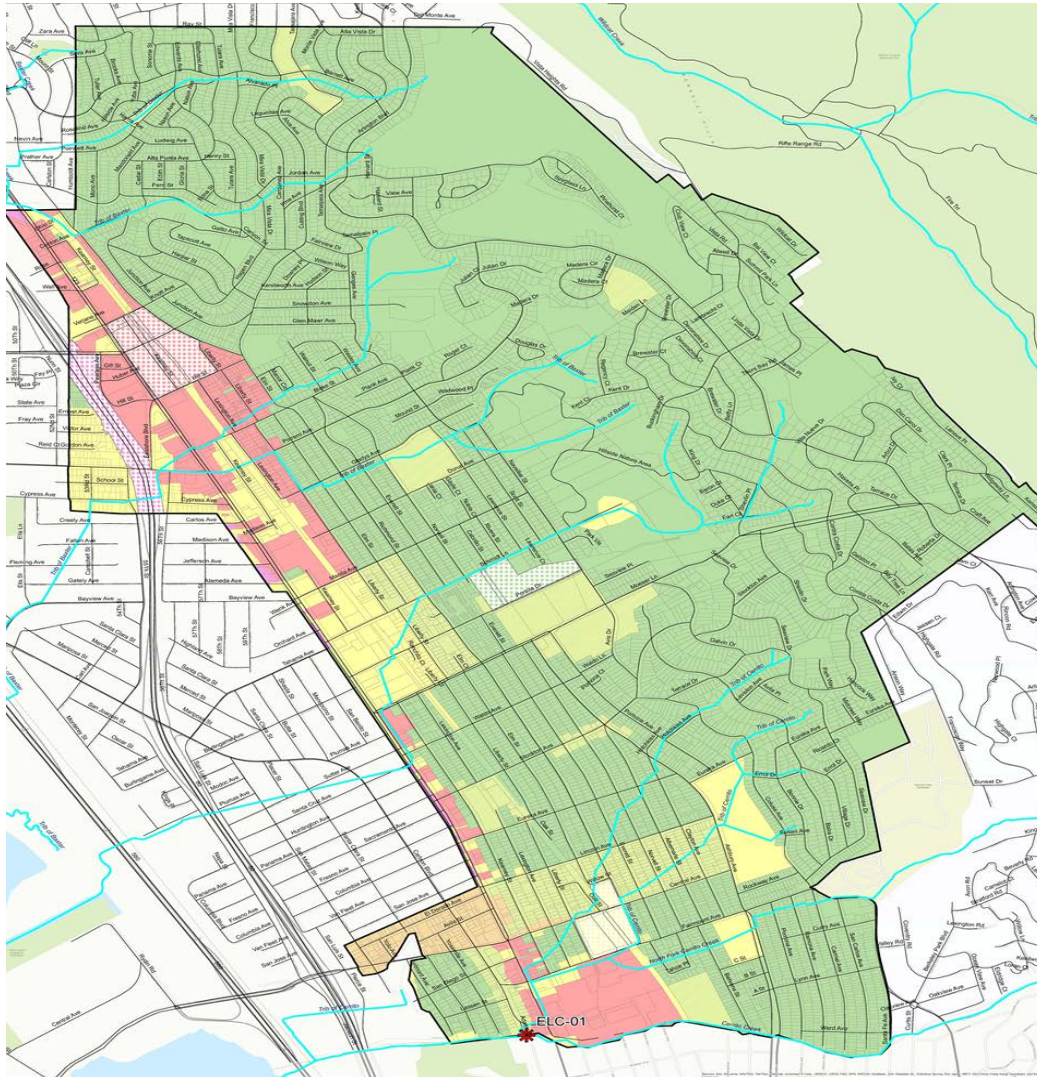
□ Environmental Risk



□ Safety



El Cerrito Trash Generation Map



Legend

Trash Generation Category

- Low
- Low/Medium
- Medium
- Medium/High
- High
- High/Very High
- Very High

- Creek/Shoreline Hotspot
- Non-Jurisdictional (Dot color = Generation Category)
- Parcel Boundary

■ Highest concentration of trash is in commercial areas

■ On Earth Day 2014, 4300 cigarette butts were collected along San Pablo Avenue



Smoking Pollution Protection Ordinance

- Proposed Smoking Pollution Protection Ordinance could potentially regulate smoking within the City limits and/or in the following categories:
 - Parks, recreation areas, and open space
 - Indoor public spaces
 - Multi-unit family housing
 - Commercial zones and outdoor public spaces
 - Businesses that sell tobacco products



Current California State Regulations

- Government Buildings
 - Smoking is prohibited within 20 feet of entrance or operable window of a public building
- Parks & Recreation Areas
 - Smoking is prohibited within 25 feet of tot lots and playgrounds
- Multi-Family Housing
 - Smoking banned in indoor common areas where someone is employed (property manager, maintenance worker, etc.)
 - Landlords required to inform tenants about areas on site where smoking is prohibited
- Tobacco Sales
 - State law currently regulates access to and sales of tobacco products as well as the sampling of these products



