



AGENDA

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

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

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

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

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

2. COUNCIL/STAFF COMMUNICATIONS
Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

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

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

A. Approval of Minutes

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

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

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

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

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

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

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

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

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

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

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

E. Parking Modifications at Harding Elementary School

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

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

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

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

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

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

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

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

5. PRESENTATIONS

A. Annual Sundar Shadi Garden Club Awards

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

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

B. PG&E Community Wildfire Safety Program

Action Proposed: Receive and file

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

6. PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

7. **POLICY MATTERS**

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

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

9. **ADJOURN REGULAR CITY COUNCIL MEETING**

The next regularly scheduled City Council meeting is Tuesday, August 20, 2019 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

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

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

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*

Tuesday, May 21, 2019 – 6:00 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, May 21, 2019 – 7:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

6:00 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 6:01 p.m.

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

1. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler spoke on participation on boards and commissions and number of vacancies and need to fill. Requested Council hear what unions have to say.

2. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Glenn Berkheimer, Labor Negotiator; Sky Woodruff, City Attorney; Alexandra Orologas, Assistant City Manager; and Kristen Cunningham, Human Resources Manager.

Employee Organizations: International Association of Fire Fighters Local 1230; and Public Safety management Association – Battalion Chief

Contact: Sky Woodruff, City Attorney, City Management

Action: Staff was directed to proceed with negotiations.

3. COMMISSION APPLICATION STATUS AND APPOINTMENTS

Action Proposed: Review and consider previously interviewed applications for appointment to City Boards and Commissions.

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

Action: No interviews were conducted. The City Council unanimously decided to appoint Andrew Adams to the Civil Service Commission and Alice Morris to the Human Relations Commission, both for a term through May 1, 2023.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The meeting adjourned at 6:52 p.m.

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

Mayor Pardue-Okimoto called the meeting to order at 7:04 p.m.

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

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

2. COUNCIL/STAFF COMMUNICATIONS

Mayor Pardue-Okimoto requested members be more succinct in communications.

Councilmember Quinto reported attendance at API legislative caucus award dinner, and LGBT Caucus Legislation Day.

Councilmember Abelson reported attendance at the grand opening for Hana Gardens, sustainability strategy forum, memorial for prior city clerk, Committee on Aging, Chamber of Commerce luncheon, and several West Contra Costa Transportation Advisory Committee meetings.

Councilmember Fadelli reported attendance at grand opening for Hana Gardens; met with Make El Cerrito Fire Safe group; and attended West County Forum.

Mayor Pardue-Okimoto reported that at the 6:00 special meeting staff was given direction to proceed with negotiations, appointment of Andrew Adams to Civil Service Commission, and Alice Morris to Human Relations Commission. Announced Alta Bates subcommittee is looking at a public meeting for Contra Costa County.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler spoke on the price of commercial space for rent around the Bay Area, requested agenda item regarding travel policy and thanked the Mayor for Alta Bates participation.

Nick Zamorano spoke on residential vegetation management standards and requested a report on non-compliant properties, suggested sponsoring neighborhood cleanup days, proposed annual fire prevention fee for fire prevention and recovery, and diverting Measure V funds.

Gary Probst spoke in support of AB 38, adds fire safety regulations to CA Health and Safety Code, and urged formal support by council.

Kay Stark Weather spoke on use of Measure V rebate funds and amending to include fire hardening, and that all homes upon close of escrow should be required to meet vegetation standards.

Scott Perry thanked the fire department for work and presentation of Mega Fire the New Norm, thanked Councilmember Fadelli for attending the meeting of Make El Cerrito Fire Safe, and requested updated version of the website.

Paul Duncan stated cleanup don't burn up, requested a citywide cleanup weekend, if disposal problems were eliminated citizens may step up to do more.

Susan Duncan thanked the fire department for cleanup in hillside natural area, thanked Councilmember Fadelli for meeting with Make El Cerrito Fire Safe group, recommended adding to prevention information on front of every news and views, and using Measure V funds for prevention.

Barbara Chan spoke on the recycling center and the market for plastics, and requested council consider banning plastics and compostable food ware.

Anna Ippolito support of Make El Cerrito Fire Safe and asked part of measure V be spent on reducing risk.

4. **ADOPTION OF THE CONSENT CALENDAR**

A. **REVISED REGULAR MEETING SCHEDULE FOR SUMMER 2019**

Action Proposed: Pass a motion to approve a revised regular meeting schedule for City Council, reducing regular meetings for July thru September to the third Tuesday of the month. Meeting dates would be July 16, August 20, and September 17, 2019 with the request to keep the first Tuesday in August and September reserved for additional meetings if needed.

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

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

B. **Rent Registry Ordinance**

Notice published on 4/27/2019, 1st Reading 5/7/2019

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-03 Amending Title 10 of the El Cerrito Municipal Code to Add Chapter 10.100, "Rent Registry" to Require That Property Owners Register Rents for and Provide Other Information Regarding Residential Rental Properties with the City Annually

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

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Removed from consent by Councilmember Abelson. Passed a motion to approve Ordinance 2019-03. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

C. Just Cause for Eviction Ordinance

Notice published on 4/27/2019, 1st Reading 5/7/2019

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-04 Amending Title 10 of the El Cerrito Municipal Code Chapter to Add Chapter 10.300, "Just Cause for Eviction and Prohibition on Harassment of Tenants" Related to Termination of Tenancy and Other Tenant Protections

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

Moved/Seconded: Councilmembers Lyman/Fadelli **Action:** Removed from consent by Councilmember Abelson. Passed a motion to approve Ordinance 2019-04. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Fadelli, Lyman, and Quinto **Noes:** Councilmember Abelson

D. Annual Review of Comprehensive Financial Policy

Action Proposed: Adopt a resolution approving the City's Comprehensive Financial Policy

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

Staff responded to questions regarding who can call a meeting and clarification of reconstituting the council.

Moved/Seconded: Councilmembers Lyman/Fadelli **Action:** Removed from consent by Councilmember Abelson. Passed a motion to approve Resolution 2019-31, adding to the final whereas clause "including the establishment of an emergency disaster recovery fund valued at three months of payroll", and adding language to section 7.2 of Exhibit A to state all requests for city council action "in excess of the City Manger's approval limit...". **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto

5. PRESENTATIONS

A. Presentation by ECFD on Fire Safety for Homeowners

Action Proposed: Receive and File.

Contact: Battalion Chief David Gibson, Fire Marshal, Fire Department

Presentation and Discussion: Battalion Chief Dave Gibson, Fire Marshal, provided a presentation on history of fire in Alameda and Contra Costa County, fire behavior, elements to increase survivability, firesafe landscape, and review of community standards and projects; responded to questions raised by members of the council regarding eucalyptus trees, number of public presentations, access to early warning registration, and citizens registering with ECFD if they need assistant with power outages.

Public Comments:

Gary Prost asked for this presentation to be make available during 4th of July celebration.

Action: Receive and File.

B. East Bay Municipal Utilities District (EBMUD) Presentation in Fiscal Year 2020/2021 Proposed Rate Increases

Action Proposed: Receive and File.

Contact: Andy Katz, Board Director, EBMUD

Presentation and Discussion: Andy Katz, EBMUD Director, provided a presentation on services and operations, budget, and proposed rates; responded to questions raised by members of the council regarding wastewater treatment plant and sea level rise, water conservation and usage, (REVIEW LYMAN QUESTION 930), expected future rate increases, response to PGE policy of power shutdowns, and timeline for repairs in El Cerrito.

Public Comments:

Cordell Hindler thanked the speaker for the presentation.

Action: Receive and File.

6. PUBLIC HEARINGS

A. Master Fee Schedule Revisions for Fiscal Year 2019-20

Notice published on 5/10/19 and 5/16/19

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2019-20 Master Fee Schedule.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Presentation and Discussion: Shannon Collins, Finance Supervisor, provided an overview of the proposed revisions to the Master Fee Schedule, and answered questions raised by members of the council regarding clarification of corrections related to the carryover of a formula within excel, methodology of hourly rates and potential revisit of methodology for consistent applicability, consideration of street closure permits for both residents and non-residents, reason for not increasing various police fees; clarification of descriptors, intent and applicability of various fees; process of evaluating the fees against costs; ADU's; clarification of methodology for determination of several fees; method used for rounding up versus down.

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

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

Public Comments:

Cordell Hindler spoke in support of adopting the item, mentioned costs for renting facilities are reasonable.

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

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to adopt Resolution 2019-32 with the following changes to Exhibit A: Revise Section II Police – Traffic Collision Report Copy be \$6, Police Photograph Audiotape Plus fee be \$32, Bus Zone adjustment to be corrected to zero and fee remain at \$440; Section XI Miscellaneous – ADU Rates be set at 75% of full recovery rate; Section XII. Mechanical, Plumbing and Electrical (MPE) Permits - change units from hourly to each where appropriate, set Other Mechanical Inspection Rate at \$148.32 per hour, set Stand Alone Plumbing Plan check at \$189.52 per hour, set Other Plumbing and Gas Inspection Rate at \$148.32 per hour, Set Stand Alone Electrical Plan Check at \$189.52 per hour, set Other Electrical inspection at \$148.32 per hour; and Section X New Construction Valuation Tables - Plan Review Only table, Plan Review Only valuation line \$1 - \$800 set at \$51.33. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. POLICY MATTERS

A. Continued from May 7, 2019 Regular Meeting Tenant Protections Taskforce

Action: Discuss and consider adopting a resolution for the formation of a Tenant Protection Taskforce.

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

Council Discussion: Options for the selection process, and the makeup of the taskforce members were discussed.

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt Resolution 2019-33 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Quinto announced the next League of California Cities meeting will have a speaker from CalPERS.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned in honor of Congresswoman Ellen Tauscher at 11:01 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of May 21, 2019 as approved by the El Cerrito City Council.

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

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*

Tuesday, June 4, 2019 – 6:00 p.m.

Hillside Conference Room

CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY /

EL CERRITO EMPLOYEE PENSION TRUST BOARD MEETING

Tuesday, June 4, 2019 – 7:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman

Councilmember Paul Fadelli

Councilmember Janet Abelson

Councilmember Gabriel Quinto

6:00 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 6:01 p.m.

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

1. ORAL COMMUNICATIONS FROM THE PUBLIC - None

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for City Boards and Commissions. Interviews may result in an announcement of appointment at the regular meeting.

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

Action: Conducted three interviews.

2. ADJOURN SPECIAL CITY COUNCIL MEETING

The meeting adjourned at 6:51 p.m.

7:00 PM ROLL CALL - CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY / EL CERRITO EMPLOYEE PENSION TRUST BOARD MEETING

Mayor Pardue-Okimoto called the meeting to order at 7:08 p.m.

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

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – Mayor Pardue-Okimoto

2. COUNCIL/STAFF COMMUNICATIONS

Karen Pinkos, City Manager, announced the city will be instituting a moratorium on the use of Glyphosate in city-maintained landscaping for approximately one year, during which time staff will further research and consider a permanent ban on its use.

Councilmember Fadelli reported attendance at San Francisco housing symposium, participation in Baxter creek cleanup, and attendance at viewing of Plastic Ocean movie.

Councilmember Abelson reported attendance at Emergency Management Preparedness Summit.

Councilmember Quinto reported attendance at League of California Cities East Bay division meeting.

Mayor Pardue-Okimoto reported attendance at Emergency Management Preparedness Summit, and West County Mayors conference.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Gary Probst spoke on fire safety and leveraging budget with volunteers.

Paul Duncan spoke on consequences of possible loss of electricity during red flag days with PG&E's new policy, and concern about city being prepared and minimizing risk.

Susan Duncan requested additional details on adding house hardening with no time limit on available discounts under city's rebate program.

Scott Perry thanked fire for efforts in hillside area and spoke on hazardous conditions in the hillside area due to neglect.

Mary Ghidello discussed eucalyptus trees and concerns about pine trees in the Wildwood condominiums. Concerned about inaccurate information on the fire departments website and conflicting information on fire safe plants.

Anna Ippolito resident of wildwood complex near the hillside natural area, thanked fire department and Make El Cerrito Fire Safe, spoke on the need to make fire safety a priority with swift and deliberate action.

Robin Mitchell spoke on glyphosate, supportive of city managers comments and support of a permanent ban, advocated for a volunteer coordinator.

Annie Ben-Shalom asked to find funding to stop use of glyphosate, spoke about consequences of use of the chemical, and asked for a ban.

Lisa Zimmer-Chu shared what was collected in trash in front of the high school, spoke about the increase of the pollution from plastics, the need to do what we can locally and banning the use of single use plastics.

Mei Mei Everson provided a visual amount of single use plastics generated by a single person, and personal efforts to not use plastics. Recommended a food ware ordinance in support of biodegradable and compostable items and limit use of single use plastics.

Anne Ogonowski spoke about recycling and the consequences and referenced the plastic ocean, consequence of use of plastics and microplastic toxins, limitations of shipping waste to other countries or region and need to address the problem locally.

Sherry Drobner spoke on the petition circulating sponsored by California Apartment Association to overturn Just Cause ordinance, and deceptive and dishonest engagement by the Association, encouraged citizens to carefully read what they are signing.

Barbara Chan shared more can be done to improve the health and wellness of the city, support of the ban on glyphosate and spoke on recycling challenges. Support of measures to reduce the use of single use and non-compostable items.

Kay Starkweather shared low cost items for fire safety, and comments on education, volunteer efforts, and reorganization of efforts; requested information on the website to be more user friendly.

Toby Blome thanked staff for listening to concerns, spoke in favor of a ban on glyphosate and reliance on insect species effected by the use of pesticides, reviewed what other countries have done.

Al Miller spoke on what El Cerrito is doing right, and spoke on leadership, shared Stege Sanitary backup generators and ability to run system during an outage.

Tim Laidman spoke on glyphosate and appreciation of moratorium and desire a permanent ban, extending to the sale and use of the chemical.

4. ADOPTION OF THE CONSENT CALENDAR

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

A. National Night Out Proclamation

Action Proposed: Approve a proclamation calling upon all residents of the City of El Cerrito to participate in “National Night Out” on Tuesday, August 6, 2019.

Contact: Lt. Lauren Caputo, Special Operations Division, Police Department

Action: Approved proclamation

B. LGBTQ Pride Month Proclamation

Action Proposed: Approve a proclamation declaring the month of June as Lesbian, Gay, Bi-Sexual, Transgender, Questioning (LGBTQ) Pride month in the City of El Cerrito, and inviting everyone to reflect on ways we all can live and work together with a commitment to mutual respect and understanding, and further, recognizing Pride Month by flying the rainbow flag at City Hall during the month of June.

Contact: Kristen Cunningham, Human Resources Manager, City Management

Action: Approved proclamation

C. Loving Day Celebration Proclamation

Action Proposed: Approve a proclamation declaring June 13, 2019 as Loving Day in the City of El Cerrito, inviting everyone to recognize this day as a celebration of multiculturalism, and encouraging people to reflect on the Loving family and all of pioneers who have and will continue to fight for the civil right to love.

Contact: Kristen Cunningham, Human Resources Manager, City Management

Action: Approved proclamation

D. Letter in Support of Senate Bill 54

Action Proposed: At the request of Councilmember Quinto, pass a motion to authorize the Mayor to sign a letter on behalf of the City Council in support of Senate Bill 54 (Allen), which would require the adoption of regulations requiring manufacturers and retailers to reduce the waste associated with single use packaging and products by 75% by 2030.

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

Action: Approved letter

E. Amendment to the City's Classification Plan

Action Proposed: Adopt a resolution amending the City's Classification Plan to revise the class specification of Senior Recreation Leader in the Recreation Department.

Contact: Kristen Cunningham, Human Resources Manager, City Management; Chris Jones, Recreation Director, Recreation Department
Action: Approved Resolution 2019-34

F. Transmittal of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2018

Action Proposed: Receive and file the Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2018.

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

Action: Received and filed

5. PRESENTATIONS

A. El Cerrito Police Department 2018 in Review

Action Proposed: Receive and file a department update and review of 2018 from the El Cerrito Police Department.

Contact: Paul Keith, Chief of Police, Police Department

Presentation and Discussion: Paul Keith, Police Chief, provided a presentation on the department's 2018 accomplishments and 2019 goals; and answered questions raised by members of the council regarding bicycle patrols, graffiti, greenway surveillance, dealer plates, response to use of fireworks, massage establishments compliance, and license plate readers.

Action: Receive and File.

6. PUBLIC HEARINGS

A. Proposed Integrated Waste Management Fees -- Effective July 1, 2019 *Notice published on 5/25/19 and 5/31/19*

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution setting Integrated Waste Management (IWM) Fees, effective July 1, 2019.

Contact: Maria Sanders, Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Presentation and Discussion: Maria Sanders, Operations & Environmental Services Division Manager, provided a presentation on the status of recycling services, city programs and proposed fees; and answered questions raised by members of the council regarding class of plastics and future restrictions, if the increase is sufficient for the need, and addressing the need for long range programs increases in November.

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

Public Comments:

Robin Mitchell spoke on the need to educate people on what can and cannot be recycled, work to reduce single use plastic waste, work on programs to encourage reduction and provide education; and encouraged a larger increase to the fee.

Mei Mei Everson spoke in favor of a larger increase to the fee, stated plastic is not recyclable, and the need to look at foodware ordinance.

Barbara Chan discussed the need to move away from the term recycling, spoke in support of a higher fee to provide active education and reduction of plastics.

Lisa Zimmer-Chu spoke on costs being more than financial and addressing from a financial standpoint is an opportunity to educate on the true cost.

Howdy Goudey referred to the statement that the city recycling system is aspirational and the need to invest in a better solution, such as an additional increase to the fee.

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

Council Discussion: Members discussed restrictions to adopt rates in excess of the amounts that are proposed and noticing requirements, and the need to understand estimated costs in order to set a rate to only collect the cost of providing the service.

Moved/Seconded: Councilmembers Abelson/Fadelli **Action:** Passed a motion to adopt Resolution 2019-35 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. POLICY MATTERS

- A. CONCURRENT CITY COUNCIL / PUBLIC FINANCING AUTHORITY / EL CERRITO EMPLOYEE PENSION TRUST BOARD ITEM**
Approval of the City's Fiscal Year 2019-20 Budget Update and Spending Authority by Fund for the City, Public Financing Authority and Employee Pension Trust Board, and Approval of the FY 2019-20 Annual Gann Appropriation Limit.

Action Proposed: That the City Council, acting in the capacity of the listed entity 1) Adopt a City Council resolution authorizing Fiscal Year 2019-20 spending authority by fund; 2) Adopt a Public Financing Authority resolution authorizing Fiscal Year 2019-20 spending limits; 3) Adopt a

Employee Pension Trust Board resolution authorizing Fiscal Year 2019-20 spending limits; and 4) Adopt a City Council resolution approving the calculation and establishing the FY 2019-20 annual Gann Appropriation Limit.

Contact: Karen Pinkos, City Manager, City Management; Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

Presentation and Discussion: Karen Pinkos, City Manager, provided a presentation overviewing the budget, proposed changes in revenues and expenditures, and answered questions raised by members of the council regarding grant funds, use of measure v funds, SB1 funds for CIP project on Central Ave., addressing recent fiscal audit findings, funding of additional library hours, correlation to parks master plan and ability to implement identified projects with current budget proposed, cost recovery of additional recreation programs, and clarification on additional funds requested for tree removal and abatement in the Hillside.

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

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to extend the meeting by 30 minutes to 11:20 p.m. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Public Comments:

Susan Duncan spoke on inadequate amount of funds being allocated to initiate fire hazard reductions.

Scott Perry spoke about costs for tree removal, concern about eucalyptus trees in the hillside natural area, and increasing the amount of Measure V funds used for fire mitigation and tree removal.

Kay Starkweather commented on shifting priorities for Measure V to increase immediate focus on fuel reduction, and support of removal of eucalyptus trees.

Motion/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt City Council Resolution 2019-36. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Motion/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to adopt Employee Pension Trust Board Resolution 2019-01. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Motion/Seconded: Councilmembers Lyman/Fadelli **Action:** Passed a motion to adopt Public Financing Authority Resolution 2019-01. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Motion/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to adopt City Council Resolution 2019-37. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

B. Tax and Revenue Anticipation Notes – Fiscal Year 2019-20 Short Term Cash Flow Financing

Action Proposed: Adopt a resolution approving the borrowing of funds for Fiscal Year 2019-20 and the issuance and sale of 2019-20 Tax and Revenue Anticipation Notes (“TRAN”), including authorization to execute agreements for a municipal advisor and bond counsel.

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

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to adopt Resolution 2019-38. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Abelson reported West Contra Costa Transportation Advisory Committee is looking at a potential measure to get funding for projects.

Mayor Pardue-Okimoto asked for a moment of silence for the victims of Virginia Beach.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 11:08 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of June 4, 2019 as approved by the El Cerrito City Council.

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

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*

Tuesday, June 18, 2019 – 6:15 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, June 18, 2019 – 7:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

6:15 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Pardue-Okimoto called the meeting to order at 6:17 p.m.

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

1. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler commented on the need for more people on boards and commissions and reducing vacancies.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for City Boards and Commissions. Interviews may result in an announcement of appointment at the regular meeting.

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

Action: Two interviews were conducted. The City Council unanimously decided to appoint Blake Washington to the Arts and Culture Commission for a partial term through March 1, 2021 and Avis Codron to the Park and Recreation Commission for a full term through March 1, 2023.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The meeting adjourned at 7:10 p.m.

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

Mayor Pardue-Okimoto called the meeting to order at 7:18 p.m.

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

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

2. COUNCIL/STAFF COMMUNICATIONS

Holly Charl  ty, City Clerk, reported on a referendum petition received and the suspension of the actions of Ordinance 2019-04 related to Just Cause, and announced the application deadline for Tenant Protections Task Force.

Mayor Pardue-Okimoto reported appointment of Blake Washington to the Arts and Culture Commission and Avis Codron to the Park and Recreation Commission at the 6:15 p.m. special meeting.

Councilmember Fadelli reported attendance at the League of California Cities policy committee meeting, Congressmen Desaulnier town hall, and Chamber of Commerce luncheon.

Councilmember Lyman recognized those serving on city advisory bodies and attendance at recognition dinner held for members; announced current advisory body vacancies, including the Contra Costa Mosquito and Vector Control District appointment.

Councilmember Abelson reported attendance at Association of Bay Area Governments general assembly meeting, League of California Cities policy committee meeting, and Congressmen Desaulnier town hall.

Mayor Pardue-Okimoto reported attendance at Off the Grid event for Loving Day, recognition dinner for commissioners, and announced the upcoming July 4th celebration.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler requested future agenda items regarding a travel policy, and an update on the Alta Bates status.

Buddy Akacic commented on a potential site for a permanent senior center located at the church next door to the public safety building.

Howdy Goudey spoke on recycling contract consent item, plastics, spills in the ocean, and complacency with a contract that still allows items to go in the recycling bin.

Robin Mitchell requested that 4B be pulled for discussion before approval, expressed concerned about the recommended contractor's low bid. Urged disallowing plastic of any kind in foodware ordinance revisions and to look at the City of Berkeley's ordinance, and concern with committees using action minutes.

Sherry Drobner commented on the referendum circulated and deceptive and misleading tactics.

Michael Fischer urged council to support ACA 1, reducing requirements for passage of local bonding measures, including libraries.

Susan Duncan thanked fire and police for meeting with Make El Cerrito Fire Safe, and information included in News and Views; spoke on need for a master plan for the hillside natural area.

Al Miller shared participation in a fundraiser called Bike the Bridges and shared inform food in the library program continues in the summer at local libraries including El Cerrito every Tuesday, Wednesday, and Thursday.

4. ADOPTION OF THE CONSENT CALENDAR

Moved/Seconded: Councilmembers Abelson/Fadelli **Action:** Passed a motion to approve the consent calendar as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meeting of May 7, 2019.

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

Action: Approved minutes

B. Processing Contract for Recyclable Materials

Action Proposed: Adopt a resolution authorizing the City Manager to execute a contract with Napa Recycling and Waste Services, LLC in an amount not to exceed \$108,000 annually and a contingency amount not to exceed \$43,000 annually for comingled recyclable material processing services.

Contact: Maria Sanders, Operations & Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution 2019-39

C. Amendments to City Classification Plan

Action Proposed: Adopt a resolution amending the City's Classification Plan to 1) Establish the classification of Neighborhood Preservation Officer and establish the salary range as recommended; 2) Authorize the addition of one (1) Neighborhood Preservation Officer position in the Community Development Department, and 3) Authorize the deletion of one (1) Building Inspector I position in the Community Development Department

Contact: Kristen Cunningham, Human Resources Manager, City Management

Action: Approved Resolution 2019-40

5. PRESENTATIONS

A. **Contra Costa County Mosquito & Vector Control District (CCCMVCD) Presentation on the Role of the Trustee Appointment Made by the City of El Cerrito (Currently Vacant)**

Action Proposed: Receive and file

Contact: Nola Woods, Public Affairs Director, CCCMVCD

Presentation and Discussion: Nola Woods, Public Affairs Director, provided a presentation on the current vacancy, purpose of the District, and role of the Trustees; and answered questions raised by members of the council regarding bees and how rats and mice are mitigated, and stipend for trustees.

Action: Receive and File.

B. **West Contra Costa Unified School District (WCCUSD) Update on Transition to Trustee Area Elections**

Action Proposed: Receive and file

Contact: Marcus Walton, Communications Director, WCCUSD

Presentation and Discussion: Marcus Walton, Communications Director, provided a presentation on the history, status, and transition to Trustee area elections.

Public Comments:

Cordell Hindler thanked the presenter for his presentation.

Action: Receive and File.

C. **Contra Costa County Library Commission (CCCLC) Update**

Action Proposed: Receive and file

Contact: Michael Fisher, Commissioner, CCCLC

Presentation and Discussion: Michael Fisher, Commissioner, provided an update on commission activities, and libraries as second responders.

Action: Receive and File.

6. PUBLIC HEARINGS

A. **Ordinance to Amend Chapter 13.28 of the El Cerrito Municipal Code, Trees and Shrubs Notice published on 6/8/2019, Exempt from CEQA (CEQA Guidelines §15308)**

Action Proposed: Conduct a public hearing and upon conclusion introduce by title and waive any further reading of an Ordinance amending Chapter 13.28 – Trees and Shrubs of the El Cerrito Municipal Code.

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

Presentation and Discussion: Will Provost, Public Works Analyst, provided a presentation on the background, existing ordinance, and key changes and amendments proposed. Staff responded to comments and questions raised by members of the council regarding location of trees covered, prohibited trees and managing those planted before prohibition, responsibilities of the city versus property owners based on location of volunteer trees, clarification of process to collect costs if homeowners are not complying with requirements, clarification of removal of plants in planting strips, development of a prohibited list, applicability to trees in the hillside area, addressing dead trees, diseases affecting eucalyptus trees.

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

There were no public comments.

