



AGENDA

REGULAR CITY COUNCIL MEETING

Tuesday, October 21, 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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

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

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. El Cerrito Library Strategic Plan Update – *Presentation by Liz Ruhland, Senior Community Library Manager, El Cerrito Library.*

Receive a presentation regarding the Contra Costa Library Strategic Plan and the annual service plan for the El Cerrito Library.

B. Clean Water Program Update – *Presentation by Stephen Préé, Environmental Programs Manager.*

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

A. Minutes for Approval

- 1) Approve the September 22, 2014 Special City Council meeting minutes; and
- 2) Approve the October 7, 2014 Special Joint City Council / Redevelopment Agency Successor Agency Meeting – Closed Session, Special City Council Meeting – Closed Session and the Regular City Council Meeting Minutes.

B. Contra Costa County Community Awareness Emergency Response Proclamation

Approve a proclamation recognizing the importance of preparing for emergencies and encouraging participation in the Contra Costa Community Awareness Emergency Response (CAER) Group's public education efforts and proclaiming November 5, 2014, as "Shelter-in-Place Education Day" in the City of El Cerrito, in support of the parents, teachers, students and staff that will be participating with hundreds of other schools and childcare centers in the Shelter-in-Place Drill.

C. Amend Franchise Agreement with East Bay Sanitary Company

Adopt a resolution approving the proposed Seventh Amendment to the Franchise Agreement between the City of El Cerrito and East Bay Sanitary Company, Inc., eliminating provisions pertaining to fleet maintenance that were changed or added to the Franchise Agreement by the Sixth Amendment and are now unnecessary.

D. Extend the Street Sweeping Maintenance Agreement with Universal

Adopt a resolution authorizing the City Manager to extend the City's street sweeping maintenance agreement with Universal Building Services (UBS) for the period October 22, 2014 to December 31, 2014, in an additional amount not to exceed \$15,324 bringing the total contract to an amount not to exceed \$40,324 for Fiscal Year (FY) 2014-2015.

E. West Contra Costa Unified School District Memorandum of Understanding

Adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the West Contra Costa Unified School District (District) for the renovation of the Castro Park athletic field.

F. Metropolitan Transportation Commission's Regional Measure 2 Project Compliance for San Pablo Avenue Specific Plan and Complete Streets Plan – Additional Analysis for Implementation

Adopt a resolution verifying project compliance with the Metropolitan Transportation Commission's Regional Measure 2 requirements and authorizing the City Manager to submit an allocation request in the amount of \$100,000 for the San Pablo Avenue Specific Plan and Complete Streets Plan.

6. PUBLIC HEARINGS

Extension of San Pablo Avenue Specific Plan Development Fees on an Interim Basis as an Urgency Measure

Conduct a public hearing and upon conclusion adopt an urgency resolution extending interim San Pablo Avenue Specific Plan Planning and Development Fees for a second and final period not to exceed 30 days.

7. POLICY MATTERS – None

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regular City Council meeting is Tuesday, November 18, 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.

STRATEGIC PLAN UPDATE



El Cerrito Library

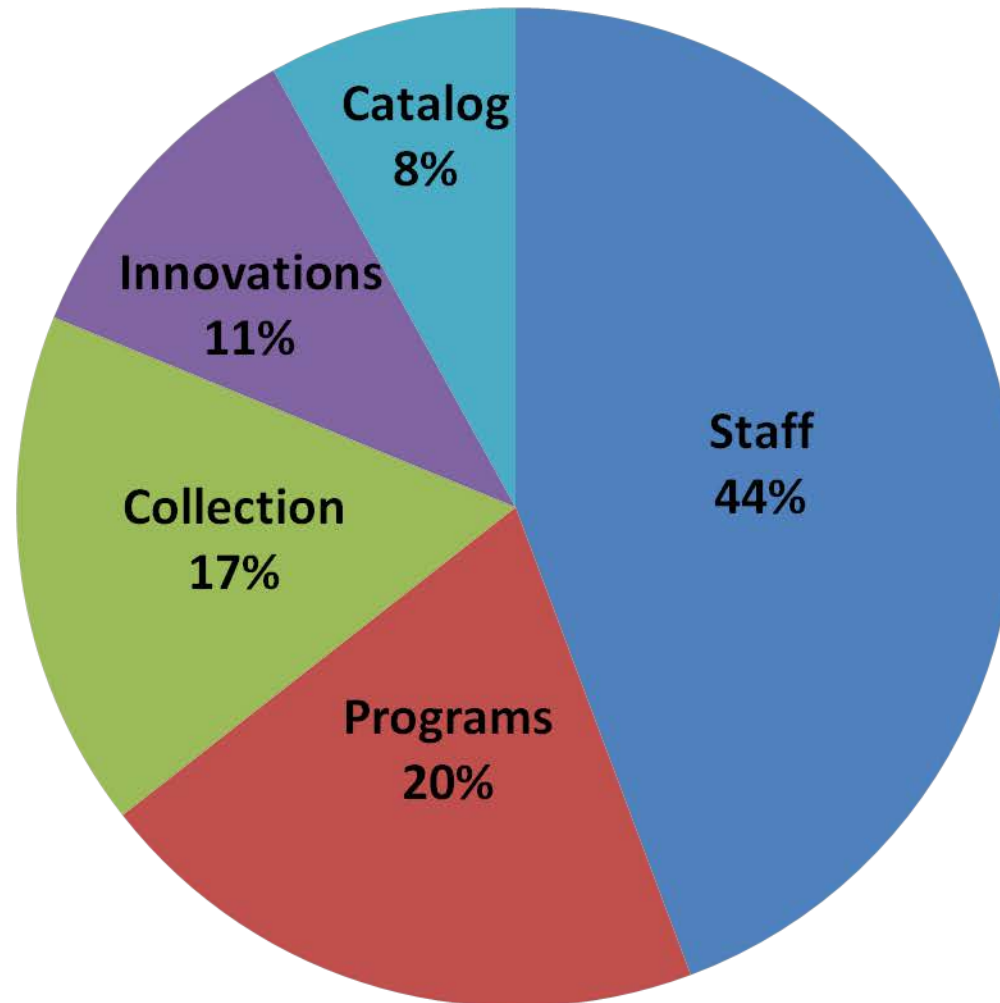
October 2014



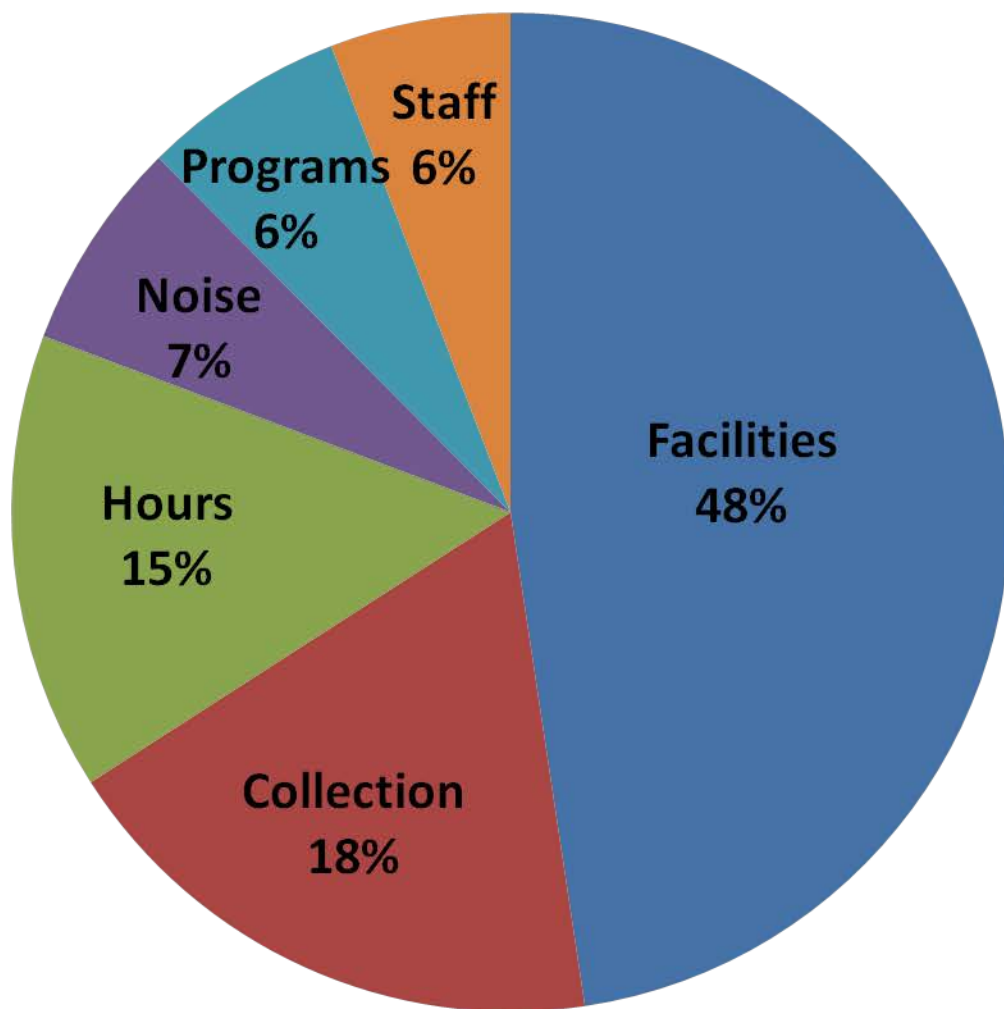
4,615

Surveys

Survey: What Are We Doing Well?



Survey: What Could We Do Better?



El Cerrito Survey Results

205 Respondents

147 El Cerrito residents

The majority use the library to:

- Borrow materials
- Discover new authors and titles
- Study in a quiet place

They want:

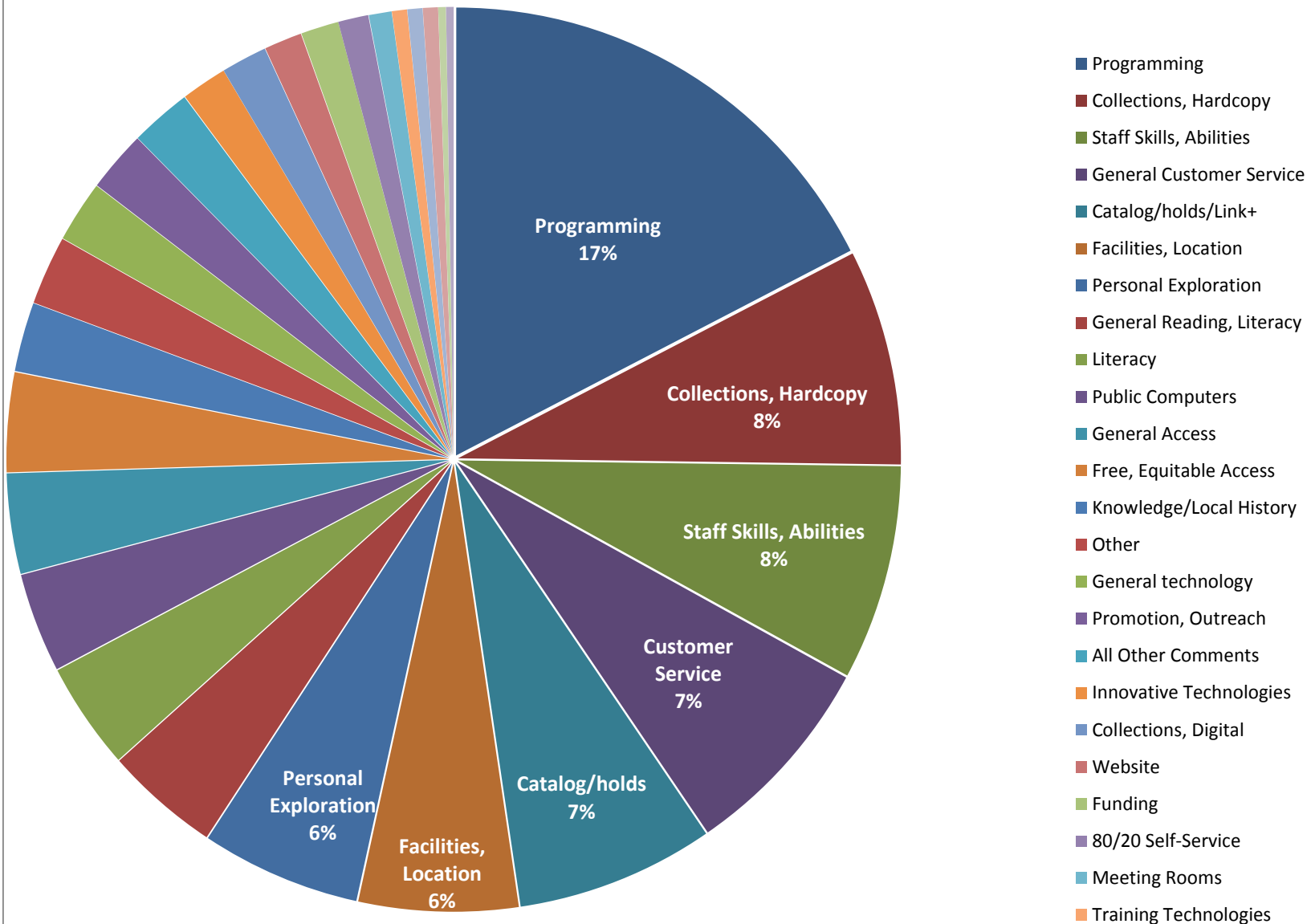
- More open hours
- Improved library facility
- Larger collection



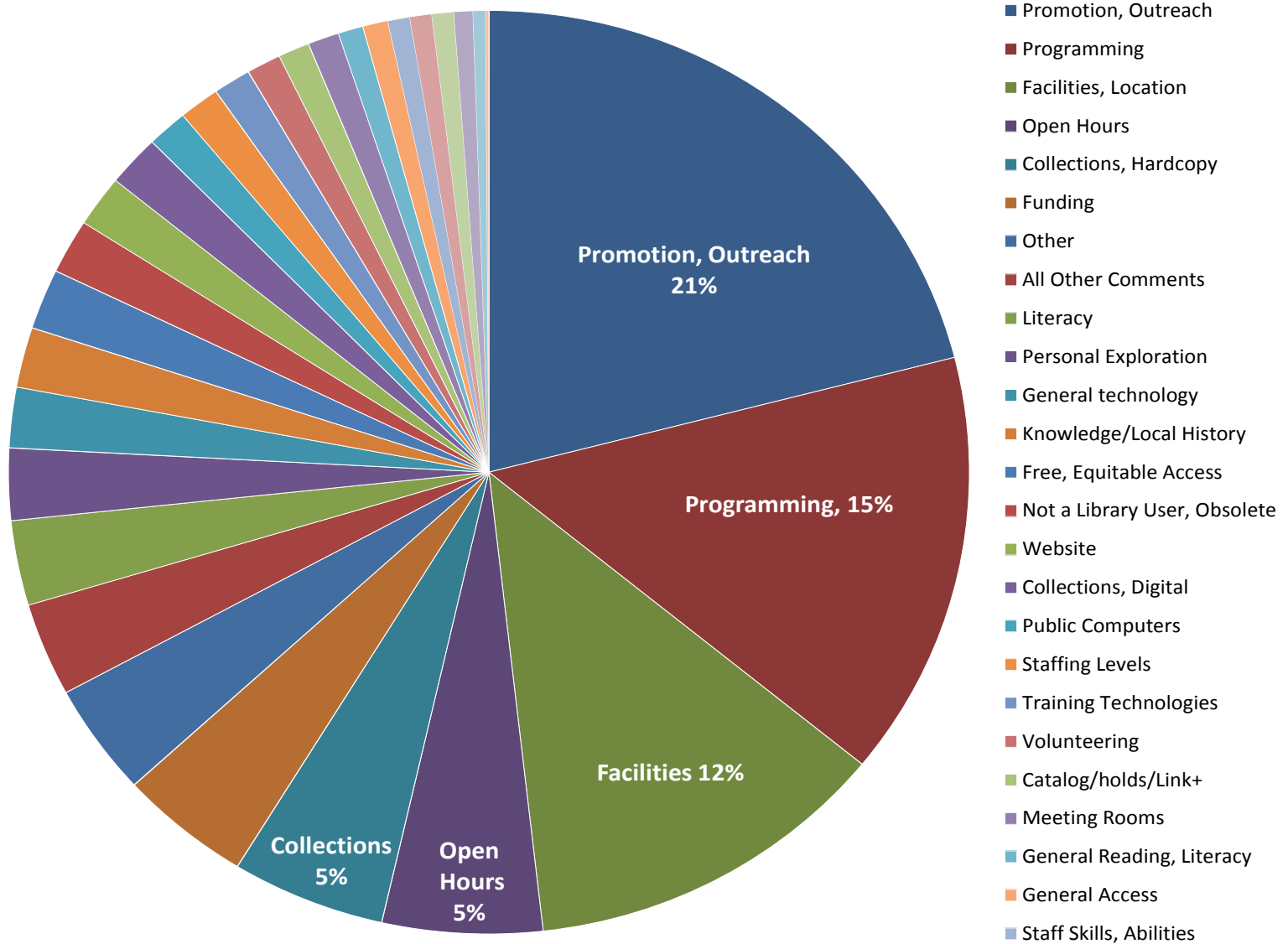
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**Key Informant
Interviews**

Key Informant Interviews - WHAT DO WE DO WELL?



Key Informant Interviews - WHAT COULD WE DO BETTER?