El Cerrito's Report Card



American Lung Association's report examines 3 categories:

1. Outdoor smoking restrictions = **F**
 2. Requirements for non-smoking units in multi-unit housing = **F**
 3. Local licensing and sales restrictions for retailers = **F**
- 61% of California municipalities received F grades
 - Only 18 cities/counties in California received A grades
 - Contra Costa County: Richmond, unincorporated Contra Costa (including Kensington)
 - Alameda County: Albany, Berkeley, Dublin, Union City
 - Marin County, San Rafael



Parks, Recreation Areas, and Open Space

Options:

- All recreation areas 100% smokefree
- Smoking restricted in all parks, recreation areas, and open space, but designated smoking areas are permitted
- Smoking prohibited in some parks but not all recreation areas



Commercial Areas

Considerations:

- ❑ Sidewalks (i.e. San Pablo Avenue, Fairmount Avenue)
- ❑ Shopping Centers
- ❑ Transit stops
- ❑ Service areas and other outdoor locations where people congregate (ATM lines, taxi stands, etc.)



Multi-Family Housing

Options:

- Ban outright every unit (current and new)
- Ban outright any new units built since law passed (current units grandfathered in)
- Partial ban with designated smoking areas/units
- Ban in common areas, shared space, patios, balconies, carports



Considerations:

- Number of units (2 or more? 3 or more? 4 or more?)
- Segregation of units/buildings
 - Signs for smoking/non-smoking
 - Percentage of smokers/non-smokers
- Senior and Affordable Housing
- Hotels/Motels
- Medical Marijuana

Reducing Sales of Tobacco Products

Separate ordinance regulating businesses could include:

- Tobacco Retailer Licensing: require all retailers to obtain a special license to sell tobacco within City
- Restrict or prohibit sales near schools or parks
- Restrict or prohibit sales within pharmacies
- Prohibit tobacco sampling within the City



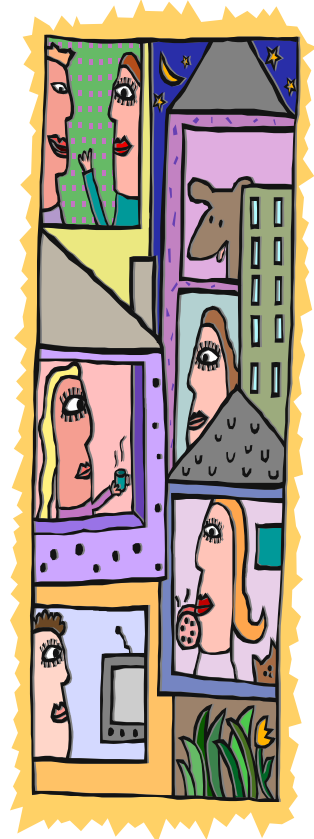
Contra Costa County Comprehensive Secondhand Smoke Protections Ordinance

Prohibits smoking:

- ☐ In any indoor workplace and buildings open to the public
- ☐ Within 20 feet of all doors, operable windows, air ducts and ventilation systems of enclosed places open to the public
- ☐ Outdoor dining at bars and restaurants
- ☐ On public trails and in public parks
- ☐ Service areas (ATM lines, bus stops, ticket lines)
- ☐ Public events (farmer's markets, etc.)
- ☐ CCRMC campus and clinics

In Multi-family housing of 2 or more units, smoking is prohibited:

- ☐ All indoor and outdoor common areas
- ☐ Within 20 feet of all doors and windows of any residence
- ☐ On all balconies, patios, decks and carports for all existing and new multi-unit housing residences
- ☐ In 100% of all new MFH units
- ☐ Landlord disclosure of where smoking is permitted is required



Other Contra Costa & Alameda County

Cities with SHS Protections

Outdoor Protections

- ▣ Martinez, Pinole, Pleasant Hill, Richmond, Lafayette, San Ramon Walnut Creek
- ▣ Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Oakland, San Leandro, Union City

Multi-Family Housing Protections

- ▣ Martinez, Pinole, Pleasant Hill, Richmond, Lafayette, San Ramon
- ▣ Albany, Dublin, Emeryville, Fremont, Oakland