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

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to introduce by title and waive any further reading of the Ordinance with the following additions: 1) Revise the first sentence of section 13.28.080 to read "Cutting, pruning, planting, or removing any public tree, shrub, or plant in any public place, including but not limited to a planting strip, shall be done in compliance with this chapter."; 2) In section 13.28.100 adding the word "other" between "any" and "public trees" and adding "and shrubs" before "with good and sufficient guards"; 3) In section 12.28.180 #2 to read "Make determinations of tree and shrub removals in public places." **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto

B. An appeal of the Planning Commission's approval of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan for a project located at 11965 San Pablo Avenue Notice published on 6/8/2019

Action Proposed: Conduct a public hearing and upon conclusion, adopt a resolution denying the appeal and upholding the Planning Commission's approval of Tier II Design Review, pursuant to the San Pablo Avenue Specific Plan for a project which includes 144 new dwelling units, located at 11965 San Pablo Avenue.

Contact: Sean Moss, Acting Planning Manager; Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Sean Moss, Acting Planning Manager, provided a presentation overviewing the project, the design review process, the Planning Commission appeal, and responses to the appellant's comments in the city council appeal. Staff responded to comments and question raised by members of the council regarding initial submission design and inclusion of a sound wall, location of public art, clarification on inclusion of new fees in estimates, effects of the noise level on the greenway, access and location to bike lockers.

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

Howdy Goudy, appellant, provided an overview of appeal points submitted, including shade and impact on the greenway, and not qualifying as a Tier II project. Reviewed what the appeal is not intended to do including opposing height, density, or parking, nor delaying the project. Reviewed the focus of the appeal in needing evaluation of a Tier IV project, design not activating the greenway, shading of public spaces on north side, ground floor transparency, and height of sound wall.

Appellant responded to comments and questions raised by members of the council including additional public benefits that appellant thought could be done, amount of inclusionary housing, clarification that appellant is concerned about interpretation of the specific plan.

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

Mark Rhodes, applicant's representative, provided an overview of the history of the project and the work spent on the sound partition, reviewed project benefits, project design, restrictions from BART noise levels, open space benefits, engaging the greenway, enrichment of the creek greenway.

Applicant's representative responded to comments and questions raised by members of the council including discussions with BART in determining plan for addressing sound, view analysis conducted, size of planned affordable housing units, functionality of greenway access doors, how facade is connected to the building foundation, heights, and windows being used in the plan.

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

Public Comments:

Cordell Hindler commented on appellants presentation and benefit of applicant, and up to the council to decide.

John Pock lead field representative for Carpenters Union Local 152, spoke on working with the development team and support of the project creating jobs, economic growth, and affordable housing.

Robin Mitchell commented on the positive aspects of the project, but the negative impact on the greenway path, and support of moving the project into a Tier IV review.

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

Council Discussion: Members of the council discussed Tier II determination on the base project, clarification in the specific plan on the process, location of the facade, need for housing, and benefit of amenities.

Moved/Seconded: Councilmembers Fadelli/Abelson **Action:** Passed a motion to adopt Resolution 2019-41 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto

7. POLICY MATTERS

A. Management/Confidential Employee Resolution

Action Proposed: Adopt a resolution modifying salaries, benefits, and conditions of employment for Management and Confidential Employees.

Contact: Kristen Cunningham, Human Resources Manager, City Management

Presentation: Kristen Cunningham, Human Resources Manager, announced that the city council is considering approval of a modification of the Management/Confidential resolution which impacts the City Manager, Assistant City Manager, Department Directors, and their salaries; and that the resolution calls for a 3% cost of living salary increase for that group.

Public Comments:

Cordell Hindler spoke in favor of approving the item.

Moved/Seconded: Councilmembers Abelson/Lyman **Action:** Passed a motion to adopt Resolution 2019-42 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto.

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to add an agenda item that requires immediate action and came to the council's attention after the agenda was posted, authorizing the Mayor to write a letter in support of Assembly Constitutional Amendment 1, added as agenda item 7B. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** None **Absent:** Councilmember Quinto.

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Lyman reported that RecycleMore has extended its current budget while working on a new budget, and the executive director is retiring; and Marin Clean Energy rate increases are expected to be approved at the next meeting and would go into effective on July 1.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 11:28 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of June 18, 2019 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk



AGENDA BILL

Agenda Item No. 4(B)

Date: July 16, 2019
To: El Cerrito City Council
From: Holly M. Charl  ty, City Clerk, City Management
Subject: Certificate of Sufficiency for Referendum Petition Regarding Just Cause Ordinance

ACTION REQUESTED

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

BACKGROUND AND ANALYSIS

California Elections Code   9237 provides a process for protesting the adoption of an ordinance passed by a legislative body, through circulation of a referendum petition. If a petition, within 30 days of the date the ordinance is attested by the city clerk, is signed by not less than 10% of registered voters of the city, the effective date of the ordinance is suspended, and the legislative body must reconsider the ordinance.

On May 21, 2019 the City Council adopted Ordinance 2019-04 Amending the Title of the El Cerrito Municipal Code to Add Chapter 10.300 "Just Cause for Eviction and Prohibition on Harassment of Tenants" Related to Termination of Tenancy and Other Tenant Protections. Upon its adoption, the City Clerk published the ordinance as required by law and attested the ordinance on May 22, 2019.

On June 10, 2019 a referendum petition against the ordinance was filed with the City Clerk and was determined to be sufficient for filing on June 11, 2019, following the City Clerk's prima facie review. The prima facie process reviews the format of all pages and sections of the petition for substantial compliance with elections code, and examines the information provided by all signers of the petition for completeness.

The petition was then hand delivered to Contra Costa County Clerk-Record-Elections department to complete a full signature verification and on June 27, 2019 was certified to contain sufficient signatures of registered voters of the city.

California Elections Code   9114 requires that the City Council certify the results of the examination at its next regular meeting. Thereafter, the City Council is required to take action by repealing the ordinance or calling an election to allow voters to decide. Staff will bring this matter back to the Council at the special meeting scheduled for July 31, 2019, to provide details and available options to be considered and discussed.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal A: Deliver Exemplary Government Services by maintaining an emphasis on providing excellent customer service.

FINANCIAL CONSIDERATIONS

There is no fiscal impact for this action.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved all of the documentations with respect to this referendum.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. City Clerk's Certificate of Petition
2. Registrar of Voters Notice of Sufficiency



CITY CLERK'S CERTIFICATE OF PETITION

I, Holly M. Charl  y, City Clerk of the City of El Cerrito, California, hereby certify that:

A Referendum Petition against **Ordinance No. 2019-04** entitled "An Ordinance to Add Chapter 10.300 "Just Cause for Eviction and Prohibition on Harassment of Tenants" Related to Termination of Tenancy and Other Tenant Protections" was filed with the El Cerrito City Clerk on **June 11, 2019** within the statutory time limit. Based upon my prima facie review, I determined that the petition contained **2,159** unverified signatures and forwarded to the Clerk-Recorder-Elections Department of Contra Costa County on **June 11, 2019** for signature verification; and

Pursuant to Division 9, Chapter 3, Article 2, Section 9237 of the California Elections Code, to be sufficient, the petition must have been signed by not less than **1,630** or 10% of the qualified registered voters of the City of El Cerrito. according to the county elections official's last official report of registration to the Secretary of State; and

I have caused the signatures on the petition to be examined by the Contra Costa County Clerk-Recorder-Elections Department pursuant to Election Code Section 9240; and

Based upon a full signature check, the County Clerk-Recorder-Elections Department has been determined that the petition contained **1,993** valid signatures, or **12.23%** of the registered voters of the city according to the last official report of registration to the Secretary of State by the county elections official ; and

The number of valid signatures meets or exceeds the percentage of valid signatures needed to be found sufficient, therefore

The petition is found to be SUFFICIENT and the City Council is required to take appropriate action specified under California Election Code Section 9241.

I CERTIFY this action by my signature and affix the corporate seal of the City of El Cerrito on **June 27, 2019**.



A handwritten signature in blue ink, appearing to read "H. Charl  y", is written over a horizontal line.

Holly M. Charl  y, MMC
City Clerk
City of El Cerrito



RECEIVED

JUN 27 2019

City of El Cerrito
City Clerk

June 27, 2019

Holly M. Charlety
City Clerk
City of El Cerrito
10890 San Pablo Ave
El Cerrito, CA 94530

Re: Referendum Against City of El Cerrito Ordinance No. 2019-04 – An Ordinance to Add Chapter 10.300 “Just Cause for Eviction and Prohibition on Harassment of Tenants” Related to Termination of Tenancy and Other Tenant Protections

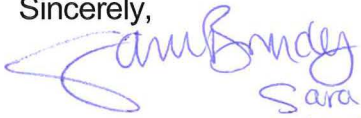
Dear Holly,

On June 11, 2019 we received your letter requesting a full count of the petition named above. The petition included 2,179 signatures. One signature was withdrawn. Upon the completion of the full count the number of valid signatures is 1,993.

We request that you retrieve the petition for your retention at the earliest possible date. The petition is not a public record and may not be examined by anyone other than the public officer or public employees who have the duty of receiving, examining or preserving the petitions. Pursuant to Election Code section 17200 the petition must be kept eight months after the final examination of the petition.

If you have any questions please contact Sara Brady, Elections Services Manager, of Contra Costa County at sara.brady@vote.cccounty.us or call 925.335.7807.

Sincerely,


Sara Brady
Elections Services Manager

Chris Juell
Elections Services Technician

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING CHAPTER 13.28 OF THE EL CERRITO MUNICIPAL CODE, TREES AND SHRUBS

WHEREAS, the El Cerrito City Council has adopted a General Plan (1999), Urban Forest Management Plan (2007), Climate Action Plan (2013), Strategic Plan (2013), San Pablo Avenue Specific Plan (2014), Urban Greening Plan (2015), and Parks and Recreation Facilities Master Plan (2019) (collectively "Plans"), and conducted the appropriate level of environmental review for these Plans; and

WHEREAS, the General Plan calls for the City to adopt a Tree Preservation Ordinance to protect trees and minimize environmental impacts; and

WHEREAS, the General Plan identifies trees as special features and landmarks that differentiate one location from another, and create a distinct image; and

WHEREAS, the Urban Forest Management Plan describes the numerous benefits of public trees and calls for an ordinance to require selection of tree species from the City's approved tree list and in accordance with the Urban Forest Management Plan guidelines; and

WHEREAS, the Parks and Recreation Facilities Master Plan identifies trees as an important amenity and park system infrastructure element, in need of maintenance; and

WHEREAS, the Climate Action Plan calls for updating the City's Master Tree List and standardizing best management practices in order to maintain and enhance a community forest that contributes to a sustainable environment; and

WHEREAS, the San Pablo Avenue Specific Plan identifies trees as an important element to increase pedestrian activity and to create community gateways and commercial nodes; and

WHEREAS, the Urban Greening Plan focuses on using trees and other plantings to emphasize El Cerrito's identity as an environmentally oriented destination, while including considerations for ensuring suitable tree plantings and maintenance; and

WHEREAS, the amended ordinance aligns with multiple Strategic Plan goals, by deepening a sense of place and community identity, developing and rehabilitating public facilities as community focal points, ensuring the public's health and safety, and fostering environmental sustainability citywide; and

WHEREAS, the Plans collectively set forth the relationship between the long-term health of the Urban Forest and many other goals of the City, relating to economic growth, sustainability, and quality of life; and

WHEREAS, the City completed a robust public process to develop the amended Public Tree and Shrub Ordinance, working closely with the Urban Forest Committee, and soliciting community input at two public meetings; and

WHEREAS, the Urban Forest Committee recommended the City Council adopt the Public Draft of this ordinance at the May 13, 2019 public meeting; and

WHEREAS, in adopting the amended Public Tree and Shrub Ordinance, the City of El Cerrito has found the ordinance to be consistent with its General Plan and existing ordinances.

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

SECTION 1. Chapter 13.28 of Title 13 of the El Cerrito Municipal Code, Trees and Shrubs, is hereby deleted in its entirety and replaced with a new Chapter 13.28 to read as follows:

13.28.010 - Title

This Chapter shall be known as the "Public Tree and Shrub Ordinance" and may be cited as such.

13.28.020 – Findings

The City of El Cerrito City Council finds and declares that the Urban Forest, including existing and future Public Trees located within the City of El Cerrito, are a valuable and distinctive natural resource. The Urban Forest of the City augments the economic base through the provision of resources, community character, and enhancement of the living environment. These resources are a major infrastructure element, offering many benefits to the city, county, and region.

El Cerrito's diverse Urban Forest is comprised of distinct public and private tree populations and categories, including natural area stands, maintained landscapes, and Street Trees, that require specific management strategies. While the City recognizes the complexity of Urban Forest management, especially in a period of changing climate, the aim and purpose of this Ordinance is the protection of Public Trees from harm attributable to inappropriate or improper management practices and actions.

Trees and shrubs benefit the community by providing the following:

- **Environmental benefits** include mitigating the effects of climate change, carbon sequestration, reducing the heat island effect, improving water quality, reducing airborne pollutants, and providing habitat for wildlife and pollinator species. Trees and greening also contribute to the City's sustainability goals, as defined in the City's Urban Forest Management Plan (2007), Climate Action Plan (2013), Urban Greening Plan (2015), and Green Infrastructure Plan, anticipated to be adopted in 2019.

- **Public Health benefits** include improving air quality, supporting a healthy, active community, reducing the risk of landslides, and reducing pollutants from stormwater. In addition, healthy, well-selected and Maintained Trees improve public safety by decreasing the risks associated with Hazardous Trees.
- **Social benefits** include creating a sense of place, providing connections to the natural world, creating memorable nodes and entry points, and helping to facilitate a sense of community.
- **Economic benefits** include an increase in property values, attraction of businesses and shoppers, and contribution to the financial standing of the City. In addition, healthy, well-selected and Maintained Trees reduce potential damage to public and private infrastructure, including utilities, sidewalks, and roads, while also reducing the cost of construction and maintenance of drainage systems through increased diversion of surface waters.

Careful planning and management is needed to protect and maintain the health and integrity of the Urban Forest. Pruning, Tree removals, and plantings are periodically needed as Trees age, become infected by disease or pests, suffer damage from wind, storms or improper Tree care, or interfere with infrastructure (e.g. overhead wires, sidewalks, underground utilities). Intentional planting of the right Tree in the right place improves the likelihood of Tree survival, maximizing benefits and minimizing program costs in our Urban Forest. This Ordinance outlines the responsibilities and practices that shall be utilized to ensure the long-term health of the City's Urban Forest, balancing the complexities, benefits, challenges, and concerns related to Public Trees.

13.28.030 – Definitions

In this chapter the following terms shall have the following meaning:

- A. "ANSI A300 Standards" means the A300 standards adopted by the American National Standards Institute (ANSI) regarding Tree, Shrub and Other Woody Plant Maintenance, and all successor standards adopted by ANSI.
- B. "City" shall mean the City of El Cerrito.
- C. "City Tree List" means the list of Trees approved by the Director to be planted in Public Places.
- D. "Cut" or "Prune" shall mean to detach or separate from a Tree any limb or branch over one inch in diameter, or to remove branching structures, as designated by the ANSI A300 Standards.
- E. "Damage", "Mutilate", or "Disfigure" shall mean any action that causes injury or death to a Tree, including unsightly and injurious Pruning. This shall include practices that are not in conformance with ANSI A300 Standards. It shall include, but not be limited to, Pruning practices such as flush cutting, heading back, lion tailing, rounding, stubbing, tipping, or topping, as well as poisoning, unauthorized relocating or transplanting of a Tree, nailing or piercing of a Tree,

- trenching, excavating, and compaction of soil or any work within the Protected Root Zone of a Tree.
- F. "Director" means the Public Works Director of the City of El Cerrito.
 - G. "Encroachment Permit" shall mean written authorization to perform work in the public right-of-way or public street issued pursuant to Chapter 13.12 of this Code.
 - H. "Maintenance" or "Maintain" when used in this chapter in reference to Trees or Shrubs, means and includes Pruning, fertilizing, irrigating, propping, cabling, treating for insects, treating for disease or injury, and any other similar acts which promote the life, growth, health, beauty or safety of such Trees or Shrubs, in accordance with ANSI A300 Standards.
 - I. "Objectionable" or "Nuisance" when used in reference to Trees means all Trees which the Tree Program Manager or a qualified arborist designated by the Director or designee determines are diseased, invasive, in danger of falling over or becoming a hazard of any kind, interfere with surface or underground utilities, or whose root systems are such that they damage sidewalk, street and other pavement in the public right-of-way.
 - J. "Person" shall mean any natural person, partnership, firm, corporation, governmental agency other than the City of El Cerrito, or other legal entity.
 - K. "Planting Strip" means the area between the curb of the street, whether marked by cement curbing construction or not, and the abutting property line.
 - L. "Public Place" shall mean any property owned or controlled by the City, including, but not limited to, parks, parkways, open space, easements, public streets, public rights-of-way, City owned property, and Planting Strips.
 - M. "Public Tree(s) or Shrubs" means a Tree or Shrub located in a Public Place, or any area under ownership or control of the City, including property under the operational control of another entity by virtue of a lease, license, operating or other agreement.
 - N. "Private Tree or Shrubs" means any Tree or Shrub located on private property.
 - O. "Protected Root Zone" means the ground area extending a minimum of three (3') feet radially from the periphery of the tree trunk or three inches (3") for every one inch (1") diameter of tree trunk, whichever is greater, measured at four feet six inches (4'6") from the base of the tree, not to extend beyond the public right-of-way or boundaries of property owned or controlled by the City. For new development projects, the Protected Root Zone may extend beyond the public right-of-way, not to extend beyond the setback standards required for a specific project.

- P. "Replacement Value" means the cost of replacing a Tree or Shrub as determined by an arborist retained by the City and in accordance with industry standards.
- Q. "Shrub" means a woody plant with multiple stems, generally smaller than a Tree.
- R. "Street Trees and/or Shrubs" are herein defined as Public Trees and Shrubs located in the Planting Strip.
- S. "Tree" means a perennial woody plant, typically having a single main stem or trunk growing to a considerable height and bearing lateral branches some distance from the ground.
- T. "Tree Program Manager" means the Director's designee with responsibilities to manage the City's Urban Forest Program.
- U. "Urban Forest" shall mean the natural resource composed of all Trees and woody Shrubs on public and private property within the City limit.

13.28.040 – Purpose and Policy

The purpose of this Ordinance is to preserve and protect the health, longevity, and safety of Public Trees as an important resource as noted in Section 13.28.020, to promote the health, safety, welfare and quality of life of the residents and to enhance the appearance of the City, to clearly define responsibility for the maintenance of Public Trees and Shrubs, and to adopt best management practices and industry standards for the planting and maintenance of Public Trees and Shrubs.

It is the policy of the City to enhance a healthy Urban Forest in Public Places and to conduct a consistent and adequate program for Maintaining and preserving Trees. In addition, it is the policy of the City to encourage new Tree, Shrub, and ground cover planting in Public Places, contributing to a flourishing Urban Forest in accordance with the requirements of this Chapter.

13.28.050 – Jurisdiction

A. Public Trees and Shrubs

The City shall have authority and responsibility over all Public Trees or Shrubs, and other plantings now or hereafter located in any Public Place, and shall have the authority to plant, care for, Maintain, remove, and replace such Trees, Shrubs and other plantings. Nothing in this section shall be interpreted as prohibiting a property owner from planting Shrubs and other ground plantings in the Planting Strip (See Diagram 1) adjacent to their respective properties, as long as such planting complies with the requirements of this Chapter.

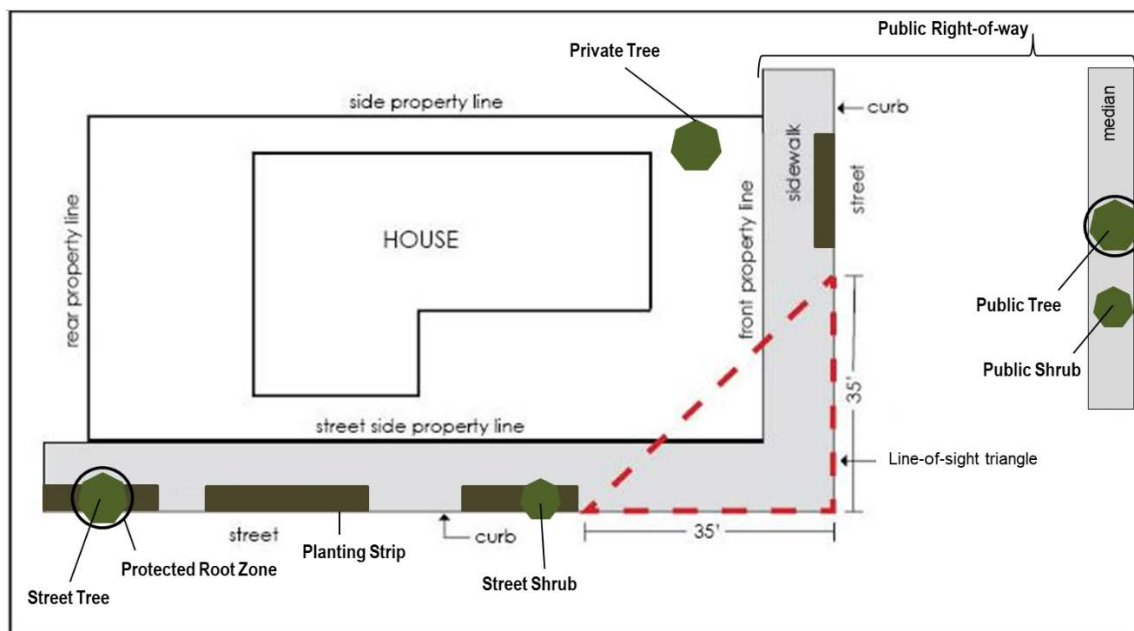
B. Street Trees and Shrubs

Unless otherwise designated in a development-related agreement or conditions of approval, the City shall have the authority and responsibility for the Pruning of all Street Trees which the City planted or required to be planted and shall also be responsible for the repair of sidewalk damages caused by such Street Trees. Property owners shall also provide care for all Street Trees and Shrubs in the adjacent Planting Strip. For the purposes of this Section, care of Street Trees and Shrubs includes watering and removing fallen leaves, fallen branches, and fruit debris, and any other similar acts which promote the life, growth, health or beauty of such Trees or Shrubs. However, property owners shall not cut, prune, remove, apply chemicals or fertilizers, or plant Street Trees without first obtaining an Encroachment Permit from the City. Residents may Prune a Tree limb that is less than one inch (1") in diameter, from an adjacent Street Tree, only as necessary for purposes of egress clearance, as long as such action meets ANSI A300 Standards and complies with all requirements of this Chapter.

C. Private Trees and Shrubs

Except as otherwise provided in this Code, Trees and Shrubs on private property are the responsibility of the property owners to keep, remove, and maintain as deemed appropriate by the property owner in accordance with all applicable laws. However, if a tree protection plan has been approved as a part of a City-approved development project, the tree protection plan shall be implemented by the property owner to the satisfaction of the Community Development Director, or his/her designee.

Diagram 1:



13.28.060 Planting of Public Trees and Shrubs

- A. Any Person can request that the City plant a Tree in a specific Public Place by contacting the Tree Program Manager. A Person may also plant Trees on Planting Strips themselves after receiving written authorization from the City in the form of an Encroachment Permit and in accordance with ANSI A300 Standards.
- B. The placement of any Tree in any Public Place shall be approved by the City as to not interfere with any public or private utility, including, but not limited to, water, sewer, electrical and natural gas infrastructure. Placement shall not impede the visibility of traffic safety devices.
- C. It is unlawful to plant any Tree in any Public Place or Public Street, including but not limited to a Planting Strip, without first obtaining an Encroachment Permit.
- D. The City Tree List shall guide the planting of Trees in any Public Place. All Trees planted in a Public Place shall be approved by the Tree Program Manager to ensure suitability with the proposed location.
- E. No permit or prior approval from the City is required for the planting of Shrubs, plants and ground cover in the Planting Strip, as long as the item to be planted complies with all requirements of this Chapter.
- F. When planting Trees and Shrubs in Public Places, the City shall evaluate the use of native species and drought tolerant plants, where possible.

13.28.070 - Pruning and Removing Trees and Shrubs in Public Places, Including Street Trees and Shrubs

- A. The City may Prune or remove any Tree, Shrub, or other vegetation in any Public Place, including but not limited to a Planting Strip, if it is determined to be Objectionable or a Nuisance by the Tree Program Manager.
- B. In the event that the Tree Program Manager determines a Public Tree or Shrub has become Objectionable or a Nuisance because of the actions of the adjacent property owner, or her/his tenants, the City may require the adjacent property owner to Prune or remove the Tree, Shrub or other vegetation, or take other appropriate action after being issued an Encroachment Permit. Failure to complete the required work within fifteen days shall be a violation of this Chapter. Additionally, if the adjacent property owner fails to complete the required work within fifteen (15) days, the City may perform the work and charge the property owner for the cost of such work. The City shall send an invoice of the costs to the property owner, and if such costs are not paid within thirty (30) days, the City may record a nuisance abatement lien or special assessment on the property pursuant to the procedures set forth in Chapter 8.34 of this Code.

- C. Any Person may submit a request for the City to Prune or remove a Public Tree, and this request shall be considered and prioritized for action based on public safety, Tree health, and other criteria maintained by the Director. Residents may Prune a Tree limb that is less than one inch (1") in diameter, from an adjacent Street Tree, only as necessary for egress clearance, as long as such action meets ANSI A300 Standards and complies with all requirements of this Chapter.
- D. The City may authorize the Pruning or removal of a Public Tree by a Person, at the Person's own expense, if the removal or Pruning meets the established criteria but has been deemed a lower priority for action by the City. The City's authorization of such action by a Person is conditioned upon the Person obtaining an Encroachment Permit, and may be subject to appropriate mitigation measures, in accordance with the Public Tree Program standard operating procedures established by the Director from time to time. The removal of a Street Tree that does not meet the established criteria for removal, may be authorized by the City, but shall require appropriate mitigation measures, in accordance with the Public Tree Program standard operating procedures established by the Director from time to time. The City may charge fees to cover the costs associated with permitting, removal of an existing Tree, planting, and the establishment of a new Tree.
- E. The Director shall establish and maintain criteria and procedures for consideration of requests for Pruning and removal of Public Trees and Shrubs including maintenance requirements and applicable mitigation measures.

13.28.080 – Mutilation or Destruction of Public Trees Prohibited

Cutting, Pruning, planting, or removing any Public Tree, Shrub, or plant in any Public Place, including but not limited to a Planting Strip, shall be done in compliance with this chapter. ~~It is a violation of this Chapter to Damage or Mutilate any Public Tree, Shrub or plant in any Public Place, including but not limited to a Planting Strip.~~ The following acts are prohibited under this Chapter unless otherwise exempt:

- A. To Damage, Disfigure, or Mutilate a Public Tree.
- B. To Cut, Prune, plant, or remove a Tree in a Public Place without first obtaining authorization from the City in the form of an Encroachment Permit.
- C. To Damage the roots of any Public Tree by grading, clearing or grubbing, stockpiling materials, changing soil grade, excavating, trenching, or adding any impervious materials (e.g. concrete, asphalt, other hard surfaced homogenous materials, such as bricks and stones, which are mortared together, or plastic sheeting) within the public-rights-of-way or Protected Root Zone, except when authorized by the City under an Encroachment Permit and/or Building Permit, as appropriate. This includes placing any pervious materials (e.g. bricks,

stones, landscaping cloth, mulch) or plantings within the Protected Root Zone of any Public Tree.