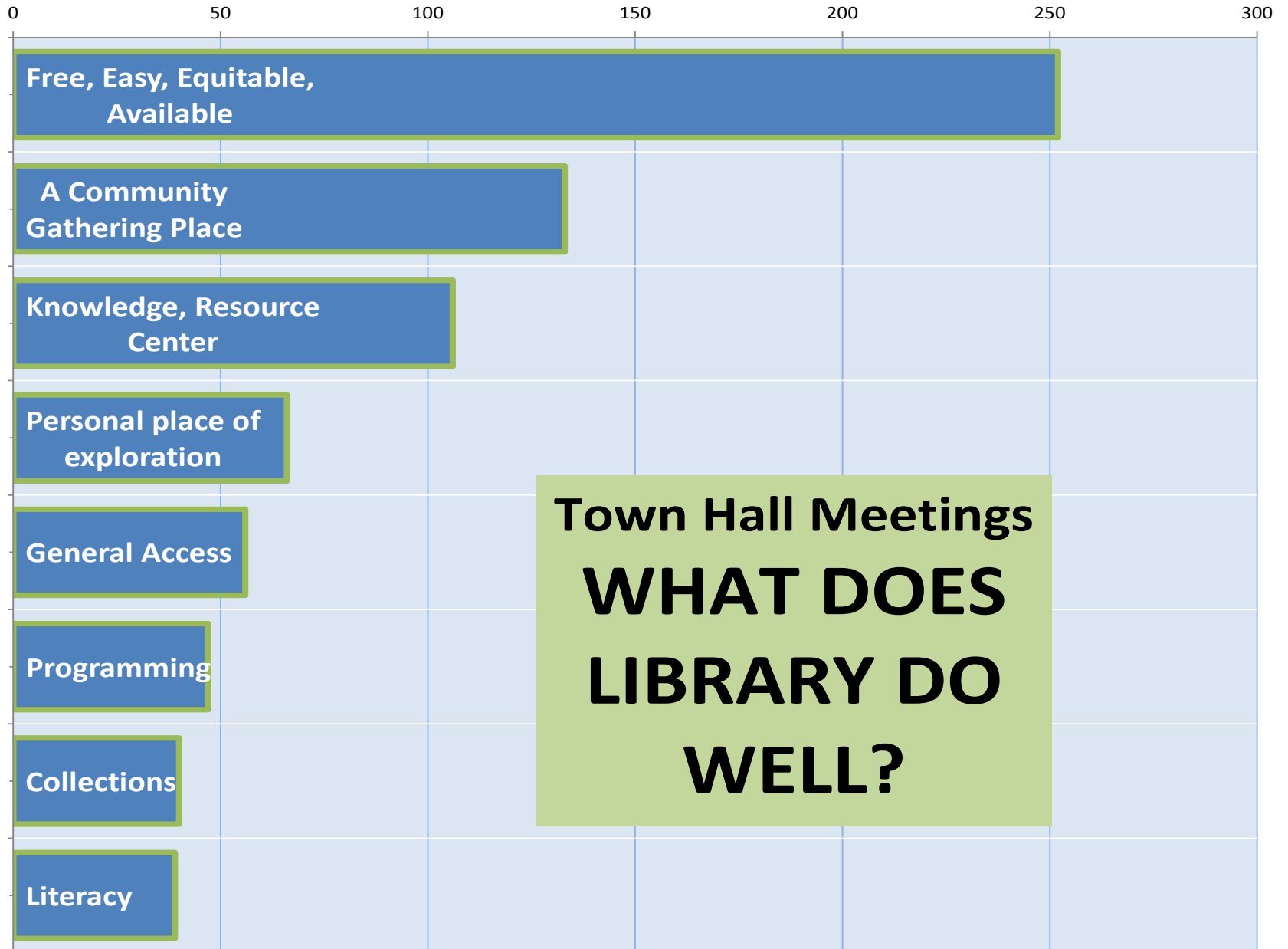
Findings from El Cerrito Key Informant Interviews

- **The community needs a new library**
- **More programming to teens**
- **Increased partnerships with the schools**
- **Services for home-based and small businesses**
- **We need to promote ourselves better**



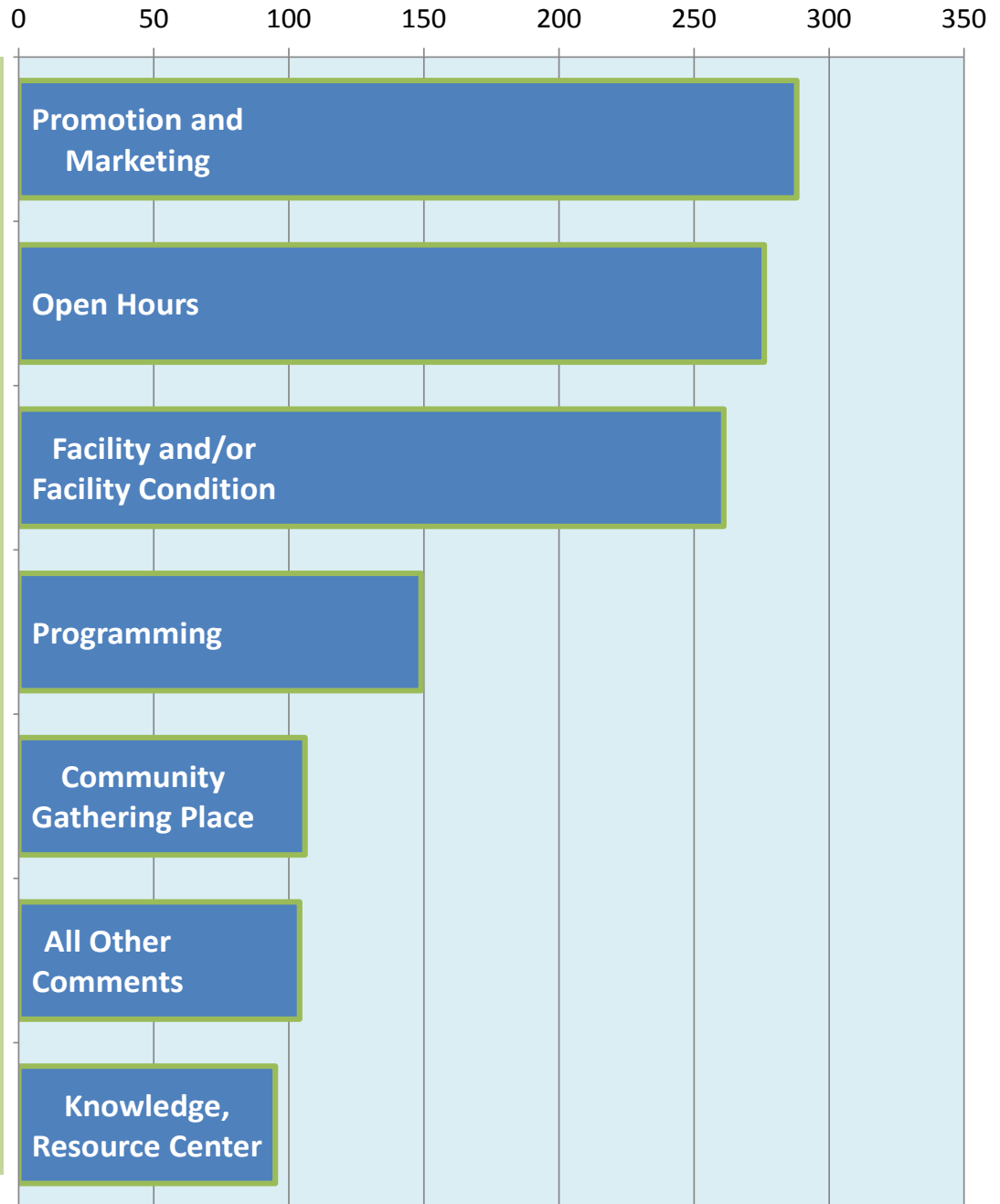
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**Town Hall
Meetings**



**Town Hall
Meetings**

**WHAT
COULD
LIBRARY
DO
BETTER?**



Findings of El Cerrito Town Hall

What community priority should the library play a more active role in?

- Literacy and education at all levels
- Promotion of personal development for all community members
- Civic engagement

Findings of El Cerrito Town Hall

What one thing could the library do better?

- **More open hours**
- **More space would allow for more technology and a larger collection**
- **The library should be a beautiful, exciting, accessible community center**

Findings of El Cerrito Town Hall

What is the single most important contribution the library makes to our community today?

- **Free access to all types of information both in the library and online**
- **Free programs for all ages**
- **A meeting place in a safe, comfortable space**

Vision Statement

Contra Costa County Library is the pulse of our community. Working together, we spark imagination, fuel potential, and connect people with ideas and each other.

Goal 1: The library ensures easy, equitable access to library services for all Contra Costa County residents.



**Increase
programming
and outreach to
teens**

Goal 2: The library champions personal and community engagement in literacy and reading to enrich lives.



Develop more active partnerships with local elementary schools in support of their students' love of reading and learning

Goal 3: The library delivers a consistent, high-quality, and inviting experience at all points of contact.

Maintain and improve the El Cerrito Library building until a new library is built

Goal 4: The library successfully promotes its value, programs and opportunities to the community.

Create and implement a comprehensive marketing plan specific to El Cerrito



ccclib.org

CONTRA COSTA
COUNTY LIBRARY

Bringing People and Ideas Together

Thank you!

City of El Cerrito Clean Water Program Update
October 21, 2014 Presentation to City Council
Stephen Prée , Environmental Programs Manager

Overview

- The National Pollution Discharge Elimination System (NPDES) permit regulates all discharge into the storm drain system (affecting S.F. Bay)
- El Cerrito is a co-permittee with 76 other agencies under the Municipal Regional Stormwater Permit (MRP) issued by the S.F. Bay Regional Water Quality Control Board in 2009
- The MRP requires specific measures to prohibit non-stormwater discharges and minimize stormwater pollutants including, pesticides, PCBs & trash litter

MRP Provision Requirements

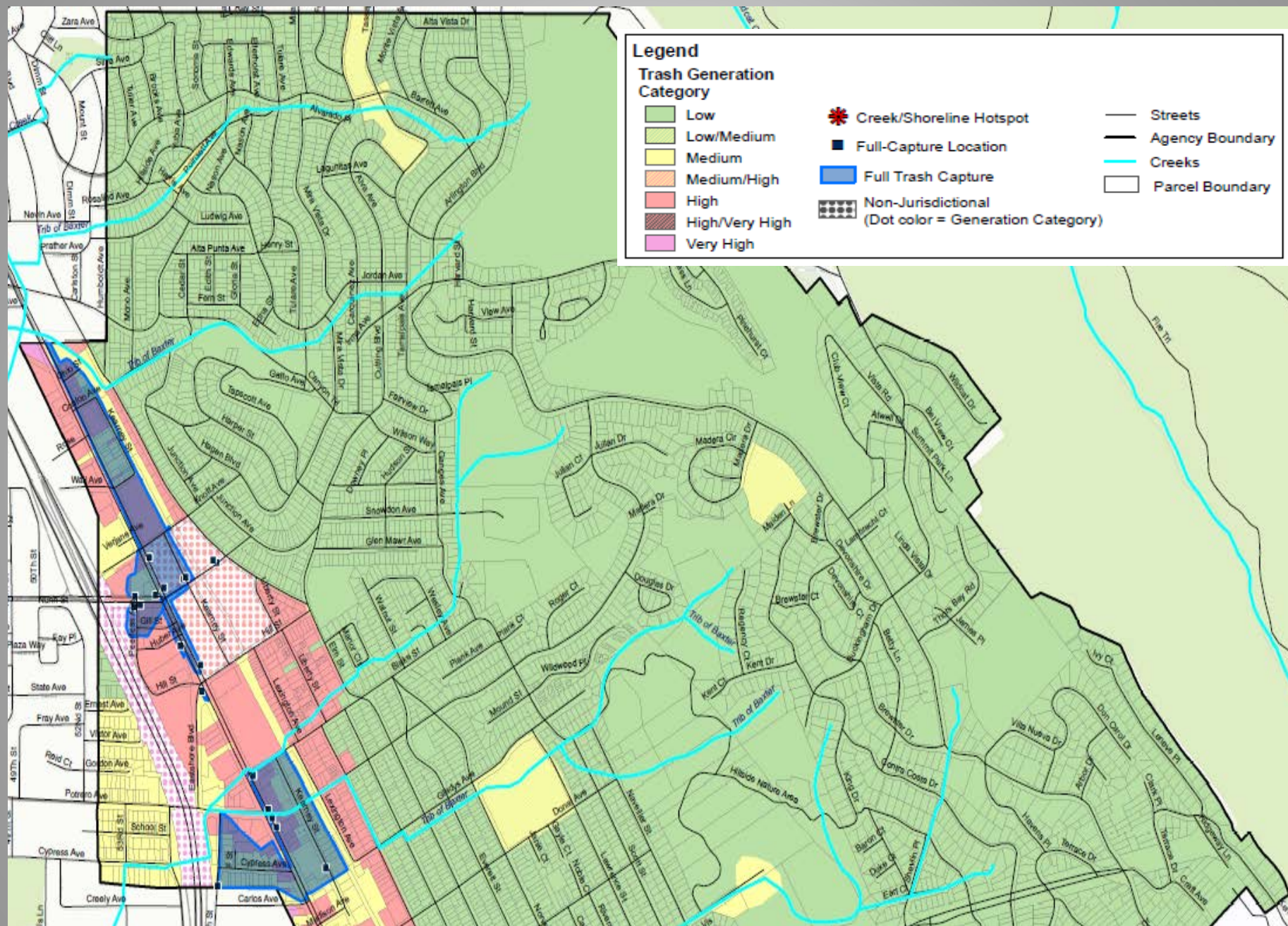
1. Compliance with Discharge Prohibitions
2. Municipal Operations
3. New Development and Redevelopment
4. Industrial & Commercial Site Controls
5. Illicit Discharge Detection and Elimination
6. Construction Site Controls
7. Public Information and Outreach
8. Water Quality Monitoring
9. Pesticides Toxicity Control
10. Trash Load Reduction (Litter)
11. Mercury Controls
12. PCBs Controls
13. Copper Controls
14. PBDEs, Legacy Pesticides and Selenium
15. Exempted and Conditionally Exempt Discharges
16. Annual Reports

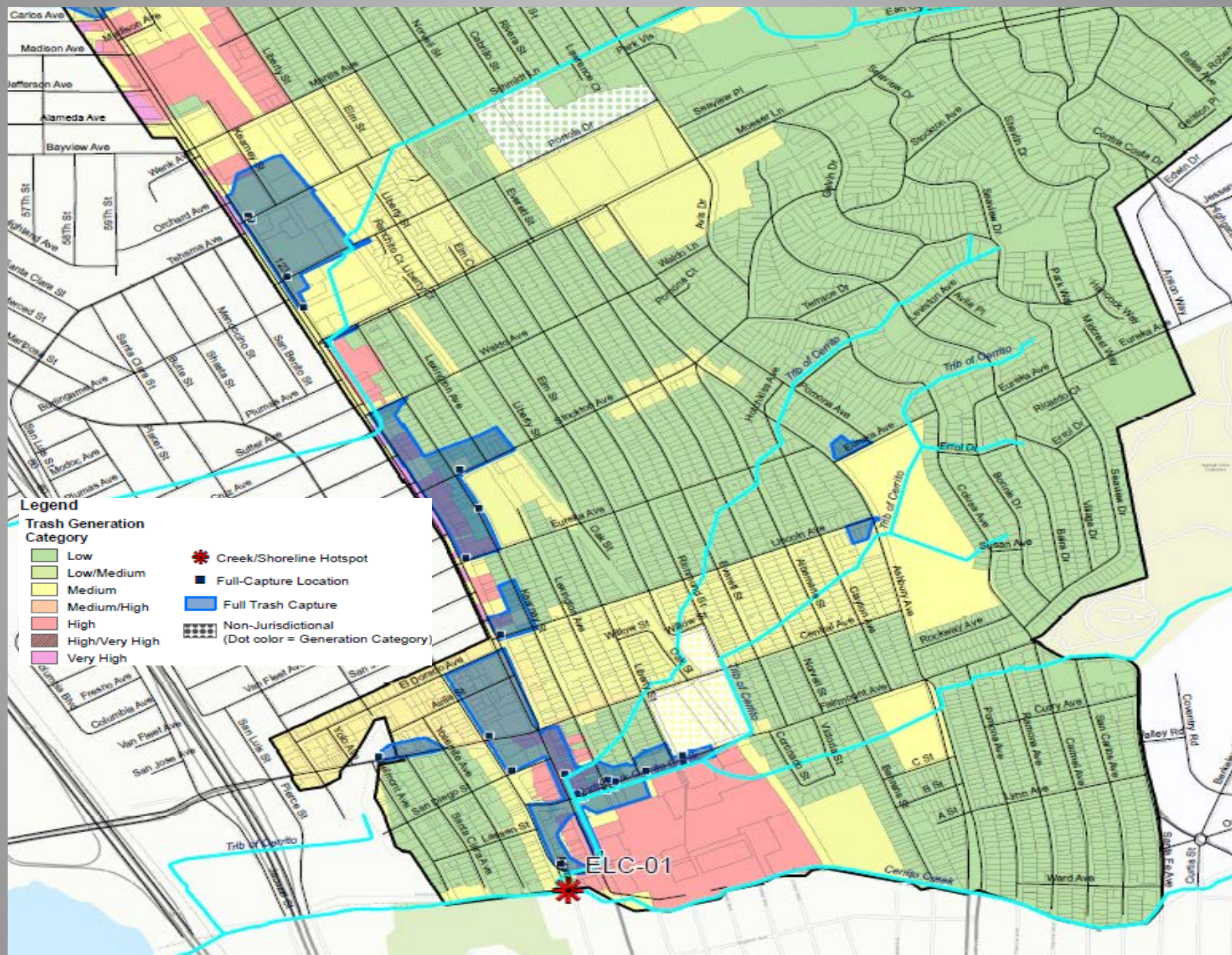
Provision 10- Trash Load Reduction

MRP Provision C.10 requires Permittees to reduce trash loads from their storm drains 40% by 2014, 70% by 2017, and 100% by 2022

The City of El Cerrito and other municipalities submitted Long Term Trash Management Plans in February 2014 designed to meet the requirements by these due dates

Maps of El Cerrito's Full Trash Capture Units + treated drainage areas were created to assist in assigning Trash Management Areas (TMAs) to prioritize and treat the highest generation areas first





Long Term Trash Load Reduction Plan

El Cerrito

Trash Management Strategies

- Single-use Carry out Bag Ordinance
- Public Education and Outreach Programs
- On-Land Litter Cleanups / Creek Cleanups
- Full Trash Capture Devices
- Improved Trash Bin / Container Management
- Bio Retention Facilities on City Streets
- New Development C.3 Compliance
- Enhanced Street Sweeping