100% Smokefree MFH

- ▣ Richmond, Walnut Creek
- ▣ Alameda, Berkeley, Union City



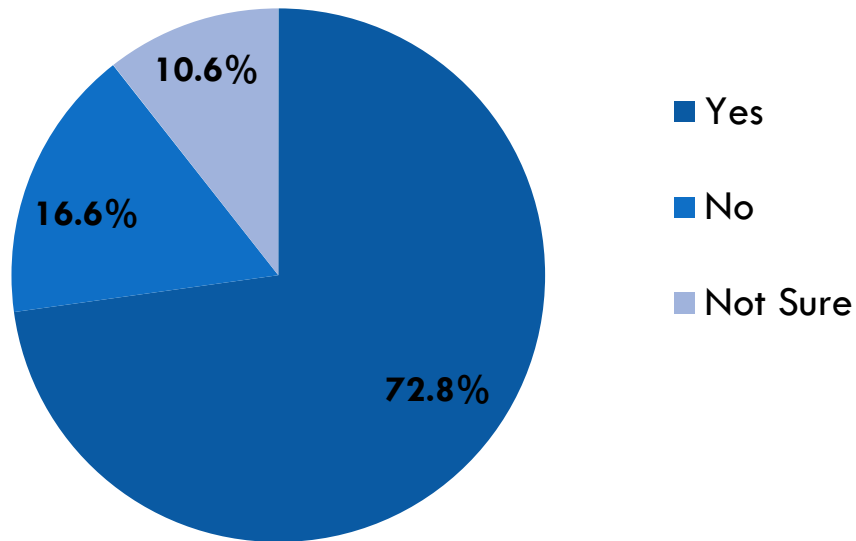
ENDDs: “E-Cigarettes”

- Electronic Nicotine Delivery Devices (such as e-cigarettes) are being considered by a growing number of cities for regulation in the same way as tobacco products
 - ENDDs are prohibited where smoking is prohibited in and requires a Tobacco Retailers License to sell these products in Contra Costa County and City of Richmond
 - City Council could consider including this type of delivery system in any proposed smoking pollution protection ordinance



El Cerrito Online Survey Results

Would you like to see the City of El Cerrito enact regulations to protect the public from secondhand smoke?



- 158 respondents as of 5/12/2014

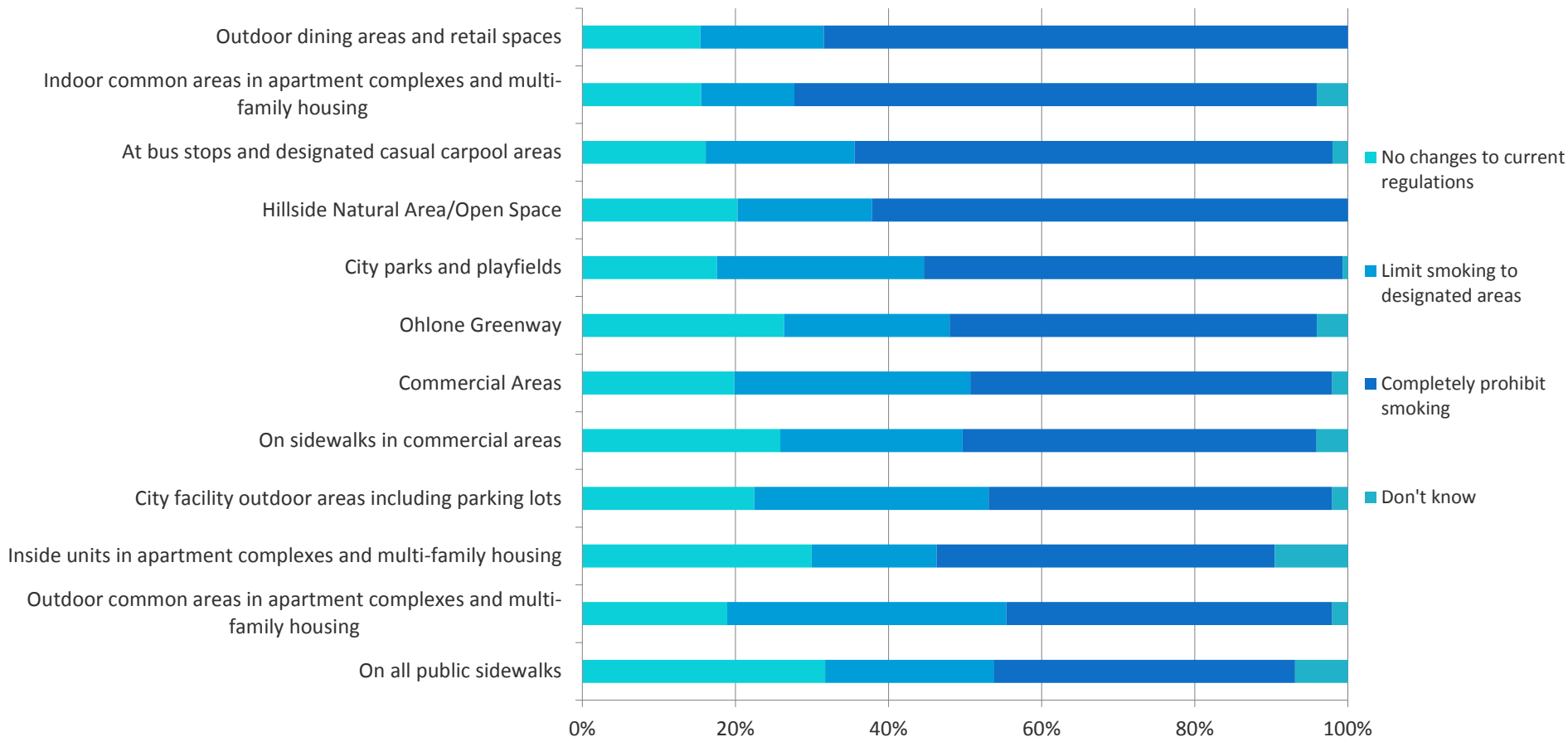
- 93% reported that they live, work, or own property in El Cerrito