- D. Applying or attaching any rope, chain, cable, or wire, other than materials customarily used to support young or broken Trees or Shrubs.
- E. Applying or attaching a sign or poster, or any other object, by piercing or otherwise causing Damage to the Tree or Shrub.
- F. Applying any gaseous, liquid or solid substance that may cause harm or death to any Public Tree or Shrub, including herbicides or pesticides.

13.28.090 Private Trees

Property owners are encouraged to utilize the City Tree List when planting Trees, Shrubs, vines or ground cover on private property. However, planting certain Tree species on private property is explicitly prohibited elsewhere in this Code. When planting and caring for Trees on private property, property owners should also reference Chapter 10.90 of the El Cerrito Municipal Code – Obstruction of Views by Trees on Private Property.

13.28.100 – Protecting Trees During Construction

During any construction project, including, but not limited to, the erection, repair, alteration or removal of any private or public building, house structure, or other private or public facility or utility, the Person in charge of such work shall protect any Tree, Shrub or plant identified for protection in the development approval process and any other Public Trees and Shrubs with good and sufficient guards, protectors, or fences in conformance with ANSI A300 Standards, as well as any other specific conditions established by the development approval process. The purpose of this requirement is to prevent injury to said Tree(s), Shrub(s) or plant(s) arising out of said erection, repair, alteration or removal as required by the City.

In the event that a Person completing a construction project is not able to conform with ANSI A300 standards and will adversely impact the long-term health of a Public Tree, the development approval process shall require mitigation, in accordance with the standard operating procedures established by the Director. Mitigation may include the planting of a replacement Tree(s) by the City at the Person's own expense. The City may charge fees to cover the costs associated with permitting, removal of an existing Tree, planting, and the establishment of a new Tree.

13.28.110 - Obstructing Right-of-Way Prohibited

- A. Any private Tree, Shrub, or plant which is determined by the Tree Program Manager to obscure the sightlines of pedestrians or vehicle operators in the public right-of-way, or to otherwise endanger the security or usefulness of any public street, sewer, utility, or sidewalk, may be declared to be a public nuisance.

- B. All Private Trees, Shrubs or plants located adjacent to any Public Street, sidewalk or walkway shall be kept Pruned so that no part thereof shall extend over the street at a height of less than fourteen (14) feet or over a public walkway at a height of less than seven (7) feet. No thorn-bearing plant and no barbed wire fence shall be placed or permitted to remain along the boundary of any sidewalk or public path within the city. A violation of this section may be declared to be a public nuisance by the Tree Program Manager.
- C. Upon determination by the Director or Tree Program Manager that any Private Tree, Shrub or plant constitutes a public nuisance, the City may abate the nuisance pursuant to the procedures established in Chapter 8.34 of this code or may pursue any other available legal remedy in this Code or California law to have the nuisance abated.

13.28.120 –Interference

No Person shall interfere with any City employee or City contractor acting under this Chapter.

13.28.130 – Appeals

Any action or determination by the Tree Program Manager may be appealed to and considered by the Director. To be effective, an appeal must be in writing and must be filed within fifteen (15) days after the date of the decision of the Tree Program Manager. The written appeal shall clearly specify the reasons for which an appeal is requested and may include any evidence or documentation supporting the appeal. The appeal investigation will be conducted solely on the basis of the submission of written arguments and evidence, except that the Director may elect to receive oral testimony in his or her sole discretion. The Director may also elect to conduct on-site inspections to develop findings. Within fifteen (15) days of submission of the appeal, the Director shall render his/her decision, which may affirm, revise or modify the Tree Program Manager's decision. The decision of the Director may also be appealed in writing to the City Manager within five (5) business days of the decision. The decision of the City Manager shall be in writing and shall be final.

13.28.140 – Penalty for Violation

- A. Any violation of this Chapter is subject to an administrative penalty as set forth in Chapter 1.14 of this Code. Any violation of this Chapter may also be punished as a misdemeanor, pursuant to Chapter 1.09 of this Code.
- B. In addition to the penalties provided for in Section 13.28.140(A), any Person who unlawfully Damages, kills or otherwise causes Mutilation of a Public Tree in violation of this Chapter shall pay a penalty that shall include an amount equal to twice the amount of the Replacement Value of the Tree. Trees that are Mutilated, killed, or removed without authorization/permit are assumed to be in "good" condition unless proven otherwise. An arborist retained by the City shall estimate the Replacement Value of the removed, killed, or Damaged Tree(s) in

accordance with industry standards. The penalty shall also include the City's costs incurred in performing the appraisal and the costs to irrigate and maintain the new Tree for a three year establishment period. The City shall provide notice of the amount of the penalty to the responsible Person, and the Person shall have thirty (30) days to pay the penalty. Thereafter, the penalty shall be a debt owed to the City. If the Public Tree was Damaged or Mutilated by the adjacent property owner, or its tenants, contractors or agents, in the event that the penalty is not timely paid, the City may record the unpaid amount of the penalty as a lien or special assessment on the property adjacent to the Damaged or Mutilated tree.

13.28.150 – Enforcement

The Director shall be responsible for the enforcement of this chapter and may impose any of the penalties identified herein or available through otherwise applicable law. The City Attorney is hereby authorized to pursue any available legal remedy, including instituting civil or criminal proceedings, to enforce this chapter.

13.28.160 – Performance Evaluation

The Tree Program Manager shall collect and maintain records and data necessary to objectively evaluate whether progress is being made toward the intent, purpose and objectives of this chapter.

13.28.170 – Liability

Nothing contained in this Section shall be interpreted to impose any liability upon the City, its officers, employees, or agents, nor to relieve the owner of any private property from the duty to keep any Tree, Shrub or plant located upon the adjacent Planting Strip or upon the owner's private property from becoming a hazard or public nuisance.

13.28.180 – Administrative Responsibilities

The Director or designee shall, by use of City employees or private contractors, have the authority to plant, Maintain and otherwise care for, or if necessary remove trees in any Public Place. The responsibilities of the Director or designee under this Chapter shall include but not be limited to, the following:

1. Maintain Public Trees and Shrubs.
2. Make determination of Tree and Shrub removals in Public Places.
3. Inspect the planting, Maintenance, and removal of all Trees in Public Places.
4. Maintain a list of approved Trees in Public Places and the public right-of-way, respectively.

5. Establish criteria and standard operating procedures for consideration of requests for Pruning, planting, and removal of Public Trees and Shrubs.
6. Evaluate and administer permits as allowed and provided under this section.
7. Provide a specific and final determination with regard to definitions and disputes under this Chapter.

SECTION 2. If any Section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 3. The proposed amendments to the Municipal Code are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15308, which exempts actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Ordinance is an action taken by a regulatory agency to preserve and protect trees within the City, and to regulate the removal of trees.

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

First read at a regular meeting of the City Council on the 18th day of June 2019, and passed by the following vote:

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

Adopted and ordered published at a regular meeting of the City Council held on the 16 day of July 2019, and passed by the following vote:

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

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charléty, City Clerk

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

Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2019–05 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 16 day of July, 2019; and that said Ordinance has been published and/or posted in the manner required by law.

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

Holly M. Charléty, City Clerk



AGENDA BILL

Agenda Item No. 4(D)

Date: July 11, 2019
To: El Cerrito City Council
From: Melanie Mintz, Community Development Director
Subject: Authorize Strategic Economics to Examine Sales and Use Tax Records for El Cerrito Businesses in Support of the San Pablo Avenue Specific Plan Update

ACTION REQUESTED

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

BACKGROUND

The City of El Cerrito's existing contract with the California Department of Tax and Fee Administration (CDTFA) allows it to perform all functions incident to the administration and collection of local sales and use and transactions and use taxes, and also permits authorized representatives of the City and other designated entities to examine confidential sales and use tax and transactions and use tax records of the CDTFA. Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of records, including that any person designated by the City to access CDTFA records shall have an existing contract to examine the City's sales and use tax and transaction and use tax records and sets forth provisions to be contained in that contract.

The City currently contracts with HdL Companies to perform sales tax analysis for the City for the purposes of budget forecasting. Additionally, as a part of the San Pablo Avenue Specific Plan update, the City has a contract with Strategic Economics to analyze Retail Market Conditions and Trends to estimate how much ground-floor retail/restaurants/services can be supported on San Pablo Avenue and advise on the financial feasibility of increasing ground-floor retail/commercial requirements on new mixed-use development projects on the San Pablo Avenue corridor. In order to complete this analysis and make recommendations, Strategic Economics will need access to point-level sales tax data for the past 5 years. In order to provide access to this data, Strategic Economics will need to sign a Confidentiality Agreement and the City Manager will need to submit a Designation Letter to both HdL Companies and CDTFA designating employees of Strategic Economics to be allowed access to examine sales and use tax records for the City. The contract with Strategic Economics complies with the requirements of the Revenue and Taxation Code for companies authorized to access local sales and use and transactions and use tax information.

ANALYSIS

Goal C of the San Pablo Avenue Specific Plan is to *Encourage Practical and Market Friendly Development*. A key component of the Plan's success has been to rely on information gained in previous economic development studies and analysis. *Goal C* includes *Strategy 3: Allow ground floor residential development to provide flexibility and expand the Specific Plan Area's residential base*. With the success of the Plan, eight residential-only projects have been proposed/approved of the seventeen projects that have been applied for/approved. Due to the patterns of development, including parcels more likely to change in the next decade, staff is evaluating whether expanding commercial ground-floor requirements to assure the corridor provides adequate commercial amenities to support existing and new residents is warranted and feasible. The requested action supports this effort.

STRATEGIC PLAN CONSIDERATIONS

The proposed action supports Strategic Plan Goal B: Achieve long-term financial stability and its corresponding strategy to "*maximize opportunities for existing and expanding businesses*" and Goal C: Deepen a sense of place and community identity and its corresponding strategies to "*develop a vision for underdeveloped and underutilized properties through advance planning efforts that encourage investment and/or new development*" and "*encourage dense business nodes to minimize or eliminate automobile traffic*".

FINANCIAL CONSIDERATIONS

There are no financial considerations associated with the proposed action.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this report and associated resolution.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
AUTHORIZING STRATEGIC ECONOMICS TO EXAMINE SALES AND USE TAX
RECORDS FOR EL CERRITO BUSINESSES

WHEREAS, pursuant to Ordinance No. 60, as amended by Ordinances 146 N.S., 323 N.S., 83-15, 88-5, and 2010-10, and 2014-8, the City of El Cerrito entered into a contract with the California Department of Tax and Fee Administration (hereafter, "CDTFA") to perform all functions incident to the administration and collection of local sales and use taxes and transactions and use taxes; and

WHEREAS, the City Council deems it necessary for authorized representatives of the City and other designated entities to examine confidential sales and use tax and transactions and use tax records of the CDTFA pertaining to sales and use taxes and transactions and use taxes collected by the CDTFA for the City pursuant to that contract; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of CDTFA records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the sales and use tax and transactions and use tax records of the CDTFA; and

WHEREAS, Section 7056 of the California Revenue and Taxation Code requires that any person designated by the City to access CDTFA records shall have an existing contract to examine the City's sales and use tax and transactions and use tax records; and

WHEREAS, the City of El Cerrito has an existing contract with Strategic Economics to conduct economic analysis pertaining to retail/commercial land use to assist with the San Pablo Avenue Specific Plan Update; and

WHEREAS, in order to complete the analysis, Strategic Economics requires access to confidential data sources including point-level sales tax data and point-level EDD business establishment data.

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

Section 1. Pursuant to an existing agreement between the City and Strategic Economics, Strategic Economics is authorized to examine sales and use tax and transactions and use tax records of the City pertaining to sales and use taxes and transactions and use taxes collected for the City by the CDTFA.

Section 2. Strategic Economics is hereby designated to examine transactions and use tax records of the City pertaining to sales and use taxes and transactions and use taxes collected for the City by CDTFA. The entity designated by this section meets all of the following conditions:

Agenda Item No. 4(D)
Attachment 1

- a. Has an existing contract with the City.
- b. Is required to disclose information contained in or derived from those sales and use tax and transaction and use tax records only to the City Manager, officers or employees of the City designated by the City Manager to examine the information, and other entities authorized by resolution of the City Council to examine the information.
- c. Is prohibited from performing consulting services for a retailer during the term of the contract; and
- d. Is prohibited from retaining the information contained in or derived from those sales and use tax and transaction and use tax records after the term of the contract has expired.

The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of City sales and use taxes and transactions and use taxes by the CDTFA pursuant to the contract between the City and the CDTFA.

Section 3. The City Clerk of the City is hereby directed to certify adoption of this Resolution and to send a copy to:

California Department of Tax and Fee Administration
Local Tax Section MIC:27
P.O. Box 942879
Sacramento, CA 94279-0001

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

I CERTIFY that at a regular meeting on July 16, 2019 the City Council of the City of El Cerrito passed this resolution by the following vote:

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

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

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



AGENDA BILL

Agenda Item No. 4(E)

Date: July 16, 2019
To: El Cerrito City Council
From: Ana Bernardes, Engineering Manager/Senior Engineer
Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Parking Modifications at Harding Elementary School

ACTION REQUESTED

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

BACKGROUND/ANALYSIS

The Public Works Department received a request from representatives of Harding Elementary School to modify the existing parking restrictions in front of the school to address parking and traffic concerns on Ashbury Avenue. The current parking restrictions around Harding Elementary School have been in place since 2012 following City Council adoption of Resolution 2011-87 authorizing the Public Works Director/City Engineer to modify various curb markings on Ashbury Avenue. It has been the practice of the City of El Cerrito to adjust parking restrictions near schools to improve student drop-off and pick-up activities and traffic circulation.

City staff evaluated the current parking restrictions and use of the curb space during school drop-off and pick-up times. The most significant problems observed by City staff were caused by insufficient space for school buses, which are frequently double-parking and blocking traffic circulation on Ashbury Avenue, and insufficient passenger loading zone for the student drop-off and pick-up activity. Based on discussions with school representatives, City staff has developed the following strategies to best meet the current school needs:

- Remove the short-term (30-minute) parking to provide a longer passenger loading zone and bus zone nearest the main school entrances; and
- Remove the commercial/material loading zone to create a larger number of unrestricted parking spaces near the tennis courts and close to "C" Street.

The proposed parking restrictions are shown in Exhibit A. The specific actions requiring City Council approval are as follows (in order from north to south):

- Remove the 40 feet of green curb marking and associated signs for 30-minute parking, which will be replaced with white curb marking and associated signs for a passenger loading zone (active loading and unloading only, no unattended vehicles); and
- Remove the 85 feet of green curb marking and associated signs for 30-minute parking, which will be replaced with red curb for school buses only.

Related signage will indicate that these parking restrictions will be in effect during school hours, 7 a.m. to 4 p.m., Monday to Friday. No unrestricted parking spaces will be lost but rather increased.

El Cerrito Municipal Code Section 11.40.190 authorizes the City Engineer to establish bus zones, Section 11.40.240 authorizes the City Engineer to establish no parking/no stopping zones, and Section 11.40.150 authorizes the City Manager to establish loading/unloading zones. As such, the modifications to white, yellow and red curb markings shown in Exhibit A do not require action by the City Council.

STRATEGIC PLAN CONSIDERATIONS

Approval of the removal of green curb marking would help fulfill the following City of El Cerrito Strategic Plan Goals:

- Goals A and C – Deliver exemplary government services and deepen a sense of place and community identity, by working with and being a partner with Harding Elementary School to develop solutions to improve traffic circulation and parking around the school; and
- Goal E - Ensure the public's health and safety by providing improved parking operations and traffic circulation for student drop-off and pick-up.

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 because the project is a minor alteration of an existing public facility involving negligible or no expansion of use beyond that presently existing. More specifically, the installation of curb markings and signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, which is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The cost for removal and replacement of the curb markings and associated signs is estimated to be under \$1,500 and is included in the Public Works, Maintenance operating budget.

LEGAL CONSIDERATIONS

El Cerrito Municipal Code Section 11.40.160 requires that any modification of green curb markings be approved by City Council Resolution. The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution
Exhibit A: Parking Modifications

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE PUBLIC WORKS DIRECTOR/CITY ENGINEER TO REMOVE THE EXISTING FORTY (40) FEET AND EIGHTY-FIVE (85) FEET OF GREEN CURB MARKINGS ON ASHBURY AVENUE IN FRONT OF HARDING ELEMENTARY SCHOOL, BETWEEN FAIRMOUNT AVENUE AND "C" STREET AS SHOWN IN EXHIBIT A

WHEREAS representatives of Harding Elementary School requested that the Public Works Department modify curb markings in front of the school to improve parking and traffic on Ashbury Avenue; and

WHEREAS, it has been the practice of the City of El Cerrito to adjust parking restrictions near schools to improve student drop-off and pick-up activities and traffic circulation; and

WHEREAS, the parking restrictions around Harding Elementary School have been in place since 2012; and

WHEREAS, the proposed parking modifications are expected to best meet the current school needs by providing a longer passenger loading zone and bus zone nearest the main school entrance; and

WHEREAS, El Cerrito Municipal Code Section 11.40.190 authorizes the City Engineer to establish bus zones, Section 11.40.240 authorizes the City Engineer to establish no parking/no stopping zones and Section 11.40.150 authorizes the City Manager to establish loading/unloading zones, and the Public Works Director/City Engineer and City Manager are thereby authorizing the modifications to white, yellow and red curb markings as shown in Exhibit A; and

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

WHEREAS, this project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 because it is considered a minor alteration of an existing public facility involving negligible or no expansion of use beyond that presently existing. More specifically, the installation of curb markings and signs will be done on existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities, which is exempt from CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito that it hereby authorizes the Public Works Director/City Engineer to remove the existing forty (40) feet and eighty-five (85) feet of green curb markings on Ashbury Avenue in front of Harding Elementary School, between Fairmount Avenue and "C" street as shown in Exhibit A, incorporated by reference and attached hereto.

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

Agenda Item No. 4(E)

Attachment 1

I CERTIFY that at a regular meeting on July 16, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

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

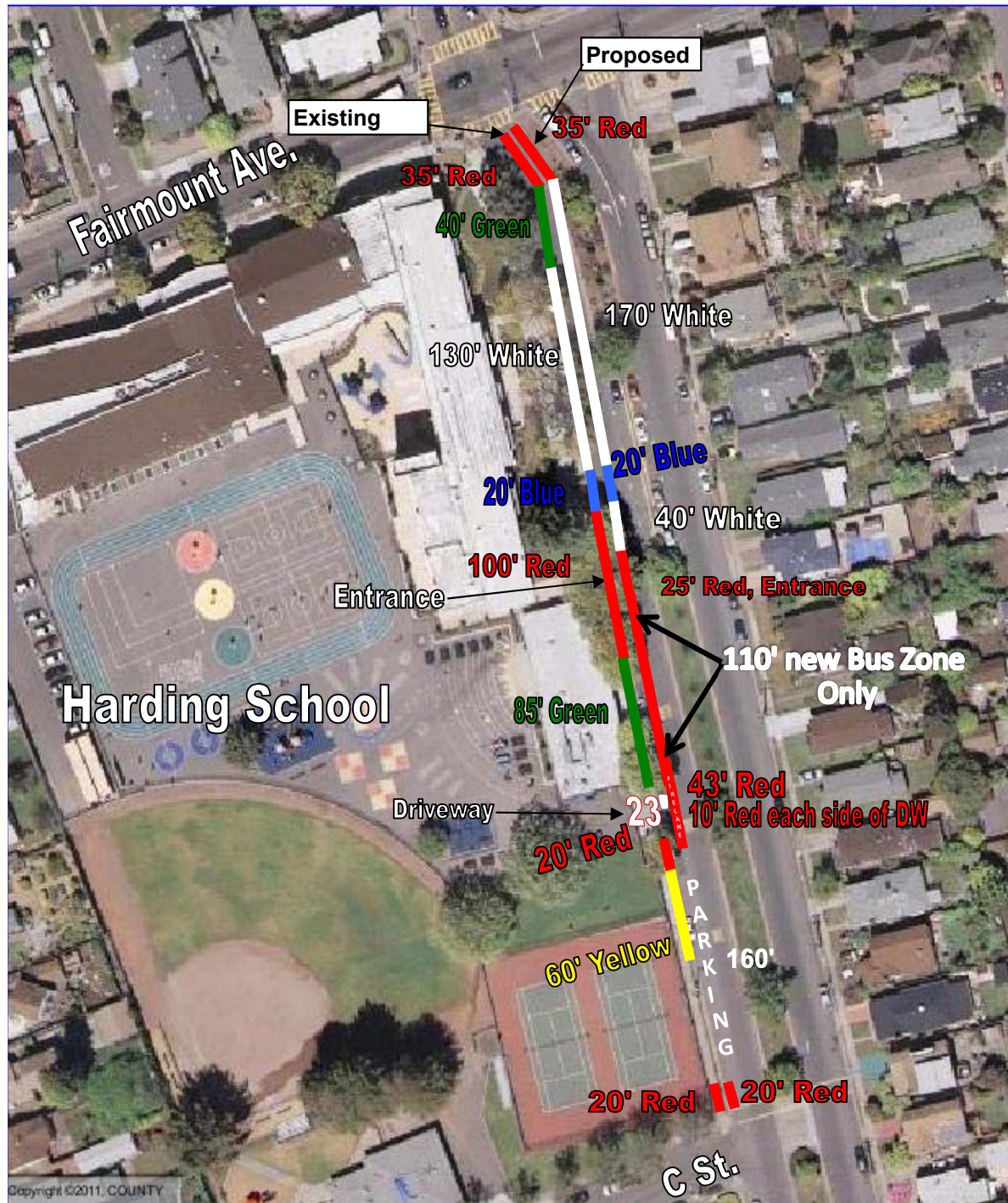
Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

Exhibit A
Parking Modifications on Ashbury Avenue
in front of Harding Elementary School
(7230 Fairmount Avenue)

Proposed Green Curb Marking Modifications Require City Council Approval





AGENDA BILL

Agenda Item No. 4(F)

Date: July 16, 2019
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078.

ACTION REQUESTED

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

BACKGROUND

The Eureka Avenue and Lexington Avenue Street Improvements Project will rehabilitate the roadway pavement; reconstruct sections of sidewalk, curb, and gutter that have been damaged by the existing trees; reconstruct storm drain facilities; install new and modified curb ramps; and install new traffic signing and pavement markings. The project is located on Eureka Avenue from Kearney Street to Liberty Street and Lexington Avenue from Eureka Avenue to one block north where it ends in a cul-de-sac serving Fairmont Elementary School. This project will also install an on-street disabled parking space, curb ramps and high-visibility crosswalk to serve the recently renovated Centennial Park at the intersection of Liberty Street and Eureka Avenue.

The pavement on these roadways is currently in poor conditions, two of the lowest in the City. In addition, trees have severely displaced sections of pavement, sidewalk, curb and gutter, and shallow storm drain facilities within the roadway are damaged. The project will directly benefit school-age children, seniors, and mixed-use residential development by providing safe and accessible walking, biking and driving routes to Fairmont Elementary School, Centennial Park, the Ohlone Greenway, and El Cerrito Public Library.

The Notice Inviting Bids for the Project was advertised in the West County Times on April 25 and 30, 2019. Additionally, the notice along with a complete set of Contract Documents was sent to eight (8) Builder and Construction Exchanges. The project was also posted on the City's website and on the BPXpress website, an online planroom. Finally, the notice was directly emailed to numerous contractors on the City's current list of contractors, who have the required licensing for the work involved in this project, and calls were made to several individual contractors to inform them of this bidding opportunity.

ANALYSIS

Despite the outreach efforts to potential bidders, only one bid was received by the advertised bid opening date of May 16, 2019. The bid amount of \$857,056 from Kerex

Engineering, Inc. (Pleasant Hill) is almost double the engineer's estimate of \$445,000 and significantly above the City's funding for the project.

Because only one bid was received, City staff cannot compare bids to determine if the bid amount was reasonable for the work. The City's consulting project manager contacted several local contractors, who typically bid on similar City projects, and was informed that due to the spring bidding schedule for this project, many contractors were already too busy to bid on any additional projects. This is consistent with experience of other municipalities. Because there are many projects currently underway as a result of new funding infused by SB 1, there is a lack of available contractors leading to a low number of bids and high bid prices on pavement projects.

City staff recommends that the City Council reject the bid submitted for the Project. In order to receive more bidding competition for the Project, City staff would like to make adjustments to the Project, adding bid alternates, and re-bid it over winter 2019-20 for award in early spring 2020. Bid alternates will facilitate a subsequent award by the City Council of a reduced scope project, if necessary, that would be within budget. City staff will also evaluate and identify potential sources of additional funding including Measure A Street Improvement funds, as well as SB 1 – Road Maintenance and Rehabilitation Account funds, Local Streets and Road Funding Program.

STRATEGIC PLAN CONSIDERATIONS

The Project is consistent with the following El Cerrito Strategic Plan Goals:

- Goal D – Develop and rehabilitate public facilities as community focal points by addressing ongoing and deferred maintenance of facilities and infrastructure; and
- Goal E – Ensure the public's health and safety by maintaining streets and sidewalks in a state of good repair.

ENVIRONMENTAL CONSIDERATIONS

The Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 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 an earthquake, landslide, or flood, is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The design and construction of the Project is largely funded by the City's Measure A Street Improvement funds with additional funding from the SB 1 Local Partnership Program (LPP). LPP is distinct from the Local Streets and Road Funding Program, for which the City adopts a list of projects on an annual basis in the spring, and is structured to reward municipalities and agencies in which voters have approved fees or taxes solely dedicated to transportation improvements (self-help agencies). The City receives \$100,000 per year in LPP funds. The total funding amount of \$610,000 for the Project is summarized below.

Fund Source	Environmental/ Design	Construction	Total
City Measure A Streets	\$57,000	\$353,000	\$410,000
LPP		\$200,000	\$200,000
Total	\$57,000	\$553,000	\$610,000

The funding for the construction phase was previously included in the Fiscal Year (FY) 2018-19 Adopted Budget and Capital Improvement Program because City staff had anticipated the construction award would occur in June 2019. This funding will need to be appropriated as part of a mid-year FY 2019-20 mid-year budget update. As noted above, City staff will also evaluate and identify potential sources of additional funding in order to fund the construction phase of the project.

The LPP funding requirements call for construction award by September 14, 2019. Given the recommended rebidding of the project, City staff has submitted a request for a time extension to the California Transportation Commission (CTC), which oversees this funding program. The CTC will consider the request at its August 14 and 15, 2019 meeting.