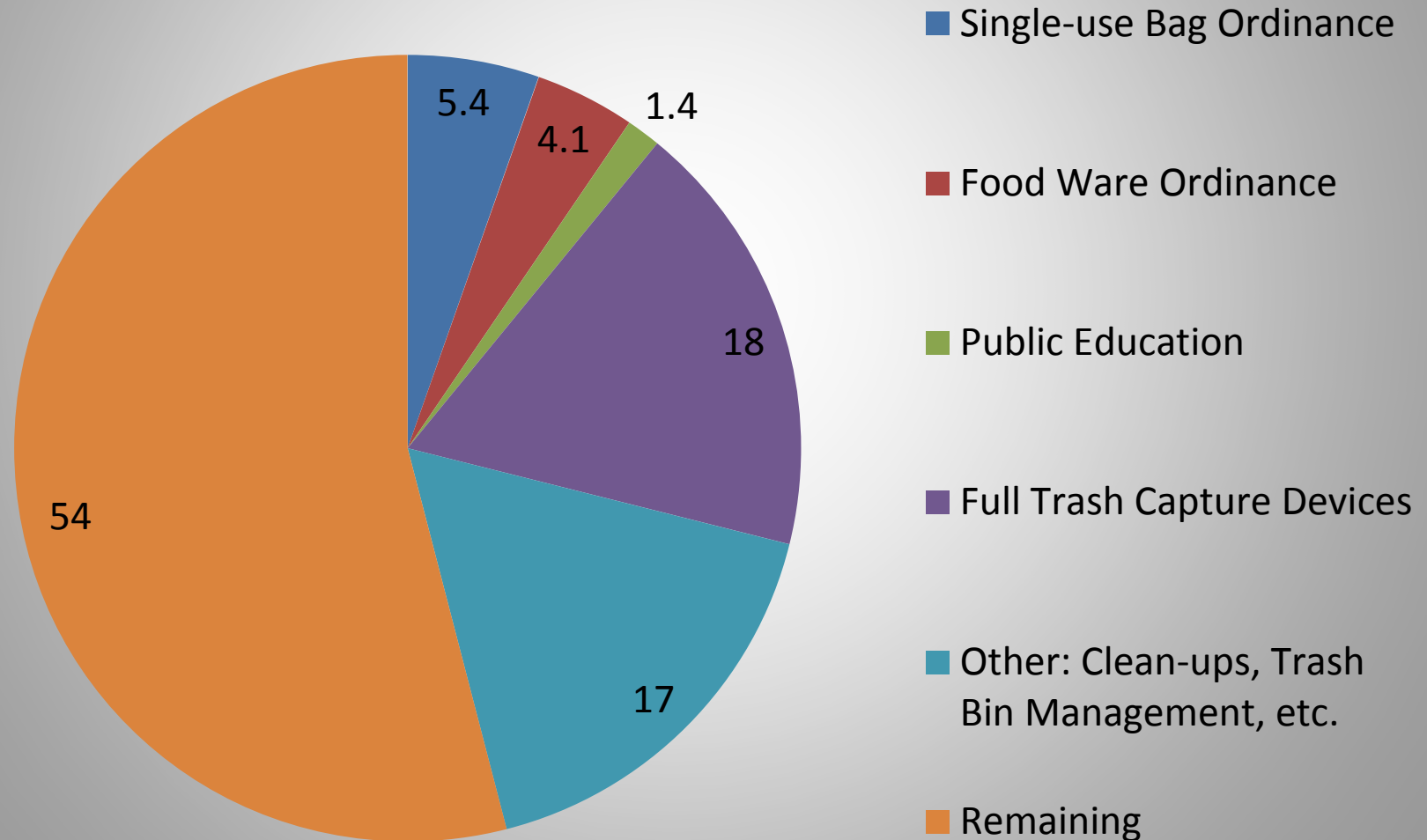


One of 46 Full Trash Capture Devices already in use in El Cerrito

RESULTS

Reported in 2013/14 Annual Report

Estimated Trash Load Reduction = 46%



Future Trash Load Reduction in El Cerrito

- 
- Continued maintenance of existing Full Trash Capture Units
 - Evaluate effectiveness of current trash management strategies
 - Assess and verify trash generation rates
 - Education and outreach to school age children
 - Outreach to schools, shopping centers, BART, Caltrans

Future Trash Load Reduction in El Cerrito

- 
- On-land clean-ups
 - Enhanced street sweeping & outreach to residents
 - Install additional
 1. Covered trash & recycling containers
 2. Full Trash Capture Devices
 3. Rain gardens & C.3 development



MRP 2.0 July 1, 2015

Anticipated changes with new permit

- Reduce PCB loads by identifying local sources pending demolition of pre 1980 buildings
- Increased scrutiny on PCBs, Mercury and Trash Litter loads
- Emphasis on Green Infrastructure planning and implementation to break the connection from impervious areas to creeks
- Focus on C.3 compliance with new development

Questions?

To report an illicit discharge in El Cerrito contact
510-215-4369 or lbrazil@ci.el-cerrito.ca.us

Contra Costa Clean Water Program website:
<http://www.CCCleanwater.org>

Stephen Prée, Environmental Programs Manager
510-559-7685 or spree@ci.el-cerrito.ca.us

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Monday, September 22, 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

7:00 p.m.

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the Special City Council meeting at 7:03 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Formal Color Guard Ceremony led by Boy Scouts, Troop 104.*

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Bridges reported that a group of citizens will be having a fundraising event for the Madera Open Space on October 12 from 2-6 p.m. in the Community Center Courtyard. The event will feature a folksinger/writer, the El Cerrito High School Jazz Quintet, a flamenco dancer and other musicians. There will be also be a silent auction at the event.

Councilmember Lyman reported that the East Bay Municipal Utility District is reminding everyone that we are in a severe drought and that we should be doing everything we can to reduce water use, particularly outdoor water use. On October 19 from 2:30-5:30 p.m. the Rotary Club will be having a fundraiser at Mira Vista Country Club for a new El Cerrito Library. The Writer Coach Connection is offering free training on September 23, noon to 3:00 p.m. at El Cerrito High School.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Stuart Samuelson, El Cerrito, stated that the overnight parking fine for commercial boats is very ineffective. Mr. Samuelson's neighbor parks his commercial boat, the "Boston Whaler" overnight on numerous weekends. Mr. Samuelson was informed by a police officer that the fine for overnight parking is \$49.00. The fine for parking beyond the four hour limit next to the BART station is \$71.00. If the boat is tied to the truck there is no fine for overnight parking. Mr. Samuelson stated that he is less concerned with the eyesore presented by the boat but rather, is more concerned with a fire truck that has to slow down to navigate the street. Mr. Samuelson said that fines for overnight parking should be increased for multiple offences and that tying a boat to a car should not be free.

Neil Landau applauded the new crosswalks at BART stations however the intersection near Terrace and Colusa is very wide and broad without a crosswalk or corner. Crosswalks should be marked as the area is quite busy. A similar situation exists near Terrace and Balra. Mr. Landau said he would like to see better marking of crosswalks and reasons why curbs are painted red or not. Mr. Landau also complained about illegal parking of delivery vehicles.

Howdy Goudey, El Cerrito, acknowledged the Police and Fire Departments for their work in the serial arson attacks that occurred in July and also recognized members of the public who participated in the spotting of and responding to the fires.

4. PRESENTATION

A. Proclamation Commemorating the Boy Scouts 75th Anniversary – *Presentation by Leonard Bjeldanes, Ph.D, Assistant Scoutmaster, Troop 104.*

Approve a proclamation proclaiming the week of September 21-27, 2014 as "Scout Week," in the City of El Cerrito and declaring September 22, 2014 in particular as "Scout Government Day" in the City of El Cerrito in recognition of Troop 104's 75th anniversary and in support of greater youth involvement in community and civic affairs.

Action: Moved, seconded (Lyman/Benassini; Ayes Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman). Proclamation presented.

B. Falls Prevention Awareness Week Proclamation – *Proclamation to be received by Alayne Balke, Manager, Fall Prevention Program.*

Approve a proclamation declaring the week of September 21-27, 2014 as "Fall Prevention Awareness Week," in the City of El Cerrito, and calling upon all residents and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Action: Moved, seconded (Benassini/Lyman; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to approve the proclamation. Proclamation presented.

C. West Contra Costa Unified School District Update on the Status of the El Cerrito High School Stadium – *Presentation by Magdy Abdalla, District Engineering Officer.*

Receive a presentation from representatives of the West Contra Costa Unified School District on the status of El Cerrito High School Stadium project.

Action: Received presentation.

5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5A through 5F

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

A. Minutes for Approval

Approve the August 19, 2014 regular City Council meeting minutes.

Action: Approved minutes.

B. October is Domestic Violence Awareness Month Proclamation

Approve a proclamation declaring the month of October 2014 as Domestic Violence Awareness Month in the City of El Cerrito and urging all residents to actively participate in the efforts to end violence in our homes, in our schools, and in our communities.

Action: Approved proclamation.

C. October is National Arts and Humanities Month Proclamation

Approve a proclamation declaring October 2014 as Arts and Humanities Month in the City of El Cerrito and encouraging all members of the community to celebrate and promote the arts and culture in the Nation and encouraging community members to participate, patronize and support the arts and humanities in El Cerrito.

Action: Approved proclamation.

D. Biennial Conflict of Interest Code Update

Adopt a resolution approving a revised Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agencies, including the Public Financing Authority, the Employee Pension Board and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2012-77.

Action: Adopted Resolution No. 2014-47.

E. Consent to Withdrawal and Substitution of General Partner and Limited Partner of Idaho Apartments Associates, LP

Adopt a resolution consenting to the withdrawal and substitution of the general partner and the limited partner of Idaho Apartments Associates and authorizing the City Manager to execute documents necessary to indicate the City's consent. Idaho Apartments is located at 10203 San Pablo Avenue.

Action: Adopted Resolution No. 2014-48.

F. Quarterly Investment Report

Receive and file the City's Quarterly Investment Report for the period ending June 30, 2014.

Action: Received and filed.

6. PUBLIC HEARINGS

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

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

Presenter: David Ciappara, Fire Captain.

Mayor Abelson opened the public hearing. No speakers.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014-49.

B. San Pablo Avenue Specific Plan and Environmental Impact Report Certification

1. Conduct a public hearing and upon conclusion take the following actions related to the San Pablo Avenue Specific Plan:
 - a. Adopt a resolution certifying the Environmental Impact Report and approving the Mitigation Monitoring and Reporting Program;
 - b. Adopt a resolution amending the General Plan, to assure consistency between the Specific Plan and General Plan;
 - c. Adopt a resolution approving the San Pablo Avenue Specific Plan;
 - d. Introduce by title, waive any further reading and approve an ordinance revising the Zoning Map to incorporate the San Pablo Avenue Specific Plan regulations; and
 - e. Introduce by title, waive any further reading and approve an ordinance revising the Municipal Code to incorporate the San Pablo Avenue Specific Plan regulations.

Presenters: Melanie Mintz, Community Development Director, Makul Malhotra, Principal and Director of Urban Design at MIG, Yvetteh Ortiz, Public Works Director, Ray Pendro, Senior Planner at Wagstaff and Associates, and Ellen Poling, Senior Associate, Fehr & Peers.

Mayor Abelson opened the public hearing. 44 speakers.

Speakers: Bill Jones, Former Mayor, El Cerrito, stated that it is good to see that after several years of study, professional opinion and analysis that the Specific Plan is at the point of determination to go forward. The Specific Plan (“Plan”) is phase two of a program. Phase one was improvement of public properties including the streetscape. The reason behind developing the Plan was to develop a common vision and associated building codes for both El Cerrito and Richmond along San Pablo Avenue and provide a progressive guide for development, increase economic opportunities and housing and enhance the quality of community. Former Mayor Jones stated that he is impressed to see that comments that were submitted to the City have been considered and incorporated into this Plan. The Plan is a living document. Public input and review will continue project by project and evaluation of the features of each project is required. Mr. Jones suggested that the City Council adjust the plan as necessary and make a final decision to approve the Plan. There has been enough time for thoughtful and reasonable analysis.

Thomas N. Miller, El Cerrito, said that the Council needs to consider that El Cerrito is in the USA and most people drive cars which is a part of our quality of life. Mr. Miller expressed concerns about parking. He explained that his daughter has limited parking at her condo in San Francisco and described the difficulty this poses for him. There are very few family affairs in that condo because it is difficult to get to it. Mr. Miller stated that no unit should be approved in San Francisco unless it has two side by side parking places.

Eric Pressler, expressed concerns about the south parcel of the Plan. Mr. Pressler said he owns property off of Central Avenue and stated that higher density equals higher congestion and traffic. Mr. Pressler suggested holding back on the Plan until Central Avenue is fixed. El Cerrito is an area of many views. Eighty-five foot buildings will block views. Mr. Pressler also said he objects to the form based codes and a lack of public notification.

Dave Campbell, Advocacy Director with Bike East Bay, stated that the Bicycle Coalition supports the San Pablo Avenue Complete Streets Plan because it will transform San Pablo Avenue into a great street for people who walk, bike and take public transit and will also be a great thing for El Cerrito. The Coalition supports the project because it benefits all users of the roadway, will provide new housing that is closer to transit, will bring more people to San Pablo Avenue and will create an environment where people and businesses thrive. El Cerrito is the leader in the County for active transportation.

Katherine Cesa, El Cerrito, said she is not convinced that anything increasing density will improve her life. There will be more traffic and congestion. More people will park on residential streets and streets will be less safe. Ms. Cesa stated that she is concerned that buildings over three stories will block views. Housing density will also impact city services. Quality of life is more important than making money. The biggest beneficiaries of this Plan are developers, apartment dwellers, and BART. Ms. Cesa urged the City Council to vote no on the Plan.

Thad Smith, El Cerrito, said one of the charms of living in El Cerrito is that it is a village with easy access to the City. Mr. Smith expressed concerns with the proposed height limit and how increases in height would change the character of the street and also expressed concerns regarding notification. Ms. Smith said he would vote no on this Plan.

David McCoard, El Cerrito, spoke on behalf of many members of the Sierra Club who support the Plan. Mr. McCoard said the Plan encourages more businesses to move in, allows businesses to expand so people won't need to go out of town to buy what they need and will make bicycling and taking public transit easier and more pleasant to use. This will increase the City's finances and lower greenhouse gasses.

Kevin Markarian, El Cerrito, stated that the Plan will bring jobs to the City and make the city more affordable. Much of San Pablo Avenue is bleak due to vacant and underutilized properties. El Cerrito deserves a more livable community with more places to shop and live. Nimbyism is fine as long as it generates a productive dialogue but when it stagnates the local economy, it contributes to global warming and eliminates future housing.

Elizabeth Berdge, El Cerrito, stated that she is strongly opposed to the Plan.

Rob Everett, El Cerrito, expressed appreciation for the amount of public input and extent of review that has occurred. Mr. Everett expressed concerns over the proposed height of buildings and urged openness for public opinion and thoughts in the future to ensure that the neighborhood is walkable and enjoyable.

Nicholas Galloro, El Cerrito, said he has not owned a car since 1985 and gets around fine by walking, biking and using transit. Mr. Galloro stated that growth and high density will not create a sustainable future. High rise, high density, market rate housing is not designed for families, is virtually childless and will create economic segregation between single family

homeowners and renters. Mr. Galloro stated that he votes no on the Plan.

Diane Stark, El Cerrito, stated that the proposed density and height are too much for the neighborhood and also expressed concerns about traffic congestion and parking. There is currently spillover parking into her neighborhood from San Pablo Avenue. Ms. Stark explained that an increase in traffic may impact traffic safety, create air and noise issues and will also impact public safety and emergency response services. Ms. Stark urged the City Council to deny the proposed height limits.

Al Miller, El Cerrito, stated that too many people are looking at the Plan as if it will decide the future forever instead of looking at it as a well thought out plan that is a work in progress to shape a visionary future. Mr. Miller stated that although he has some concerns about parts of the Plan, he strongly supports it because it will establish a visionary future for the commercial area rather than one of limited development as has been the case for the past few years. It will create a viable commercial business development community to attract developers which will in turn bring more revenues into the area to keep the services the community has come to expect and demand.

Ronnie Pelonsky, El Cerrito, expressed concerns with the technical terms used in the Plan and presentation. Ms. Pelonsky said she found out about the Plan accidentally from one of her neighbors and noted that just because we can get grant money from *One Bay Area* doesn't mean we should take it in the name of transit oriented development. She doesn't want to see a wall of apartment buildings on San Pablo Avenue and favors bike trails and sidewalks. She also expressed a desire for a shuttle and parks.

Bill Pinkham, Richmond, Various Bike Committees, spoke in support of the Plan as it will encourage more bikers to use it. It will also bring more customers to San Pablo Avenue. Mr. Pinkham noted that it is "crunch time for the planet," and stated that we can't afford to pollute it any more.

Deidre Heitman, Principal Planner with BART, stated on behalf of Grace Crunican, General Manager of BART and Directors Mallett and Saltzman that BART supports the Plan. The Plan creates a framework for creating a multi-modal corridor. It creates opportunities for living, working and community life and also provides an alternative to congestion which will reduce pollution. The Plan will also help the City with place-making, commercial space, housing and climate-action goals. BART urged the City Council to adopt the Plan. It will help bring development to the BART stations.

Suzan Pressler, El Cerrito, provided comments on form based codes, the proposed reduced rear setback and daylight plane. Ms. Pressler encouraged the City Council to adopt Albany's daylight plane and require developers to provide a ten foot rear set back. This would improve privacy for the residential properties located directly behind commercial development and is appropriate for all areas on both sides of San Pablo Avenue, Central Avenue and neighboring streets.

Steve Price, El Cerrito, passed out copies of a height photo-simulation that he prepared. Mr. Price stated that he is interested in seeing destinations consolidated together in commercial centers. This will alleviate a lot of the traffic patterns that are being seen now. Mr. Price said he supports the Plan, and noted that although it is not a perfect plan it is a worthwhile plan that will grow over time as a living document. Mr. Price encouraged the City Council to

adopt it.

Tom Panas, El Cerrito, stated that he was initially skeptical of the Plan but has now embraced it. Staff has done a great job with it, particularly in drafting language for mitigation measures to protect historic and cultural resources. Mr. Panas noted that it should be stated somewhere that owners of single family home residences in the Specific Plan area should be able to demolish or remodel their houses without any additional paperwork or costs. Mr. Panas also provided comments on bus service in the hills related to mode shift, noted that shadow standards should apply to buildings on the north as well as those to the east and commented that all parties would benefit from a side by side comparison of old versus new fees.

Mark Miner, El Cerrito, Chair of the Environmental Quality Committee, spoke on his own. Mr. Miner stated that he supports the Plan and emphasized that sustainability is not optional. We need to open our minds to make changes and build future infrastructure that is not car dependent. Making El Cerrito less car dependent will also make it a much more pleasant place to live. Mr. Miner urged the City Council to support the Plan and stated that change can be good and powerful. A mix of cars, bikes and pedestrians is well balanced in the Plan.

Nicholas Arzio, El Cerrito, stated that the real divide is between community members and real estate developers and that this Plan has real estate developers smiling from ear to ear. Residents don't want the proposed heights. On the commercial corridor the Cerrito Theater, Elevation 66 and Nôg Thôn restaurant are working well. The Village at Town Center, other mixed used commercial structures that surround Safeway, and other parcels on San Pablo Avenue show vacancies and are not working. Mr. Arzio said the City should refocus. The City is taking away commerce and vitality.

Damian Moskovitz, El Cerrito, expressed concerns about the impact the Plan will have on levels of service for various modes of service on San Pablo Avenue. Mr. Moskovitz said this Plan will lower the level of service and asked the Council to rework the Plan so that it prevents a breakdown in service rather than allowing it.

Darcy Newton, El Cerrito, stated that the Plan provides for zero parking places for houses near BART stations. The City assumes new residents will want to use BART and will not own a car. Ms. Newton stated that she believes this assumption is wrong and that although she takes BART five times per week she also owns a car and wants the freedom to go where she wants to go and park her car easily. Ms. Newton asked the Council to rethink its assumptions and refrain from rushing to vote on the Plan.