- Comments had a wide range of views: mostly supportive of an ordinance, but many also concerned about overreach of City government in this type of regulation



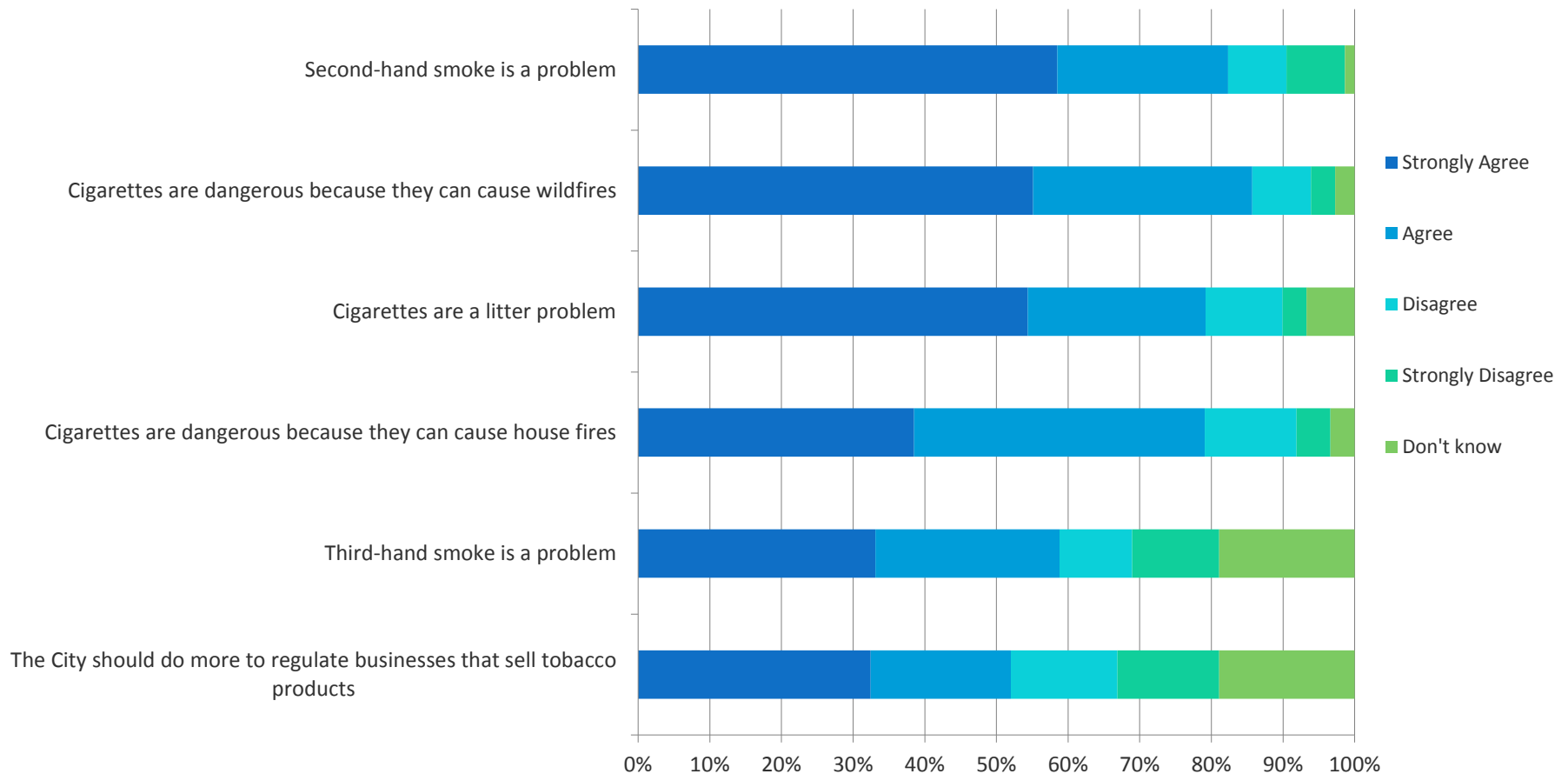
El Cerrito Online Survey Results

What types of smoke protection regulations would you like to see in El Cerrito?



El Cerrito Online Survey Results

What is your opinion regarding the following statements as they relate to El Cerrito?