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO REJECTING THE SOLE BID SUBMITTED FOR THE EUREKA AVENUE AND LEXINGTON AVENUE STREET IMPROVEMENTS PROJECT, CITY PROJECT NO. C3078 (PROJECT) AND AUTHORIZING CITY STAFF TO AMEND AND REBID THE PROJECT

WHEREAS, the Eureka Avenue and Lexington Avenue Street Improvements Project will rehabilitate the roadway pavement; reconstruct sections of sidewalk, curb, and gutter that have been damaged by the existing trees; reconstruct storm drain facilities; install new and modified curb ramps; and install new traffic signing and pavement markings on Eureka Avenue from Kearney Street to Liberty Street and Lexington Avenue from Eureka Avenue to one block north where it ends in a cul-de-sac serving Fairmont Elementary School; and

WHEREAS, the project will directly benefit school-age children, seniors, and mixed-use residential development by providing safe and accessible walking, biking and driving routes to Fairmont Elementary School, Centennial Park, the Ohlone Greenway, and El Cerrito Public Library; and

WHEREAS, the Notice Inviting Bids for the Project was advertised in the West County Times on April 25 and 30, 2019, sent to eight (8) Builder and Construction Exchanges, posted on the City's website; and directly emailed to numerous contractors on the City's current list of contractors, who have the required licensing for the work involved in this project; and

WHEREAS, one bid was received by the advertised bid opening date of May 16, 2019; and

WHEREAS, the total project budget is \$610,000, including \$57,000 for design and \$553,000 for construction, and consists of funding from City's Measure A Street Improvement funds and SB 1 Local Partnership Program; and

WHEREAS, the sole bidder was Kerex Engineering, Inc. (Pleasant Hill), whose bid, in the amount of \$857,056, was almost double the Engineer's Estimate and significantly exceeds the Project budget; and

WHEREAS, City staff has determined that rebidding of the project would allow staff to make adjustments to the project, evaluate and identify additional funding sources, and generate interest in bidding on the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby rejects the sole bid submitted for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078 (Project); and authorizes City staff to amend the Project, as necessary, and rebid the Project.

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

Agenda Item No. 4(F)

Attachment 1

I CERTIFY that at a regular meeting on July 16, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

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

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



AGENDA BILL

Agenda Item No. 4(G)

Date: July 16, 2019
To: El Cerrito City Council
From: Michael Pigoni, Fire Chief
Karen Pinkos, City Manager
Subject: Approval of the Third Amendment to the Agreement for Services between the Kensington Fire Protection District and the City of El Cerrito and Authorize the Execution of a Memorandum of Understanding for Administrative Services

ACTION REQUESTED

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

BACKGROUND/ANALYSIS

The Agreement for Services provides the foundation for the provision of fire prevention, fire suppression, and emergency services by the City of El Cerrito to the Kensington Fire Protection District. Generally, the agreement covers the scope of services the City provides and specifies the determination of the annual fee paid by the Kensington Fire Protection District.

This Agreement for Services has been in effect for nearly 25 years and has been mutually beneficial to both the El Cerrito and Kensington communities. While the Kensington community has received an increased level of fire protection services including public education, weed abatement, and Advanced Life Support services, the El Cerrito community has received prompt emergency services that would otherwise be delayed or extended. The Fire Department has received testimonials from residents in both communities that signify that this relationship is valued and valuable.

The Kensington Fire Protection District (KFPD) and the City of El Cerrito first entered into an agreement in August of 1995 by Resolution 1995–81 for the provision of fire services. In July 2005, the term of the Agreement was extended for an additional ten (10) years and the First Amendment to the Agreement was completed. The City and KFPD entered into the Second Amendment to the Agreement in 2009, extending the Agreement through June 2020 (Attachment 3).

Per the Second Amendment to the Agreement, over the past several months the City and KFPD mutually negotiated a Third Amendment to the Agreement for Services that will extend the Agreement ten (10) years to June 2030. This agreement also gives the District the ability to extend the Agreement an additional five (5) years upon notice to the City by

the end of the year 2027. This commitment provides continuity and assurance to the residents of both communities that our long-term partnership will remain in place for the safety of our residents, businesses, and visitors.

The Third Amendment also contains a provision that changes how the parties implement the provision of administrative services from the KFPD to the City. Currently, the City utilizes the services of the KFPD Manager part-time in lieu of filling the vacant Public Safety Executive Assistant (formerly Fire Secretary) position in the Fire Department. This arrangement was included in the Second Amendment to the Agreement, and the costs were included within the formula for the fees paid to the City by the KFPD. It was agreed by both parties that it would be appropriate to have this arrangement memorialized separately from the Agreement for Services, to be contained instead in a Memorandum of Understanding (MOU), while the cost agreement would remain the same. This allows for flexibility as well as prevents the need to amend the entire Agreement should this arrangement change in the future. A draft MOU is included as Attachment 4.

Additionally, the Third Amendment contains some minor changes intended to clarify language or intent, including:

- Updating outdated language on the use of the District Fire Station and equipment
- Replacing dispute resolution language to include notification of the City Manager
- Updating outdated exhibits on expenditures, costs, and fees, and allowing for these documents to be updated without amending the entire Agreement

All other provisions of the Agreement shall remain in effect.

This agreement was approved by the Kensington Fire Protection District Board at its regular meeting on June 12, 2019.

STRATEGIC PLAN CONSIDERATIONS

The approval of the Third Amendment to the Agreement for Services fulfills Goal E: Ensure the Public's Health and Safety and Goal B: Achieve Long-Term Financial Sustainability.

FINANCIAL CONSIDERATIONS

The Fire service fee is set annually by formula and is proportionately related to the budgeted costs for the Fire Department each fiscal year. The fees represent nearly one-third of the Fire Department's operating expenses. For FY 2019-20, the fee is calculated at \$3,088,713. This revenue is included in the approved FY 2019-20 operating budget. The costs for the administrative services by the KFPD Manager as outlined in the draft MOU are calculated for FY 2019-20 at \$68,202.

LEGAL CONSIDERATIONS

The Third Amendment to the Agreement for Services has been reviewed by the City Attorney.

Reviewed by:



Alexandra Orologas
Assistant City Manager

Attachments:

1. Resolution
2. Exhibit A: Third Amendment to the Agreement for Services
3. Agreement for Services, First Amendment, and Second Amendment
4. Draft Memorandum of Understanding for Administrative Services

RESOLUTION NO. 2019–XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING THE THIRD AMENDMENT TO AN AGREEMENT FOR SERVICES BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT AND CITY OF EL CERRITO AND AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE PROVISION OF ADMINISTRATIVE SERVICES

WHEREAS, the City of El Cerrito Fire Department and the Kensington Fire Protection District began shared emergency response in 1972; and

WHEREAS, the City of El Cerrito and the Kensington Fire Protection District joined with other fire agencies in a joint emergency response system that included dispatch and training services in 1982; and

WHEREAS, by Resolution No. 95-81, the City of El Cerrito and the Kensington Fire Protection District first entered into an agreement for services in 1995; and

WHEREAS, in 2005 the City of El Cerrito and the Kensington Fire Protection District extended the term of the agreement for 10 years and approved the first amendment; and

WHEREAS, in 2009 the City of El Cerrito and the Kensington Fire Protection District extended the term of the agreement to July 1, 2020 and approved the second amendment; and

WHEREAS, this Agreement for Services by and between the City of El Cerrito and the Kensington Fire Protection District has served the needs of residents, businesses, and visitors of both communities well; and

WHEREAS, both the City of El Cerrito and the Kensington Fire Protection District desire to continue this valuable relationship; and

WHEREAS, the City Council has determined that approving this agreement is in the best interests of the City.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the Mayor and the City Manager are hereby authorized to sign the Third Amendment to the Agreement for Services By and Between the Kensington Fire Protection District and the City of El Cerrito, herein incorporated by reference and made a part of this resolution as Exhibit A.

BE IT FURTHER RESOLVED that the City Council of the City of El Cerrito authorizes the City Manager to execute a Memorandum of Understanding between the City and the Kensington Fire Protection District for the provision of administrative services.

Agenda Item No. 4(G)
Attachment 1

I CERTIFY that at a regular meeting on July 16, 2019 the El Cerrito City Council passed this resolution by the following vote:

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

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

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

**THIRD AMENDMENT TO AGREEMENT FOR SERVICES
BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT
AND THE CITY OF EL CERRITO**

THIS THIRD AMENDMENT TO AGREEMENT FOR SERVICES BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT AND THE CITY OF EL CERRITO ("Third Amendment") is hereby entered into this ____ day of ____, 2019 by and between the City of El Cerrito, a municipal corporation ("CITY"), and Kensington Fire Protection District, a public agency ("DISTRICT").

RECITALS

A. CITY and DISTRICT are parties to an Agreement for Services, dated August 7, 1995, as amended by the First Amendment to said agreement, dated March 1, 2005, and the Second Amendment to said agreement, dated September 2009 ("the Agreement").

B. The parties desire to amend the Agreement pursuant to the terms and conditions set forth below.

NOW, THEREFORE, CITY and DISTRICT hereby agree as follows:

Section 1. *Amendment to Subsection 1.A of the Agreement, Extension of Term and Option for Extension.* Subsection I.A. of the Agreement shall be replaced entirely by the following (additions are underlined, and deletions are ~~struck through~~):

"A. The term of this agreement shall be until midnight June 30, 2020 ~~2030~~. The Agreement may be extended at any time by mutual agreement as provided in Section XVII. Unless the Agreement is terminated at an earlier date pursuant to Section XV, the parties will initiate negotiations to extend the contract on or before January 1, 2018-2028."

B. The DISTRICT may extend the term of this contract for an additional five (5) years beyond the term stated in Subsection I.A, as amended, by giving written notice to the CITY on or before December 31, 2027."

Section 2. *Amendment to Subsection IV.A of the Agreement, District Fire Station, Fire Station Equipment, Furniture, Furnishings and Expendable Equipment.* Subsection IV.A is amended to read as follows (additions are underlined, and deletions are ~~struck through~~):

"A. ~~The City shall utilize the District~~ shall provide the City and its personnel access to and use of the District fire station, fire station equipment, furniture, furnishings and expendable equipment as may be necessary or convenient for the City in the providing provision of the services provided for in this agreement. ~~Title and ownership of the fire station and this equipment shall remain with the District.~~ City shall lease from District the fire engine and other District fire fighting vehicles at a cost of \$1.00 per year.

Third Amendment to Agreement for Services By and Between
the Kensington Fire Protection District and the City Of El Cerrito

~~An inventory of the equipment and furnishings provided by District to City is attached as Exhibit B.”~~

Section 3. *Amendment to Subsection VIII.B of the Agreement, Resolution of Disputes.*
Subsection VIII.B is amended to read as follows (additions are underlined, and deletions are ~~struck through~~):

“B. In the event of a dispute, the disputing party shall submit to the other a writing describing the dispute and a proposed resolution. If the City is the disputing party, a writing shall be submitted to the President of the District board of directors. If the District is the disputing party, a writing shall be submitted to the City Fire Chief Manager. The disputing party shall submit the written reasons for the dispute and the proposed resolution within thirty days of the date the dispute arose.”

Section 4. *Amendment of Section XVII, Services to Be Provided to City by District Pursuant to This Agreement.* Section XVII is replaced entirely by the following:

XVII. ADMINISTRATIVE SUPPORT.

Either party may provide support through its employees for the other party’s administrative functions not otherwise addressed by the services provision portions of this Agreement. The parties shall enter into a separate written memorandum of understanding or other agreement regarding the terms of such administrative support. Payment for administrative support may be reflected in the fee schedule paid by the District to the City for services pursuant to this Agreement.

Section 5. *Replacement of Exhibits A and B.* Exhibits A (*Allocations of Total Expenditures*) and B (*Form of Annual Reconciliation of Costs and Fees*) to the Agreement are hereby replaced with the Exhibits A and B attached hereto and incorporated by this reference. Exhibits A and B may henceforth be amended by mutual written agreement of the parties without an amendment to this Agreement.

Section 6. All other provisions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date and year first above written.

KENSINGTON FIRE PROTECTION
DISTRICT

CITY OF EL CERRITO

– Julie Stein, President

– Rochelle Pardue-Okimoto, Mayor

Approved as to form:
DISTRICT COUNSEL

– Karen Pinkos, City Manager

– John Bakker

– Holly M. Charléty, City Clerk

Approved as to form:
CITY ATTORNEY

– Sky Woodruff

1079.5001 3232360.1

AGREEMENT FOR SERVICES BY AND BETWEEN THE
KENSINGTON FIRE PROTECTION DISTRICT
AND THE CITY OF EL CERRITO

This Agreement is made and entered into this 7th day of August, 1995, by and between the City of El Cerrito ("City"), a municipal corporation, and the Kensington Fire Protection District ("District"), a public agency.

RECITALS

WHEREAS, District desires to contract with City to provide fire protection services within District's boundaries which are shown on Exhibit A; and

WHEREAS, City agrees to provide these fire protection services to District on the terms and conditions set forth below.

NOW, THEREFORE, the parties agree as follows:

I. CONTRACT TERM

A. The effective date and time for the commencement of this agreement shall be 0730 hours on June 30, 1995. This agreement shall continue in effect for a period of ten years unless terminated as provided for in Section XV of this agreement or modified by mutual consent as provided for in Section XVII of this agreement.

B. In executing this agreement, the parties recognize that modifications may be required to the terms contained herein. The parties agree that they will deal fairly with each other with respect to modifications proposed to the agreement. As provided for in Section XVII of this agreement, such modifications must be reduced to writing and be properly executed for such modifications to be binding and effective.

II. SERVICES TO BE PROVIDED TO DISTRICT PURSUANT TO THIS AGREEMENT

A. City shall provide District with fire protection services, voluntary home safety inspection services, hazardous materials services and emergency medical services consistent with that level of service provided within City's corporate limits by the El Cerrito Fire Department. City shall enforce the fire code adopted by District, State laws which the District is obligated to enforce and other applicable District codes and ordinances. City shall perform arson investigations, fire protection related building plan review and public education for disaster preparedness. City shall provide fire protection support services, including but not limited to supervision, dispatching, training, maintenance of buildings, grounds and equipment, staff support

services and supplies procurement. City shall provide District with fire financial/administrative services necessary for communications with appropriate agencies, including Contra Costa County. City shall supply all labor, supervision, training, communication services, equipment and supplies necessary to provide the fire protection services set forth above. In order to provide these services, City shall render contractual services to the District on a 24 hour basis in accordance with the staffing patterns identified in Section XI of this agreement.

B. City shall cooperate with District in requiring that the local utility, East Bay Municipal Utilities District (EBMUD), provides adequate water and hydrants for fire protection purposes within District without cost to City.

C. City shall inspect annually all fire hydrants within District to ensure that fire hydrants are mechanically operable and capable of delivering water. City shall notify EBMUD, in writing, of any maintenance requirements as soon as possible after such inspections and at any other time as City becomes aware of maintenance or repair requirements.

D. City shall not be liable to pay EBMUD or District for hydrant installation, repair, maintenance, rental fees, or any other related costs or expenses. Water system maintenance is the responsibility of District or EBMUD. Subject to further agreement between the parties, such costs may either be incorporated into the annual fee or paid directly by the District or EBMUD.

E. The City shall provide weed and brush abatement as part of the public education program. Such abatement shall not include the actual physical abatement of weed and brush by City personal or contractors or the enforcement of abatement standards by citation or otherwise. As the District requires more extensive weed and brush abatement services in the future, the District and City shall negotiate the terms and provisions for such an expanded program.

F. The City shall notify the District within 24 hours of the City becoming aware of any of the following within the District:

- a) Any fire-related fatality;
- b) Any fire causing more than \$100,000 in damage;
- c) Any hazardous material spill the Fire Chief deems serious.

III. SERVICES WHICH CITY WILL NOT PROVIDE PURSUANT TO THIS AGREEMENT

A. The following services shall not be provided to District under the terms of this agreement: legal advice and

counsel as to District laws and District Board of Directors business; assistance by the City building official, City planner, City public works staff or other City staff which is not within the scope of services contained in Section II of this agreement; assistance by City's financial officer, administrative services manager, City clerk or City manager which pertains to District business and which is not directly related to the scope of services contained in Section II of this agreement; and assistance by the City's auditor and financial staff concerning the District's books and records.

B. In the event District desires that City provide any of the services specified in paragraph A, and City so agrees to provide such services, the parties shall either amend this agreement or execute a separate agreement. The costs of such services may be included in the annual fee as provided for in Section VI of this agreement or such costs may be separately billed to District by City.

C. Under the terms of this agreement, City shall not be required to provide transportation of a patient to a hospital in a medical emergency. Emergency transport is provided by the County of Contra Costa by contract with a private ambulance company under a Contra Costa County contractual arrangement.

**IV. DISTRICT FIRE STATION, FIRE STATION EQUIPMENT,
FURNITURE, FURNISHINGS AND EXPENDABLE
EQUIPMENT**

A. The City shall utilize the District fire station, fire station equipment, furniture, furnishings and expendable equipment in providing the services provided for in this agreement. Title and ownership of the fire station and this equipment shall remain with the District. City shall lease from District the fire engine and other District fire fighting vehicles at a cost of \$1.00 per year. An inventory of the equipment and furnishings provided by District to City is attached as Exhibit B.

B. City is responsible for maintaining the fire station and this equipment in good condition and repair at District expense. City is also responsible for maintaining the fire engine and other District fire fighting vehicles at District expense. District is responsible for the cost of bringing the fire station, equipment and vehicles into compliance with applicable codes and laws. City shall undertake this work either through the use of contractors or its own forces. These costs will be included as part of the annual fee provided for in Section VI of this agreement. City shall be responsible for damages caused by the negligent acts or willful misconduct of City personnel; disputes concerning this clause shall be resolved according to Section VIII of this agreement.

C. The City shall include as part of the annual fee provided for in Section VI of this agreement a budget for utility payments relating to the use of District's building, including the fire station, and any space leased to other parties. District shall be responsible for collecting utility fees and charges from District lessees and shall remit them to City.

D. The parties acknowledge that equipment, fire fighting vehicles, fixtures, appliances, building systems, building components and buildings may outlive their useful lives during the term of this agreement. District may elect to maintain, repair, upgrade, remodel or replace such items at District's discretion so long as District satisfies its obligation to provide facilities in good condition and repair. City shall advise District of the costs involved so that the District may review and approve such an expenditure and so that adequate monies may be included as part of the annual fee provided for in Section VI of this agreement.

E. Either the District or the City may fully or partially close or relocate their respective fire stations. Prior to taking such action, the parties shall consult with each other to determine if such action would be consistent with the service requirements of the District or City under the terms of this agreement.

V. INSURANCE

A. City shall procure and maintain (and prove to District's reasonable satisfaction that it remains in effect throughout the terms of this agreement), the following kinds of insurance:

(1) Workers' Compensation and Employers' Liability Insurance

City shall secure the payment of Workers' Compensation Coverage to its employees in accordance with the California Labor Code. City shall furnish District with a certificate evidencing such coverage. City shall also maintain Employer's Liability coverage with minimum limits of \$1 Million. The City may self-insure this coverage.

(2) Public Liability Insurance

City shall procure and maintain, or cause to be kept in full force and effect, throughout the term hereof, for the mutual benefit of City and District, general liability and automotive liability insurance (or self insurance) and shall include as additional insureds on said policy the District, its directors, officers, employees and agents while acting in such capacity, and

their successors or assignees, as they now, or as they may hereafter be constituted, singly, jointly or severally. Said coverage shall only extend to services and obligations of the City under this agreement.

This insurance shall provide bodily injury and property damage coverage with a combined single limit of at least \$10 Million each occurrence or claim and a general aggregate limit of at least \$10 Million.

(3) Automobile Physical Damage Insurance

City shall procure and maintain, or cause to be kept in full force and effect, throughout the term hereof, for the mutual benefit of City and District, Automobile Physical Damage insurance providing coverage of at least \$250,000 per vehicle for all City owned or leased vehicles, including those vehicles leased by City from District as provided for in Section IV, which are used by the City in the performance of this agreement. Such insurance shall include as additional insureds the District and its directors, officers, employees and agents while acting in such capacity, and their successors or assignees, as they now or as they may hereafter be constituted, singly, jointly or severally.

(4) Property Insurance

City shall procure and maintain, or cause to be kept in full force and effect, throughout the term hereof, for the mutual benefit of City and District, property insurance to protect its interest and the District's interest in the building(s), improvements and equipment which are to be used in performance of this agreement, and specifically the structure located at 217 Arlington, Kensington, CA, covering all risks of physical loss or damage to such buildings or equipment, including loss or damage by fire and such other risks as are now or hereafter included in an extended coverage endorsement in common use for such structures, including vandalism and malicious mischief. The coverage under such policy shall have limits of liability adequate to protect the value of the equipment and property to be installed, and shall be for no less than 90% of the then replacement cost of the structure (but with no deduction for depreciation). City shall cooperate fully with District to obtain the largest possible recovery for any loss, and City shall promptly pay over to District any proceeds it receives from any fire and extended coverage insurance provided hereunder. The District shall provide the City with the listed value of the improved property, furnishings, equipment and vehicles that will be used in the activities contemplated

under this agreement. The City shall list this real and personal property with the City's insurance program.

B. The failure to procure or maintain required insurance and/or an adequately funded self insurance program shall constitute a material breach of this agreement. The costs to the City of adding the District as an additional insured under these coverages shall be included as part of the annual fee provided for in Section VI of this agreement. District has been provided with information regarding the coverages maintained by the City, including applicable exclusions from coverage. District understands that if it desires any additional coverage it may obtain it separately, at its own cost.

C. Prior to commencing work under this Agreement, City shall file a Certificate(s) of insurance with the District evidencing the coverages listed above, and upon request, a certified duplicate original of the policy(ies). Said Certificate(s) shall stipulate:

(1) The insurance company(ies) issuing such policy(ies) shall give written notice to the District of any cancellation, material alteration, or reduction in aggregate limits, if such limits apply, and provide at least twenty-one (21) days' prior notice of cancellation.

(2) That the policy(ies) is Primary Insurance and the insurance company(ies) providing such policy(ies) shall be liable thereunder for the full amount of any loss or claim which City is liable for under this agreement, up to and including the total limit of liability. Neither City nor its insurer shall have any right of contribution from any other insurance effected or which may be effected by the District.

(3) The policy shall also stipulate: Inclusion of the District, as an additional insured shall not in any way affect District's rights either as respects any claim, demand, suit or judgment made, brought or recovered against the City. Said policy shall protect City and District in the same manner as though a separate policy had been issued to each, but nothing in said policy shall operate to increase the insurance company's liability as set forth in its policy beyond the amount or amounts shown or to which the insurer would have been liable if only one interest had been named as an insured.

VI. ANNUAL FEE FOR SERVICES

A. The District shall pay an annual fee to City for the services City provides the District pursuant to the terms of this agreement. City shall be paid monthly, in advance, from District

funds for the performance of those services. The annual fee shall be determined by the method in Schedule 1, attached hereto and made a part hereof. The District shall pay the City one-twelfth (1/12) of the estimated or adjusted actual annual fee monthly, in advance, on or before the first day of each month.

B. In addition to the annual fee, Conversion Costs as specified in Schedule 2, attached hereto and made a part hereof, shall be paid to the City in three equal installments on a monthly basis, in advance, on or before the first day of each month, during the first three months District contracts with the City.

C. The City shall invoice District at least thirty (30) days preceding a scheduled payment at the following address:

Kensington Fire Protection District
c/o Board President
215 Arlington Boulevard
Kensington, CA 94707

The City shall send a duplicate invoice to home address of the current President of the District Board of Directors. The District shall be responsible for providing the City with a current list of its Board of Directors with their home addresses and telephone numbers.

Payments shall be sent to:

City of El Cerrito
c/o El Cerrito Fire Department
10900 San Pablo Avenue
El Cerrito, CA 94530

D. If the effective date of this agreement is in the middle of any month, the pro rata share for that month and full payment for the following month shall be paid in advance. The pro rata share shall be calculated as follows:

Divide the annual fee by 365 days and multiply the result by the number of days remaining in the month as of the effective date of this agreement.

E. An interest charge consistent with the City's current billing practices shall be added to any payment that is received by City after thirty (30) days from the due date of any payment unless such payment delay is reasonably beyond the control of the District. The period for computing this interest charge shall commence the day following the payment due date and end one day prior to the date of receipt of payment by the CITY. The interest charge shall be computed as follows:

<u>No. of days late</u> X	Current City X	\$ amount of	= Interest
365 days	interest rate	payment	Charge

F. In the event of future legislative or judicial action affecting funding for the parties, the parties may renegotiate service levels, annual fees and other funding provisions of this agreement. The annual fee in this agreement is based upon current District boundaries and service requirements. Should the District's fire protection service requirements or boundaries change, City or District may renegotiate the annual fee.

G. By May 1 prior to the commencement of each City fiscal year (July 1 - June 30), City shall submit a proposed estimate of the annual fee for rendering services within the District for the ensuing fiscal year based on the terms and conditions of this agreement. The District shall submit any objections it may have to the annual fee amount within thirty days of its receipt of the annual fee. Such objections shall be in writing and shall state in full and complete detail those elements of the annual fee to which the District objects and the reason for that objection. The City and the District shall in good faith attempt to negotiate a resolution of the dispute. In the event the parties cannot reach a mutually agreeable resolution of the annual fee by July 1, the parties shall utilize the dispute resolution mechanism provided for in Section VIII of this agreement. Unless the parties agree otherwise, the ninety day period provided for therein to resolve the dispute shall be waived and the matter shall be sent directly to arbitration. Until the arbitrator has issued an opinion, the District shall make monthly payments to the City in the amount deemed necessary by the City to provide fire services to the District based on compliance with accepted legal and administrative standards and City labor obligations or such lesser amount as agreed to by the parties. The City shall continue to provide the level of services consistent with that annual fee.

H. The CITY shall inform DISTRICT of any operating cost areas which significantly exceed, (by \$5,000 or more), or are less than, the estimated annual fee for the year at issue, such as labor cost adjustments, additional communications costs, unforeseen capital and equipment needs, etc. The annual fee amount shall be adjusted accordingly for these unanticipated yet necessary expenditures. This provision does not lessen the responsibilities of the City and District to plan jointly for agreed to future expenditures of an identifiable nature. Disputes regarding these costs may be submitted to arbitration pursuant to Section VIII of this agreement.

I. As soon as actual cost information is available, the City shall provide the District with a reconciliation statement of the actual annual cost for rendering services for the fiscal year just completed. The City shall credit the District for any adjustment necessitated by differences between the actual and

estimated annual fee from the first invoice due the City after the receipt of the reconciliation statement by the District. If an additional amount is due the City, the District shall pay this amount to the City in equal installments based on the number of months remaining in the present fiscal year at the time the District receives the reconciliation statement. The additional amount due and owing the City shall be divided by the number of months remaining in the present fiscal year. This amount shall be paid to the City monthly at the same time as the District pays the annual fee for present fiscal year.

J. As soon as practical, the District shall build up and maintain a capital reserves account to satisfy equipment replacement costs in consideration of the amount recommended by the El Cerrito Fire Chief. The District also shall establish to the extent practicable a reserve account to provide sufficient financial resources to pay for the fire protection services provided for herein for a period of six months.

K. The City shall make available to District during normal business hours at such location as the records are kept, the City's records concerning its fire budget, the cost of providing fire services and any other records reasonably necessary to determine the costs and revenues of the El Cerrito Fire Department and the specific costs of providing services to District under this agreement.