Michael Jhon, El Cerrito, read a statement regarding land use classifications on behalf of someone who was not able to attend the meeting. It was stated that an administrative use permit allows planning department staff to make decisions regarding businesses that are adjacent to other properties without including a list of conditions. Because businesses can impact abutting properties it is important to require a public hearing before the Planning Commission so that a number of pertinent conditions can be approved to protect adjoining residential neighborhoods from negative impacts.

Arlin Robins, El Cerrito, stated that she is concerned about traffic congestion. Ms. Robins really likes the Transportation Plan and the design of the streets. It addresses a large number of concerns regarding living and moving around San Pablo Avenue. Although the intent of the plan is to reduce cars, the City cannot reduce the amount of drivers that go through San

Pablo Avenue or the rush hour traffic. Ms. Robins also expressed concerns regarding high density buildings and congestion, view obstruction and scale.

Marilyn Langlois, Richmond, stated that she strongly supports the complete streets aspect of the Plan with its enhanced bike and pedestrian safety improvements. It will dovetail nicely with Richmond's bicycle and pedestrian plan and lay the ground for making San Pablo Avenue a vibrant place for all users. It will bring benefits to the residents of El Cerrito and other area residents, to local businesses and to the planet. Everything cities can do to encourage people to get out of the single occupancy vehicle trips and use other alternative methods of transportation is important to combat climate change. The complete streets aspect will also benefit people's health and wellbeing and encourage interaction with neighbors.

Kyle Brunelle, El Cerrito, encouraged support of the complete streets portion of the Specific Plan. Mr. Brunelle stated that a more bikeable San Pablo Avenue will be safer and will also be good for local businesses.

Mary Selva, President, Richmond Annex Neighborhood Council, stated that the Neighborhood Council submitted a sixteen page packet for the Council's consideration and expressed concerns about the Plan, particularly obstruction of views. Those who have views want them preserved. Albany's height limit along San Pablo Avenue is 38 feet. Ms. Selva asked the Council to take height limits and lower density into consideration during deliberations.

Dave Harris, Richmond Annex Neighborhood Council, stated that form based codes are regulatory and not advisory and contain very little modification of an application prior to approval. This results in minimal communication and eliminates community based planning. Form based codes are only as good as the administrative process and due diligence that support them. El Cerrito will commit itself to a building design type for the next forty years that will dictate all future development without knowing whether it is the right fit economically for the City. Mr. Harris asked if market analysis, infrastructure and city resources support such high density and noted that neighborhoods did not receive sufficient notification or input before form based codes were adopted. Mr. Harris urged the City Council to modify the existing Plan so that it protects the integrity of all the established neighborhoods in the City without negative impacts from the adjacent commercial districts. Zoning regulations should emphasize locally relevant factors and increased public notification, hearing and right of appeal.

Jerry Yoshida, Richmond Annex Neighborhood Council, spoke about form based codes and noted that the Plan does not use a larger neighborhood perspective to inform compatible design elements, architectural styles and use. Form based codes prescribe a one size fits all approach. This is unacceptable to the community. Each area within the City is different. If the City does not carefully layout a well crafted set of design elements under the form based code the community will end up with a design that shows a very limited compatibility with the neighborhoods.

Garland Ellis, Richmond Annex Neighborhood Council, stated that several people attended the meeting but left and also stated that the form based codes in El Cerrito and Richmond are "made up." Mr. Ellis also stated that the design standards should require setbacks and differences in building heights, as proposed benefits developers not residents and is designed to attract big developers rather than local developers. The heights should be 45 feet

including the bonus and equipment to be placed on the roof. The proposal for Central Avenue moves traffic from one intersection to another. Mr. Ellis also queried where money for the rest of the Plan is going to come from.

Mhel Kavanaugh-Lynch, El Cerrito, spoke in support of the Specific Plan, in particular, leadership and recognition of the role that place plays in shaping behavior, attitudes and health. Research shows that the built environment can have a profound impact on the health of residents. Built environment features that promote health contain many elements of the form based code and the complete streets plan. This creates opportunities to increase physical activity and promote walking, cycling, and public transit use in daily life. Walkability and bikeability have a direct effect on the health of residents. Easy access to public transit can also contribute to physical activity. This Plan can help El Cerrito residents become healthier and will promote activity by all.

Howdy Goudey, El Cerrito, stated that he strongly supports the complete streets part of the Plan, particularly the protected bike lane. Mr. Goudey also stated that he is not convinced that the shading criteria in the Plan is designed to meet the goals evenly. It does a good job on the east and north but residences to the west have a very different setback. Concerns regarding the Tier IV opportunity were also expressed.

Robin Mitchell, El Cerrito, stated that there are many exciting elements of the Plan including creek protection and restoration, urban agriculture, open space and renewable energy. Ms. Mitchell also expressed concerns with the Plan and requested Planning Commission review for Tier III, reconsideration of Tier IV to eliminate loopholes, limiting height to a maximum of four stories, ensuring adherence to shadow standards, and compliance with sustainable design guidelines. Ms. Mitchell stated that given her most recent experience with the 1715 Elm development project she has little confidence that sustainable objectives in the Specific Plan will be implemented and also noted that the City does not need to add the super high density identified in the Plan.

Lisa Wicks, El Cerrito, stated that high density requires infrastructure to support it and neither AC Transit or BART can support what exists now.

Martie Conner, El Cerrito, stated that she supports the Plan, is excited about what is happening and loves to ride her bike. The prospect of riding a bike safely to do errands along the San Pablo Avenue corridor is exciting.

Nathan Landau, AC Transit Planner, said AC Transit is pleased that the Plan contains a strong commitment to transit oriented development and also offers planning for all modes of travel. San Pablo Avenue is the third busiest corridor for AC Transit. In El Cerrito 5,400 passengers get on or off in the City on a weekday. AC Transit offers nine busses an hour. Mr. Landau stated that AC Transit is not too happy with the Plan for bike sharrows as they may interfere with bus operations and may not offer much for cyclists. Mr. Landau also noted that AC Transit is kicking off its own major corridors plan.

Nick Pilch, Strollers and Rollers of Albany, stated that the City of Albany's Planning and Zoning Commission reviewed the Plan in June or July and the response was favorable. Mr. Pilch stated that he believes it will help Albany with its planning process and the projects the City is trying to get going. He is happy to see the progress El Cerrito has made over the years. The improvements to bike and pedestrian access are wonderful and point in the right

direction for building stronger communities and combatting climate change. Mr. Pilch stated that he supports the Plan and certification of the EIR.

George Gager, El Cerrito, said he loves living in El Cerrito and thanked the City Council for all of its good work. Mr. Gager said the proposed streetscape is elegant and that the proposed planning changes will allow the community to grow with grace. El Cerrito has half the population density of Albany and Berkeley but generates twice the retail sales per capita. This is a successful community with many successful businesses but there is a lot of underutilized buildings and building sites. The City needs the tools contained in the Plan to protect the viability of the City and the quality of life residents enjoy. Mr. Gager urged the City Council to accept the Plan and move ahead with El Cerrito's great future.

Cynthia McMillan, Richmond Annex, stated that she does not like the form based code drawings in the Plan, particularly the height or look. Ms. McMillan said she likes the small, unique businesses located along Stockton Avenue and adjacent to the Plaza. Ms. McMillan also queried where the traffic will go and noted that she only likes some aspects of the Plan, like bike lanes.

Steve Kahn, El Cerrito, stated that he owns business property comprising approximately eight parcels on San Pablo Avenue that generate a significant amount of taxes. Mr. Kahn asked what safeguards are in place to protect small businesses during construction and also spoke about a previous planning appeal his business was involved in where he felt staff did nothing to address impacts or ensure harmonious design with a project.

Jessica Jones, El Cerrito, stated that she likes the rideability, walkability and affordability of the City and also likes the idea of bringing people to the community who may buy houses here and raise families later. San Pablo Avenue looks pretty bleak with car lots and empty storefronts. The more people that come to the San Pablo corridor will be there to support local businesses. Ms. Jones stated that the Plan is excellent and urged the City Council to support it.

Gina Calicura, El Cerrito, stated that building height is too high and creates a shade issue. Additionally, large properties will be too close to residential areas and abut fencing. Parking is difficult already and will only get worse. Parking minimums and slowing down traffic will also impact neighborhoods. Ms. Calicura also expressed concerns with public safety vehicle access and impacts on shoppers who will be coming to El Cerrito from other cities in their cars. Ms. Calicura concluded by stating bike sharrows will cause death and mayhem and that it isn't a case of nimbyism but of getting it right.

Gabriel Quinto, El Cerrito and Sierra Club Board Member, said the Sierra Club urges the City Council to adopt the Specific Plan. The Sierra Club has supported transit oriented development along major transportation corridors, the increase in density along these corridors and making all forms of transit more efficient and effective. The Plan is an important part of achieving these goals and making El Cerrito a more vibrant and exciting place to live, shop and raise a family. As someone who grew up in El Cerrito, Mr. Quinto stated that there were more shops in the 1960s and 1970s than there are now. He hopes to see more businesses in the future and also see seniors move to transit oriented development where they can walk to shopping and BART.

Moved, seconded (Bridges/Lyman; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Actions: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–50 certifying the Environmental Impact Report for the San Pablo Avenue Specific Plan, adopting a statement of overriding considerations, and adopting a Mitigation Monitoring and Reporting Program as amended by Councilmember Lyman to include the changes in both sets of errata, revise Goal E as identified in page 20-2 of Revisions to the Draft EIR contained within the Final EIR to reflect Strategies 5,6 and 7 as revised previously and make the following modifications to the resolution:

1) Finding 8 in the enacting clause of the resolution is amended to insert “(Mitigation Checklist)” after the words Mitigation Monitoring and Reporting Program and after the reference, Exhibit B;

2) In Exhibit A (Findings required under CEQA), page 7 change all five references on the page from Exhibit B to Exhibit A;

3) In Exhibit A, page 10, delete “HR” from Mitigation Measure HR 7-1 at the top of the page – ie “Mitigation Measure ~~HR~~ 7-1 has been incorporated into the MMRP;”

4) In Exhibit A, page 11, delete the word “NOISE” halfway down the page – ie “Mitigation Measure ~~NOISE~~ 13-3 has been incorporated into the MMRP;”

5) In Exhibit A, page 12, delete the word “Noise” halfway down the page – ie “Mitigation Measure ~~Noise~~ 13-4 has been incorporated into the MMRP;”

6) In Exhibit A, page 13, delete “TRAN” halfway down the page – ie “Mitigation Measure ~~TRAN~~ 16-1 has been incorporated into the MMRP;”

7) In Exhibit A, page 20, Mitigation Measure 7-2 and page 22, Mitigation Measure 7-3 reduce the threshold from 10,000 square feet to 2,500 square feet.

Moved, seconded (Lyman/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–51 approving a General Plan amendment to change the land use designation for property located in the San Pablo Avenue Specific Plan Area as amended by Councilmember Lyman to change the listing of attachments in the resolution from Exhibit 1 to Exhibit A and Exhibit 2 to Exhibit B, replace Exhibit A to the resolution with the revised Exhibit A submitted by the Development Services Manager at the City Council meeting and change the last sentence in the second note at the bottom of Table 4-2: Density and Intensity Ranges to read, “Height bonuses may be allowed through a ~~Tier IV Entitlement Process or through a~~ State-Mandated Density Bonus program.

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to Resolution No. 2014–52 approving the San Pablo Avenue Specific Plan.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to introduce by title, waive any further reading and approve Ordinance No. 2014–6 rezoning properties located in the San Pablo Avenue Specific Plan Area as amended by Councilmember Lyman to make the following changes to Section 2 of the ordinance: change 174.1 acres to 174 acres and change the reference to Exhibit A to Exhibit B. *Second reading October 7, 2014.*

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to introduce by title, waive any further reading and approve Ordinance No. 2014–7 amending Title 19 of the El Cerrito Municipal Code by adding Chapter 19.15 to incorporate the San Pablo Avenue Specific Plan Area.

2. San Pablo Avenue Specific Plan Fees

Conduct a public hearing and upon conclusion, adopt a resolution amending the City’s Master Fee Schedule to add new Planning Fees and a Plan Maintenance Fee related to implementation of the San Pablo Avenue Specific Plan.

Mayor Abelson opened the public hearing. One speaker.

Speaker: Tom Panas, El Cerrito, asked if a single family home in the plan area would be subject to the new fees.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–53 as amended by Councilmember Lyman to increase the maintenance fee from \$160.00 to \$200.00 per residential unit and from 13 cents per square foot to 18 cents per square foot.

3. Interim Adoption of San Pablo Avenue Specific Plan Fees as an Urgency Measure

Conduct a public hearing and upon conclusion, adopt an urgency resolution enacting the San Pablo Avenue Specific Plan Planning fees on an interim basis for a period not to exceed 30 days.

Mayor Abelson opened the public hearing. No speakers.

Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to close the public hearing.

Action: Moved, seconded (Lyman/Benassini; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Resolution No. 2014–54 as amended by Councilmember Lyman to modify the maintenance fee for residential units by increasing it from \$160.00 to \$200.00 per residential unit and from 13 cents per square foot to 18 cents per square foot.

7. **POLICY MATTERS**

CITY COUNCIL ACTING AS EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY

A. Review and Authorization to Submit the Draft Recognized Obligations Payment Schedule 14-15B (January – June 2015)

Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 14–15B covering the period January to June 2015.

Action: Moved, seconded (Lyman/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to adopt Successor Agency Resolution No. 2014–02.

8. **COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS**

Mayoral and City Council communications regarding local and regional liaison assignments and committee reports. – *No reports.*

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to extend the meeting to 11:30 p.m.

Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Abstain – None; Absent – Councilmember Friedman) and carried to extend the meeting to 11:50 p.m.

9. ADJOURNED SPECIAL CITY COUNCIL MEETING at 11:51 p.m. in memory of Emery Weed, former El Cerrito Swim Center Pool Manager and Senior Lifeguard/Instructor and Liza Espadilla, Administrative Clerk Specialist with the Recreation Department.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS NO. 1

Item No. 6(B) San Pablo Avenue Specific Plan and Environmental Impact Report Certification / San Pablo Avenue Specific Plan Fees

1. Additional Errata: San Pablo Avenue Specific Plan and Environmental Impact Report Errata Sheet to incorporate additional changes – *To be delivered by Margaret Kavanaugh-Lynch, Development Services Manager at the meeting.*
2. Comments regarding Plan impacts on traffic and the Richmond Annex Neighborhood – *Submitted by Elizabeth Berdge.*
3. Support for continuous, protected bikeways on San Pablo Avenue from a resident bicycle commuter – *Submitted by Irene Kuhn, El Cerrito.*
4. Revised comments on the Draft San Pablo Avenue Specific Plan (SPASP) and related EIR – *Submitted by Mary Selva on behalf of the Richmond Annex Neighborhood Council. Superseded by September 19 transmittal listed below.*
5. Maintain the planned protected bike lanes – *Submitted by Peter Myers.*
6. Support bike lanes on San Pablo Avenue – *Submitted by Jon Christensen, El Cerrito.*

7. Bike lanes on San Pablo – yes please! – *Submitted by San Neff.*
8. Support for continuous safe bike lanes on San Pablo – *Submitted by Angela Prendergast, Emeryville.*
9. Bike Lanes on San Pablo Avenue are Good for Everyone – *Submitted by Jess Maron.*
10. Vote against the adoption of the San Pablo Avenue Specific Plan – *Submitted by Marcie Cummins, El Cerrito.*
11. Protest and comments regarding the San Pablo Avenue Specific Plan – *Submitted by Alex Horne, El Cerrito.*
12. Revised comments on the draft San Pablo Avenue Specific Plan (SPASP) and related EIR – *Submitted by Mary Selva on behalf of the Richmond Annex Neighborhood Council.*
13. Comments on the Specific Plan – *Submitted by Mary Doyle, El Cerrito.*
14. Concerns about the Specific Plan – *Submitted by Thad Smith, El Cerrito.*
15. Comments opposing increases in building heights and setback reductions – *Submitted by Thomas Parent, El Cerrito.*
16. Comments in support of the Specific Plan – *Submitted by Ann Cheng, Former Mayor 2011, El Cerrito.*
17. Comments expressing concerns regarding the Specific Plan – *Submitted by Lorraine Shiraki, El Cerrito.*
18. Comments in support of protected bike lanes on San Pablo Avenue – *Submitted by Steve Porter, former Councilmember, El Cerrito.*

SUPPLEMENTAL REPORTS AND COMMUNICATIONS NO. 2

19. Comments registering opposition to the Specific Plan – *Submitted by Gino and Gloria Martinucci, El Cerrito.*
20. Comments in support of the Specific Plan – *Submitted by Alice Clerk and Charles Taylor, El Cerrito.*
21. Letter encouraging adoption of the Specific Plan – *Submitted by Letitia Moore, Former Mayor, El Cerrito.*
22. Comments in support of the Specific Plan – *Submitted by Michael Balmaceda, El Cerrito.*
23. Comments in support of the Specific Plan – *Submitted by Jessica Jones, Colin Ransdell, Josephine Ransdell and Roxanne Ransdell.*

24. Comments in support of a dedicated bike lane and high density zoning – *Submitted by Don Hermes, El Cerrito.*
25. Comments in support of continuous protected bike lanes in El Cerrito – *Submitted by Amy Bennett, El Cerrito.*
26. Comments from El Cerrito Citizen and Home Owner regarding protected bike lanes on San Pablo Avenue – *Submitted by Dennis Jones, El Cerrito.*
27. SPASP citizen comment – *Submitted by Roland Bergfelt, El Cerrito.*
28. Bikeways on San Pablo – *Submitted by Matthew Petrofsky.*
29. Comments in support of SPASP – *Submitted by Rose Vekony, El Cerrito.*
30. Bike lanes – *Submitted by Peter Meyer, El Cerrito.*
31. Additional Errata – *Submitted by Margaret Kavanaugh–Lynch, Development Services Manager.*
32. Revised proposed amendments to the General Plan to implement the San Pablo Avenue Specific Plan (Attachment 2, Exhibit A). Includes comments from Councilmember Lyman – *Submitted by Margaret Kavanaugh–Lynch, Development Services Manager.*
33. Comments regarding congestion and view obstruction – *Submitted by Arlin Robins, El Cerrito.*
34. Comments opposing the proposed San Pablo Avenue Specific Plan – *Submitted by Sherri Norris, El Cerrito.*
35. Statement to the El Cerrito City Council – *Submitted by Thomas Miller, El Cerrito.*
36. Comments in support of the Complete Streets Plan – *Submitted by David Campbell, Advocacy Director, BikeEastBay.org.*
37. Comments expressing BART’s support for the San Pablo Avenue Specific Plan – *Submitted by Grace Crunican, General Manager, BART.*
38. Photographs of San Pablo Avenue site near Steve’s Automotive – *Submitted by Steve Kahn.*
39. Comments regarding proposed height limit, bike lanes, notice and communication – *Submitted by Thad Smith, El Cerrito.*
40. Handwritten comments on Specific Plan – *Unidentified submission.*
41. Thoughts about the San Pablo Avenue Specific Plan with resources – *Submitted by Robin Mitchell, El Cerrito.*

42. Public comments regarding SPASP Form-Based Codes – *Submitted by Dave Harris, Richmond Annex Neighborhood Council.*
43. Comments regarding impacts of level of service for various modes of transportation on San Pablo Avenue – *Submitted by Damian Moskovitz.*
44. Comments for strengthening the details of the plan and aiding implementation over time – *Submitted by Howdy Goudey, El Cerrito.*
45. Land use classifications – *Unidentified submission.*
46. Comments on the Specific Plan – *Submitted by Tom Panas, El Cerrito.*
47. Comments regarding parking – *Submitted by Darcy Newton, El Cerrito.*
48. Comments regarding daylight plan – *Unidentified submission.*
49. Photo-simulation of San Pablo Avenue looking north – *Submitted by Steve Price, El Cerrito.*
50. Comments in support of the San Pablo Avenue Specific Plan – *Submitted by Devan Reiff (received after the meeting).*
51. Public comment on San Pablo Specific Area Plan – *Submitted by Karen Steen (received after the meeting).*

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL JOINT CITY COUNCIL / REDEVELOPMENT AGENCY SUCCESSOR AGENCY – CLOSED SESSION and SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

**Tuesday, October 7, 2014 – 6:15 p.m.
Hillside Conference Room**

REGULAR CITY COUNCIL MEETING

**Tuesday, October 7, 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

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

6:15 p.m.