Community Meeting 2/27/2014

- Participants agreed that regulation was necessary
 - ▣ Some suggested considering a complete ban within entire City limits
- Litter, especially in commercial areas, perceived as a growing problem
 - ▣ Regulations should deter litter in addition to use
- Important for stormwater runoff: litter is polluting the Bay
 - ▣ Impact on performance with stormwater Municipal Regional Permit
- Culture change: enforcement may not end up being perfect, but the message that El Cerrito seeks to protect its citizens from a public health issue is important



Next Steps – El Cerrito

- ❑ City Council direction on options
- ❑ Continued Outreach to specific groups (Landlords, Tenants, Chamber of Commerce, business groups)
- ❑ Community Input on Draft Ordinance
- ❑ City Council Consideration July/August



Options Discussion

- Level of restriction within El Cerrito
- Parks, Open Space
- Commercial Areas
- Multi-Family Housing
- Other considerations
 - Medical Marijuana
 - E-Cigarettes
 - Tobacco Sales Regulations





AGENDA BILL

Agenda Item No. 7(B)

Date: May 20, 2014
To: El Cerrito City Council
From: Wall of Fame Nomination Subcommittee
Subject El Cerrito Wall of Fame Recommendation

ACTION REQUESTED

Approve the City Council Wall of Fame Nomination Subcommittee's recommendation to induct Tom Panas into the El Cerrito Wall of Fame and direct the City Clerk to return with a resolution confirming the appointment and schedule the formal induction ceremony in either July or August 2014 pending the availability of all parties involved.

BACKGROUND

Information pertaining to the Wall of Fame was advertised in the citywide newsletter and publicized in local newspapers. The deadline for submission of nomination forms was March 15, 2014. As a result, the City Council received a nomination prepared by long-time resident Frank Storno for Tom Panas. The completed nomination form was transmitted to the City Council on April 1, 2014. On April 1 the City Council appointed Councilmember Bridges and Mayor Pro Tem Benassini to the Council's Subcommittee on Wall of Fame Nominations to review the application. On May 4, 2014 Mayor Pro Tem Benassini notified the City Clerk that the Subcommittee had reviewed the nomination materials submitted by Mr. Storno and had determined that Mr. Panas meets all of the criteria for induction to the Wall of Fame and requested that the City Clerk forward the recommendation to the City Council for consideration.

Resolution No. 2008-77 establishes guidelines and policy for nomination and selection of Wall of Fame inductees. Each candidate and sponsor has been contacted to inform them of the subcommittee's recommendation.

Attachments:

1. Nomination of Tom Panas
2. Resolution No. 2008-77

February 27, 2014

RECEIVED

MAR 13 2014

City of El Cerrito
City Clerk

Cheryl Morse, City Clerk
City of El Cerrito
10890 San Pablo Ave
El Cerrito, CA 94530

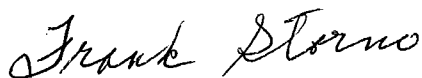
Dear Mrs. Morse,

My name is Frank Storno one of your long-time residents, who was recognized by the City of El Cerrito as the first baby born in this city on January 1, 1917. I still live in El Cerrito and through the years have come to closely know an exceptional person I am nominating for the Wall of Fame—Tom Panas.

As described on my attached nomination form, Tom is a resident of El Cerrito who enjoys finding ways to tirelessly serve his local El Cerrito community. I have come to know and appreciate him from his dedicated volunteer work with the El Cerrito Historical Society. His perseverance in researching, documenting, educating and advocating to preserve El Cerrito's history has made a tremendous contribution to our city and the region that we can all be proud of.

I hope the committee finds that Tom Panas meets and exceeds the standards for being accepted to the Wall of Fame—I certainly believe he does. Should you need further information, feel free to reach me at [Phone number redacted]

Sincerely,



Frank Storno

Copy

CITY OF EL CERRITO WALL OF FAME NOMINATION

Name and Address of Nominee:

Tom Panas
Address redacted

Date:

February 24, 2014

Note: The nominee must be a resident of the City of El Cerrito.

Describe the activities for which recognition is sought. Indicate whether each activity is non-profit if it is not inherently obvious.

Tom has a long distinguished record of service to the El Cerrito community. So much of his service has been through his tireless volunteer work with the Historical Society which involved tremendous commitment of time and passion researching and documenting the historic untold stories of the city's growth; finding, encouraging and interviewing longtime residents like me and my 99 year old sister to record our stories growing up here from 1917; educating the public about our vibrant, diverse heritage and most importantly becoming a steadfast advocate for successfully preserving several historic sites. See attached.
How long has the nominee been actively engaged in carrying out this activity(s)?
Tom has been an active member of the Historical Society since 2000.

How does the activity(s) benefit or potentially benefit residents of El Cerrito?

Tom's activities educating the public about the city's heritage and advocating for the preservation of historic sites brings great pride to El Cerrito citizens, businesses and the at-large communities of Contra Costa County.

Please list the names and addresses of any groups or organizations that recognized the person's activities on behalf of the community. Please state how recognition was given and when.

(1) 5/24/10 - Historic Preservation Award from Richmond Historic Preservation Advisory Committee. (2) 10/11/12 - Certificate of Appreciation for Preserving Japanese Heritage from Contra Costa County Japanese-American Citizens League. (3) 1/25/14 - (continued below)

Submitted by: Frank Storno
Signature

Name of individual or organization: Frank Storno

Address: Address Redacted

Phone nu

continued: Life Membership Achievement Award from the El Cerrito Historical Society

Tom Panas - Wall of Fame supporting information

Society Leadership

Tom joined the El Cerrito Historical Society in 2000. At the time the Society was largely inactive. Since then it has become an active and engaged part of the El Cerrito community. He has served on the Board almost continuously since first appointed to fill a vacancy. He has served four terms as President is now serving his fifth term as Treasurer.