VII. FEES

All revenue generated from fees implemented by the City on behalf of the District under this agreement shall be District revenue. Fees of any nature collected by the District on behalf of the City or for any work City performs which is not specifically included as part of the scope of services provided for in this agreement, shall be passed through to the City by the District.

VIII. RESOLUTION OF DISPUTES

A. All claims, disputes and other matters in question between the City and the District relating to billing and payment or the rights and obligations of the parties under the terms of this agreement shall be submitted to mandatory and binding arbitration under the auspices of the American Arbitration Association. The City shall not have the right to suspend services and the District shall not have the right to suspend payment absent an arbitrator's decision supporting such a right. In the event of a dispute between the City and the District, the District shall continue to pay the annual fee then in effect and the City shall continue to provide the level of services then in effect until the matter has been resolved as provided for herein.

B. In the event of a dispute, the disputing party shall submit to the other a writing describing the dispute and a proposed resolution. If the City is the disputing party, a writing shall be submitted to the President of the District board of directors. If the District is the disputing party, a writing shall be submitted to the City Fire Chief. The disputing party shall submit the written reasons for the dispute and the proposed resolution within thirty days of the date the dispute arose.

C. The City and the District shall negotiate in good faith a resolution of the dispute. If within ninety days the parties are unable to resolve the dispute, the matter shall be submitted to arbitration. The parties shall share equally in the arbitration costs subject to the power of the arbitrator to award costs to the prevailing party. The parties shall cooperate in concluding the arbitration as expeditiously as possible. The arbitrator's resolution of the dispute shall be final.

D. The non-prevailing party shall forward all money owed, plus interest, to the prevailing party within fifteen working days. However, if such money is owed by the District under the reconciliation provisions of Section VI, Paragraph I, above, payment shall be made pursuant to that provision.

IX. ALARM SYSTEMS AND COMMUNICATIONS

All special alarm circuits, residential fire alarm systems, commercial fire alarms, and any other alarms shall continue to be received by the City of Richmond Police/Fire Communications Center. Unless both parties agree to change past practice, City and District shall continue to utilize the Joint Operations agreement with the City of Richmond and other fire agencies in the west Contra Costa County area to provide automatic mutual aid, emergency communications and dispatch, training, engine company coverage and common operating standards. The parties recognize and understand that changes may occur from time to time in the Joint Operations agreement among the west Contra Costa County partner agencies, including dissolution of the agreement and changes in the number and identity of member agencies.

X. INDEMNIFICATION (OTHER THAN FOR CONTAMINATION OR ENVIRONMENTAL DAMAGE)

CITY agrees to indemnify, defend and hold harmless DISTRICT, its agents, officers and employees from any and all claims, demands, liabilities and expense, including reasonable attorney's fees, arising from the negligent or wrongful acts of CITY in the performance of this Agreement. DISTRICT agrees to indemnify, defend and hold harmless CITY, its agents, officers and employees from any and all claims, demands, liabilities and expense, including reasonable attorney's fees, arising from the negligent or wrongful acts of DISTRICT in the performance of this

Agreement. Neither party shall be liable for the negligent or wrongful acts of the other in the performance of this Agreement. These indemnity obligations shall survive the termination of this agreement.

XI. PERSONNEL

A. The City shall provide fire protection and related services under this Agreement with City staff personnel. The City shall ensure that one engine company operating out of Fire Station 65 is staffed with not less than three qualified firefighting personnel at all times when available for response under the terms of the current Automatic Mutual Response Chiefs' Agreement between the City of Richmond, the City of El Cerrito, the Kensington Fire Protection District and the Contra Costa County Fire Protection District (for the West County only).

B. The City shall retain staff adequate to perform the fire protection and related services provided for under the terms of this agreement. To provide for adequate supervision and adequate staffing, the City shall use its best efforts to staff the District with the following categories of fire personnel:

One (1) Battalion Chief
Three (3) Fire Captains
Three (3) Fire Engineers
Three (3) Firefighters

The District knows and understands, however, that it will not always be possible to provide for each shift a captain, engineer and firefighter. The District also knows and understands that vacations and other staffing concerns require that the City retain the discretion to assign staff to best fulfill its firefighting obligations. Therefore, the City shall retain the sole and complete discretion to determine how best to fulfill staffing requirements and the assignment of staff to the District in terms of rank, pay and the terms and conditions of employment. In providing adequate staffing and adequate supervision for District, City shall use the same criteria for assigning staff as City utilizes for the two City fire stations.

C. City personnel working out of District's Fire Station 65 shall meet the same standards of training and skills proficiency as required of all City firefighting personnel.

XII. HAZARDOUS MATERIALS RELEASE RESPONSE PLAN AND INVENTORY

A. Prior to the effective date of this Agreement the County of Contra Costa was designated as the Administering Agency for the Hazardous Materials Release Response Plan and Inventory for the community of Kensington, subject to the California Health and

Safety Code Chapter 6.95, Sections 25500 - 25545, Article 2, Hazardous Materials Management. The Hazardous Materials Release Response Plan and Inventory, hereinafter referred to as "PROGRAM", requires the District to comply with PROGRAM, including the making of periodic reports to the Administering Agency.

B. The City shall be responsible during the term of this Agreement to act for and on behalf of District to submit all required reports to the Administering Agency under the PROGRAM for property owned by the District.

XIII. ADOPTION OF THE FIRE CODE, ORDINANCES AND PROCEDURES

The District shall adopt such ordinances, procedures and local amendments to the Uniform Fire Code as the District deems necessary and consistent with its obligations to provide fire protection within the District.

XIV. CONTAMINATION OR ENVIRONMENTAL DAMAGE

A. City shall not use District property for the storage of hazardous materials; nor shall City repair or fuel vehicles on District's real property.

B. City and District agree that in performing the services provided for in this agreement, City actions and conduct are unlikely to result in the contamination of, or environmental damage to, District's real property. Therefore, District agrees to release, defend, indemnify and hold harmless City, or any of its employees, officers, agents or assigns, from and against any and all claims, losses, liabilities, damages, demands, actions, judgments, causes of action, assessments, penalties, costs and expenses (including without limitation, the reasonable fees and disbursements of legal counsel, expert witnesses and accountants) which might arise or be asserted against City by District, or by any other third party, as a result of a claimed violation of any and all present and future federal, state and local laws regulating hazardous or toxic materials (whether under common law, statute, rule, regulation or otherwise) including, but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. Sections 9601 through 9657, inclusive; Transportation of Hazardous Materials and Wastes (HMTA), 49 U.S.C. App. Sections 1801 through 1813, inclusive; the Federal Resource Conservation and Recovery Act (RCRA) 42 U.S.C. Sections 6901 through 6992, inclusive; 40 C.F.R. Parts 260 through 271, inclusive; the California Hazardous Substance Account Act (HSAA), California Health and Safety Code Sections 25300 through 25395, inclusive; the California Hazardous Waste Control Act (HWCA), California Health and Safety Code Sections 25100 through 25249, inclusive; the Porter-Cologne Water Quality Control Act, California Water Code Sections 13000 through 13999.16, inclusive; and the

Underground Storage Tank Act (USTA), California Health and Safety Code Sections 24280 through 24299.7, inclusive, all as the same may be amended from time to time, relating to the environment or to any hazardous substance, contamination, activity or material connected with the condition of the Station property at 217 Arlington, Kensington, California except where the contamination or environmental damage to District property was caused by the active negligence or willful misconduct of City, or any of its employees, officers, or agents.

C. In the event of any such claim, demand, or cause of action against City, its employees, officers or agents brought by any person or entity other than the District, the District shall defend and indemnify the City, its employees, officers and agents to the full extent provided for herein. Any claim by District for contribution, equitable indemnity, implied indemnity, or any other cause of action against the City, its officers, employees or agents regarding contamination or environmental damage may not be raised by counterclaim or cross-complaint. Such claim or cause of action may only be raised against City, its officers, employees or agents by separate action after the conclusion, by settlement or final judgment, of the third party action. Any such claim, demand or cause of action against City, its employees, officers, or agents shall be limited to that portion of the environmental damage resulting from the active negligence or willful misconduct of City, its employees, officers, or agents.

D. District further agrees that District shall RELEASE and DISCHARGE the City, its employees, officers, and agents from any and all claims District may have now and in the future for contamination or environmental damage to District property as a result of a claimed violation of any and all present and future federal, state and local laws regulating hazardous or toxic materials (whether under common law, statute, rule, regulation or otherwise) including, but not limited to those laws specified in the second paragraph of this Section, arising from the use of District property by the City in providing the fire services specified under the terms of this agreement except for such contamination or environmental damage which District can prove, by a preponderance of the evidence, was caused by the active negligence or willful misconduct of City, its employees, officers or agents. District acknowledges and understands that District property may be contaminated or environmentally damaged as of the date this agreement is executed. District further acknowledges and understands that some level of contamination or environmental damage may result from the normal operation and use of District property as a fire station. District agrees to assume the full and total cost and responsibility for such contamination or environmental damage and shall not seek contribution or make any claims against the City, its officers, agents or employees except for such contamination or environmental damage which District can prove, by a preponderance of the evidence, was caused by the active

negligence or willful misconduct of City, its employees, officers or agents.

E. This environmental indemnity and release shall survive the expiration or termination of this agreement as to activities taking place or occurring prior to such expiration or termination.

XV. TERMINATION

A. This agreement may be terminated by either party at that party's sole discretion by providing a written notice of the intent to terminate to the other party. This written notice of the intent to terminate must be delivered no later than January 1st and it shall become effective no earlier than eighteen months later at the close (June 30th) of the fiscal year. The parties, in writing, may agree to a shorter termination period. During this eighteen month termination period, or such shorter period as may be agreed to by the parties, the terms and conditions of this agreement shall remain in full force and effect and the City shall provide fire protection services to the District and the District shall pay for such services in the manner provided for herein.

B. The parties recognize that upon termination of this agreement, the City may be required to meet and confer with its labor unit over the termination of this agreement and the effects of said termination on City employees. The District shall cooperate with the City in providing information for the City in support of the meet and confer process.

C. The District knows and understands that the City has hired ten additional firefighters to provide the District with the fire protection services provided for in this agreement. The District also knows and understands that a termination of this Agreement by the District may require that the City lay off and displace some or all of these ten employees. In the event the District terminates this agreement, the District will use its best efforts to secure employment for the City employees who may face lay off as a result of the termination of this agreement by the District. If as a result of the termination, some or all of these employees are laid off or terminated by the City, and the City must pay these employees unemployment compensation benefits or other financial benefits or costs the City is obligated to pay by law, contract or past practice, the District shall reimburse the City in full for any such payments made by the City. The City shall bill the District monthly for the amounts paid by the City, and the District shall submit payment in full to the City within ten days of the receipt of the bill by the District.

D. In the event this agreement is terminated by the City, the District shall have no obligation to share in the costs of providing unemployment compensation or other financial benefits

to any City employees who are laid off or terminated as a result of the termination of this agreement by the City.

E. Upon termination of this agreement, City shall return District fire apparatus, related fire equipment, furniture, furnishings and fixtures, the Fire Station 65 and all District property to District's possession.

XVI. DISTRICT BOARD MEETINGS

The District shall notify the El Cerrito Fire Chief of the time and place of its Board meetings. The El Cerrito Fire Chief, or a management representative, shall attend all Board meetings when requested by the District.

XVII. INTEGRATION AND MODIFICATION

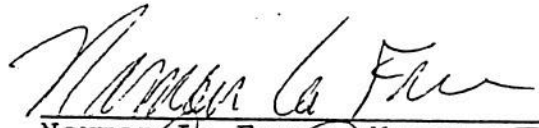
This agreement supersedes all prior agreements, promises and understandings between the parties. This agreement may not be altered, modified, or otherwise changed in any respect except by a writing duly executed by the parties.

IN WITNESS WHEREOF, the parties have executed this agreement on the day written above.

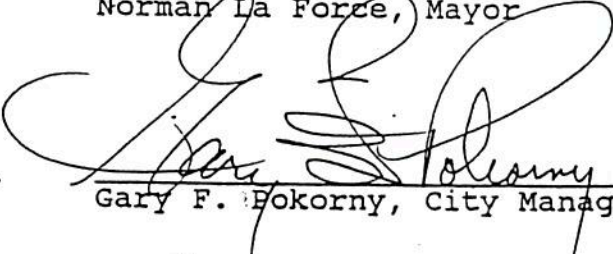
KENSINGTON FIRE PROTECTION
DISTRICT

CITY OF EL CERRITO


Ronald Egberman, President
Board of Directors


Norman La Force, Mayor

President Pro Tem
Board of Directors


Gary F. Bokorny, City Manager


Linda Giddings, City Clerk

APPROVED AS TO FORM:
DISTRICT COUNSEL

APPROVED AS TO FORM:
CITY ATTORNEY


E95B-16

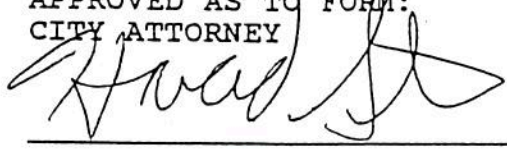


EXHIBIT A

**LEGAL DESCRIPTION OF THE GEOGRAPHIC AREA OF JURISDICTION OF THE
KENSINGTON FIRE PROTECTION DISTRICT**

The unincorporated portion of Contra Costa County known as the community of Kensington with boundaries as follows: on the south, along the Alameda County line from Wildcat Canyon Road and the border with the City of Richmond to Santa Fe Avenue; on the west and north, along Santa Fe Avenue to Colusa Avenue, along Colusa Avenue and following the border with the City of El Cerrito to its intersection with the border of the City of Richmond and the East Bay Regional Parks District to the Alameda County line on Wildcat Canyon Road.

SCHEDULE 1

KENSINGTON FIRE PROTECTION DISTRICT

PURPOSE STATEMENT

To enhance community safety by:

- Reducing threats to public safety by enforcing laws, codes and ordinances covering fire and life safety and by abating identified fire hazards on district, private and other agencies' property;
- Reducing loss of life and property and safeguarding the environment by effectively responding to fire, rescue and medical emergencies, hazardous materials incidents and major disasters in Kensington;
- Helping members of the Kensington community reduce the frequency and severity of fires, accidents and natural disasters by providing public education programs; and
- Maintaining personnel, apparatus, equipment and facilities in a constantly ready condition.

SCHEDULE 1

KENSINGTON FIRE PROTECTION DISTRICT

OVERVIEW

The Kensington Fire Protection District provides a full range of fire prevention, suppression and emergency services through a contract relationship with the City of El Cerrito. To reduce the impact of fire-related losses in our communities and to render timely and appropriate medical aid to the sick and injured, district resources are concentrated in three program areas: prevention, training and operations.

Emergency operations of the Fire District include extinguishing fires, intervention in medical emergencies and protection of life, property and the environment from the effects of storm, flood, earthquake, disaster and hazardous chemical releases.

Through its contract with El Cerrito, the District is able to provide a timely and appropriate level of response only by active participation with other West County fire agencies in automatic response agreements that use the combined resources of all agencies to serve the area irrespective of jurisdictional lines. Participating agencies share in the costs of dispatch and training services. Reciprocity of services is ensured by meeting common staffing, training and equipment standards.

The Fire District strives to prevent or mitigate the effects of emergency situations by relying on effective fire prevention programs. A key component of this effort is fuel management on private and other public lands to try to prevent a wildland/urban interface conflagration. The full fire prevention program includes the interpretation and enforcement of codes, the review of construction plans, the testing of fire protection systems, the abatement of identified hazards and education of the public in matters of disaster, fire and life safety. Through the contract with El Cerrito, a line Battalion Chief serves as Fire Marshal to oversee the Fire Prevention Program; a Fire Prevention Officer for code enforcement, specialized inspections, coordination of line and staff prevention duties, supervision of public education programs and continued expansion of the NEAT disaster preparedness program.

A significant portion of the Fire District's resources are dedicated to the task of maintaining personnel, equipment and facilities in a ready state. All personnel must maintain a high skill level for an increasing range of responsibilities. Many of these skill levels must be tested and certified annually. Complex equipment requires continual testing and servicing. The work of the district is supported by a comprehensive administrative reporting system. The Fire District's administrative relations with Contra Costa County are managed by the City of El Cerrito under contract.

SCHEDULE 1

Significant Features in the fire district's program area for 1995-96 are:

- Establish a wildland/urban interface fire prevention effort through an emphasis on public education while establishing vegetation management standards and legal enforcement procedures for implementation in subsequent years.
- Establish a Fire Hazard Reduction Program to work with the East Bay Regional Park District to establish along their interface with Kensington a program of aggressive fuel management and fire protection system upgrades beyond historic maintenance levels.
- Enhance personnel skill levels in wildland firefighting and incident command by continued participation in area-wide wildland fire response training exercises.
- Manage capital projects to assess Fire Station 65's seismic structural integrity and compliance with the Americans with Disabilities Act requirements.
- Provide a comprehensive maintenance and certification testing program to ensure readiness of complex fire apparatus and equipment.
- Hazardous materials response training to meet annual mandated requirements and to ensure efficient operations with the Richmond Fire Department Hazardous Materials Response Team.
- Implementation of the El Cerrito earthquake and disaster preparedness program through the neighborhood preparedness element (NEAT program).
- Continue to update disaster planning by utilizing support from the City of El Cerrito and their planning process.
- Continue implementation of computer-based system for records and reports. Improve access to and utilization of fire service weather information network.
- Fully implement the fire protection contract with the City of El Cerrito and respond to other cost-saving and service-enhancing opportunities for functional integration of fire services with surrounding jurisdictions. Develop a Mutual Response Area agreement with the City of Berkeley.
- Maintain an aggressive program to identify and obtain grant funding to support and enhance District's fire protection services.

SCHEDULE 1

Certain criteria are used to allocate the fire protection budgetary costs to the Kensington Fire Protection District from the overall Fire Department budget for the City of El Cerrito. The general budgetary allocation criteria used within Schedule I are as follows:

- Each jurisdiction shall pay its fair share of fire protection services costs;
- A reasonable effort shall be made to allocate the costs for fire protection services to the jurisdiction which actually receives, or benefits from, those services directly;
 - a. Personnel assigned to provide coverage to the community of Kensington, including one line Battalion Chief;
 - b. Costs directly associated with apparatus, equipment, supplies, furniture, fixtures and buildings which are located within Kensington or are assigned to Kensington for the purpose of providing fire protection services shall be allocated to the Kensington Fire District budget;
- Allocation of fire protection service costs shall utilize multiple factors to derive a cost apportionment when direct costs or benefits cannot be ascertained. These factors include the following:
 - a. Relative benefit received by Kensington for programs or items related to fire protection services;
 - b. Number of fire stations within each jurisdiction, Kensington and El Cerrito;
 - c. Past practice and historical record of operating costs;
 - d. Fire protection services program needs, scope and resource requirements for each jurisdiction, Kensington and El Cerrito; and
 - e. Marginal costs for El Cerrito to provide fire protection service programs to Kensington.

(schl_95.stm)

BUDGET PREPARATION REPORT – EL CERITO FIRE DEPARTMENT
PORTION FOR KENSINGTON FIRE PROTECTION DISTRICT

10 GENERAL FUND
251 FIRE

CONTRACT OPERATING BUDGET:

	1993-94 EXPENDED	1994-95 TOTAL BDGT	1994-95 EOY EST.	1995-96 REQUEST	1995-96 ECFD	1995-96 KFPD
5100 ***SALARIES AND BENEFITS***						
5110-000 SALARIES	1,502,955	1,489,501	1,849,819	1,986,304	1,453,528	532,776
5112-000 P.E.R.S.	303,939	408,371	437,143	553,521	487,328	66,193
5115-000 UNIFORM ALLOWANCE	12,100	12,100	17,500	17,500	15,125	2,375
5116-000 HOLIDAY	80,473	57,185	84,942	79,834	83,001	16,834
5117-000 FLSA	31,168	29,500	33,124	40,808	32,864	7,944
5119-000 HIGHER CLASSIFICATION	4,091	7,000	12,000	14,000	10,000	4,000
5122-000 SUPPRESSION OVERTIME	111,945	93,000	185,000	160,000	114,286	45,714
5123-000 NONSUPPRESSION OVERTIME	14,705	8,000	20,000	10,000	7,143	2,857
5157-000 FICA	13,293	12,033	14,454	19,318	13,952	5,367
5160-000 ICMA CONTRIBUTION	21,759	22,924	25,089	28,540	23,156	5,384
5170-000 MEDICAL INSURANCE	102,330	110,143	155,322	138,930	112,905	26,025
5171-000 DENTAL INSURANCE	12,460	9,508	9,768	14,244	11,549	2,695
5172-000 LIFE INSURANCE	1,070	5,005	5,543	6,874	5,448	1,225
5173-000 LTD INSURANCE	6,317	6,251	6,970	11,855	9,492	2,163
5181-000 OVERTIME MEALS	225	500	700	700	500	200
SALARIES AND BENEFITS	2,198,830	2,269,019	2,637,374	3,082,028	2,360,276	721,752
BUDGET CHANGE (\$):		70,189	368,355	813,009		
PERCENTAGE CHANGE:		3.19%	16.23%	35.83%		
5200 ***SERVICES***						
5206-000 MEDICAL EXAMS	139	2,920	5,400	4,960	3,580	1,380
5208-000 MINOR EQUIPMENT MAINTENANCE	5,894	12,325	14,085	18,030	12,700	5,330
5210-000 UTILITIES-PGE	12,923	9,360	19,547	23,000	15,000	8,000
5211-000 UTILITIES-TELEPHONE	10,489	11,100	11,550	13,210	11,760	1,450
5215-000 VEHICLE CONTRACT MAINTENANCE	18,953	19,950	28,000	25,000	18,140	6,860
5217-000 EMERGENCY PREPAREDNESS SVC	8,535	14,300	15,300	19,100	15,570	3,530
5218-000 WEED ABATEMENT SERVICES	12,060	5,000	7,000	5,500	5,000	500
5220-000 PROF SVCS						
5220-205 PROF SVCS-COMMUNICATIONS	15,771	24,900	25,092	30,845	20,565	10,280
5220-250 PROF SVCS-PLAN REVIEW	160	1,000	500	1,500	1,500	
5245-000 BUILDING MAINTENANCE SERVICES	10,999	10,200	10,700	12,800	11,700	1,100
SERVICES	95,923	111,055	137,174	153,945	115,515	38,430
BUDGET CHANGE (\$):		15,132	26,119	16,771		
PERCENTAGE CHANGE:		15.78%	23.52%	12.23%		
5300 ***SUPPLIES***						
5306-000 SAFETY EQUIPMENT	491	1,300	1,300	1,920	1,340	580
5310-000 OFFICE SUPPLIES	2,816	3,850	3,850	5,130	3,965	1,165
5311-000 CLOTHING AND UNIFORM	1,593	5,025	12,000	5,200	4,910	290
5325-000 FIRE STATION SUPPLIES	1,750	3,900	4,475	4,000	3,200	800
5349-000 HOSE SUPPLIES	391	4,200	5,200	5,400	4,200	1,200
5350-000 MEDICAL SUPPLIES	3,603	4,620	5,550	5,320	4,620	700
5370-000 GASOLINE/DIESEL/FUEL SUPPLIES	8,843	11,440	11,440	12,370	11,370	1,000
5371-000 VEHICLE PARTS	16,583	19,950	28,000	25,000	18,140	6,860
5390-000 MINOR EQUIPMENT	2,076	4,700	5,450	6,200	4,700	1,500
SUPPLIES	35,946	58,985	77,265	70,540	56,445	14,095
BUDGET CHANGE (\$):		23,039	18,280	-6,725		
PERCENTAGE CHANGE:		64.09%	30.99%	-8.70%		

Agenda Item No. 4(G)
Attachment 3

SCHEDULE 1

BUDGET PREPARATION REPORT
CONTRACT OPERATING BUDGET:

	1993-94 EXPENDED	1994-95 REQUEST	1994-95 EOY EST.	1995-96 REQUEST	1995-96 ECFD	1995-96 KFPD
5400 ***OTHER CHARGES***						
5410-000 DUES/CONFERENCES/MEETINGS	8,241	9,800	10,400	11,200	9,800	1,800
5411-000 TRAINING	5,018	7,800	8,100	10,000	7,400	2,800
54111-300 HAZARDOUS MATERIALS TRAINING	0	3,000	3,000	4,000	2,860	1,140
OTHER CHARGES	13,259	20,200	21,500	25,200	19,860	5,340
BUDGET CHANGE (\$):		6,941	1,300	5,000		
PERCENTAGE CHANGE:		52.35%	6.44%	24.75%		
5500 ***CAPITAL OUTLAY***						
5511-000 BUILDINGS			12,500	90,000	78,000	12,000
5521-000 EQUIPMENT	24,319	3,500	13,850	30,180	21,840	8,520
5531-000 FURNITURE AND FIXTURES	343	3,500	13,850	2,200	2,200	0
5541-000 VEHICLES	350	281,000	281,000	0	0	0
CAPITAL OUTLAY	25,012	288,000	301,200	122,380	101,840	20,520
BUDGET CHANGE (\$):		242,988	33,200	-145,640		
PERCENTAGE CHANGE:		971.49%	12.39%	-54.34%		
FIRE OPERATIONS TOTAL:	2,368,970	2,727,259	3,174,513	3,454,073	2,653,936	800,137
PERCENTAGE DISTRIB:				100.00%	76.83%	23.17%
BUDGET CHANGE (\$):		358,289	447,254	726,814		
PERCENTAGE CHANGE:		15.12%	16.40%	26.65%		
ADMINISTRATIVE OVERHEAD						
TOTAL SALARIES AND BENEFITS				3,082,028	2,360,276	721,752
PERCENT DISTRIBUTION				100.00%	76.58%	23.42%
PERCENT ALLOCATED FOR ADMIN						11.10%
ADMINISTRATIVE OVERHEAD						80,114
CONTRACT OPERATING TOTAL						880,251

CONVERSION COSTS

Kensington Fire Protection District/City of El Cerrito Contract for Fire Protection Services

Conversion costs include those expenses to up-grade Kensington apparatus and equipment which are beyond routine maintenance and repair expenses for such items. For Reserve fire engine # 65 (R-65) and the Pick Up truck (P/U 65), base line evaluations of mechanical condition must be completed to ascertain upgrade and repair requirements. For Self Contained Breathing Apparatus (SCBA), conversion is necessary to apparatus compatible with El Cerrito's SCBA.