CONVENE SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY SUCCESSOR AGENCY MEETING – CLOSED SESSION

Mayor Abelson convened the Special Joint City Council/Redevelopment Agency Successor Agency meeting – closed session at 6:15 p.m.

ANNOUNCEMENT OF CLOSED SESSIONS

1) Conference with Legal Counsel – Existing Litigation (*Pursuant to Government Code Section 54956.9(a)*) El Cerrito Redevelopment Agency Successor Agency v. Cohen, Sacramento County Superior Court, Case No. 34-2013-80001671

CITY COUNCIL ITEM

2) Conference with Labor Negotiators (*Pursuant to Government Code Section 64957.6*)

Agency Designated Representatives: Scott Hanin, City Manager, Karen Pinkos, Assistant City Manager – Acting Human Resources Manager, Glenn Berkheimer, Labor Negotiator

Employee Organizations: Service Employees International Union Local 1021

El Cerrito Public Safety Management

ORAL COMMUNICATIONS – *No speakers.*

RECESSED INTO CLOSED SESSION at 6:16 p.m.

ADJOURNED SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY

SUCCESSOR AGENCY and SPECIAL CITY COUNCIL MEETING – CLOSED SESSION at 6:55 p.m.

ROLL CALL

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

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Abelson convened the regular City Council meeting at 7:08 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE *was led by El Cerrito Junior Girl Scout Troop 32108.*

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Lyman announced that BART is hosting an event on October 9 at the Del Norte BART station to solicit public input regarding its modernization and renovation plans for the station. Additionally, there is a Music for Madera Open Space fundraiser on October 12 at the Community Center which will include a silent auction for gift baskets, including one basket donated by the City Council. The El Cerrito Free Folk Festival is on October 25 at El Cerrito High School.

Mayor Abelson reported that a joint closed session meeting of the City Council and Redevelopment Successor Agency and a separate Municipal Services Corporation closed session had occurred prior to the regular City Council meeting. Direction was provided to staff at each meeting.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

El Cerrito Junior Girl Scout Troop 32108. Scouts Mary, Lauren, Emily, Josephine, Maya, Aliya and Reece each provided comments in support of adoption of the smoking pollution protection ordinance. The Scouts stated that smoking is bad for one's health and the environment, it can kill you, it impacts the health and quality of lives of those who do not smoke and also affects kids ability to enjoy parks and public spaces.

Tom Panas, El Cerrito, stated that a variety of seeds are available for free at the Seed Libraries located at the Library and Recycling Center. Growing your own vegetables is very drought smart and puts you on the opposite side of the carbon footprint.

Alexandra Nelson, American Lung Association Advocacy Coordinator, spoke in support of the smoking pollution prevention ordinance. Ms. Nelson said she did a preliminary run-down on the Association's State of Tobacco Control Report Card and El Cerrito will be getting an A in smoke-free housing and an A for outdoor air. Passing tobacco retailers license regulations will result in an "A" over all.

4. PRESENTATION

A. El Cerrito Parks and Recreation Commission Workplan – *Presentation by Manish Doshi, Chair.*

Receive a presentation regarding the Parks and Recreation Commission's accomplishments, goals and workplan.

Action: Withdrawn and rescheduled to a future date.

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

Moved, seconded (Lyman/Friedman) and carried unanimously to approve Consent Calendar Item Nos. 5(C) through 5(I) including a corrected Item No. 5(E) as indicated below.

Moved, seconded (Benassini/Bridges: Ayes – Councilmembers Benassini, Bridges, Friedman

and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None; Absent – None) and carried to approve Consent Calendar Item No. 5(A) and a corrected No. 5(B) in one motion as indicated below.

A. Ordinance Rezoning 1715 Elm Street to a Planned Development Zoning District – Application 6133

First Reading August 19, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Absent – None.

Waive second reading and adopt Ordinance No. 2014–03 approving the rezoning of 1715 Elm Street to a Planned Development Zoning District and amending the Zoning Map.

Action: Adopted Ordinance No. 2014–03. *Becomes effective when the Development Agreement for the Project takes effect and is recorded on the property.*

B. Ordinance Approving a Development Agreement for 1715 Elm Street

First Reading August 19, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Absent – None.

Waive second reading and adopt Ordinance No. 2014–04 approving a development agreement between the City of El Cerrito and the Edward and Loretta Biggs revocable trust for 1715 Elm Street – Application 6133.

Action: Adopted Ordinance No. 2014–04 as revised to correct an inadvertent clerical error in Recital C to change “10 years” to “5 years” to achieve consistency with the term stated in the staff report and the term cited in the attached Development Agreement which is Exhibit A to the ordinance. *Effective November 6, 2014.*

C. Smoking Pollution Protection Ordinance

First Reading August 19, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson; Noes – None; Absent – None.

Waive second reading and adopt Ordinance No. 2014–05 amending Title 8 of the El Cerrito Municipal Code to add Chapter 8.06 establishing the El Cerrito Smoking Pollution Protection Ordinance and regulating smoking within the City of El Cerrito.

Action: Adopted Ordinance No. 2014–05. *Effective January 1, 2015.*

D. Ordinance Rezoning Properties Located in the San Pablo Avenue Specific Plan Area

First Reading September 22, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Friedman.

Waive second reading and adopt Ordinance No. 2014–06 amending the Zoning Map and rezoning properties located in the San Pablo Avenue Specific Plan Area.

Action: Adopted Ordinance No. 2014–06. *Effective November 6, 2014.*

E. Ordinance Incorporating the San Pablo Avenue Specific Plan Area into the Municipal Code

First Reading September 22, 2014. Vote: Ayes – Councilmembers Benassini, Bridges, Lyman and Mayor Abelson; Noes – None; Absent – Councilmember Friedman.

Waive second reading and adopt Ordinance No. 2014–07 amending Title 19 of the El Cerrito Municipal Code by adding Chapter 19.15 to incorporate the San Pablo Avenue Specific Plan Area and establish the San Pablo Avenue Special Plan District.

Action: Adopted Ordinance No. 2014–07 as revised to correct a typographical error in Recital B to change the reference “(Resolution PC 14-2)” to “(Resolution PC 14-12).”

Effective November 6, 2014.

F. Freedom from Workplace Bullies Week Proclamation

Approve a proclamation declaring the week of October 19 – 25, 2014 as “Freedom from Workplace Bullies Week” in the City of El Cerrito and commending the California Healthy Workplace Advocates and the Workplace Bullying Institute, for raising awareness of the impacts of, and solutions for, workplace bullying in the United States; and encouraging all residents to recognize this special observance.

Action: Approved proclamation.

G. Parking Modifications on Fairmount Avenue between San Pablo Avenue and Carlson Boulevard

Adopt a resolution authorizing the Public Works Director / City Engineer to establish a “No Parking” restriction from 3:00 PM to 10:00 PM on Wednesdays for both sides of Fairmount Avenue between San Pablo Avenue and Carlson Boulevard. *Exempt from CEQA*

Action: Adopted Resolution No. 2014–55.

H. Amend Agreement with Emily Alter Analysts

Adopt a resolution authorizing the City Manager to execute an amendment to the professional services agreement between the City of El Cerrito and Emily Alter Analysts (Consultant) to provide project management and support services for special projects and programs in an amount not to exceed \$62,500 bringing the total contract to an amount not to exceed \$87,500 for Fiscal Year 2014-15.

Action: Adopted Resolution No. 2014–56.

I. Agreement with 4Leaf Inc.

Adopt a resolution authorizing the City Manager to execute an amendment to the professional services agreement between the City of El Cerrito and 4Leaf Inc. (Consultant) to provide support services to the Building Division in an amount not to exceed \$25,000 bringing the total contract to an amount not to exceed \$50,000 for Fiscal Year 2014–15.

Action: Adopted Resolution No. 2014–57.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Memoranda of Understanding between the City of El Cerrito and the Public Safety Management Association

Staff requests that the City Council take the following actions:

1. Adopt a resolution approving Memoranda of Understanding between the City of El Cerrito and the Public Safety Management Association for the following bargaining units: A) Battalion Chiefs; B) Police Command Staff (Captain and Lieutenants); C) Fire Chief; and D) Police Chief .
2. Adopt a resolution modifying reporting and payment of employer paid member contributions for the Public Safety Management Association.

Presenter: Karen Pinkos, Assistant City Manager.

Action: Moved, seconded (Friedman/Lyman) and carried unanimously to adopt Resolution No. 2014–58.

Moved, seconded (Lyman/Bridges) and carried unanimously to adopt Resolution No. 2014–59.

B. Memorandum of Understanding for Service Employees International Union (SEIU), Local 1021 and Amend Paying and Reporting the Value of Employer Paid Member Contributions for SEIU, Local 1021 Employees

1. Adopt a resolution adopting the Memorandum of Understanding between the City of El Cerrito and the Service Employees International Union (SEIU), Local 1021 effective through June 30, 2017.
2. Adopt a resolution amending the paying and reporting of the value of employer paid member contributions for SEIU, Local 1021.

Presenter: Karen Pinkos, Assistant City Manager.

Action: Moved, seconded (Friedman/Benassini) and carried unanimously to adopt Resolution No. 2014–60.

Moved, seconded (Bridges/Lyman) and carried unanimously to adopt Resolution No. 2014–61.

8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS

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

Councilmember Lyman reported on his attendance at a regional Association of Bay Area Governments (ABAG) Executive Committee meeting. The group received a presentation about a planned development area in Petaluma. Information regarding a 2003 Specific Plan that included a form based code for the downtown area was also included. Petaluma has a nice downtown now that is 100% market driven without any subsidy by the city.

Another presentation informed the group about Proposition One, the \$7.5 billion state water bond. ABAG voted to endorse Proposition One and feels that it is very important for the Bay Area. The last presentation was about the South Napa earthquake. The Cities of Napa, Vallejo and American Canyon each spoke about their experiences responding to the recent earthquake. It is important to make sure contracts are in place for post-earthquake services like structural inspection and waste disposal to avoid any delays in recovery. The presenters discussed placing shut off valves on non-essential water lines, like air conditioning chillers, to avoid water damage on roofs. The Cities noted their appreciation for citizen preparation and response and recognized the importance of Community Emergency Response Training (CERT) programs. It was recommended that cities take advantage of training programs, particularly in FEMA recordkeeping. The thresholds and amount of documentation required for FEMA reimbursement is quite high. Attendance at the week long California Specialized Training Institute (CSTI) course was also recommended. The City of Napa informed ABAG that half of its Emergency Operations staff had just returned from the training and it really paid off in responsiveness, use of social media to communicate with the public and the ability to maintain a sense of calm. Councilmember Lyman asked about the status of the City's unreinforced masonry code.

The Design Review Board (DRB) met in September and is working on its annual workplan. The DRB wants to be more proactive and give developers and property owners ideas that will accelerate progressive improvements along San Pablo Avenue. The DRB was very excited about the Specific Plan.

Councilmember Bridges reported on her attendance at the last Environmental Quality Committee (EQC) meeting. The EQC received a presentation from a speaker from Marine Applied Research & Exploration (MARE) on California's marine protected area network and the importance of the world's oceans. The impacts of overfishing was also discussed. Fish

fecundity is based on size. While 15% of the earth's lands are protected, only 1% of the ocean is protected.

Councilmember Benassini reported that the Parks Commission has spent time working on ideas for its upcoming workplan presentation. The Economic Development Committee received a presentation on statistics, census data and market reports focused on El Cerrito and also compared local statistics to those of Contra Costa and parts of Alameda County.

Mayor Abelson reported on her attendance at an East Bay Division of the League of California Cities Executive Committee planning meeting. The Committee is looking at programs that would attract other councilmembers to Division meetings such as featuring best practices employed in one city that could be shared and utilized by other cities in Contra Costa and Alameda Counties. Mayor Abelson used the Off the Grid Food Truck event in El Cerrito as an example.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 7:47p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 5(B) Ordinance Approving a Development Agreement for 1715 Elm

1. Correction of an inadvertent clerical error in Recital C of Ordinance 2014-04 to change 10 years to 5 years to achieve consistency with the City Council's intent and the term cited in the attached Development Agreement which is Exhibit A to the ordinance – *Submitted by Margaret Kavanaugh-Lynch, Development Services Manager.*

Item No. 5(E) Ordinance Incorporating the San Pablo Avenue Specific Plan Area into the Municipal Code

2. Correction of typographical error in Recital B of Ordinance 2014-07 to Change the reference "(Resolution PC 14-2)" to "(Resolution PC 14-12)" - *Submitted by Margaret Kavanaugh-Lynch, Development Services Manager.*

Other:

3. Information on the El Cerrito Seed Libraries – *Submitted by Tom Panas, El Cerrito.*

EL CERRITO CITY COUNCIL PROCLAMATION
2014 Shelter-in-Place Education Day, November 5, 2014

WHEREAS, public and private schools and childcare centers throughout Contra Costa County will be participating in the Shelter-in-Place Drill on November 5; and

WHEREAS, Contra Costa Community Awareness Emergency Response Group – CAER – is sponsoring the 13th Annual Shelter-in-Place Drill and assisting schools and childcare centers with their emergency preparedness; and

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

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

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

NOW, THEREFORE, the City Council of the City of El Cerrito hereby recognizes the importance of preparing for emergencies and encourages participation in the Contra Costa CAER Group’s public education efforts and proclaims November 5, 2014, as “Shelter-in-Place Education Day” in the City of El Cerrito in support of the parents, teachers, students and staff that will be participating with hundreds of other schools and childcare centers in the Shelter-in-Place Drill.

Dated: October 21, 2014

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(C)

Date: October 21, 2014

To: El Cerrito City Council

From: Garth Schultz, Operations + Environmental Services Division Manager
Yvetteh Ortiz, Public Works Director/City Engineer

Subject: Amend Franchise Agreement with East Bay Sanitary Company to
Eliminate Unnecessary Provisions Pertaining to Fleet Maintenance

ACTION REQUESTED

Adopt a resolution approving the proposed Seventh Amendment to the Franchise Agreement between the City of El Cerrito and East Bay Sanitary Company, Inc. eliminating provisions pertaining to fleet maintenance that were changed or added to the Franchise Agreement by the Sixth Amendment and are now unnecessary.

DISCUSSION

On October 15, 2013, the City Council approved a Sixth Amendment to the City's Franchise Agreement with East Bay Sanitary Company, Inc. (EBS) that expanded EBS's fleet management and maintenance operations for the City (Resolution No. 2013-57). In the Sixth Amendment, it was established that EBS would form a separate corporation that would function as the City's independent fleet manager and maintenance operator for recycling collection and maintenance vehicles. The Sixth Amendment stipulated that, upon formation of the separate corporation, the City would enter into a separate maintenance agreement with the newly formed company, the terms of which would make unnecessary the fleet management and maintenance services provided via the Sixth Amendment.

On August 19, 2014, the City Council approved an agreement with the newly formed Liberty Fleet Care, Inc. for fleet management and maintenance services previously provided by EBS per the terms of the Sixth Amendment (Resolution No. 2014-41). The action requested of the Council is to eliminate the unnecessary fleet management and maintenance provisions in the EBS Franchise Agreement, as these services are now being provided via the City's agreement with Liberty Fleet Care.

STRATEGIC PLAN CONSIDERATIONS

Approval of the proposed Amendment will have no bearing on implementation of the City's Strategic Plan. The prior actions taken by the Council on this matter have supported the "*Develop and strengthen relationships with public and private partners*" strategy listed in Goal A – Deliver exemplary government services.

ENVIRONMENTAL CONSIDERATIONS

Approval of the proposed Amendment will have no bearing on the City's environmental footprint. Prior actions taken by the Council on this matter have resulted in decreased vehicle miles travelled for maintenance needs, more efficient operations, and longer useful vehicle lifetimes.

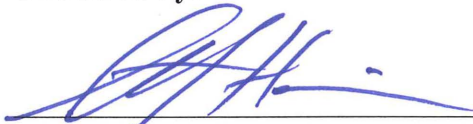
FINANCIAL CONSIDERATIONS

Approval of the proposed Amendment will have no bearing on the City's finances. Prior actions taken by the Council on this matter have considered the financial impacts of the fleet management and maintenance services previously provided by the Company, and now provided by Liberty Fleet Care.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Proposed Seventh Amendment to Franchise Agreement

RESOLUTION 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO TO APPROVE THE SEVENTH AMENDMENT TO FRANCHISE AGREEMENT BETWEEN THE CITY OF EL CERRITO AND EAST BAY SANITARY COMPANY, INC.

WHEREAS, the City of El Cerrito (City) and East Bay Sanitary Company, Inc. (Company) have entered into that certain Franchise Agreement originally dated September 2, 1997 and most recently amended on October 16, 2013 (Franchise Agreement); and

WHEREAS, the Company previously provided fleet management and maintenance services to the City's recycling collection and maintenance vehicles per the terms of the Franchise Agreement; and

WHEREAS, the Company has formed a separate corporation named "Liberty Fleet Care, Inc" to provide fleet management and maintenance services to City vehicles; and

WHEREAS, the City and Liberty Fleet Care, Inc. have entered into a separate maintenance agreement under which Liberty Fleet Care is responsible for providing fleet management and maintenance and repair services for City recycling and other vehicles; and

WHEREAS, the execution of that agreement makes unnecessary the provisions that were changed or added to the Franchise Agreement by the Sixth Amendment; and

WHEREAS, the parties now wish to amend the Franchise Agreement to eliminate those unnecessary provisions.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Cerrito, that it hereby approves the Seventh Amendment to the Franchise Agreement between the City of El Cerrito and East Bay Sanitary Company, Inc., hereto attached as Exhibit A, eliminating provisions that were changed or added to the Franchise Agreement pertaining to Fleet Maintenance by the Sixth Amendment and are now unnecessary.