Since joining the Board Tom has secured grants, donations, and other funds for the Society of over \$14,000. No one else has even raised close to \$1,000.

Tom has been the editor of the Forge, the official publication of the Society, for many years. He strives for strict accuracy in the Forge and has personally written a number of the feature stories over the years.

Tom has consciously recruited women for the Society Board and he has mentored them to ensure that they become effective and respected Board members.

Historic Resources

Tom's efforts resulted in the Chung Mei Home campus being declared eligible for listing on the National Register of Historic Places. No one else ever had the vision or knowledge to understand that El Cerrito might have places that were eligible for listing on the National Register. Tom did all the required research, wrote the nomination, took photographs that were compliant with the required standards, testified at the State Historic Resources Commission, and shepherded the application through the process.

Tom researched and wrote El Cerrito's Draft Citywide Historic Context Statement (currently a 130 page document.) This document defines the important themes underlying the development of the El Cerrito and is the basis on which certain kinds of historic significance are established.

Tom has invested significant time and effort to make sure that all persons and government bodies in El Cerrito understand how CEQA affects structures in El Cerrito that may have historic significance.

Since 2006 Tom has been working to engage the community to ensure that any development on the former Rodini property at 1715 Elm Street properly acknowledges the significance and unique nature of that site and also preserves one of the few open creeks in the residential part of El Cerrito. His lengthy efforts have led to the developer recently submitting a site development plan that retains both the creek and the historic residence on the site. The Design Review Board recently gave conceptual approval to this plan.

Since 2008 Tom has been working diligently to involve the community and ensure that the Contra Costa Florist site, the last remnant of El Cerrito's once-thriving Japanese Nursery Industry, was properly redeveloped. His dedicated efforts caused Eden Housing to submit plans for the site that include both preserving the nursery retail shop and the creation of world-class onsite interpretive materials and design that commemorate El Cerrito's Japanese heritage. The Planning Commission has now approved this plan. Attached are two completely unsolicited documents that comment on Tom's involvement in this project: one from Eden Housing's Project Manager and one from El Cerrito's Development Services Manager.

Collection and Research

Tom has combined travel for his job with visits to interview old-timers across the state and across the country. As a result of his hundreds of interviews his notes contain a remarkable historic record; in the process he has scanned or collected over 5,000 images and documents for the Society's collection. As part of this effort he has visited and interviewed many, many members of El Cerrito's historic Italian Community and has made a particular effort to document the "Little Italy" neighborhood that once existed in El Cerrito.

Tom negotiated the donation to the Society of an original set of the Chung Mei Chronicles (1928-1944) and travelled to Tennessee to pick up these very significant documents. This donation of the Chung Mei Chronicles is likely the most important cultural artifact the Society will ever obtain.

Tom negotiated the donation to the Society of a wooden door from a Castro family building; the door had been at the home of a Castro descendant for about 60 years.

Tom negotiated the donation to the Society of more than 100 very rare images of the Chung Mei Home and residents when the home was still located in Berkeley.

Tom negotiated the donation to the Society of the Earl and Frances Conley papers. In their lifetimes the Conleys were renowned researchers of the Castro family and Rancho San Pablo. They who assembled a large, unique, and invaluable set of papers and materials in their many trips to Mexico, the southwest, and local libraries.

As a result of Tom's research and collection work the Society is now is the primary repository in America of historical information on the following subjects:

The Chung Mei Home and its successor institutions (Western Baptist Bible College, Armstrong Preparatory School, and Windrush School.) In the Shadi Room there are a number of diagram, blueprints, documents, and photos of these institutions, including rare and unique images of the Chung Mei Home.

The family and adobe of Victor Ramon Castro and the settlement of Rancho San Pablo. The Society's collection includes a large number of photos of Victor Castro's adobe. The Society also has a number of relevant documents about the Castro family as well as the unique set of papers and materials collected by Frances and Earl Conley, renowned researchers of Rancho San Pablo.

The Japanese Nursery Community in West Contra Costa County. Tom's research and collection work has endowed the Society with a unique and comprehensive set of photographs as well as documents that chronicle the history of the Japanese community and nurseries in West Contra Costa County as well as in the Bay Area. He is the local expert on this topic.

Public Access

Tom researched, wrote, and assembled the very popular book *Images of America - El Cerrito*.

Tom edited, laid out, and published *Harem Scarem in El Cerrito*, Neva Carpenters' book about growing up in El Cerrito.

Tom designed and assembled the materials for the Society's original web site in 2006 and has continued to update it over the years. He has created an annotated list on the web site of more than 150 books and documents that contain significant information about El Cerrito. This has included gathering and scanning more than 50 maps and other difficult to find documents so that they are easy to download from the website. Tom also authored for the website several documents on subjects ranging from the numbered roads in Rancho San Pablo to a chronology of the local streetcar system.