Item	Repair work/Capital Cost	Repair/ Capital Cost	Total Cost
Engine 65	Transmission repair	10,000.00	
	Cabinets	200.00	
	Cab Door	200.00	
	Four Rear Tires	800.00	11,200.00
Reserve 65	Base Line Mechanical Evaluation	2,500.00	
	Brake System Air Leak Repair	600.00	
	Miscellaneous Ball Valves Repair	400.00	3,500.00
SCBA (Self Contained Breathing Apparatus)			
	3 Units at \$ 1,750.00 each (Scott)	5,250.00	5,250.00
Pick-Up 65	Base Line Mechanical Evaluation	200.00	
	Four Tires	200.00	400.00
TOTAL CONVERSION COSTS:			20,350.00

KENSINGTON FIRE PROTECTION DISTRICT
ANALYSIS OF NON-CONTRACT EXPENSES

EXPENSE ITEMS	APPROP. FY 1994-95	EXPENDED to 3/31/95	OWED to EOY	BUDGET FY 1995-96
Ret. Emp. Health Care	59,958	44,217	14,955	60,000
Accounts Payable Fee	2,668	2,668	0	455
Tax Collection Fee	15,576	13,335	0	
Training Contract (6 mos)	6,500	15,397	6,500	0
Communications Contract (6 mos.)	14,200	14,200	14,200	0
EBMUD Sewer Use Fee	600	300	300	0
Annual Audit	1,000	2,000	2,000	2,000
Legal Counsel	35,000	6,512	3,000	5,000
Election Fee	4,168	2,219	0	
Interest (fund overdraft)	12,000	2,562	0	5,000
TOTAL EXPENSES	151,670	103,410	40,955	72,455

Explanations:

1. PERS estimates a .3% decrease in medical cost.
2. El Cerrito has paid the training & communications fees to Richmond
3. The accounts payable fee is based on five vouchers processed per month
4. The tax collection fees are deducted net to tax & special assessment revenue
5. The FY 1992-93 audit fee paid in 1994-95, the 1993-94 audit will be payable in 1994-95
6. Legal costs for EOY 1994-95 are estimated at \$3,000—contract review
7. No election budgeted for FY 1995-96 (next one November 1996)
8. The need for the overdraft is reduced if the operating reserves are increased
9. FY 1995-96 budget "0" items are included in the El Cerrito contract

REVENUE ESTIMATE FOR SOURCES OTHER THAN TAXES

(KCSD lease, elections rent)

FOR FY 1994-95

8,710

FOR FY 1995-96

8,968

FY 1995-96 REVENUE FROM PROPERTY TAXES AND THE SPECIAL TAX ARE
EXPECTED TO REMAIN CONSTANT



MAP OF
KENSINGTON FIRE PROTECTION DISTRICT

EXHIBIT B
KENSINGTON FIRE PROTECTION DISTRICT
EQUIPMENT INVENTORY
(at time of contract execution)

VEHICLES:

Engine 65	-	1983 Mack Pumper	VIN 1M1H143Y9DM001073
Engine R-65	-	International Pumper	VIN 71795CGB17231
Pick Up 65	-	Ford 1/2 Ton	VIN 1FTEF15N7GPA82776

HOSE:

3 inch		4050 feet
2 1/2 inch		1100 feet
1 1/2 inch		1550 feet
1 inch forestry		1500 feet
1 inch booster	-	Engine 65 - 200 feet Reserve 65 - 200 feet

PROTECTIVE CLOTHING:

Complete sets of turnout clothing	7 sets
Complete sets of wildland clothing	3 sets

ENGINE 65 EQUIPMENT

4 1/2 " supply hose - 10 feet
Inreaser 2 1/2" to 4"
Hydrant wrench & mallet
4" spanner wrench
Flashlight 1' SL-20 rechargeable
Earmuffs (3)
KED tool
Hare traction splint
Assorted sizes of cardboard splints
Ansul BC extinguisher
CO2 extinguisher
Axes (2)
Thomas Brothers Guide
Map Book (El Cerrito & Kensington)
Emergency Response Guidebook
Berkeley Map Book
Earthquake Book

KFPD EQUIPMENT INVENTORY
EXHIBIT B - continued
Page Two

Engine 65 - continued

East Bay Trails Book
Guide to liquid hazardous pipeline operators
4-100' forestry 1" with 3 nozzles
Foam eductor
Five gallon buckets of foam (2)
Foam nozzle
100' of green garden hose
Hose reel crank
Red traffic cone
Stang base & Akron manifold with Akron stang nozzle
Rubbermaid tool box with misc. tools
Red ammo box with gas plugs
Chalk block
Hacksaw
Stihl tool envelope with tools
1 1/2" smooth bore nozzle
2 1/2" smooth bore nozzle
Foam eductor base
Crow bar
Tread repair tool for hydrant
4 1/2" double male
4 1/2" double female
Quill with key
Adjustable hydrant wrench
Ratchet hydrant wrench
2 1/2" wye
Rubber mallet
Road flare
Roll of duck tape
Hose straps (2)
Hay hooks (2)
Oakland hydrant adapter
Spanner wrenches (2)
2 1/2" to 1 1/2" reducers
Double female 1 1/2"
2 1/2" double male (3)
2 1/2" double female (2)
Polaroid camera
*Scott Air pack equipment (belongs to El Cerrito)

Engine 65 - continued

*Scott Air pack equipment (belongs to El Cerrito)
Smoke ejector
12 ton hydraulic jack
Hose strap
Rescue tope bags with rope (2)
Set of jumper cables
Salvage cover (2)
Hall runner
2 1/2" double female
2 1/2" Akron automatic nozzle
Smoke ejector with hanger
Coffee can with absorb all
7.5 HP OME generator
Oil for chain saw
Gasoline can for saw
20' extension cord
Pig tails (2)
50' extension cords (3)
Hose reel with 100' extension cord
Circle D lights with pigtails (2)
Junction box
Flat shovel
5' pry bar
Round shovel
Pickhead axe
Closet hook
Bolt cutter
Corn brook
5 lb. sledge hammer
Hydrant shutoff with handle & socket
Squeegee with handle
Water meter shut off with handle
Haligan tool
Ram bar
14' roof ladder
24' extension ladder
10' attic ladder
Hose clamp
02 pack with associated equipment
Medical box with associated equipment

KFPD EQUIPMENT INVENTORY
EXHIBIT B - continued
Page Three

Engine 65 - continued

Backboard
Pak with misc. c-collars
Extra 02 bottles (2)
Nylon straps with buckles (3)
O.B. kit
*Defib (belongs to County)
High & low band radio's with holders
(portables)
Map book
High & low band radios with microphones
Kensington run cards binder
Thomas Brothers book
Rechargeable streamlight flashlight
Key ring with misc. keys
Garage door openers (2)
Binoculars
Pike pole
Cellar nozzle
Chain saw
McCloud
Hotel packs with nozzles (2)
Helmets/goggles/shields (3)
Web belts/shelters/canteens (3)

RESERVE ENGINE 65 EQUIPMENT

10' suction soft
2 1/2" to 4 1/2" increaser
Rubber mallet
Hydrant wrench
4 1/2" spanner
Map book
Thomas Brother Map
E.R.G.
Flashlight portable
1" forestry comb. nozzle
5 gallon foam (2)
Foam eductor
Haligan
McCloud
Round shovel
Flat shovel

Reserve Engine 65 - continued

Squeegee
1 1/2" foam wand
Monitor base
200' booster reel w/Akron turbo set nozzle
Street hydrant shut off
Pry bar
Monitor
3" soft sleeve 10' (preconnected to
monitor)
Chalk block
Crosslays
Scott SCBA
Spare air bottles (2)
Spare SCBA mask
Closet hook
K.E.D.
Scott SCBA's (2)
Spare air bottle
Spare SCBA mask (2)
5" spanner
1' pry claw bar
Hay hook
1" quill
Flares (4)
Hydrant wrench
Funnel
1" straight stream nozzle
1 3/4", 1 1/2", 1 1/4" Stack tip smooth
bore nozzle
2 1/2" Double female (3)
2 1/2" double male(2)
1 1/2" double female
3" - 2 1/2" adapter
2 1/2" - 1 1/2" adapter
Folding spanner
6' hose straps (2)
Universal thread adapter
50' electrical cord (3)
100' rescue rope w/drop bag
Electrical adapters (3)
Plug'n' Dyke
6' tow chains (2)

KFPD EQUIPMENT INVENTORY
EXHIBIT B - continued
Page Four

Reserve 65 - continued

Tool box
Dry chem extinguisher
Generator electric
2 1/2" double male (2)
2 1/2" double female
2 1/2" Akron nozzle
Hall runners plastic (2)
Hydraulic 12 ton jack
Debris tarp w/handles
Canvas salvage covers (2)
Bolt cutters
Hebert hose clamp
Piercing nozzle
Ram bar
Pike pole
10' attic ladder
14' roof ladder
24' extension ladder
CO2 extinguisher
Dry chem extinguisher
Hand cleaner
Pickhead axe
Skull saver
Right rear cab
Circle "D" lights (2)
Junction box
50' electrical cord reel w/cord
Air splints (2 boxes)
Emergency blankets (3)
C-collar pack
O.B. kit
O2 bag
Spare O2 bottle
150' 2 1/2" exposure line w/Akron nozzle
? 3" hose
Hotel pack - 100' 1 1/2" w/ 1 1/2" Akron
nozzle
2 1/2" - 1 1/2" adapter
Carrying bag
Hare traction splint

Reserve Engine 65 - continued

Hotel pack - 100' 1/2" hose w/1 1/2"
Akron nozzle
2 1/2" - 1 1/2" gated wye
Double female
Carrying bag
Ratcheting hydrant wrench
2 1/2" double male
2 1/2" clapper siamese
Chalk block

PICKUP 65 EQUIPMENT

NEC car phone
Motorola portable high band radio
Motorola portable low band radio
Map book
Large flashlight (rechargeable)
Garage door opener button
Delta storage box in bed of truck
ABC extinguisher
Air powered chisel gun & chisels (in
box)
Hay hooks (3)
Oxy/Acc gas manifold & 20' of hose
Come along
Hydraulic jack & handle
Rubbermaid tool box & misc. tools
Water vac
Submersible pumps (2)
Salvage cover
Back board

KITCHEN EQUIPMENT

Coffee maker - Cecilware
Model #OCS-2000
Kitchen aid dishwasher
Model #KUDS21MS1
Serial #81319886
Kitchen Range - Wolf 6 burner w/grill
Model CHSS-G-29-FT22LB
Serial #CH-31472F70

KFPD EQUIPMENT INVENTORY
EXHIBIT B - continued
Page Five

Kitchen - continued

Microwave oven - Sanyo
Model #EM-3777
Serial #90740885
General Electric 23.5 Refrigerator/Freezer
Model #TFX24SGB
Serial #FS222896
Proctor Silex Toaster Serial #24410
Kitchen table
Chairs (6)
Drinking glasses (14)
Coffee mugs (26)
Soup cups (3)
Soup bowls - assorted (11)
Dinner plates (17)
Dessert dishes (7)
Dinner platters (20)
Juicer
Salad dressing carafe
Cooker-fryer, K-Mart Model #M-200
Salmon-belgian waffle maker
Westbend corn popper - Poppery II
Serial #9449
2 qt. plastic juice containers (2)
Assorted heavy duty pans from 6" to 14"
(10)
10" aluminum dutch oven
10" cast iron dutch oven
Assorted pot lids (10)
Large colanders (2)
Cast iron fry pans (4)
Grease spatter screens (2)
Cookie sheets (4)
Muffin tin
Metal fry plans (3)
Grater
8" baking pans (3)
12" baking pan
Assorted stainless mixing bowls 6" to 16"
(8)
Assorted large kitchen knives (9)
Steak knives (6)
Table knives (7)

Kitchen - continued

Forks (10)
Teaspoons (17)
Soup spoons (4)
Serving spoons (4)
16 oz. measuring cup
Pyrex glass baking dishes (2)
Large cookie sheets (2)
16" baking pan w/lid
Meat thermometers (2)
Oven thermometer
Spatulas (2)
Wooden spoons (2)
Can opener
Bottle opener
Ice cream scoop
Basting brush
Pizza cutter
Potato masher
Tong
Small strainers (2)
Large fork
Assorted measuring spoons (1 set)
Corkscrews (2)
Potato peeler
Salad tongs
Large spoons (2)
Paring knife

DAY ROOM EQUIPMENT

Bed
Recliner chairs (4)
Fan
Bookshelf w/assorted videos and
firefighting magazines
Chalkboard
Pool table with assorted equipment
IBM AT computer with printer
Bookshelf with assorted firefighting books
Desk
Wall light

KFPD EQUIPMENT INVENTORY
EXHIBIT B - continued
Page Six

Day Room - continued

Fire extinguisher
Telephone
High band & low band speaker
Low band microphone
Red phone to dispatch
Hanging shelf

LAUNDRY ROOM EQUIPMENT

Maytag Washer Model #LAT9314AAE
Serial #A0111784 KU

Kenmore Dryer Model #77982100
Serial #F91208033

Circle Air Fire Hose Dryer

GENERATOR ROOM EQUIPMENT

5 gallon fuel can
Delco freedom battery
15 KN generator
Scoop shovel

POLICE CONFERENCE ROOM
EQUIPMENT

30" x 8' tables (3)
Chairs (8)

OFFICE(S) AND ALARM ROOM
EQUIPMENT

Captains Office
White desk (built in)
Computer, keyboard, monitor &
standby power source
H. P. Laser printer
IBM typewriter with stand
Canon NP 2020 copier
Chair with wheels

Captain's Office - continued

Chair
4" drawer file cabinets (2)
Garbage can
Inner Office
4 drawer file cabinets (2)
Fancy wheel chair
Desk
Postal Scale
Two hole punch
Three hole punch
Staplers (2)
Paper cutter
Adding machine
Microfiche 2 machine
Cassette tape recorder
Wall fan
Chair with arms
Small storage cabinet
Chiefs Office
Credenza (full of misc computer disc's
etc.)
Coat rack
Desk
Chair with wheels
Chairs (2)
Five drawer file cabinets (2)
Alarm Room
American flag
Misc. memorabilia
Motorola radio's w/microphones (2)
Misc. Thomas Brothers Map books
Misc. Dymo label equipment

DORMITORY EQUIPMENT

6' Metal lockers (3)
Single metal beds w/mattress' (9)
Chairs (2)
2 line telephone

KFPD EQUIPMENT INVENTORY
EXHIBIT B - continued
Page Seven

APPARATUS ROOM EQUIPMENT

Wall map of Kensington
Water vacuum
Fire dog costume
IBM computers (2)
Air compressor w/hose & fittings
Garden rakes (3)
Shovels (2)
McCloud tool
Hose rack
650' of spare 3" hose
350' of spare 2 1/2" hose
900' of spare 1" hose
10' section of 4 1/2" supply hose
900' of spare 1 1/2" hose
SCBA cylinders (2)
O2 bottles (2)
10' hard suction hoses w/strainer (2)
Stokes rescue basket
5 gal buckets of foam (2)
Cutting torch
Spare engine tires - recaps (2)
60 amp. battery charger
Exhaust venting system w/hoses that attach
to engine tailpipe
20 lb. CO2 extinguishers (2)
Hydrometer w/holding case
Aluminum garbage cans (2)
Heater that is mounted to ceiling
Traffic cones (2)
Portable radios (5)
Battery chargers (2)
Extra defib batteries (2)
6" flashlight
Rescue rope bag w/rope
Safety harness for ladder truck
Folding chairs (16)
Scope stretcher
Water vac appliance
Refrigerator dolly
Backboards (3)
7' ladder

Apparatus Room - continued

8' folding table
Step ladder

CABINETS (high) REAR OF ENGINE
ROOM

SCBA air bottles (22)
SCBA back pack & regulators (9)
Approximately 20 face masks & parts

MISC. TURNOUTS, ETC. (in lower
locker behind Engine 65)

Yellow helmets w/shields (5)
Red helmets w/shields (4)
White helmet w/shield
Turnout jackets (5)
Turnout boots (2)
size 8 & 9 1/2
Turnout gloves (4 1/2)
Turnout pants
Brush gear jackets (11)
4 medium, 4 large, 3 x-large
Brush gear pants (2)
x-large
Fire shelters (7)

APPARATUS SHOP EQUIPMENT

Drill press
Assortment of saws, screwdrivers,
hammers, wrenches, etc.
Grinder
Misc. firefighting fittings
Makita screwdriver w/rechargeable battery
Extension cord
Stihl chainsaw
Creeper board
Bolt cutter

KFPD EQUIPMENT INVENTORY
EXHIBIT B - continued
Page Eight

SAFE ROOM EQUIPMENT

Safe
4 drawer file cabinets (2)
VCR's (2)
Hewlett Packard III optical scanner
Monitor computer \\
Keyboard
Perma pak boxes
File boxes (2)
NEG Cellular telephone

FIRE STATION FACILITY

4000 square foot portion of the public
safety building and shared grounds

**FIRST AMENDMENT TO AGREEMENT FOR SERVICES BY AND
BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT AND
THE CITY OF EL CERRITO**

THIS FIRST AMENDMENT TO AGREEMENT FOR SERVICES BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT AND THE CITY OF EL CERRITO ("Amendment") is made this 15 day of March 2005, by and between the City of El Cerrito, a municipal corporation of the State of California, ("CITY"), and the Kensington Fire Protection District, a public agency ("DISTRICT").

RECITALS

The following recitals are a substantive part of this Amendment:

1. CITY and DISTRICT desire to amend the AGREEMENT FOR SERVICES BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT AND THE CITY OF EL CERRITO dated August 7, 1995 ("Agreement").
2. Sections I. B and XVII of the Agreement provide for modifications or amendments to the Agreement only if such amendments are reduced to writing and properly executed.
3. The CITY expressly acknowledges that all of the services provided to the DISTRICT by the CITY are identical to those services provided by the El Cerrito Fire Department within the CITY.

NOW, THEREFORE, CITY and DISTRICT MUTUALLY AGREE AS FOLLOWS:

TERMS AND CONDITIONS

1. The Parties acknowledge that this Amendment is subject to approval or ratification by the DISTRICT'S Board of Governors ("Board") and the CITY'S City Council ("Council"). In the event that the Board and/or the Council reject this Amendment, neither of the Parties shall be deemed to have waived any rights with respect to the Agreement.
2. All terms and provisions of the Agreement are to remain in full force and effect with the sole exception of the terms and provisions listed herein.
3. Section I. A. shall be modified to read as follows:

I. CONTRACT TERM

- A. The term of the Agreement shall be extended for an additional ten (10) years, commencing on July 1, 2005. The Agreement may be extended at any time by mutual agreement as provided in Section XVII. Unless the contract is terminated at an earlier date pursuant to Section XV, the parties will initiate negotiations to extend the contract on or before January 1, 2013.
- B. Section II.A. is modified to read as follows:

II. **SERVICES TO BE PROVIDED TO DISTRICT PURSUANT TO THIS AGREEMENT**

- A. CITY shall provide DISTRICT with the following services consistent with that level of service provided within CITY's corporate limits by the El Cerrito Fire Department:
- i. Fire protection services;
 - ii. Fire prevention services;
 - iii. Voluntary home safety inspection services;
 - iv. Hazardous materials services;
 - v. Paramedic services;
 - vi. Emergency medical services,
 - vii. Enforcement of the fire code adopted by DISTRICT, State laws which the DISTRICT is obligated to enforce and other applicable DISTRICT codes and ordinances;
 - viii. Arson investigations,
 - ix. Fire protection related building plan review
 - x. Public education for disaster preparedness;
 - xi. Fire protection support services, including but not limited to supervision, dispatching, training, maintenance of buildings, grounds and equipment, staff support services and supplies procurement.
 - xii. Fire financial/administrative services necessary for communications with appropriate agencies, including Contra Costa County.
 - xiii. Weed, brush, and flammable materials abatement including:
 1. All notices to DISTRICT residents and property owners;
 2. Enforcement of abatement standards by issuance of DISTRICT's administrative citation(s);
 3. Actual physical abatement of weed, brush, and flammable materials with permission of the property owner or issuance of inspection and abatement warrant(s) as required. DISTRICT shall prepare, file and serve all required documents to obtain inspection and abatement warrants.

DISTRICT agrees to release defend, indemnify and hold harmless CITY, its officers, agents, volunteers and employees from and against any and all actions, claims, demands, penalties, liabilities, damages (including those arising from or related to property, bodily injury and death), lawsuits, administrative proceedings or other cost or expense arising out of in any way connected with CITY's performance under this subsection II.A.xiii, including the performance of its contractors, officers, agents, volunteers and employees except where any claim is shown by final judgment to be caused by the willful misconduct or sole negligence of CITY.

With the exception of legal services, CITY shall supply all labor, supervision, training, communication services, equipment and supplies

necessary to provide the fire protection services set forth above. In order to provide these services, CITY shall render contractual services to the DISTRICT on a 24-hour basis in accordance with the staffing patterns identified in Section XI of this agreement. DISTRICT shall maintain and fund its own administrator.

4. Section II.E. is deleted in its entirety.
5. Subsection II.F. is re-labeled as Section II. E.
6. The following is added as Section V.D. (Insurance) :
 - D. Any and all insurance required to be provided by CITY under this Agreement may be satisfied by a certificate of self-insurance from the CITY's Municipal Risk Management Insurance Authority and a copy of all endorsement(s) indicating that all insurance requirements are part of the CITY's self-insurance program.
7. The following is added as Section V.E. (Insurance) :
 - E. DISTRICT acknowledges that it participates in a Joint Powers Authority for the provision of certain insurance not provided by CITY. DISTRICT shall provide Workers' Compensation Insurance for its sole employee.
8. Section VI.A. (Annual Fee for Services) is modified to read as follows:
 - A. DISTRICT shall pay an annual fee to CITY for the services CITY provides DISTRICT pursuant to the terms of this Agreement. The annual fee is based upon percentage allocations of the CITY's total expenditures. Those allocations are reflected in Exhibit A, attached hereto and incorporated herein by this reference. Exhibit A shall not be modified without a properly executed written amendment to this Agreement. DISTRICT shall pay CITY one-twelfth (1/12) of the estimated or adjusted actual annual fee monthly, in advance, on or before the first day of each month for the performance of the City-provided services.
9. Section VI.I. (Annual Fee for Services) is modified to read as follows:
 - I. Annual reconciliation of costs and fees for CITY-provided services shall be provided by CITY to DISTRICT in the form provided as Exhibit B, attached hereto and incorporated herein by reference.
10. Section XV.C. (Termination) is modified to read as follows:
 - C. DISTRICT acknowledges that CITY has hired ten additional firefighters to provide DISTRICT with the fire protection services provided for in this Agreement. DISTRICT also acknowledges that a termination of this Agreement by DISTRICT may require that CITY lay off and displace some or all of these ten employees. In the event DISTRICT terminates this Agreement, DISTRICT shall make all reasonable efforts to provide employment opportunities to any CITY firefighters who may face lay off

as a result of the termination of this Agreement by DISTRICT. If as a result of the termination of this Agreement by DISTRICT, some or all of these employees are laid off or terminated by CITY, and CITY must pay these employees unemployment compensation benefits or other financial benefits or costs CITY is obligated to pay by law, contract, DISTRICT shall reimburse CITY in full for any such payments made by CITY. Any payments to be made under this Section shall comply with the provisions of the California Unemployment Insurance Code and any other applicable provisions of State law. CITY shall immediately provide DISTRICT with a copy of any contracts that provide the above-described employees with unemployment benefits, financial benefits or that have bearing on any other costs that would be incurred by the CITY or DISTRICT if the DISTRICT terminated this Agreement. CITY shall provide DISTRICT with an itemized description of the costs incurred and shall bill DISTRICT monthly for the amounts paid by CITY, and DISTRICT shall submit payment in full to CITY within ten days of the receipt of the bill by DISTRICT. In no event shall DISTRICT be obligated to pay the above-described costs if CITY terminates this Agreement or for more than six (6) months if DISTRICT terminates this Agreement.

ACCEPTED AND AGREED on the date indicated above:

**KENSINGTON FIRE PROTECTION
DISTRICT**

By:

Leslie W. Michael

Print Name:

LESLIE W. MICHAEL

Print Title:

PRESIDENT

CITY OF EL CERRITO

Sandi M. Potter

Sandi M. Potter, Mayor

Scott Hanin

Scott Hanin, City Manager

ATTEST:

Christine Hanin
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY

[Signature]

CITY OF EL CERRITO / KENSINGTON FIRE PROTECTION DISTRICT

Proposed Contract Fee for FY 2004 - 2005

LINE ITEM DETAIL BUDGET EXPENDITURES

101 GENERAL FUND**2510 FIRE**Proposed
Budget FY04-05

5100	<u>SALARIES & BENEFITS</u>			
51110	Salaries	27.75%	\$	-
51130	Temporary/Part-time Salaries	27.75%	\$	-
51140	Overtime Pay	27.75%	\$	-
51145	FLSA Overtime pay	27.75%	\$	-
51150	Special Pay	27.75%	\$	-
51210	PERS Contributions	27.75%	\$	-
51220	FICA/MEDICARE	27.75%	\$	-
51230	Insurance and Benefits	27.75%	\$	-
51240	Workers Compensation	27.75%	\$	-
51990	Salary Savings	27.75%	\$	-
	TOTAL	0	\$	-
5200	<u>PROFESSIONAL SERVICES</u>			
52190	Misc Professional Services	33.33%	\$	-
52220	Medical Services	33.33%	\$	-
	TOTAL	0	\$	-
5300	<u>PROPERTY SERVICES</u>			
53110	Utilities	0.00%	\$	-
53230	Building Maintenance Services	33.33%	\$	-
53240	Landscape/Park Maint Svcs	0.00%	\$	-
53250	Vehicle/Equip Maint Svcs	25.00%	\$	-
53320	Misc R&M Svcs	33.33%	\$	-
53330	Vehicle Replcmt Rental Charge	18.83%	\$	-
53910	Solid Waste Services	33.33%	\$	-
	TOTAL	0	\$	-
5400	<u>OTHER SERVICES</u>			
54210	Telephone Expenses	20.00%	\$	-
54220	Mobile/wireless Expenses	20.00%	\$	-
54310	Legal Notices & Advertisements	25.00%	\$	-
54410	Printing and Binding	25.00%	\$	-
54510	Meetings & Hospitality	25.00%	\$	-
54610	Training & Education	25.00%	\$	-
54620	Conference Registration	25.00%	\$	-
54630	Travel & Lodging	25.00%	\$	-
54640	Food & Meals	25.00%	\$	-
54690	Dues & Subscriptions	25.00%	\$	-
54910	Other Administrative Services	25.00%	\$	-
	TOTAL	0	\$	-
5500	<u>SUPPLIES</u>			
55110	General Office Supplies	25.00%	\$	-
55120	Postage & Delivery	25.00%	\$	-

KENSINGTON FIRE PROTECTION DISTRICT BUDGET**Prior Year Reconciliation**

<u>Account #</u>	<u>Description</u>	<u>2002-2003 Budgeted</u>	<u>2002-2003 Actual</u>	<u>Diff.</u>	<u>Percentage</u>	<u>Reconciliation</u>
5100	SALARIES & BENEFITS			0	27.75%	\$ -
5200	SERVICES					
5206	Medical/Promotional Exams			0	33.33%	\$ -
5208	Minor Equipment Maintenance			0	33.33%	\$ -
5210	Utilities - PG&E			0	26.44%	\$ -
5211	Utilities - Telephone			0	10.00%	\$ -
5212	Utilities - Water			0	100.00%	\$ -
5214	Utilities - Sewer / Garbage			0	100.00%	\$ -
5215	Vehicle Contract Maintenance			0	25.00%	\$ -
5215	Alarm System Services			0	25.00%	\$ -
5217	Emergency Preparedness Services			0	33.33%	\$ -
5218	Weed Abatement Services			0	0.00%	\$ -
5220-205	Professional Services			0	33.33%	\$ -
5220-206	Professional Services-Comm Maintenance			0	33.33%	\$ -
5220-250	Professional Services-Plan Review			0	0.00%	\$ -
5223	Property Tax Admin Charges			0	0.00%	\$ -
5245	Building Main. Services			0	0.00%	\$ -
5250	Computer Hardware Services			0	33.33%	\$ -
5251	Computer Software Services			0	33.33%	\$ -
5298	Vehicle/Equipment Charges			0	0.00%	\$ -
5299	Other Services			0	33.33%	\$ -
5300	SUPPLIES					
5306	Safety Equipment			0	33.33%	\$ -
5310	Office Supplies			0	25.00%	\$ -
5311	Clothing & Uniform			0	33.33%	\$ -
5324	Janitorial Supplies			0	33.33%	\$ -
5325	Fire Station Supplies			0	33.33%	\$ -
5349	Hose Supplies			0	33.33%	\$ -
5350	Medical Supplies			0	20.00%	\$ -
5370	Gasoline / Diesel / Fuel Supplies			0	27.00%	\$ -
5371	Vehicle Parts			0	25.00%	\$ -
5390	Minor Equipment			0	25.00%	\$ -
5400	OTHER CHARGES					
5410	Dues / Conferences / Meetings			0	25.00%	\$ -
5411	Training			0	25.00%	\$ -
5411-300	Hazardous Materials Training			0	25.00%	\$ -
5500	CAPITAL					
5521	Equipment			0	0.00%	\$ -
5531	Furniture and Fixtures			0	0.00%	\$ -
	<u>TOTAL EXPENDITURES</u>	0	0	0		\$ -
4422/4405	O.E.S. Reimbursements			-	27.75%	\$ -
						\$ -

**SECOND AMENDMENT TO AGREEMENT FOR SERVICES
BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT
AND THE CITY OF EL CERRITO**

THIS SECOND AMENDMENT TO AGREEMENT FOR SERVICES BY AND BETWEEN THE KENSINGTON FIRE PROTECTION DISTRICT AND THE CITY OF EL CERRITO ("Second Amendment") is hereby entered into this ____ day of September, 2009 by and between the City of El Cerrito, a municipal corporation ("CITY"), and Kensington Fire Protection District, a public agency ("DISTRICT").