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

I CERTIFY that at a regular meeting on October 21, 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 October X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

**SEVENTH AMENDMENT TO FRANCHISE AGREEMENT
BETWEEN
CITY OF EL CERRITO
AND
EAST BAY SANITARY COMPANY, INC.**

This Seventh Amendment to the Franchise Agreement is entered into as of the ____ day of ____, 2014 by and between the CITY OF EL CERRITO, a municipal corporation (City) and EAST BAY SANITARY COMPANY, INC. a California corporation (Company).

Preamble

WHEREAS, City and Company have entered into that certain Franchise Agreement originally dated September 2, 1997 and most recently amended on October 16, 2013 by the Sixth Amendment (the “Franchise Agreement”); and

WHEREAS, the Company previously provided fleet management and maintenance services to the City’s recycling collection and maintenance vehicles per the terms of the Franchise Agreement; and

WHEREAS, the Company has formed a separate corporation named “Liberty Fleet Care, Inc.” to provide fleet management and maintenance services to City vehicles; and

WHEREAS, the City and Liberty Fleet Care, Inc. have entered into a separate maintenance agreement under which Liberty Fleet Care is responsible for providing fleet management and maintenance and repair services for City recycling and other vehicles; and

WHEREAS, the execution of that agreement makes unnecessary the provisions that were changed or added to the Franchise Agreement by the Sixth Amendment; and

WHEREAS, the parties now wish to amend the Franchise Agreement to eliminate those unnecessary provisions;

THEREFORE, IN CONSIDERATION OF THE COVENANTS AND CONDITIONS CONTAINED HEREIN, THE CITY AND COMPANY DO HEREBY AGREE AS FOLLOWS:

- 1. The foregoing recitals are hereby incorporated into this Agreement.**
- 2. Section 11 (Company Provided Services) Subsection I (Maintenance of the City’s Recycling Collection Fleet) is hereby replaced in its entirety with the below:**
 - I. Fleet Maintenance and Management Services for the City’s Recycling Collection Fleet and other City Vehicles**

(1) Fleet management and maintenance for City vehicles is governed by a separate maintenance agreement between Liberty Fleet Care, Inc., or its successor, and the City.

3. Section 11 (Company Provided Services) Subsection Y (Liquidated Damages) is hereby amended to delete sections 11, 12 and 13 as follows:

~~11. \$250 for each failure to conduct and accurately document services required in Section 11.I(5) of this Agreement.~~

~~12. Actual cost of any citation, fine or other monetary penalty to the City up to \$10,000 per incident for failure to maintain the City's vehicles and/or any associated reporting requirements in accordance with the terms and conditions of this Amendment. Company will not be liable for any preexisting violation that existed prior to the execution of this Amendment to the Franchise Agreement.~~

~~13. The actual cost incurred for required parts for any instances of failure to maintain the City's vehicles in accordance with the requirements necessary to provide the full benefits of the manufacturers' warranties.~~

4. Section 21 (Indemnification) of the Franchise Agreement is amended to delete paragraph "D" as follows:

~~D. The City agrees to defend and indemnify the Company and East Bay Truck Maintenance, Inc., (and their respective officers, directors, shareholders consultants, predecessors, successors, assigns, agents, representatives, employees, parent and subsidiary companies, affiliates, and each of them) from and against any and all claims, demands, causes of action, liabilities, judgments, settlements, losses, costs, damages, and/or expenses in law or equity, contract or tort, of every kind and nature whatsoever to the extent they arise out of or relate to operator error, as defined below, or to the extent they arise out of or relate to the negligence or willful misconduct by any operator of any City vehicle that is the subject of the 6th Amendment to Franchise Agreement when the operator of the City vehicle is not an employee of the Company or East Bay Truck Maintenance, Inc.~~

~~Operator error includes driving errors, failure to follow written recommendations by the Company or East Bay Truck Maintenance, Inc., and failure to report vehicle deficiencies to the Company or East Bay Truck Maintenance, Inc., when required by state law.~~

5. Franchise Agreement.

Except as expressly set forth herein, the Franchise Agreement remains in full force and effect.

6. Entire Agreement.

This Seventh Amendment is executed in three (3) duplicate originals, each of which is deemed to be an original. This Seventh Amendment includes three (3) pages of text.

IN WITNESS WHEREOF, the parties hereby have executed this Agreement on the day first above written:

City

Signature _____

Printed Name _____

Title _____

Date _____

Company

Signature _____

Printed Name _____

Title _____

Date _____

APPROVED AS TO FORM:

City Attorney

2315672.1

ATTEST:

City Clerk



AGENDA BILL

Agenda Item No. 5(D)

Date: October 21, 2014

To: El Cerrito City Council

From: Garth Schultz, Operations + Environmental Services Division Manager
Yvetteh Ortiz, Public Works Director/City Engineer

Subject: Extend the Street Sweeping Maintenance Agreement with Universal Building Services through December 31, 2014

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to extend the City's street sweeping maintenance agreement with Universal Building Services (UBS) for the period October 22, 2014 to December 31, 2014, for an additional amount not to exceed \$15,324 bringing the total contract to an amount not to exceed \$40,324 for Fiscal Year (FY) 2014-2015.

DISCUSSION

Per the terms of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP), the City is responsible for keeping its streets, gutters, storm drains, creeks, and waterways free of trash, debris, and other pollutants. Trash, debris, and other pollutants on City streets can easily be mobilized by rain and wind to gutters and storm drain inlets, and end up in storm drains flowing to creeks and the San Francisco Bay. Regular sweeping of residential and commercial streets is an effective method of removing trash, debris, and other pollutants before they can enter the storm drain system.

Following a 2009 public bidding process, the City Council approved an agreement (Resolution No. 2009-21) with UBS to provide street sweeping effective June 17, 2009, with the option for extensions through June 30, 2014. Subsequent to the June 30, 2014 contract end date, on the most recent extension, UBS agreed to continue providing street sweeping service to the City at a cost not to exceed \$25,000 from July 1, 2014 through October 21, 2014, under the authority of the City Manager. This extension was made so that City staff could issue a Request for Proposals (RFP), select a provider, and negotiate and recommend to the Council an agreement to provide street sweeping services effective October 22, 2014 through June 30, 2020, without any interruption of street sweeping services.

On August 29, 2014, the City issued an RFP for street sweeping services identical to those currently provided by UBS. The RFP was posted to the City's website and

directly provided to seven potential street sweeping companies including UBS. The City received three proposals from qualified companies by the September 30, 2014 due date for proposals. Staff originally anticipated that an agreement for services effective October 22, 2014 would be ready for Council consideration by the October 21 Council meeting; however, because the top two proposals received are very competitive, staff determined that more time would be necessary to correctly evaluate the top two proposals and enter into contract negotiations with the top ranked proposer. City staff has interviewed the top two proposers, and is currently in contract negotiations with the top ranked proposer, with the intention of seeking Council authorization to execute an agreement prior to December 31, 2014. In the meantime, UBS has agreed to continue to provide street sweeping services at its current monthly rate of \$6,720.51 through December 31, 2014, for a total FY 2014-2015 cost not to exceed \$40,324.

STRATEGIC PLAN CONSIDERATIONS

Approval of the proposed extension is consistent with El Cerrito Strategic Plan Goal A – Deliver exemplary government services. Specifically, staff’s proposal of a short-term extension of the street sweeping maintenance agreement with UBS is in the spirit of the “increase productivity and efficiency by utilizing data-driven analysis to ensure appropriate resource allocation” and “maintain emphasis on providing excellent customer service” strategies listed in Goal A. These types of considerations require further analysis and review prior to recommendation of a new street sweeping maintenance agreement.

ENVIRONMENTAL CONSIDERATIONS

Approval of the proposed extension will have no substantial bearing on the City’s environmental footprint, as it is a short-term extension of existing services. Future staff reports pertaining to anticipated Council action on a new proposed street sweeping maintenance agreement to be effective January 1, 2015 will consider the environmental impacts of the proposed agreement and alternatives.

FINANCIAL CONSIDERATIONS

Funding for street sweeping maintenance services in the amount of \$87,500 is available in the City’s Adopted FY 2014-2015 Budget in an allocation from the General Fund for Infrastructure Maintenance Services. If Council approves the extension to the UBS agreement, funding of \$47,176 will remain available for street sweeping services from January 1, 2015 through June 30, 2015. Based on the street sweeping proposals received on September 30, the \$47,176 in funds remaining on January 1, 2015 will be sufficient to cover street sweeping expenses for the latter half of FY 2014-2015.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution

RESOLUTION 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXTEND THE STREET SWEEPING MAINTENANCE AGREEMENT WITH UNIVERSAL BUILDING SERVICES BETWEEN OCTOBER 22, 2014 AND DECEMBER 31, 2014, IN AN AMOUNT NOT TO EXCEED \$15,324 BRINGING THE TOTAL CONTRACT TO AN AMOUNT NOT TO EXCEED \$40,324 FOR FISCAL YEAR (FY) 2014-2015

WHEREAS, per the terms of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Regional Permit (MRP), the City of El Cerrito (City) is responsible for keeping its streets, gutters, storm drains, creeks, and waterways free of trash, debris, and other pollutants; and

WHEREAS, trash, debris, and other pollutants on City streets can easily be mobilized by rain and wind to gutters and storm drain inlets, and end up in storm drains flowing to creeks and the San Francisco Bay; and

WHEREAS, regular sweeping of residential and commercial streets is an effective method of removing trash, debris, and other pollutants before they can enter the storm drain system; and

WHEREAS, following a 2009 public bidding process, the City Council approved Resolution No. 2009-21, an agreement with Universal Building Services (UBS) to provide street sweeping effective June 17, 2009 with the option for extensions through June 30, 2014; and

WHEREAS, subsequent to the June 30, 2014 end date on the most recent extension, UBS agreed to continue to provide street sweeping services to the City at a cost not to exceed \$25,000 from July 1, 2014 through October 21, 2014 under the authority of the City Manager; and

WHEREAS, this was done so that City staff could issue a Request for Proposals (RFP), select a provider, and negotiate and recommend to the Council an agreement to provide street sweeping services effective October 22, 2014 through June 30, 2020, without any interruption of street sweeping services; and

WHEREAS, on August 29, 2014, the City issued an RFP for street sweeping services identical to those currently provided, which was posted to the City's website and directly provided to seven potential street sweeping companies including UBS; and

WHEREAS, the City received three proposals from qualified companies by the September 30, 2014 due date for proposals; and

WHEREAS, City staff has interviewed the top two ranked proposers and is currently in contract negotiations with the top ranked proposer, with the intention of seeking Council authorization to execute an agreement prior to December 31, 2014; and

WHEREAS, UBS has agreed to continue to provide street sweeping services at its current monthly rate of \$6,720.51 through December 31, 2014, for a total FY 2014-2015 cost of \$40,324; and

WHEREAS, funding for street sweeping maintenance services in the amount of \$87,500 is available in the City's Adopted FY 2014-2015 Budget in an allocation from the General Fund for Infrastructure Maintenance Services; and

WHEREAS, funding of \$47,176 will remain available for street sweeping services from January 1, 2015 through June 30, 2015 if the Council approves the proposed agreement extension with UBS; and

WHEREAS, based on the street sweeping proposals received on September 30, the \$47,176 in funds remaining on January 1, 2015 will be sufficient to cover street sweeping expenses for the latter half of FY 2014-2015.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Cerrito, that it hereby authorizes the City Manager to extend the street sweeping maintenance agreement with Universal Building Services between October 22, 2014 and December 31, 2014 in an additional amount not to exceed \$15,324 bringing the total contract to an amount not to exceed \$40,324 for FY 2014-2015.

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

I CERTIFY that at a regular meeting on October 21, 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 October X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: October 21, 2014

To: El Cerrito City Council

From: Garth Schultz, Operations + Environmental Services Division Manager
Yvetteh Ortiz, Public Works Director/City Engineer

Subject: Memorandum of Understanding with the West Contra Costa Unified School District for the Renovation of the Castro Park Athletic Field

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute a Memorandum of Understanding (MOU) with the West Contra Costa Unified School District (District) for the renovation of the Castro Park athletic field.

DISCUSSION

As previously reported to the City Council by District representatives, the District has committed to renovating the aging Castro Park athletic field in conjunction with construction of the Fred T. Korematsu Middle School project at 7125 Donal Avenue, which is adjacent to the field. The District owns the Castro Park grounds while the City currently maintains and programs use of the park facilities including the athletic field per an existing agreement with the District. Middle School students will utilize the Castro Park field for physical education and other activities starting in the 2015-2016 school year. At the same time, participation in summer camps, baseball, soccer, and other programs continues to increase, resulting in increased wear and tear of the field at Castro Park. In addition, the Middle School construction required trenching and other work on and near the field further impacting the current condition of the field.

Renovation of the Castro Park field was deemed necessary by the District and City due to the age of the field, increasing usage, and impacts related to the Middle School construction project as noted above. Because of discussions between the District and the City regarding renovation of the field, the District offered to pay up to \$200,000 in expenses to renovate the field and the City offered to manage and direct the renovation project in order to expedite completion. In doing so, the City will be in a position to involve current field users in the design process and also schedule use of the field around construction, which is anticipated to begin in May or June 2015. Additionally, because the City is currently responsible for maintenance of the field, the City has incentive to conduct the renovation such that long-term maintenance requirements are carefully considered and minimized as much as possible.

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It is anticipated that renovation of the field will minimally involve complete replacement of the irrigation system, minor grading work to improve drainage, amending the soil, and replacing the field surface. If budget allows, the project may also include enhancements to landscaped areas at the field's perimeter as well as other site elements such as pathways, fencing, bleachers, and the backstop. The renovation will allow the District and City to provide a quality athletic field for the increasing numbers of school and community users.

STRATEGIC PLAN CONSIDERATIONS

Approval of the proposed MOU to renovate Castro Park athletic field is consistent with El Cerrito Strategic Plan Goal C – Deepen a sense of place and community identity, and Goal D – Develop and rehabilitate public facilities as community focal points. Specifically, the MOU and renovation project are in line with the “Be a strong partner with the schools” and “Develop a plan to address ongoing and deferred maintenance of facilities and infrastructure” strategies listed under Goals C and D, respectively.

ENVIRONMENTAL CONSIDERATIONS

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

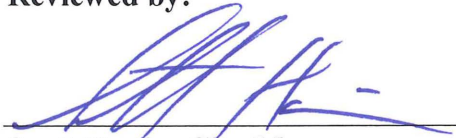
FINANCIAL CONSIDERATIONS

Per the MOU, the City will complete the renovation work within the budget of \$200,000 and the District will pay the City up to this amount for all expenses incurred for design and construction. City staff will provide project management and administration within the adopted Fiscal Year 2014-2015 operating budget for the Public Works Department. If the Council approves the MOU, City staff will seek Council authorization to engage design consultants and construction contractors for any amount beyond the City Manager's authority for expenditures.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. MOU for Renovation of Castro Park athletic field

RESOLUTION 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF
UNDERSTANDING WITH THE WEST CONTRA COSTA UNIFIED SCHOOL
DISTRICT FOR THE RENOVATION OF CASTRO PARK ATHLETIC FIELD

WHEREAS, the Castro Park athletic field in El Cerrito is owned by the West Contra Costa Unified School District (District); and

WHEREAS, the City of El Cerrito (City) maintains and programs use of the Castro Park facilities including the athletic field per an existing agreement with the District; and

WHEREAS, the District is engaged in the construction of the Fred T. Korematsu Middle School project at 7125 Donal Avenue, adjacent to the Castro Park athletic field; and

WHEREAS, the athletic field at Castro Park will be utilized by the Middle School students for physical education and other activities starting in the 2015-2016 school year; and

WHEREAS, participation in summer camps, baseball, soccer, and other programs continues to increase, resulting in increased wear and tear of the field at Castro Park; and

WHEREAS, the Middle School construction required trenching and other work on and near the field further impacting the current condition of the field; and

WHEREAS, due to the age of the field, increasing usage, and impacts related to the Middle School construction project, the Castro Park athletic field and associated elements are in need of renovation in order for the District and the City to be able to provide a quality athletic field for the increasing numbers of school and community users; and

WHEREAS, the District has offered to cover the costs of renovating the Castro Park athletic field in an amount not to exceed \$200,000 and the City has offered to manage and direct the renovation project to expedite completion; and

WHEREAS, it is in the City's interests to manage and direct the renovation project to facilitate participation of current field users in the design process and to schedule use of the field around construction; and

WHEREAS, it is also in the City's interests to manage and direct the renovation project because the City will ultimately be responsible for the long term maintenance of the new athletic field per the existing agreement with the District;

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Cerrito, that it hereby authorizes the City Manager to execute a Memorandum of Understanding with the West Contra Costa Unified School District for the renovation of

the Castro Park athletic field in a form substantially similar to the Memorandum hereto attached as Exhibit A.

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

I CERTIFY that at a regular meeting on October 21, 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 October X, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



MEMORANDUM OF UNDERSTANDING
Between
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
And
CITY OF EL CERRITO

The City of El Cerrito (City) and the West Contra Costa Unified School District (WCCUSD) have entered into this Memorandum of Understanding (MOU) to complete a renovation project of the athletic field located at Castro Park, in El Cerrito (Project). This Project will result in a new athletic field for use by the school, sports programs, and community.

The MOU confirms a commitment between WCCUSD and the City to completely renovate Castro Park athletic field, directly adjacent to the new middle school being constructed at 7125 Donal Ave., El Cerrito. This Project is scheduled to occur in conjunction with the opening of the new school facility scheduled for the fall semester 2015, in keeping with the proposed schedule included in Exhibit A. The Project will include replacement of the irrigation system, grading work, and replacement of the outfield turf area with new sod as further described in the attached Castro Athletic Field Scope of Project document. Additionally, the Project will enhance other elements of the field such as landscaping, fencing, paths, bleachers, backstops, and other features associated with the athletic field grounds. This MOU shall become effective upon execution, and shall continue through December 31, 2015 or upon completion of the Project, whichever occurs first.