Tom regularly hosts visitors from out of town/out of the country who have a family or social connection to El Cerrito and ensures that the visitors are able to make the most of their time on the area.

Tom proposed, drafted, and implemented a photo sharing arrangement with first the Contra Costa County Historical Society and later the Richmond Museum of History. This arrangement is now being pursued by other local historical societies.

Tom's investigation and research on the Japanese nursery community in El Cerrito led to the unveiling and documentation of a highly significant part of El Cerrito's ethnic history. This material had been almost completely ignored by other historians.

Tom conceived, researched, planned and executed the highly successful Japanese Flower Grower Heritage celebration and exhibition in October, 2009. This exhibition won Tom a Historic Preservation Award from the City of Richmond in 2010. This exhibition, which was reprised at El Cerrito City Hall in 2010, has led to truly a remarkable flowering of interest in and study of the local Japanese heritage by the Japanese community itself.

Tom regularly opens the Dorothy and Sundar Shadi History Room to the public and also opens the Room by appointment when requested by a researcher. Once a year he hosts a special opening of the History Room for the City staff.

Tom wrote both the Collection Policy (defining what the Society collects in the Shadi Room) and the Reference Policy (defining how the collection in the Shadi Room may be accessed and used.)

Tom promoted and drafted the City Council resolution dated Dec. 6, 2010 which proclaimed "Fred Korematsu Day" in El Cerrito.

Tom drafted most of the City Council Resolution dated May 4, 2011 which proclaimed "Chung Mei Home for Boys Day."

Tom drafted the initial text for most of the San Pablo Avenue historic pavers. He also recruited most of the old-timers who contributed to the project audio recordings of their memories about the subject of each paver.

Tom regularly gives presentations to the Society membership, to clubs, to City commissions, and to other groups in El Cerrito on subjects such Farms & Dairies in El Cerrito, Railroads in El Cerrito, Sunset View Cemetery, and many more.

Other activities:

Tom is an active supporter of local library efforts. He is a member of the Friends of the El Cerrito Library and works every year at the book sale. He is one of the original members of the El Cerrito New Library Committee. He also has a "Little Free Library" in front of his house.

Tom has served on the Parks and Recreation Commission and is currently in his second term as a Library Commissioner. Although he is the alternate, he has failed to attend only two Library Commission meetings in five years.

Tom supports the El Cerrito Community Foundation's Sundar Shadi Holiday Display. For many years he has worked as part of the team that sets up the exhibit and he also works multiple evening shifts staffing it each year.

Tom organized and led a team to translate a 250-page Japanese language book that he discovered in 2012. This book was published by the Consumer's Cooperative of the Topaz (Utah) internment camp. The Topaz camp had a peak population of over 8,000 internees and was the camp to which most of the West Contra Costa County Japanese were sent during World War II. This book contains invaluable cultural, historic, and demographic information about the Topaz camp. Late last year the team completed a first draft of the translation.

Subject: thanks for the holiday cheer
From: Woody Karp (WKarp@edenhousing.org)
To: tmpanas@yahoo.com;
Date: Monday, December 9, 2013 3:19 PM

Tom-

I was quite touched by your note and wanted to express my thanks to you for the incredible effort you made to on behalf of this project. You truly care about the El Cerrito community and its wonderful history. I have met with passionate advocates in communities on many occasions but I have never had the pleasure of working with someone actually rolled up his or her sleeves to work with me to make sure the project works (and achieves the goal advocated for). You truly walk the walk.

I hope you have a wonderful holiday.

Best,

Woody

Woody Karp

Eden Housing

22645 Grand Street

Hayward, CA 94541

510 247 8119- direct

510 589 3483- cell

Subject: Thank you
From: Margaret Kavanaugh-Lynch (MKavanaugh-Lynch@ci.el-cerrito.ca.us)
To: tmpanas@yahoo.com; liiyama@hotmail.com;
Date: Wednesday, December 18, 2013 10:28 AM

Hi Laura and Tom:

I understand that Laura will not be in attendance tonight, so I wanted to send this out, today.

Thank both of you for your amazing generosity regarding your time and talents for the benefit of community of the City of El Cerrito. I have never in my career met two volunteers that worked so selflessly for the benefit the community. The high standards you both set, the long hours during the weekend, into the evening....re-writing, re-editing under a very high pressure deadline; I am at a loss to articulate my appreciation. Planners are rarely at a loss for words. So, thank you, each of you. I hope you are proud of the product you helped to create. I look forward to walking through the plaza with you both when the finished product is complete.

I hope you are both having the happiest of holidays.

Margaret Kavanaugh-Lynch
Development Services Manager
Community Development Department
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
(510)215-4332

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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.