RECITALS

A. CITY and DISTRICT are parties to an Agreement for Services, dated August 7, 1995, as amended by the First Amendment to said agreement, dated March 1, 2005 ("the Agreement").

B. The parties desire to amend the Agreement pursuant to the terms and conditions set forth below.

NOW, THEREFORE, CITY and DISTRICT hereby agree as follows:

Section 1. *Amendment to Subsection I.A of the Agreement, 5 Year Extension of Term.* Subsection I.A. of the Agreement is amended to read as follows:

"A. The term of this agreement shall be until midnight June 30, 2020. The Agreement may be extended at any time by mutual agreement as provided in Section XVII. Unless the Agreement is terminated at an earlier date pursuant to Section XV, the parties will initiate negotiations to extend the contract on or before January 1, 2018."

Section 2. *Amendment to Subsection VI.J of the Agreement, Increase in Size of Reserve Account.* Subsection VI.J is amended to read as follows:

"J. As soon as practical, the District shall build up and maintain a capital reserves account to satisfy equipment replacement costs in consideration of the amount recommended by the El Cerrito Fire Chief. The District shall also establish to the extent practicable a reserve account to provide sufficient financial resources to pay for the fire protection services provided for herein for a period of twelve months."

Section 3. *Renumbering of Section XVII.* Section XVII is hereby renumbered XVIII.

Section 4. *Addition of New Section XVII, Provision of Services to City by District.* Subsection XVII is hereby added to read as follows:

“XVII. SERVICES TO BE PROVIDED TO CITY BY DISTRICT PURSUANT TO THIS AGREEMENT

A. At the request of CITY, DISTRICT shall, no sooner than November 1, 2009, assign its District Administrator, Brenda Navellier, to serve as the Fire Department Administrative Assistant to the El Cerrito Fire Chief on a part-time basis, which position requires performing the functions described in the attached Fire Department Administrative Assistant Job Description. The parties agree that in the event of such a request by the City the assigned employee shall work half-time for the District and half-time for the City. In no event shall the work performed for City by the assigned employee exceed more than nine hundred ninety nine (999) hours per year. Such services will be provided at the Main Fire Station No. 71 at 10900 San Pablo Avenue in El Cerrito, California. Either party may elect to terminate the DISTRICT's provision of the services contemplated by this Section at any time upon reasonable notice.

B. CITY agrees to pay DISTRICT the full costs of compensation for the assigned employee. Since the parties intend to equally share the assigned employee's forty-hour per week work schedule, the parties acknowledge and agree that the compensation to DISTRICT by CITY will be based on one-half of the total compensation paid by DISTRICT to the assigned employee. Accordingly, one-twenty fourth (1/24) of the annual compensation costs shall be offset, in advance, from the amount of the monthly annual fee paid by DISTRICT pursuant to Subsection VI.A. Based on a forty-hour work week, the amount of the assigned employee's estimated annual compensation for the 2009-2010 fiscal year is \$87,600; based on the foregoing, the offset against the annual fee for each remaining full month of the 2009-2010 fiscal year will be \$3,650. At the same time and in the same manner as CITY is required to provide a proposed estimate of the annual fee pursuant to Subsection VI.G, DISTRICT shall provide a proposed estimate of the assigned employee's annual compensation to CITY. In accordance with the procedures in Subsection VI.G, CITY shall have the right to object to the proposed estimate, and the parties shall resolve disputes over the proposed annual compensation in the same manner as specified for the proposed annual fee in Subsection VI.G. At the conclusion of the fiscal year and once actual cost information is known, DISTRICT shall prepare a reconciliation statement reflecting the actual annual compensation of the assigned employee for the fiscal year just completed. Any adjustments shall be treated as a credit in the same manner that adjustments to the annual fee are treated pursuant to Subsection VI.I.

C. In the event that the services provided by DISTRICT pursuant to this section commence or are terminated on a date other than the beginning of a particular month, CITY's share of the annual compensation for that particular month shall be determined by dividing one-half of the estimated annual compensation by two; dividing the result by 365; and multiplying the result by the number of days in the month during which services were provided.

D. It is understood that the relationship of DISTRICT to CITY is that of an independent contractor and all persons working for or under the direction of DISTRICT are its agents or employees and not agents or employees of CITY. CITY and DISTRICT shall, at all times, treat all persons working for or under the direction of DISTRICT as agents and employees of DISTRICT, and not as agents or employees of the CITY. Notwithstanding the foregoing, given the nature of the position to which the assigned employee will be assigned, the El Cerrito Fire Chief shall supervise and direct the day-to-day work performed by the assigned employee, and CITY, through its Fire Chief, and DISTRICT shall mutually agree upon a schedule for the assigned employee's hours and days for the performance of services to CITY and determine the location that those services will be provided. The DISTRICT's Board of Directors will consult with CITY on an as-needed basis to assure that the services are being provided in a professional manner and meet the objectives of CITY. In the event that CITY is dissatisfied with the services of DISTRICT or the assigned employee, CITY's sole recourse shall be the termination of services pursuant to Subsection A of this Section. CITY shall not have any right to discharge any employee of DISTRICT from employment.

E. DISTRICT shall, at its sole expense, provide for its employees providing services to CITY pursuant to this Agreement any and all benefits, such as worker's compensation, disability insurance, vacation pay, sick pay, or retirement benefits; obtain and maintain all licenses and permits usual or necessary for performing the services; pay any and all taxes incurred as a result of the employee(s) compensation, including estimated taxes, FICA and other employment taxes; and provide CITY with proof of payment of taxes on demand. Notwithstanding the foregoing, as DISTRICT does not contract with the California Public Employees' Retirement System for the provision of retirement benefits, and CITY does, CITY shall be responsible for any contributions to the California Public Employee Retirement System and associated liability that may arise as a result of the assigned employee's provision of services to CITY. Notwithstanding the half-time assignment to City noted in Subsection A of this Section, CITY acknowledges that the assigned employee has a right to vacation leave, sick leave, floating holidays, and holidays under the terms of her employment with DISTRICT and that employee's use of leave or time off is solely within the control of the DISTRICT, provided that reasonable notice of such leave or time off shall be provided to CITY by DISTRICT.

F. CITY shall not require the assigned employee to work more than twenty (20) hours per week. If assigned employee works more than 40 hours per week (including both her work for CITY and DISTRICT), she will be eligible for overtime compensation. DISTRICT shall be solely responsible for any payment of overtime compensation earned by employee. Any overtime compensation received by employee from DISTRICT shall not be included in the calculation of the assigned employee's annual compensation pursuant to Subsection B of this Section.

G. Because of the nature of the position to which the assigned employee will be assigned, CITY shall indemnify, defend and hold harmless DISTRICT and its officers, directors, employees and agents from any and all claims and lawsuits arising out of the assigned employee's performance of services pursuant to this Section. Whenever CITY owes a duty hereunder to indemnify DISTRICT, its employees or agents, CITY further agrees to pay DISTRICT a reasonable fee for all time spent by any DISTRICT employee, or spent by any person who has performed work pursuant to this agreement, for the purpose of preparing for or testifying in any suit, action, or legal proceeding in connection with the services he has provided under this Agreement.

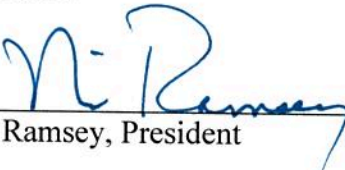
Further, CITY will defend and indemnify DISTRICT, and hold it harmless, from any claim, demand or liability that is related to, or results from an assertion that as a result of providing services to CITY, a DISTRICT employee or a person performing work pursuant to this agreement is entitled to benefits from, or is covered by, the Social Security retirement system or the California Public Employee Retirement Systems.

H. CITY acknowledges that DISTRICT is party to a certain "Joint Exercise of Powers Agreement for Providing Public Liability and Other Insurance" and that the coverage provided by risk pool created by that agreement is adequate. To the extent that DISTRICT remains a member of the risk pool in good standing, this Agreement contains no additional requirements regarding insurance coverage. In the event that DISTRICT's coverage by, or relationship with, the JPA is terminated or is contemplated to be terminated, DISTRICT shall immediately notify CITY.

Section 5. All other provisions of the Agreement shall remain in effect.

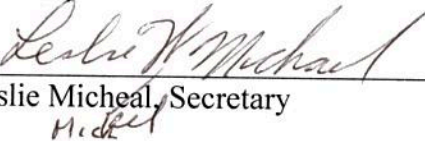
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date and year first above written.

KENSINGTON FIRE PROTECTION
DISTRICT



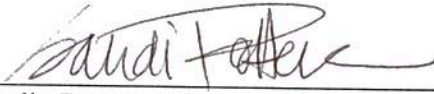
Nina Ramsey, President

Attest:

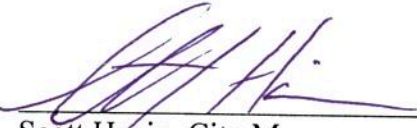


Leslie Micheal, Secretary
Micheal

CITY OF EL CERRITO



Sandia Potter, Mayor

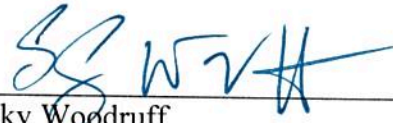


Scott Hanin, City Manager



Cheryl Morse, City Clerk

Approved as to form:
CITY ATTORNEY



Sky Woodruff

1287729.1

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE KENSINGTON FIRE PROTECTION DISTRICT

AND

THE CITY OF EL CERRITO

FOR ADMINISTRATIVE SERVICES

ARTICLE I

PREAMBLE

This Memorandum of Understanding is made and entered into this ____ day of June, 2019, by and between the authorized representatives of the Kensington Fire Protection District, a public agency, hereinafter referred to as the “DISTRICT,” and the City of El Cerrito, a municipal corporation, hereinafter referred to as the “CITY.”

CITY and DISTRICT are parties to an Agreement for Services, dated August 7, 1995, as amended by the First Amendment to said agreement, dated March 1, 2005, the Second Amendment to said agreement, dated September 2009, and the Third Amendment to said agreement, dated _____ (collectively, “the Agreement”). Under the Agreement, the CITY will provide fire protection, emergency medical, and other services, within the Kensington Fire Protection District.

Pursuant to the Agreement, as amended by the Second Amendment, the DISTRICT had assigned an employee to serve as the part time Administrative Assistant to the El Cerrito Fire Chief, with the employee working half-time for the CITY and the DISTRICT. The details of that arrangement had been specified in the Agreement prior to the Third Amendment. The Third Amendment restyled those provisions to state that the DISTRICT and/or CITY may provide administrative support through its employees to the other party pursuant to a separate memorandum of understanding regarding the terms.

The parties now desire to enter into such separate memorandum of understanding to establish the terms by which the DISTRICT shall provided administrative services to the CITY, and more particularly to continue the arrangement that had existed prior to the effectiveness of the Third Amendment.

Nothing in this Memorandum of Understanding shall invalidate nor be substituted for any provision in the Agreement, unless so stipulated to by provisions contained herein and agreed to. If a provision of the Agreement is in conflict with any provision of this Memorandum of Understanding, the provision in the Agreement shall prevail.

ARTICLE II

SERVICES TO BE PROVIDED TO CITY BY DISTRICT

2.1. At the request of CITY, DISTRICT shall assign its District Administrator, Brenda Navellier, to serve as the Fire Department Administrative Assistant to the El Cerrito Fire Chief on a part-time basis, which position requires performing the functions described in the attached Fire Department Administrative Assistant Job Description.

2.2. The parties agree that in the event of such a request by the CITY the assigned employee shall work half-time for the DISTRICT and half-time for the CITY.

2.3. In no event shall the work performed for CITY by the assigned employee exceed more than nine hundred ninety nine (999) hours per year.

2.4. Such services will be provided at the Main Fire Station No. 71 at 10900 San Pablo Avenue in El Cerrito, California.

2.5. Either party may elect to terminate the DISTRICT's provision of the services contemplated by this Section at any time upon reasonable written notice.

ARTICLE III

PAYMENT TO BE PROVIDED TO DISTRICT BY CITY

3.1. CITY agrees to pay DISTRICT the full costs of compensation for the assigned employee. Since the parties intend to equally share the assigned employee's forty-hour per week work schedule, the parties acknowledge and agree that the compensation to DISTRICT by CITY will be based on one-half of the total compensation paid by DISTRICT to the assigned employee.

3.2. Accordingly, one-twenty fourth (1/24) of the annual compensation costs shall be offset, in advance, from the amount of the monthly annual fee paid by DISTRICT pursuant to Section VI.A of the Agreement, as may be amended. Based on a forty-hour work week, the amount of the assigned employee's estimated annual compensation for the 2019-2020 fiscal year is \$_____; based on the foregoing, the offset against the annual fee for each remaining full month of the 2019-2020 fiscal year will be \$_____.

3.3. At the same time and in the same manner as CITY is required to provide a proposed estimate of the annual fee pursuant to Section VI.G of the Agreement, as may be amended, DISTRICT shall provide a proposed estimate of the assigned employee's annual compensation to CITY.

3.4. In accordance with the procedures in Section VI.G of the Agreement, as may be amended, CITY shall have the right to object to the proposed estimate, and the parties shall resolve disputes over the proposed annual compensation in the same manner as specified for the proposed annual fee in Section VI.G.

3.5. At the conclusion of the fiscal year and once actual cost information is known, DISTRICT shall prepare a reconciliation statement reflecting the actual annual compensation of the assigned employee for the fiscal year just completed.

3.6. Any adjustments shall be treated as a credit in the same manner that adjustments to the annual fee are treated pursuant to Section VI.I of the Agreement.

3.7. In the event that the services provided by DISTRICT pursuant to Article VII commence or are terminated on a date other than the beginning of a particular month, CITY's share of the annual compensation for that particular month shall be determined by dividing one-half of the estimated annual compensation by two; dividing the result by 365; and multiplying the result by the number of days in the month during which services were provided.

ARTICLE IV

DISTRICT AS INDEPENDENT CONTRACTOR/EMPLOYER

4.1. It is understood that the relationship of DISTRICT to CITY is that of an independent contractor and all persons working for or under the direction of DISTRICT are its agents or employees and not agents or employees of CITY. CITY and DISTRICT shall, at all times, treat all persons working for or under the direction of DISTRICT as agents and employees of DISTRICT, and not as agents or employees of the CITY.

4.2. Notwithstanding the foregoing, given the nature of the position to which the assigned employee will be assigned, the El Cerrito Fire Chief shall supervise and direct the day-to-day work performed by the assigned employee, and CITY, through its Fire Chief, and DISTRICT shall mutually agree upon a schedule for the assigned employee's hours and days for the performance of services to CITY and determine the location that those services will be provided. The DISTRICT's Board of Directors will consult with CITY on an as-needed basis to assure that the services are being provided in a professional manner and meet the objectives of CITY.

4.3. In the event that CITY is dissatisfied with the services of DISTRICT or the assigned employee, CITY's sole recourse shall be the termination of services pursuant to Article VII herein. CITY shall not have any right to discharge any employee of DISTRICT from employment.

4.4. DISTRICT shall, at its sole expense, provide for its employees providing services to CITY pursuant to this Agreement any and all benefits, such as worker's compensation, disability insurance, vacation pay, sick pay, or retirement benefits; obtain and maintain all licenses and permits usual or necessary for performing the services; pay any and all taxes incurred as a result of the employee(s) compensation, including estimated taxes, FICA and other employment taxes; and provide CITY with proof of payment of taxes on demand.

4.5. Notwithstanding the foregoing, as DISTRICT does not contract with the California Public Employees' Retirement System for the provision of retirement benefits, and CITY does, CITY shall be responsible for any contributions to the California Public Employee Retirement System and associated liability that may arise as a result of the assigned employee's provision of services to CITY.

4.6. Notwithstanding the half-time assignment to CITY noted in Article II herein, CITY acknowledges that the assigned employee has a right to vacation leave, sick leave, floating holidays, and holidays under the terms of her employment with DISTRICT and that employee's use of leave or time off is solely within the control of the DISTRICT, provided that reasonable notice of such leave or time off shall be provided to CITY by DISTRICT.

4.7. CITY shall not require the assigned employee to work more than twenty (20) hours per week. If assigned employee works more than 40 hours per week (including both her work for CITY and DISTRICT), she will be eligible for overtime compensation. DISTRICT shall be solely responsible for any payment of overtime compensation earned by employee. Any overtime compensation received by employee from DISTRICT shall not be included in the calculation of the assigned employee's annual compensation pursuant to Article III herein.

4.8. Because of the nature of the position to which the assigned employee will be assigned, CITY shall indemnify, defend and hold harmless DISTRICT and its officers, directors, employees and agents from any and all claims and lawsuits arising out of the assigned employee's performance of services pursuant to this Section. Whenever CITY owes a duty hereunder to indemnify DISTRICT, its employees or agents, CITY further agrees to pay DISTRICT a reasonable fee for all time spent by any DISTRICT employee, or spent by any person who has performed work pursuant to this agreement, for the purpose of preparing for or testifying in any suit, action, or legal proceeding in connection with the services he has provided under this Agreement.

4.9. Further, CITY will defend and indemnify DISTRICT, and hold it harmless, from any claim, demand or liability that is related to, or results from an assertion that as a result of providing services to CITY, a DISTRICT employee or a person performing work pursuant to this agreement is entitled to benefits from, or is covered by, the Social Security retirement system or the California Public Employee Retirement Systems.

4.10. CITY acknowledges that DISTRICT is party to a certain "Joint Exercise of Powers Agreement for Providing Public Liability and Other Insurance" and that the coverage provided by risk pool created by that agreement is adequate. To the extent that DISTRICT remains a member of the risk pool in good standing, this Agreement contains no additional requirements regarding insurance coverage. In the event that DISTRICT's coverage by, or relationship with, the JPA is terminated or is contemplated to be terminated, DISTRICT shall immediately notify CITY.

ARTICLE V

SAVINGS CLAUSE

If any provision of this Memorandum of Understanding should be held invalid by operation of law or by any court of competent jurisdiction, or if compliance with or enforcement of any provision should be restrained by any tribunal, the remainder of this Memorandum of Understanding shall not be affected thereby.

ARTICLE VI

TERM

This Memorandum of Understanding shall become effective _____, and shall remain in full force and effect during the term of the Agreement, unless terminated according to the terms herein.

ARTICLE VII

TERMINATION AND MODIFICATION

13.1 Termination. DISTRICT and CITY may cancel this Memorandum of Understanding, with or without cause, with reasonable written notice to the other party.

In the event of termination, DISTRICT shall be entitled to compensation for services performed to the effective date of termination. CITY shall also be entitled to reimbursement of a proportional share payment made pursuant to this Memorandum in the event the DISTRICT does not provide services requiring such compensation prior to termination.

13.2 Amendments. The parties may amend this Memorandum of Understanding only by a writing signed by all parties.

IN WITNESS WHEREOF, the undersigned has caused this Memorandum of Understanding to be executed and delivered on its behalf.

KENSINGTON FIRE PROTECTION
DISTRICT

CITY OF EL CERRITO

Julie Stein, President

Rochelle Pardue-Okimoto, Mayor

Approved as to form:
DISTRICT COUNSEL

Karen Pinkos, City Manager

John Bakker

Holly M. Charléty, City Clerk

Approved as to form:
CITY ATTORNEY

Sky Woodruff

Community Wildfire Safety Program

City of El Cerrito

July 16, 2019



Together, Building
a Better California



Community Wildfire Safety Program



REAL-TIME MONITORING AND INTELLIGENCE

- Coordinating prevention and response efforts by monitoring wildfire risks in real time from our **Wildfire Safety Operations Center**
- **Expanding our network of PG&E weather stations** to enhance weather forecasting and modeling
- Supporting the **installation of new high-definition cameras** in high fire-threat areas



NEW AND ENHANCED SAFETY MEASURES

- Further enhancing vegetation management efforts to **increase focus on vegetation that poses a higher potential for wildfire risk**
- **Conducting accelerated safety inspections** of electric infrastructure in high fire-threat areas
- **Disabling automatic reclosing of circuit breakers and reclosers** in high fire-risk areas during wildfire season
- **Proactively turning off electric power for safety (Public Safety Power Shutoff)** when gusty winds and dry conditions combine with a heightened fire risk



SYSTEM HARDENING AND RESILIENCY

- Installing **stronger and more resilient poles and covered power lines**, along with **targeted undergrounding**
- **Upgrading and replacing electric equipment and infrastructure** to further reduce wildfire risks
- **Working with communities to develop new resilience zones** to provide electricity to central community resources during a Public Safety Power Shutoff event



CPUC High Fire-Threat District Map - El Cerrito



3

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



Real-Time Monitoring and Intelligence

MONITORING wildfire risks in real time from our
24/7 Wildfire Safety
Operations Center
and coordinating **prevention and response efforts**

.....

INSTALLING

~1,300 new weather
stations by 2022

Data available at mesowest.utah.edu

.....

SUPPORTING the installation of

~600 high-definition
cameras by 2022

Images available at alertwildfire.org



WILDFIRE SAFETY OPERATIONS CENTER



WEATHER STATION INSTALLATION

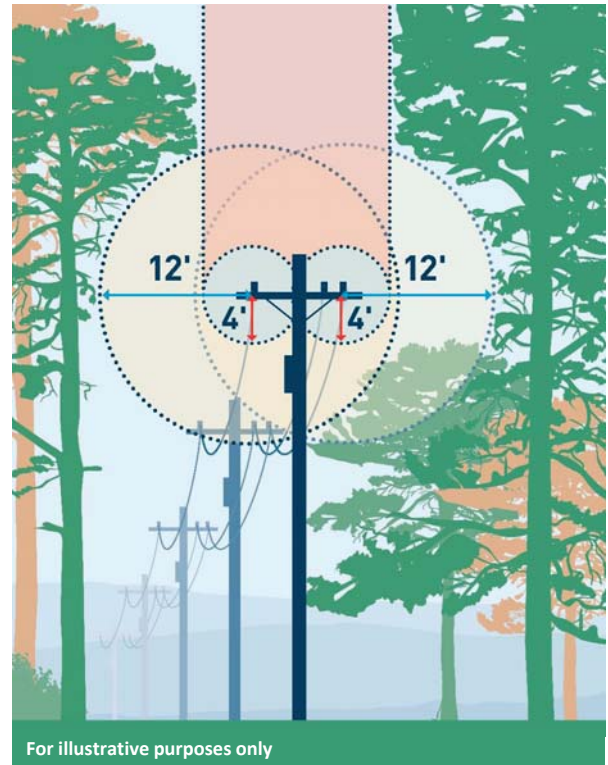
4

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.

Enhanced Vegetation Management

We are **expanding and enhancing our Vegetation Management program** to further reduce wildfire risk

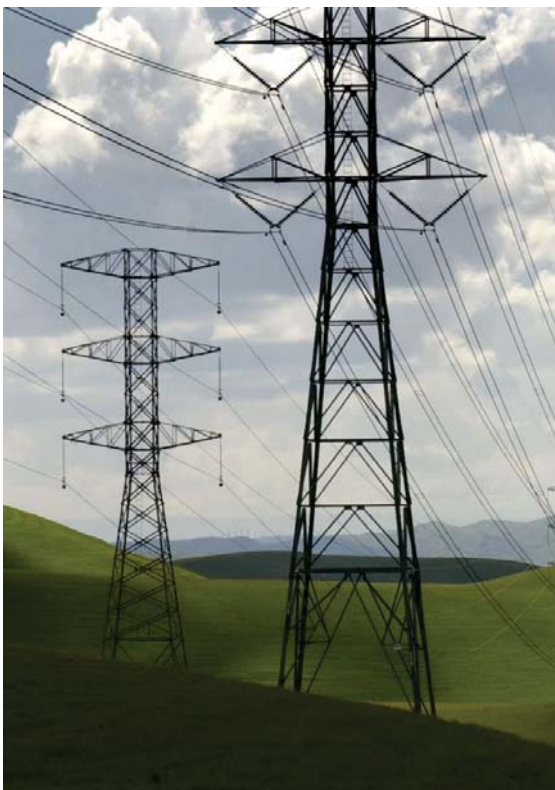
- Our enhanced vegetation management work includes the following:
 - ☑ **Meeting and exceeding state standards** for minimum clearances around the power line
 - ☑ **Addressing overhanging limbs and branches** directly above and around the lines
 - ☑ **Removing dead and dying trees** as well as specific tree species that have more frequently fallen into PG&E lines and caused an ignition
- We are working to complete this important safety work **in high fire-threat areas** over the next several years



5

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.