The City agrees that it:

- Will complete the elements detailed in Section 2 (Project) of the attached Castro Athletic Field Project Scope (Exhibit B) by the start of the 2015 WCCUSD school year.
- Will provide management of the Project without compensation from WCCUSD.
- Will direct all work related to the Project, including selecting and managing the landscape architect, certified irrigation designer, and landscape contractor, and other contractors necessary to the completion of the work.
- Obtain the District's written approval of the Project design before commencement of any work of the Project.
- Will complete all Primary Project Scope, as identified in exhibit B (Primary Project Scope), including payment of all costs, fees, and other expenses associated with the Project, within the budget of Two Hundred Thousand Dollars (\$200,000) ("Project Budget"). City will discuss any deductions from Project scope of work that are necessary to keep the project within budget and obtain written consent of the District.
- The Project Budget shall only be used for Project related costs as approved by the District. City



MEMORANDUM OF UNDERSTANDING
Between
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
And
CITY OF EL CERRITO

shall provide the District with a detailed accounting of all expenditures of the Project Budget. The District shall approve of the expenditures before payment of the final amount as detailed herein.

- Will comply with any city, state, or local code, covenant, ordinance, or regulation applicable to the Project.
- Will submit to the District a certification that: (1) the Project is Complete; (2) completed in accordance with the terms of this MOU, and (3) the City's expenditures of the Project Budget are in accordance with this MOU.
- To the furthest extent permitted by California law, City shall defend, indemnify, and hold harmless the District, its representatives, officers, employees, and volunteers (the "indemnified parties") from any and all demands, losses, liabilities, claims, suits, and actions (the "claims") of any kind, nature, and description, including, but not limited to, attorneys' fees and costs, arising out of any personal injury, bodily injury, loss of life, or damage to property, or any violation of any federal, state, or municipal law or ordinance, to the extent caused by the willful misconduct or negligent acts or omissions of City or its employees, subcontractors, or agents. The District shall have the right to accept or reject any legal representation that City proposes to defend the District.

WCCUSD:

- Will pay the City Two Hundred Thousand Dollars (\$200,000) for all costs, expenses and fees associated with the Project. District will pay the City as follows:
 - Fifty Thousand Dollars (\$50,000) on or before October 31, 2014;
 - Fifty Thousand Dollars (\$50,000) within thirty (30) days of commencement of construction of the Project; and
 - One Hundred Thousand Dollars (\$100,000) within thirty (30) days of receiving the City's self-certification.
- Will complete the elements detailed in section 1) of the attached Castro Athletic Field Project Scope by December 31, 2014.
- Will review and provide written approval of the Project design within three weeks of receiving the Project design from the City. City shall not commence any work of the Project prior to receipt of District's written approval of the Project design.



MEMORANDUM OF UNDERSTANDING
Between
WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
And
CITY OF EL CERRITO

- Will review and provide written consent regarding any deductions from Project scope of work that are necessary to keep the Project within budget, within a reasonable timeframe as agreed between District and City staff to ensure timely completion of the Project. The Parties acknowledge and agree that priority will be given to completion of the Primary Project scope of work relating to the removal and replacement of the sod and irrigation. Deductions from Project scope of work, if necessary, shall first be made to the scope of work related to other Project site enhancements to non-sod landscaped areas.
- To the furthest extent permitted by California law, District shall defend, indemnify, and hold harmless the City, its representatives, officers, employees, and volunteers (the “indemnified parties”) from any and all demands, losses, liabilities, claims, suits, and actions (the “claims”) of any kind, nature, and description, including, but not limited to, attorneys’ fees and costs, arising out of any personal injury, bodily injury, loss of life, or damage to property, any violation of any federal, state, or municipal law or ordinance, to the extent caused by the willful misconduct or negligent acts or omissions of District or its employees, subcontractors, or agents. The City shall have the right to accept or reject any legal representation that District proposes to defend the City.

The City and District further agree that except as the City and District may specify in writing, no Party shall have authority, express or implied, to act on behalf of any other Party in any capacity whatsoever as an agent. No Party shall have any authority, express or implied, pursuant to this MOU, to bind any other party to any obligation whatsoever.

Dr. Bruce Harter, Superintendent, WCCUSD

Date

Scott Hanin
City Manager, City of El Cerrito

Date

EXHIBIT A

2015 Castro Field Renovation Project Proposed Schedule

Proposed Date	Item	Notes
October 15, 2014	Execute MOU	District and City execute MOU for Castro Field Renovation.
October 31, 2014	First Payment Issued to City	District pays first installment of \$50,000 to the City.
November - December, 2015	Select Designer	City selects qualified athletic field and irrigation designer.
January, 2015	Develop Design and Construction Documents	Development of design and construction documents
February, 2015	Complete Design and Construction Documents	Design approval by licensed landscape architect. City seeks WCCUSD written approval of Project design.
March, 2015	Construction Bids	City receives District's written approval of Design. City conducts appropriate bidding process to select installer.
April, 2015	Contract Negotiations	City enters contract negotiations with selected bidder(s).
May, 2015	Approval of Contract	City Council approves construction contract.
June 1, 2015	Installation Begins	
July 1, 2015	Second Payment Issued to City	District pays second installment of \$50,000 to the City.
July 14, 2015	Finish Installation	City contractors to complete installation of turf; establishment period begins.
August 14, 2015	Project Completion	Project complete and field ready for use. City submits self-certification to District. District has 30 days to review and approval City's self-certification.
September 14, 2015	Final Payment Issued to City	District completes review of self-certification. District releases final \$100,000 payment to City.

EXHIBIT B

City of El Cerrito - Department of Public Works

CASTRO ATHLETIC FIELD RENOVATION PROJECT SCOPE		
9/30/2014	PROJECT COSTS	DETAILS
CONSTRUCTION		
1) Trench Repair - Fill and re-compaction		
WCCUSD by 12/31/2014	WCCUSD	Verify that trench fill compaction tests were completed, on what size lifts, at what %.
	WCCUSD	If not to appropriate standards, trench may require repair prior to field renovation work.
	WCCUSD	This may include removal of existing fill and recompacting with appropriate lifts and testing.
	WCCUSD	Continue to correct for any continued subsidence that may occur after recompacting.
2) Field Renovation and Enhancement Project		
City of El Cerrito by August 30, 2015		PRIMARY PROJECT SCOPE
		Design and construction documents by qualified athletic field and irrigation designer.
		Design approval by licensed landscape architect.
		Remove and replace sod and irrigation:
		Apply lowest toxicity herbicide to kill existing sod.
		Mechanically remove 52,500 sf of existing sod and irrigation system.
		Soil scarification and minor grading of 52,500 sf to +/- 1/10" for proper drainage.
		Assumes rough grading and compaction of trench area done by others in #1 above.
		Install drainage channels if necessary.
		Soil testing, preparation, organic amendments.
		Install new irrigation system:
		Schedule 40 main and lateral lines.
		Remote control valves - Rain Bird EFB-CP Series PRS-D or equivalent.
		Quick coupler valves - Rain Bird 44DLRC or equivalent.
		Schedule 80 triple swing joints and Hunter I-40 heads or equivalent.
		Toro Sentinel satellite controller with stainless steel cabinet (SSAMN) or equivalent.
		Pre-water and re-apply lowest toxicity herbicide.
		Final grading work.
		Install 52,500 sf of new sod, turf type tall fescue (90/10).
		SECONDARY PROJECT SCOPE
		Enhancements to non-sod landscaped areas at playfield perimeter.
		Enhancements to other site elements such as paths, bleachers, backstop.
TOTAL PROJECT BUDGET	\$ 200,000	Project Budget pertains to #2 "Field Renovation and Enhancement Project" only. City will complete the largest Project scope feasible that fits within the \$200,000 Project Budget.



AGENDA BILL

Agenda Item No. 5(F)

Date: October 21, 2014

To: El Cerrito City Council

From: Yvetteh Ortiz, Public Works Director /City Engineer
Melanie Mintz, Interim Community Development Director

Subject: Metropolitan Transportation Commission's Regional Measure 2 Project
Compliance for San Pablo Avenue Specific Plan and Complete Streets
Plan - Additional Analysis for Implementation

ACTION REQUESTED

Adopt a resolution verifying project compliance with the Metropolitan Transportation Commission's Regional Measure 2 requirements and authorizing the City Manager to submit an allocation request in the amount of \$100,000 for the San Pablo Avenue Specific Plan Complete Streets Plan - Additional Analysis for Implementation (Project).

DISCUSSION

As reported in the March 2014 City Manager's Update, the City was awarded \$100,000 from the Safe Routes to Transit Program, funded by Regional Measure 2 (RM2) and administered by the Metropolitan Commission (MTC), to complete additional analysis for the San Pablo Avenue Specific Plan and Complete Streets Plan to move the complete street improvements identified in the Plan towards implementation. The additional analysis specifically includes stakeholder engagement, engineering, operational evaluations, and preliminary design to develop a pilot design plan for a separated bikeway, pedestrian access and bus bulbs along San Pablo Avenue from Lincoln Avenue to Potrero Avenue. The pilot design plan will enable the City and partner agencies including AC Transit, Caltrans and BART to seek funding for final design and construction.

Regional Measure 2 Policy Guidance (MTC Resolution No. 3636) requires that the City Council approve a resolution verifying project compliance with the RM2 requirements and authorizing the City Manager to submit an allocation request.

FINANCIAL CONSIDERATIONS

The grant funding of \$100,000 from the Safe Routes to Transit Program will be appropriated in the Grants Fund (221) through an amendment to the Fiscal Year (FY) 2014-15 budget and will be used for procurement of consultant services.

The City is committing to provide in-kind services in the amount of \$20,000. The in-kind services will be provided by City staff and consultants as budgeted in the adopted

Agenda Item No. 5(F)

FY 2014-15 operating budgets for the Public Works and Community Development Departments.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution

RESOLUTION 2014-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO VERIFYING PROJECT COMPLIANCE WITH THE METROPOLITAN TRANSPORTATION COMMISSION'S REGIONAL MEASURE 2 REQUIREMENTS AND AUTHORIZING THE CITY MANAGER TO SUBMIT AN ALLOCATION REQUEST IN THE AMOUNT OF \$100,000 FOR THE SAN PABLO AVENUE SPECIFIC PLAN AND COMPLETE STREETS PLAN - ADDITIONAL ANALYSIS FOR IMPLEMENTATION

WHEREAS, SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, identified projects eligible to receive funding under the Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, the City of El Cerrito is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the San Pablo Avenue Specific and Complete Streets Plan – Additional Analysis is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report, which is attached hereto as Exhibit A, and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which the City of El Cerrito is requesting that MTC allocate Regional Measure 2 funds.

NOW THEREFORE, BE IT RESOLVED, that the City of El Cerrito, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636).

BE IT FURTHER RESOLVED, that the City of El Cerrito certifies that the project is consistent with the Regional Transportation Plan (RTP).

BE IT FURTHER RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project.

BE IT FURTHER RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment.

BE IT FURTHER RESOLVED, that the City of El Cerrito approves the updated Initial Project Report, attached to this resolution.

BE IT FURTHER RESOLVED, that the City of El Cerrito approves the cash flow plan, attached to this resolution.

BE IT FURTHER RESOLVED, that the City of El Cerrito has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution.

BE IT FURTHER RESOLVED, that the City of El Cerrito is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c).

BE IT FURTHER RESOLVED, that the City of El Cerrito is authorized to submit an application for Regional Measure 2 funds for San Pablo Avenue Specific and Complete Streets Plan – Additional Analysis in accordance with California Streets and Highways Code 30914(c).

BE IT FURTHER RESOLVED, that the City of El Cerrito certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder.

BE IT FURTHER RESOLVED, that there is no legal impediment to the City of El Cerrito making allocation requests for Regional Measure 2 funds.

BE IT FURTHER RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of El Cerrito to deliver such project.

BE IT FURTHER RESOLVED, that the City of El Cerrito indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of the City of El Cerrito, its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages.

BE IT FURTHER RESOLVED, that the City of El Cerrito shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the projects(s).

BE IT FURTHER RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used.

BE IT FURTHER RESOLVED, that the City of El Cerrito shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues.

BE IT FURTHER RESOLVED, that the City of El Cerrito authorizes its City Manager, or his designee, to execute and submit an allocation request for the planning phase with MTC for Regional Measure 2 funds in the amount of \$100,000, for the project, purposes and amounts included in the project application attached to this resolution.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby delegated the authority to make non-substantive changes or minor amendments to the Initial Project Report as he/she deems appropriate.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the City of El Cerrito application referenced herein.

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

I CERTIFY that at a regular meeting on October 21, 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 October XX, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

Regional Measure 2 Initial Project Report (IPR)

Project Title:

San Pablo Avenue Specific and Complete Streets Plan –
Additional Analysis

RM2 Project No.

20.54

Allocation History:

	MTC Approval Date	Amount	Phase
#1:			
#2			
#3			

Total: \$

Current Allocation Request:

IPR Date	Amount Being Requested	Phase Requested
11/26/14	\$100,000	Planning

Regional Measure 2 – INITIAL PROJECT REPORT

I. OVERALL PROJECT INFORMATION

A. Project Sponsor / Co-sponsor(s) / Implementing Agency

City of El Cerrito

B. Project Purpose

The project will allow the City to continue development of its San Pablo Avenue Complete Streets Plan (scheduled for adoption October 2014) by procuring consultant services to conduct stakeholder engagement, engineering, operational analyses and preliminary design to develop a complete street pilot design plan for a cycle track (buffered bike lane), pedestrian improvements and bus bulbs along San Pablo Avenue from Lincoln Avenue to Potrero Avenue. The project will result in preliminary design for safe and attractive multimodal access to AC Transit and BART facilities, which the City and partner agencies will leverage to request capital funding to complete final design and construction of a pilot project. Development of a pilot project will allow the City to better understand the design requirements, existing conditions and right-of-way constraints that may impact Safe Routes to Transit facilities along the remainder of the Avenue, where smaller road and sidewalk width already limit opportunities.

San Pablo Avenue (State Route 123), which serves as El Cerrito's major commercial corridor, was designated a Priority Development Area (PDA) in 2007 and is an AC Transit major corridor. A parallel route to Interstate 80, the Avenue receives fairly heavy through traffic during AM and PM peak periods, constraining opportunities for local trips while creating an unpleasant and potentially hazardous environment for pedestrians and bicyclists. The City's current San Pablo Avenue Specific Plan and Complete Streets Plan, adopted by City Council on September 22, 2014, seeks to improve these conditions while proactively planning for an increase in population density within the PDA, as anticipated by regional population projections. In order to meet state and locally adopted greenhouse gas emission reduction goals, these future residents, business owners and employees will need to drive less and walk, bike and take public transportation more often. If current conditions along San Pablo Avenue continue, it will make it difficult for any additional residents to shift modes away from their private automobile to more sustainable forms of transportation. A concurrent City update to its 2007 Circulation Plan for Bicyclists and Pedestrians has shown a clear need for better bicycle and pedestrian access to San Pablo Avenue from surrounding neighborhoods and the Ohlone Greenway and better circulation along the Avenue in order to access existing business, public transportation stops and other destinations. The project is the first step in addressing these needs by piloting a cycle track designed to accommodate bicyclists of all skill levels along a busy state route. The proposed bus bulbs should improve transit time and reduce conflict between buses and bicyclists, pedestrians and automobiles.

As other jurisdictions along San Pablo Avenue struggle to accommodate the growing number of cyclists, while maintaining levels of service for transit and automobiles, a successful cycle track project may help catalyze other, better-protected bicycle infrastructure projects.

C. Project Description (please provide details)

☒ **Project Graphics to be sent electronically with This Application**

The project will perform operations modeling of the impact of a cycle track on transit travel times, vehicle levels of service and multimodal performance measures adopted as part of the San Pablo Avenue Plan and Complete Streets Plan. It will engage community stakeholders, including the disabled community, AC Transit, Caltrans, bicycling groups, BART, property owners, the City's Police and Fire departments and other regional agencies to address perceived and real conflicts between users and analyze various design

Regional Measure 2 – INITIAL PROJECT REPORT

elements. It will evaluate best practices and urban design solutions for creating economic and community development through increased bicycle and pedestrian traffic, and will seek to incorporate these elements into a pilot design project.

D. Impediments to Project Completion

While this project is not likely to face impediments to completion, the addition of bicycle infrastructure on San Pablo Avenue is a relatively new concept to this community and is likely to continue to face some community opposition. Preliminary analysis under the San Pablo Avenue Complete Streets Plan has provided the initial data needed to illustrate that the construction of a separated bikeway will not result in either reduced automobile LOS or, with the addition of bus bulbs, reduced transit time. There is still a perception, however, that the addition of bicyclists on the Avenue will negatively impact traffic congestion and lead to increased conflict between buses, cars and cyclists. Preliminary designs preserve all on street-parking within the project location as a business retention strategy; it is presumed that any designs that remove on-street parking are likely to face significant opposition.

There are no anticipated capacity impediments to project completion.

E. Operability

This is a planning project. Additional design and environmental analysis will need to be completed prior to construction; the City will pursue capital funding upon completion of design. The proposed project is on CalTrans ROW and will require additional coordination prior to construction; depending on the status of the project at the time of construction, the City will work with CalTrans to determine maintenance responsibility.

II. PROJECT PHASE DESCRIPTION and STATUS

F. Environmental –

Does NEPA Apply: ☐ Yes ☒ No

This project is in the preliminary design phase and requires additional analysis and community engagement prior to the environmental phase.

G. Design –

H. Right-of-Way Activities / Acquisition –

I. Construction / Vehicle Acquisition -

Regional Measure 2 – INITIAL PROJECT REPORT

III. PROJECT BUDGET

J. Project Budget (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$120
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	\$120

K. Project Budget (De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	\$120
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	\$120

L. Project Budget – Deliverable Segment (Escalated to year of expenditure)

Phase	Total Amount - Escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	N/A
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	N/A

M. Project Budget – Deliverable Segment(De-escalated to current year)

Phase	Total Amount - De-escalated - (Thousands)
Environmental Studies & Preliminary Eng (ENV / PE / PA&ED)	N/A
Design - Plans, Specifications and Estimates (PS&E)	
Right-of-Way Activities /Acquisition (R/W)	
Construction / Rolling Stock Acquisition (CON)	
Total Project Budget (in thousands)	N/A

Regional Measure 2 – INITIAL PROJECT REPORT

IV. OVERALL PROJECT SCHEDULE

Phase-Milestone	Planned (Update as needed)	
	Start Date	Completion Date
Environmental Document		
Environmental Studies, Preliminary Eng. (ENV / PE / PA&ED)	Nov 2014	Nov 2015
Final Design - Plans, Specs. & Estimates (PS&E)		
Right-of-Way Activities /Acquisition (R/W)		
Construction (Begin – Open for Use) / Acquisition / Operating Service (CON)		

V. ALLOCATION REQUEST INFORMATION

N. Detailed Description of Allocation Request

Describe the scope of the allocation request. Provide background and other details as necessary.