RESOLUTION 2008-77

RESOLUTION OF THE EL CERRITO CITY COUNCIL CONFIRMING THE GUIDELINES AND POLICY FOR NOMINATION AND SELECTION OF WALL OF FAME INDUCTEES, ESTABLISHING A PROCESS FOR NOMINATION AND SELECTION OF APPOINTMENTS TO THE WALL OF FAME AND ESTABLISHING AN ANNUAL WALL OF FAME EVENT

WHEREAS, at its meeting of September 15, 2008 the City Council appointed Councilmembers Letitia Moore and Jan Bridges to an El Cerrito Wall of Fame City Council Subcommittee; and

WHEREAS, on September 19, 2008 the Wall of Fame City Council Subcommittee met and prepared recommendations for Council consideration regarding the process for nomination and selection of appointments to the Wall of Fame; an Annual Wall of Fame Event; Guidelines for Nomination and Selection of Inductees to the Wall of Fame; and consideration of Miriam Wilkins; and

WHEREAS, the City Council considered and discussed the Wall of Fame Subcommittee recommendation at its meeting of October 20, 2008; and

WHEREAS, the City Council adopted the Wall of Fame Subcommittee's recommendations by unanimous vote with the provision that future Wall of Fame Subcommittees be appointed by the Mayor on an ad-hoc basis.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby establishes the following components of the Wall of Fame Program:

Section 1: PROCESS FOR NOMINATION AND SELECTION OF APPOINTMENTS TO THE WALL OF FAME

A. Future Wall of Fame City Council Subcommittees (Wall of Fame Subcommittee) shall consist of two members of the City Council who will be appointed on an ad-hoc basis by the Mayor for the purpose of reviewing nomination(s) for the Wall of Fame and will make recommendations regarding appointment to the City Council.

B. An annual application deadline of March 15th is established for nominations to the Wall of Fame.

C. Each year, once the application deadline passes, the City Clerk will provide copies of all nomination packages, if any, received that year by the application deadline to the Wall of Fame Subcommittee.

D. The City Clerk will determine when an application is complete. Only complete applications will be passed on to the Wall of Fame Subcommittee for review.

E. Each year, and ad-hoc Wall of Fame Subcommittee shall review the nominations, if any, and provide a written recommendation concerning each nomination to the City Council for consideration on or before May 15th.

F. All persons identified in the nomination papers shall be notified prior to the City Council Meeting of the Subcommittee recommendation(s) and the date and time of the City Council Meeting to consider the recommendation(s).

G. Each year in July, at the City Council meeting scheduled on the third Monday in July, the City Council shall consider the recommendation(s), if any, of the Wall of Fame Subcommittee and induct nominee(s), if any, to the Wall of Fame.

Section 2: ANNUAL WALL OF FAME EVENT

A. Each year the City Newsletter will feature an article showcasing the El Cerrito Wall of Fame which will highlight one of the people inducted into the El Cerrito Wall of Fame and provide a complete list of all persons on the Wall of Fame (living and deceased) and briefly describe why each was inducted in to the Wall of Fame, and announce any new inductee(s) to the Wall of Fame who were appointed at the July City Council Meeting and provide a brief description of that persons achievements and contributions.

B. New inductees to the Wall of Fame shall be invited to and recognized at the Annual Volunteer Recognition Dinner.

Section 3: GUIDELINES/POLICY FOR NOMINATION AND SELECTION OF INDUCTEES TO WALL OF FAME

The purpose and policy for nomination and selection of inductees shall remain as follows:

A. PURPOSE: To reaffirm the City Council's commitment to recognizing citizens of El Cerrito for outstanding community contributions by portrayal on the "Wall of Fame" and to advise employees and the public of the guidelines for Council selection.

B. POLICY: It is the policy of the City of El Cerrito to recognize citizens of El Cerrito who have made substantial contributions to the community over a long period of time through their work on special projects. The persons selected by the City Council shall have their photograph, preferably in the setting of the activity for which they are being recognized, placed on the Wall of Fame located at City Hall. The guidelines for selection are:

1. The Honoree must be a resident of the City of El Cerrito.
2. The work for which an individual is recognized must be an ongoing activity in El Cerrito for at least ten (10) consecutive years, but may be an annual event.
3. The event or activity must be available to potentially benefit all El Cerrito residents.
4. The event or activity must be non-profit in nature.
5. City board, commission or committee service is not in itself grounds for selection. Members may, however, qualify for this award if they have been active in an ongoing activity for the benefit of El Cerrito in addition to serving on a board, commission or committee.
6. Recipients of this honor should have been recognized for their efforts by a citizen group or an organization in El Cerrito, West County, regionally, statewide or nationally.

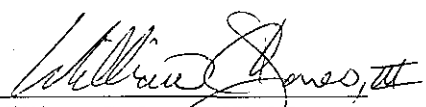
I CERTIFY that at a regular meeting on November 3, 2008 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: Councilmembers Abelson, Bridges, Moore, Potter and Mayor Jones
NOES: None
ABSENT: None
ABSTAIN: None

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on November 5, 2008.


Cheryl Morse, City Clerk

APPROVED:


William C. Jones, III, Mayor