Amount being requested (in escalated dollars)	\$100,000
Project Phase being requested	Planning
Are there other fund sources involved in this phase?	☒ Yes ☐ No
Date of anticipated Implementing Agency Board approval the RM2 IPR Resolution for the allocation being requested	October 21, 2014
Month/year being requested for MTC Commission approval of allocation	Nov 2014

O. Status of Previous Allocations (if any)

N/A

P. Workplan

Workplan in Alternate Format Enclosed ☐

TASK NO	Description	Deliverables	Completion Date
----------------	--------------------	---------------------	------------------------

Regional Measure 2 – INITIAL PROJECT REPORT

		• Charrette: AC Transit, CalTrans, local business owners, neighborhood groups, bicycle groups, pedestrian groups, groups representing the disabled, other agencies • Targeted Outreach: affected property owners and other stakeholders • Technical Advisory Group • Public Meetings	
1	Community Engagement		Nov 2015
2	Operational Analysis	• VISSIM analysis of 2 key locations	Aug 2015
3	Preliminary Design	• Preliminary Design	Aug 2015
4	Final Report	• Final Report	Nov 2015

Q. Impediments to Allocation Implementation

There are no major impediments to allocation implementation at this time.

VI. RM-2 FUNDING INFORMATION

R. RM-2 Funding Expenditures for funds being allocated

☒ The companion Microsoft Excel Project Funding Spreadsheet to this IPR is included

S. Next Anticipated RM2 Allocation Request.

N/A

VII. GOVERNING BOARD ACTION

Check the box that applies:

☐ Governing Board Resolution attached

☒ Governing Board Resolution to be provided on or before: October 23rd, 2014

VIII. CONTACT / PREPARATION INFORMATION

Contact for Applicant's Agency

Name: Emily Alter

Phone: (510) 215-4385

Title: Community Development Analyst

E-mail: ealter@ci.el-cerrito.ca.us

Address: 10890 San Pablo Ave, El Cerrito, CA 94609

Information on Person Preparing IPR

Name: Emily Alter

Phone: (510) 215-4385

Title: Community Development Analyst

E-mail: ealter@ci.el-cerrito.ca.us

Regional Measure 2 – INITIAL PROJECT REPORT

Address: 10890 San Pablo Ave, El Cerrito, CA 94609

Applicant Agency's Accounting Contact

Name: Geoff Thomas

Phone: (510) 215-4323

Title: Finance Manager

E-mail: GThomas@ci.el-cerrito.ca.us

Address: 10890 San Pablo Ave, El Cerrito, CA 94609

Revised IPR 120905.doc

TOTAL PROJECT FUNDING PLAN

Comments:

DEFINED SEGMENT FUNDING PLAN

Project Title: San Pablo Avenue Specific and Complete Streets Plan - Additional Analysis

Project Title:	San Pablo Avenue
Agency:	City of El Cerrito

Project ID:	20.54
Plan Date:	10/14/14

Comments:

enter funds on the RM-2 Deliverable Phase or Segment, ONLY if the RM-2 Phase or Segment is different from the overall total project. The RM-2 Segment must be Fully Funded and result in a operable or useable segment.

Enter only funds **committed** to the RM-2 Funded Segment and only if different from Total Project. Enter amounts in thousands and escalated to the year of funding. DO NOT enter uncommitted funding - The RM-2 Phase or Segment must be fully funded.

Eligible Phases: ENV (or PASED), PSSE, R/W or CON. For planning activities use ENV. For operating use ENV, OK to use CT R/W SUP for Caltrans support, but not necessary (optional).

RM-2 Initial Project Report

EXPENDITURES TO-DATE BY PHASE AND FUND SOURCES

Phase	Fund Source	Date of Last Expenditure	Amount Expended to date (Thousands)	Available Balance Remaining (Thousands)
ENV / PA&ED	RM-2	n/a	0	\$100
	City of El Cerrito		0	\$20
PS&E				
R/W				
CON / Operating				
Total to date (in thousands)			0	\$120

Comments:

As required by RM-2 Legislation, provide funds expended to date for the total project. Provide both expenditure by Fund Source and Expenditure by Phase, with the date of the last expenditure, and any available balance remaining to be expended.

Project ID: 20.54
Date: 10/14/2014

**RM-2 FUNDING CASH FLOW PLAN For Allocation
(RM-2 Allocation Funding Only)**

**RM-2 FUNDING CASH FLOW PLAN For Allocation
(RM-2 Allocation Funding Only)**

(RM-2 Allocation Funding Only)

(Amounts Escalated in Thousands)

Project Title: San Pablo Avenue Specific and Complete Streets Plan - Additional Analysis													Project ID: 20.54
Agency: City of El Cerrito													Plan Date: 10/14/14
RM-2 CASH FLOW PLAN													
RM-2 Expenditures	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	Future	TOTAL
ENV/PA&ED										50,000	50,000		100,000
PS&E													
R/W													
CON													
Prior													TOTAL
RM-2 CASH FLOW PLAN TOTAL													
										50,000	50,000		100,000

Comments:

Provide the expected RM-2 expenditures – by phase and year. (This is the amount of the allocation needed for that fiscal year to cover expenditures through June 30th of that fiscal year).

Enter RM-2 amounts in thousands and escalated to the year of funding. The total amount cannot exceed the amount identified in the RM-2 legislation.

Eligible Phases: ENV (or PA&ED), PS&E, RW or CON. For planning activities use ENV. For Vehicles, Equipment or Operating use CON. OK to use CT RW SUP or CT CON SUP for Caltrans support, but not necessary (optional).



AGENDA BILL

Agenda Item No. 6

Date: October 21, 2014

To: El Cerrito City Council

From: Maria Sanders, Environmental Analyst
Melanie Mintz, Interim Community Development Director

Subject: Extension of San Pablo Avenue Specific Plan Development Fees on an Interim Basis as an Urgency Measure

ACTION REQUESTED

Conduct a hearing and upon conclusion adopt an urgency resolution extending interim San Pablo Avenue Specific Plan Planning and Development Fees for a second and final period not to exceed 30 days.

BACKGROUND

On September 22, 2014 the City Council adopted the *San Pablo Avenue Specific Plan* (SPASP). This plan creates the regulatory framework for residential and non-residential development in the San Pablo Avenue Specific Plan Area until 2040 or until the time in which the Plan Area reaches the projected build out of approximately 1,706 residential units and 243,112 square feet of commercial space.

At that same meeting, the Council also adopted Resolution 2014-53 amending the Master Fee Schedule to include planning fees so that the City could provide the services needed to adequately process development project applications in the Plan Area. These fees include additions to the planning fee schedule and addition of a Specific Plan Maintenance Fee. These fees are necessary to make the required findings and determinations outlined in the San Pablo Avenue Specific Plan and to ensure that development applicants pay their fair share of costs to make these determinations. The anticipated costs of processing applications for development projects in the Specific Plan Area and the method of calculating the proposed Maintenance Fee were explained in the Agenda Bill and Resolution adopting the fees. At the September 22 Council meeting, the City Council increased the SPASP Maintenance Fee from the proposed amounts. The adopted fees increased from \$160 to \$200 per residential unit and from \$0.13 to \$0.18 per square foot for non-residential projects. This increase is less than the maximum rates that can be legally charged per the analysis presented on September 22, 2014.

In accordance with Government Code Sections 66017(a), which institutes a 60-day waiting period before development fees can become effective, these adopted fees cannot become effective until November 24, 2014. However, per California Government Code

Section 66017(b), the City has the authority to adopt an urgency measure approving fee changes on an interim basis not exceeding 30 days to protect the health, welfare, and safety of the public. Resolution 2014-54 outlines the findings determining that the urgency measure was necessary to protect the health, welfare and safety of the public. Thus, Council adopted Resolution 2014-54, adopting an urgency resolution approving fee changes on an interim basis, effective September 23, 2014 and not to exceed 30 days. To date, the City has received no comments on the interim fees.

ANALYSIS

Per California Government Code Section 66017(b), the City adopted an urgency measure approving fee changes on an interim basis not exceeding 30 days to protect the health, welfare, and safety of the public. Prior to the end of the initial 30-day interim adoption period, the City Council may extend the interim fees for an additional 30 days, as provided for in Section 66017(b). The two 30-day periods will cover the period until the fees would normally go into effect. Proper notice and a public hearing are required prior to adopting the urgency measure.

Potential applicants have informed the City that they would like to submit applications for projects in the Specific Plan Area as soon as possible, which is before the fees would normally go into effect. Without the new fees effective during the interim period, staff is concerned that the City's ability to process those applications and fund implementation and administration of the Specific Plan would be compromised. During this interim period, the City would have the choice to not accept applications, or to use the General Fund to subsidize the cost of these applications.

Neither of these options is acceptable. The California Permit Streamlining act stipulates that if a local agency fails to approve or disapprove the permit within 30 days, the permit is subject to being "deemed approved" per Government Code Section 65956(b). A deemed-approved permit confers the same privileges and entitlements as a regularly issued permit. This option would seriously jeopardize the public health and safety by not providing the proper level of review. Thus, the most likely option is for the General Fund to subsidize the cost of these applications. This last option would mean that development applicants would avoid the responsibility to pay their fair share of costs necessary to bring their projects through the entitlement process. Use of the General Fund to cover those costs would constrain the City's ability to fund other programs and services that protect the general health, safety, and welfare and would frustrate the policies expressed in the City's Strategic Plan to balance revenue with the costs of new services.

For these reasons, staff recommends extending the urgency resolution adopting the fee changes on an interim basis, effective October 23, 2014 and not to exceed 30 days. By extending this urgency measure, the City Council can ensure that development applications filed prior to the 60-day effective date will pay their fair share of costs to process planning applications and not shift the burden of bearing these costs onto the General Fund.

STRATEGIC PLAN CONSIDERATIONS

The proposed fees support the following Strategic Plan Goals:

- Goal B, “Achieve long-term financial sustainability,” contains the objective to “ensure that revenue meets the cost of providing the services identified in the Strategic Plan.”
- Goal C, “Deepen a sense of place and community identity,” contains the objective to “re-imagine underdeveloped and underutilized properties through advanced planning efforts that encourage investment and/or new development.”

CEQA CONSIDERATIONS

Approval of fees does not constitute a “project” and is, therefore, exempt from the California Environmental Quality Act (CEQA) according to Section 15601(b)(3) of the CEQA Guidelines. Additionally, pursuant to Section 15273 of the State CEQA Guidelines the establishment of fees for the purpose of meeting operating expenses is exempt.

FINANCIAL CONSIDERATIONS

Current El Cerrito fees do not adequately cover the types of administrative or planning activities called for in the San Pablo Avenue Specific Plan. The new fees are needed to make appropriate findings and determinations in the planning process in order to protect the public health, safety and welfare of the community. Without these fees, such costs would be borne by the General Fund, which is currently fully burdened.

LEGAL CONSIDERATIONS

Per California Government Code §66017(b), the City has the authority to adopt an urgency measure approving fee changes on an interim basis not exceeding 30 days to protect the health, welfare, and safety of the public. After notice and a public hearing, the City may extend the interim authority for an additional 30 days. The 30-day extension to the fees was properly noticed.

Reviewed by:



Scott Hanin, City Manager

Attachments:

1. Resolution
2. Exhibit A: Interim San Pablo Avenue Specific Plan
Area Planning Fees

RESOLUTION 2014-XX

EMERGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
ESTABLISHING INTERIM PLANNING FEES RELATED TO IMPLEMENTATION OF THE
SAN PABLO AVENUE SPECIFIC PLAN

WHEREAS, on September 22, 2014 the City Council adopted the San Pablo Avenue Specific Plan (SPASP) which is predicated on the goals of the El Cerrito Strategic Plan; and

WHEREAS, this same day, the City Council adopted new development fees for projects in the Specific Plan Area because the current planning fees are insufficient to address the new administrative procedures and advanced planning needs of the SPASP. The anticipated costs of processing applications for development projects in the Specific Plan Area and the method of calculating the Specific Plan Maintenance Fee is explained in the Resolution adopting the proposed fees; and

WHEREAS, these new development fees are necessary to make the required findings and determinations outlined in the San Pablo Avenue Specific Plan in order to protect the public health, safety, and welfare of the community; and

WHEREAS, a public hearing was noticed and held prior to adoption of these fees in accordance with Government Code Sections 6062a, 66017 and 66018; and

WHEREAS, in accordance with Government Code Section 66017(a) which institutes a 60-day waiting period before development fees can become effective, the new SPASP planning fees will not be effective until November 24, 2014; and

WHEREAS, should a development application be made before the effective date of November 24, 2014, the entity or person filing the development application would avoid the responsibility to pay their fair share of costs necessary to process their applications and to administer and implement the SPASP. Administration and implementation of the SPASP benefits projects within the Specific Plan Area by ensuring that necessary studies have been completed and the SPASP remains up-to-date. Approval of projects within the Specific Plan Area requires the City to make the appropriate findings and determinations required by the SPASP. Regular updating of the SPASP and completion of required studies is necessary to make those findings; and

WHEREAS, failure of applicants to pay their fair share of the costs of processing their applications and to administer and implement the SPASP would shift these costs to the General Fund and frustrate the intent of the El Cerrito Strategic Plan to balance revenue with costs of new services; and

WHEREAS, pursuant to the authority granted under Government Code Section 66017(b), City Council approved Resolution 2014-54 adopting an urgency measure approving the fee changes on an interim basis not to exceed 30 days; and

WHEREAS, pursuant to the authority granted under Government Code Section 66017(b), a local agency may extend the interim authority for an additional 30 days; and

Agenda Item No. 6
Attachment 1

WHEREAS, a public hearing has been noticed and held in accordance with Government Code Section 66017.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby adopts the extension of the urgency measure adopting the San Pablo Avenue Specific Plan Area Planning Fees (as shown in Exhibit A) on an interim basis for a period not to exceed 30 days. The San Pablo Avenue Specific Plan Maintenance Fee shall be applied to the types of projects, at the times, and in the amounts listed in Exhibit A.

BE IT FURTHER RESOLVED that the facts constituting the urgency justifying the extension of the interim San Pablo Avenue Specific Plan Area Planning Fees are the following: the fees imposed by this resolution recover the costs of processing development applications within the SPASP Area and of administering and implementing the SPASP. The SPASP includes new procedures for approving development within the SPASP Area for which the City does not have established fees. It also requires additional studies and regular updating to provide an appropriate regulatory framework for development projects. Potential applicants for development projects within the Specific Plan Area have informed the City of their intent to submit applications shortly after the SPASP is in effect and before the SPASP Planning Fees will be effective. Without authority to impose appropriate fees for applications for development within the Specific Plan Area, the City would have to pay the costs of processing those applications and of administering and implementing the SPASP from the General Fund. Use of the General Fund to cover those costs would constrain the City's ability to fund other programs and services that protect the general health, safety, and welfare and would frustrate the policies expressed in the City's Strategic Plan to balance revenue with the costs of new services.

BE IT FURTHER RESOLVED that this urgency measure will become effective on Wednesday, October 23, 2014 and expire on close of business on Friday, November 21, 2014.

I CERTIFY that at the regular meeting on October 21, 2014 the El Cerrito City Council passed this resolution by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on September 22, 2014.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



Exhibit A:

SAN PABLO AVENUE SPECIFIC PLAN AREA

2014-2015 PLANNING FEES

INTERIM EFFECTIVE DATE: OCTOBER 22, 2014
EFFECTIVE DATE: NOVEMBER 24, 2014

This is the planning fee schedule for development projects in the San Pablo Avenue Specific Plan Area and therefore regulated by the San Pablo Avenue Specific Plan (SPASP) Form Based Code. If not noted below, all other relevant planning fees as listed in the City's Planning Fee Schedule shall also apply, including any applicable Development Permits. Fees listed below are generally standardized to cover applications for all projects.

Special Fees for Projects of Greater Complexity: Some projects may be determined by the Community Development Director to be more complex and consuming of staff time. The Community Development Director is authorized to require a deposit for estimated staff and consultant costs at the time of the application. Where a standard fee has been paid, the Community Development Director is authorized to require additional deposits to cover costs of extraordinary staff effort resulting from unforeseen complexities or time-consuming delays and extra meetings. Staff time will be calculated on an hourly basis, including full direct and indirect costs, as documented by the City of El Cerrito Citywide User Fee Study, 2005.

Item/ Description

SPA Specific Plan Fees	Amount
Design Review	
Tier 1 Residential and Non-Residential Projects	\$1,201
Tier 2 and Tier 3 Residential and Non-Residential Projects	
1. Up to 2,500 sqft	\$2,823
2. 2,501 - 10,000 sqft	\$3,842
1. 10,001 – 40,000 sqft	\$4,898
2. 40,001 – 100,000 sqft	\$6,171
3. 100,001+ sqft	\$7,776 base fee plus \$191 per hour of staff time in excess of that covered by the base fee
Tier 4 Residential and Non-Residential Projects	
1. Up to 10,000 sqft	\$7,578
2. 10,001 – 40,000 sqft	\$9,659
3. 40,001 – 100,000 sqft	\$11,796
4. 100,001 + sqft	\$14,694 base fee plus \$191 per hour of staff time in excess of that covered by the base fee
Use Permits (see FBC Table 02 in the SPASP Form Based Code for required use permits)	
Use Permits (All Tiers)	
1. Administrative Use Permit	\$905
2. Use Permit (up to 2,500 sqft)	\$3020



Exhibit A:
SAN PABLO AVENUE SPECIFIC PLAN AREA
2014-2015 PLANNING FEES
 INTERIM EFFECTIVE DATE: OCTOBER 22, 2014
 EFFECTIVE DATE: NOVEMBER 24, 2014

3. Use Permit (2,501 to 10,000 sqft)	\$3,736
4. Use Permit (10,001 – 40,000 sqft)	\$4,761
5. Use Permit (40,001 – 100,000 sqft)	\$5,625
6. Use Permit (100,001 + sqft)	\$6,918
Environmental Review and Special Studies	
1. Specific Plan Environmental Check List and Initial Study	Consultant costs, plus City administrative fee (30% of consultant cost)
2. Categorical Exemption	\$204
3. Negative Declaration (City Prepared)	\$3,669 (any consultant costs are additional)
4. Mitigated Negative Declaration (City Prepared)	\$10,641 (any consultant costs are additional)
5. Administrative Fee for consultant prepared environmental documents	30% of consultant cost
6. Administrative fee for consultant prepared special study	30% of consultant cost
Miscellaneous	
1. Staff time per hour	\$191
2. Pre-Application Review Meeting with Staff	\$0
3. Pre-Application Design Review with Written Comments (staff time per hour)	\$191
4. Pre-Application Study Session with Planning Commission or Design Review Board	\$1,985
5. Community Design Charrette (if City Hosted)	\$2,865
6. Public Notice Mailing List Generation	\$101
7. Public Notice Mailing Fee (per address)	1 st class postage, plus 7 cents per envelop
8. Laserfiche/ Archiving	\$3 per page

SPA Specific Plan Maintenance Fee	Projects Applied To	Amount
Payable at time of building permit issuance	- Construction of new structures - Additions to existing structures	\$ 200 per residential unit \$0.18 per sq ft of non-residential