Wildfire Safety Inspections



As part of our enhanced wildfire safety efforts, implemented following the 2017 and 2018 wildfires as additional precautionary measures intended to further reduce wildfire risks, **we are conducting accelerated safety inspections of electric infrastructure in areas of higher wildfire risk (Tier 2 and Tier 3).**

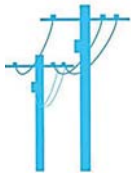
- **We are conducting comprehensive inspections of electric towers and poles** through visual and aerial inspections.
- This work is being done as part of our Community Wildfire Safety Program, and is **in addition to our routine inspections and maintenance** programs.
- We are inspecting **substations and transmission and distribution lines** in high fire-threat areas.

6

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



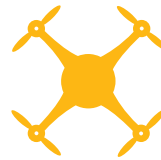
Inspections Overview



Accelerated inspections of transmission and distribution poles and towers as well as substations in high fire-threat areas



Visual inspections (ground and/or climbing) performed by crews of up to four people



Aerial inspections by drones to complement and further enhance inspections



Helicopters for inspections and to deliver crews to remote locations

We are taking action right away to address any immediate risk to public safety found during the accelerated inspections

7

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



Electric System Maintenance and Repairs

We will **evaluate inspection results to determine repair needs and associated timing**. If any issues are found during the accelerated inspections that pose an immediate risk to public safety, **we are taking action right away to address the issue**.



- When inspections determine that repairs are needed, but **there is not an immediate safety risk, we will follow our preventative maintenance procedures, consistent with state guidelines** for high fire-threat areas.
- **Repairs will depend on what we observe in the field but could range** from installing new signs or electrical components to replacing poles or towers.
- Where possible, **we will bundle work to minimize customer impact**, particularly if we need to de-energize the line to safely complete the repairs.

8

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



System Hardening and Resiliency

Installing stronger and more resilient poles and covered power lines across approximately 7,100 line miles of highest fire-risk areas

.....

Replacing equipment to further reduce risk to our system and tailoring upgrades based on terrain and weather conditions using more granular analysis of fire-prone regions

.....

Piloting new resilience zones to allow PG&E to provide electricity to central community resources serving local customers during a Public Safety Power Shutoff (PSPS) event



9

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



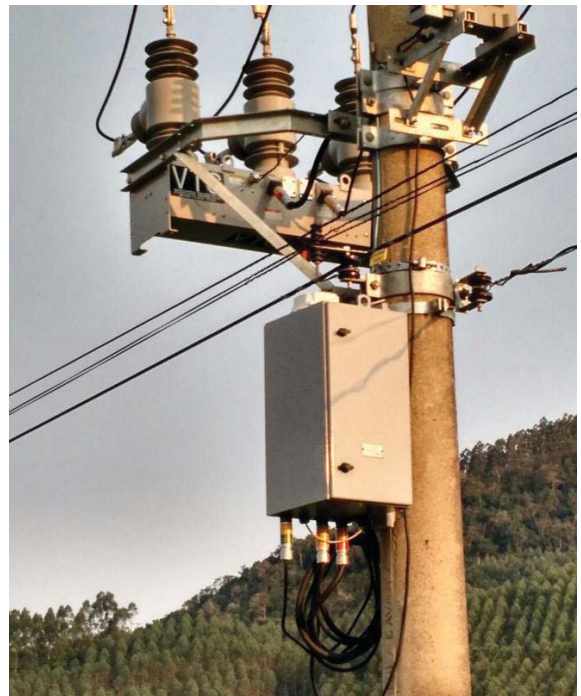
Additional Safety Measures

To further reduce the risk of wildfires, we are **disabling automatic reclosing of circuit breakers and reclosers** on lines in high fire-risk areas during wildfire season.

Where we have remote control capability, we **disable reclosing based on a daily decision-making process during times of elevated risk.**

ENABLED
450 reclosing devices with remote capabilities in **2018**

WORKING to enable nearly
300 additional reclosing devices with remote capabilities in advance of the **2019 wildfire season**



10

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.

Public Safety Power Shutoff (PSPS)

We **monitor conditions** across our system and evaluate whether to proactively turn off electric lines for safety **when gusty winds and dry conditions combine with a heightened fire risk.**

While no single factor will drive a Public Safety Power Shutoff, some factors include:



A RED FLAG WARNING

declared by the National Weather Service



LOW HUMIDITY LEVELS

generally 20% and below



FORECASTED SUSTAINED WINDS GENERALLY ABOVE 25 MPH AND WIND GUSTS IN EXCESS OF APPROXIMATELY 45 MPH,

depending on location and site-specific conditions such as temperature, terrain and local climate



CONDITION OF DRY FUEL

on the ground and live vegetation (moisture content)



ON-THE-GROUND, REAL-TIME OBSERVATIONS

from PG&E's Wildfire Safety Operations Center and field observations from PG&E crews

11

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.

Public Safety Power Shutoff (PSPS)



Source: California Public Utilities Commission

- Beginning with the 2019 wildfire season, we are expanding our Public Safety Power Shutoff program to include **all electric lines that pass through high fire-threat areas – both distribution and transmission.**
- The most likely electric lines to be considered for shutting off for safety will be those that pass through **areas that have been designated by the CPUC as at elevated (Tier 2) or extreme (Tier 3) risk for wildfire.**
- Because the energy system **relies on power lines working together** to provide electricity, **any of PG&E's more than 5 million electric customers could have their power shut off.**

12

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



PSPS Event Notifications

Extreme weather threats can change quickly. **Our goal, dependent on weather, is to provide customers with advance notice prior to turning off power.** We will also provide updates until power is restored.

Timing of Notifications (when possible)

-  **~48 HOURS** before electricity is turned off
-  **~24 HOURS** before electricity is turned off
-  **JUST BEFORE** electricity is turned off
-  **DURING THE PUBLIC SAFETY OUTAGE**
-  **ONCE POWER HAS BEEN RESTORED**

City/County/Agency Notifications



We will make every attempt to provide notice in advance of notifying customers through:

- **Phone calls/emails** to primary contacts
- **Automated notifications** to send alerts through multiple channels
- **Provide customer alerts** to share via channels, such as city or county website, Nixle, Nextdoor and Reverse 911

Customer Notifications

We will attempt to reach customers through **calls, texts and emails**. We will also use **social media** and keep **local news** and **radio outlets** informed and updated.

13

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



Working to Restore Power

We will only restore power when we are certain it is safe to do so. We expect to be able to visually inspect the system for damage and restore power to most of our customers within 24 to 48 hours after extreme weather has passed.



WEATHER ALL CLEAR

After the extreme weather has passed and it's safe to do so, our crews begin patrols and inspections.



PATROL & INSPECT

Crews **visually inspect** our electric system to **look for potential weather-related damage to the lines, poles and towers**. This is done by vehicle, foot and air during daylight hours.



ISOLATE & REPAIR DAMAGE

Where damage is found, **crews work to isolate the area** so other parts of the system can be restored. Crews **work safely and as quickly as possible** to make repairs.



RESTORE POWER

Once it is safe to energize, a **call is made to the PG&E Control Center** to complete the energization process. **Power is then restored to customers.**



NOTIFY CUSTOMERS

Customers are **notified that power has been restored.**

Because extreme weather can last several hours or days, for planning purposes, we suggest **customers prepare for outages that could last longer than 48 hours.**

14

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



Working With Our Customers to Prepare



Reaching out to approximately 5 million customers and asking them to update their contact info at pge.com/mywildfirealerts



Holding answer centers and open houses (as needed) in advance of and during wildfire season



Mailing postcards to customers that do not have contact information on file



Providing tenant education kits to Master Meter customers



Conducting additional outreach to customers in high fire-threat areas through direct mail, preparedness checklist and email campaign



Placing calls and doing additional outreach to Medical Baseline and Medical Baseline-eligible customers in high fire-threat areas



Launching broad public safety advertising campaign



Continuing to share information through pge.com/wildfiresafety



Partnering with community leaders, first responders and public safety authorities around PSPS preparedness and coordination



Engaging with organizations for our customers who have specific needs to explore ways we can partner

15

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.



Learn More

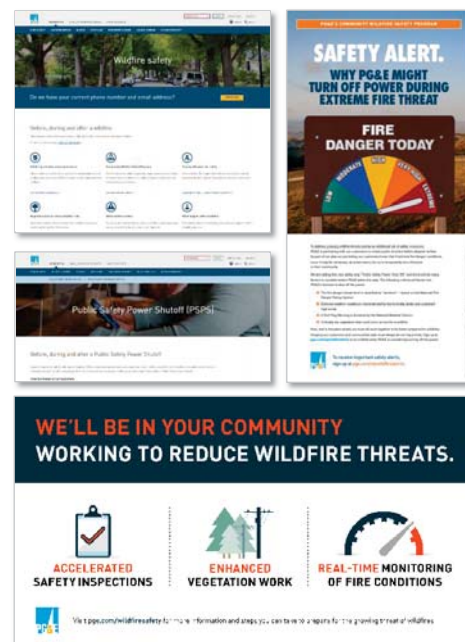
We welcome your feedback and input

For questions regarding PG&E's Community Wildfire Safety Program, please direct customers with questions to:

- Call us at **1-866-743-6589**
- Email us at wildfiresafety@pge.com
- Visit pge.com/wildfiresafety



As a critical partner in emergency response, we want to notify you about a potential Public Safety Power Shutoff in your area, when possible. Please provide the best phone numbers and email addresses for your organization.



16

Following the wildfires in 2017 and 2018, some of the changes included in this presentation are contemplated as additional precautionary measures intended to further reduce future wildfire risk.

Community Wildfire Safety Program

Visit pge.com/wildfiresafety for more information



Given the continued and growing threat of extreme weather and wildfires, as seen in 2017 and 2018, we are **enhancing and expanding our Community Wildfire Safety Program** as an additional precautionary measure to further reduce wildfire risks and **help keep our customers and the communities we serve safe**. The following is an overview of our ongoing and expanded wildfire safety actions.

New and Enhanced Safety Measures

- **Further enhancing vegetation management efforts** to increase focus on addressing overhanging limbs and branches, dead and dying trees as well as certain species that pose an increased potential risk of falling into power lines.
- **Conducting accelerated safety inspections of electric towers and poles** from top to bottom through ground, climbing, drone or helicopter inspections. This is in addition to our routine inspections and maintenance programs.
- **Disabling automatic reclosing of circuit breakers and reclosers** on lines in high fire-risk areas during wildfire season.
- **Proactively turning off electric power for safety when extreme weather and fire danger conditions are forecasted (Public Safety Power Shutoff)**, and helping customers prepare by providing early warning notification when possible.

Do You Have a Plan to Stay Safe During Wildfires?

The threat of extreme weather and wildfires continues to grow. Below are some steps to help keep you, your family and your home safe.



UPDATE YOUR CONTACT INFORMATION by visiting pge.com/mywildfirealerts



PREPARE & PRACTICE

a plan to make sure everyone in your home knows what to do during an emergency



BUILD OR RESTOCK

your emergency kit with supplies to last a week and plan for medications that need refrigeration or medical devices that require power



MAINTAIN DEFENSIBLE SPACE

around your home by regularly trimming bushes and trees. Visit readyforwildfire.org for more tips and information.

Real-Time Monitoring and Intelligence

- **Coordinating prevention and response efforts** by monitoring wildfire risks in real time from our **Wildfire Safety Operations Center**.
- **Adding approximately 1,300 new PG&E weather stations by 2022** to enhance weather forecasting and modeling; real-time data available at mesowest.utah.edu.
- **Installing nearly 600 high-definition cameras** in high fire-threat areas by 2022, increasing coverage across high fire-risk areas to more than 90 percent; current images available at alertwildfire.org.



System Hardening and Resiliency

- **Installing stronger and more resilient poles and covered power lines** across approximately 7,100 line miles of highest fire-risk areas over the next 10 years.
- **Replacing equipment to further reduce wildfire risks and tailoring upgrades** based on terrain, weather conditions and analysis of fire-prone regions.
- **Piloting new resilience zones** to allow PG&E to provide electricity to central community resources during a Public Safety Power Shutoff event.



Learn More

For the latest on PG&E's wildfire safety efforts, including tips to help you prepare for wildfire season, please visit pge.com/wildfiresafety. To learn more about how you and your family can prepare for a Public Safety Power Shutoff, please visit prepareforpowerdown.com.



Given the growing threat of extreme weather and fire danger, we want all of our customers to be prepared for potential power outages. Below please find details outlining what we are doing to help customers prepare and stay safe, and what customers can expect during a Public Safety Power Shutoff (PSPS) event.

Preparing for a Public Safety Power Shutoff

■ Direct Customer Outreach

Reaching out to all of our more than 5 million electric customers through direct mail, preparedness checklists and a broad email campaign to help them prepare and ask them to update their contact info at pge.com/mywildfirealerts.

■ Medical Baseline Outreach

Placing calls and doing additional outreach to **Medical Baseline** and **Medical Baseline-eligible** customers in high fire-threat areas.

■ Broad Advertising Campaign

Launching a broad public safety advertising campaign to help encourage emergency and wildfire safety preparedness.

■ City, County and Agency Outreach

Partnering with community leaders, first responders, public safety authorities and tribal leaders around Public Safety Power Shutoff preparedness and coordination.

■ Open Houses/Webinars

Hosting a series of regional open houses throughout our service area and online webinars about the Community Wildfire Safety Program, including potential public safety outages.

■ Tenant Education

Providing tenant education kits to reach customers who may receive power from PG&E but do not have PG&E accounts (e.g., renters, master-metered/mobile home park tenants).

■ Outreach to Large Commercial and Industrial Customers

Completed personal outreach to all large commercial and industrial customers to identify key contacts during a PSPS event and raise awareness on backup generation options. Hosting industry-specific webinars and meeting with major industry groups and trade associations.

2019 By the Numbers

60% CUSTOMER AWARENESS OF PSPS

CUSTOMER CONTACT INFO

~5.4M

TOTAL ELECTRIC CUSTOMER ACCOUNTS

~194,000

MEDICAL BASELINE CUSTOMER ACCOUNTS

95%
PHONE
ON FILE

60%
EMAIL
ON FILE

99.9%
CONTACT INFORMATION
ON FILE

SOURCE: PG&E'S 10-K REPORT
(ANNUAL AVERAGE IN 2018)

~168,000 TOTAL CUSTOMER CONTACT INFO UPDATES

CITY/COUNTY OUTREACH

479 MEETINGS COMPLETED

with cities, counties, agencies, first responders and participation in community events

287

OUT OF 287 CITIES/COUNTIES INFORMED about CWSP and PSPS

MAIL/EMAIL SENT

14.5M+

PSPS-RELATED DIRECT MAIL PIECES

7M+

PSPS-RELATED EMAILS (avg. open rate **28.49%**)

OPEN HOUSES/WEBINARS/ AGENCY WORKSHOPS

8 OUT OF 23 OPEN HOUSES COMPLETE

~1,100 total attendees

5 OUT OF 13 AGENCY WORKSHOPS COMPLETE

~350 total attendees

WEBSITE HITS (SINCE MARCH 2019)

WILDFIRE SAFETY
~331,000
ALL TRAFFIC

WILDFIRE ALERTS
~140,000
ALL TRAFFIC

BACKUP GENERATION
~2,400
ALL TRAFFIC

What customers can expect:

■ Early Warning Notification

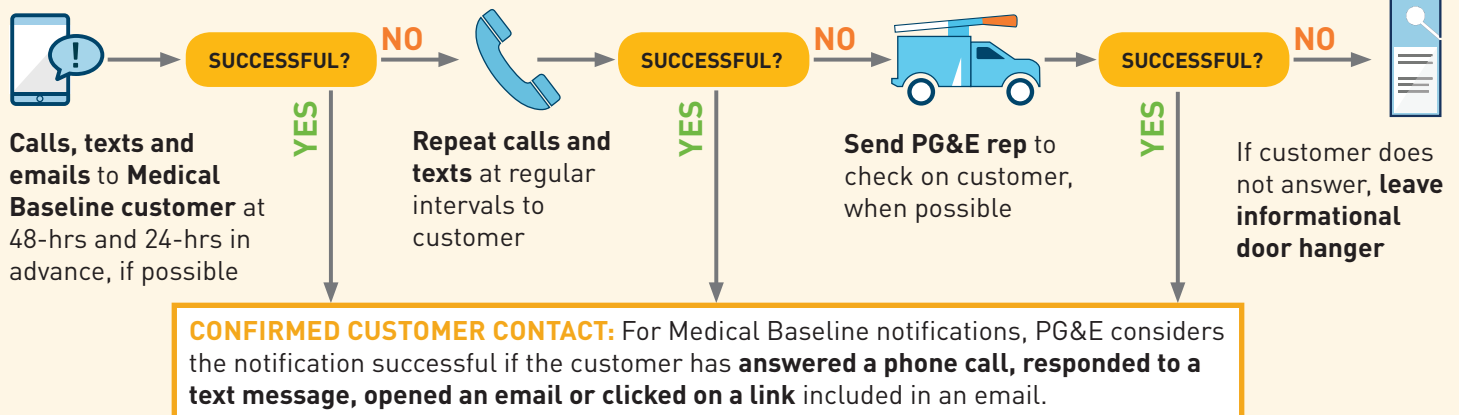
Our goal, dependent on weather, is to **send customer alerts** at **48 hours, 24 hours and just prior to shutting off power**. We will do so through automated calls, texts and emails.

■ Ongoing Updates

In addition to notifying customers directly, we will provide outage updates and information through **social media, local news and radio**. You can also visit **pge.com** for real-time updates, including outage maps and estimated restoration times.



What Medical Baseline Customers Can Expect



PG&E rep will notify customer of Public Safety Power Shutoff and encourage them to spend time with a friend or family member, if needed. If customer is experiencing a medical emergency, PG&E rep will offer to dial 911 and wait with the customer until emergency services arrive.

Additional Resources

■ Community Resource Centers

PG&E is working to partner with cities and counties to establish Community Resource Centers that are designed to provide customers and residents a safe, energized location to meet their basic power needs (i.e., charging cell phones and laptops and Wi-Fi access where possible), and provide additional up-to-date information in neighborhoods and communities when a Public Safety Power Shutoff event occurs.



Oroville Community Resource Center: June 9, 2019

■ Backup Generation

We are also working to actively educate and inform customers about their backup generation options, safety tips and additional backup generation resources available. For more information on the options available to customers visit **pge.com/backupgeneration**.



AGENDA BILL

Agenda Item No. 6(A)

Date: July 16, 2019
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Civic Center Utility Underground District

ACTION REQUESTED

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

BACKGROUND

Pacific Gas and Electric (PG&E), under Electric Traffic Rule 20 filed with the California Public Utilities Commission (CPUC), annually allocates Work Credits to municipalities, either cities or unincorporated areas of counties, to convert overhead electric and telecommunication facilities to underground facilities. The recipient municipalities may either accumulate their allocations or borrow future undergrounding allocations for five years at most. These credits, known as Rule 20A Work Credits, enable the municipality and utility to work on qualified projects with the utility responsible for the planning, design, and construction aspects of removing overhead infrastructure and placement in an underground trench. The utility is compensated for project costs by collecting the municipality's accumulated credits and, once the project is completed, including them in subsequent general rate cases so that the electric rates charged to all customers within their service territory will cover the submitted Rule 20A expenses.

Qualified projects for use of Rule 20A funds cover placing utilities underground in areas frequented by a large part of the public including pedestrian and vehicle traffic, such as along commercial zones and arterial streets, or areas adjacent to parks, civic areas or scenic areas, and are typically considered in conjunction with major improvement projects. There is also some financial participation required of the private property owners for all or a portion of electrical service panel conversions, as well as a municipality to replace joint utility poles with new street light poles and any required easements for above-ground facilities. PG&E places underground each year approximately 30 miles of overhead electric facilities within its service area. Projects performed under Rule 20A are nominated by a municipality and discussed with PG&E, as well as other utilities. The Rule 20A program in its entirety is attached.

In May, the City received a notice from PG&E regarding the reallocation of Rule 20A Work Credits to fund an undergrounding project in the City of Live Oak (located in Sutter County). The CPUC passed Resolution E-4971 on April 25, 2019 ordering PG&E to reallocate \$554,000 of unused Work Credits from municipalities that have not participated in the Rule 20A program over the past eight years to the City of Live Oak, which requested to borrow beyond the 5-year limit for their Rule 20A project and was denied. This potential

reallocation affects 92 municipalities in California. CPUC Resolution E-4971 allows municipalities to become active (and avoid reallocation of their Rule 20A Work Credits) by forming an undergrounding district within 90 days of the resolution's effective date (i.e., by July 25, 2019). In order to establish an active Rule 20A project, the City of El Cerrito must identify an undergrounding project that is in the public interest and pass a resolution forming an underground utility district.

The last utility undergrounding project completed by the City of El Cerrito under the Rule 20A program was in 2003-04. The City Council established the Fairmount Avenue West Underground Utility District (Resolution 2000-58) and undergrounding was done as part of the Fairmount Avenue Streetscape Project that was funded by several federal and state grants and local City funds. Since then, some utility undergrounding has occurred with development activity in El Cerrito but not under the Rule 20A program. As of March 31, 2019, the City has 2,620,596 available in funding as Work Credits through the Rule 20A program. Of this amount, PG&E currently estimates that 9,023 or approximately 0.34% could be reallocated since the City of El Cerrito has not been active in the past eight years. The number of credits subject to reallocation would increase if additional municipalities become active and the City of El Cerrito does not.

ANALYSIS

Given the immediate action required by the CPUC, City staff has identified the Civic Center Underground Utility District Project (Project) to preserve El Cerrito's Rule 20A Work Credits. Pursuant to Chapter 14.08 of the El Cerrito Municipal Code, the Civic Center Underground Utility District (District) is proposed along Manila Avenue from San Pablo Avenue to Richmond Street and Kearney Street from Manila Avenue to Schmidt Lane as shown in the attached Resolution, Exhibit A – Boundary Map. Undergrounding of electrical and telecommunication utilities in this District is in the general public interest because these streets pass through a civic area providing access to and from the El Cerrito City Hall, Public Safety Building (housing the Police Department and Fire Station 71), and a California Department of Motor Vehicles office location. Manila Avenue is also a collector street.

Given PG&E's years-long queue of Rule 20A projects and its other priorities, there is no required timeline for completion of the Project and City staff does not anticipate the Project will move forward in the foreseeable future. As a result, City staff has not developed a timeline or determined the full costs for the Project. The City can amend a district at any time as well as reprioritize projects. This may be prudent to secure and leverage outside grants for projects identified in City-adopted plans, such as the Active Transportation Plan, and as was previously done for the Fairmount Streetscape Project described above. Several other neighborhoods have also expressed interest in undergrounding, and there are several other arterial and collector streets, which serve as emergency response routes and pedestrian routes, that continue to have overhead utilities. As funding opportunities arise, City staff will re-evaluate the undergrounding projects and priorities and bring them to City Council for consideration as necessary.

If the Project moves forward, City staff would develop a timeline for design and construction, estimate the full costs, provide property owners with proper notice of the Project terms and hold additional public meetings to discuss property owner responsibilities. PG&E would replace its existing overhead electric facilities with underground electric facilities along the public streets within the Civic Center Underground Utility District. Upon request by the City, PG&E would pay from the City's Work Credits for: 1) the installation of no more than 100 feet of each customer's underground electric service lateral connection occasioned by the undergrounding and 2) the conversion of electric service panels to accept underground service, up to \$1,500 per service entrance, excluding permit fees. For the majority of properties, the 100 feet distance would cover the installation of underground conduits from the property line to the electric panel. Any remaining costs would be paid by the individual property owner.

The establishment of the District requires that the City hold a public hearing to determine whether the public necessity, health, safety, or welfare requires the converting poles, overhead wires and associated structures within the designated area to underground facilities. The public hearing and establishment of the District need to take place by July 25, 2019 for the City to comply with the CPUC resolution.

STRATEGIC PLAN CONSIDERATIONS

Establishment of the District and preserving El Cerrito's Rule 20A Work Credits is consistent with El Cerrito Strategic Plan Goal B – Achieve long-term financial sustainability by maintaining external funding sources.

ENVIRONMENTAL CONSIDERATIONS

The Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15302 (d) because the Project is replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. More specifically, conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines, where the surface is restored to the condition existing prior to the undergrounding, is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The requested action will have no direct fiscal impact on the City, but will allow the City to preserve 2,620,596 available in funding as PG&E Rule 20A Work Credits. PG&E has indicated that the current planning level cost for an undergrounding project is \$1,150 per foot of distribution line, so the current credits would cover approximately 2,280 feet (0.43 mile) of undergrounding and would need to consider other costs as indicated above.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and Resolution, and found that legal considerations have been addressed. Notification of this public hearing was completed in accordance with El Cerrito Municipal Code. Notice was physically posted on July 5, 2019 and published in the West County Times on July 6, 2019. Additionally, a notice was mailed to all affected property owners and concerned utilities on July 3, 2019.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution
Exhibit A: Boundary Map
2. PG&E Electric Rule 20A Program

RESOLUTION 2019-XX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ESTABLISHING
THE CIVIC CENTER UTILITY UNDERGROUND DISTRICT**

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20; and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground; and

WHEREAS, the City of El Cerrito, has adopted El Cerrito Municipal Code Chapter 14.08 (Ordinance 94-3, Division II) authorizing the City Council to designate areas within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, the City of El Cerrito has consulted with Pacific Gas & Electric (PG&E), the electric utility, and PG&E has agreed that the proposed underground conversion district, designated the Civic Center Underground Utility District and more particularly described in Exhibit A attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit, that the street adjoins and passes through a civic area and that Manila Avenue is designated a collector street in the El Cerrito General Plan; and

WHEREAS, each year the City of El Cerrito is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations; and

WHEREAS, the City of El Cerrito has consulted with PG&E and determined that the City has accumulated Rule 20A work credits to complete the proposed overhead to underground conversion project, and

WHEREAS, the proposed Civic Center Underground Utility District is categorically exempt from environmental review pursuant Section 15302(d) of the California Environmental Quality Act, and

WHEREAS, Section 14.08.020 of the El Cerrito Municipal Code requires that a public hearing be conducted to consider creating an underground utility district and that all affected property owners within the district be notified. Notice of such hearing was provided to all affected property owners and to all affected utilities concerned in the manner and for the time required; and

WHEREAS, a public hearing was conducted on July 16, 2019 at to ascertain whether public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within the Civic Center Underground Utility District;

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

Section 1. The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights, traffic signals or trolley lines], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit A, attached hereto, with such area being designated as the Civic Center Underground Utility District; and

Section 2. That, on agreement with and direction by the City, the utility companies, cable television services and other affected services shall commence work on installation of underground facility installation in the Civic Center Underground Utility District. Such agreement and direction will occur when PG&E notifies the City regarding the timeline for developing projects in the Rule 20A queue. As the project moves forward, all fronting property owners shall be notified by first class letter of a public meeting to discuss the terms, including estimated costs and schedule, of the conversion from overhead to underground utility facilities; and

Section 3. The electric utility upon request by the City shall use the underground conversion allocation computed pursuant to decisions of the California Public Utilities Commission for the purpose of providing to each premises requiring it in El Cerrito Underground Utility District a maximum of one hundred feet of individual electric service trenching and conductor (as well as backfill, paving and conduit, if required) and each other serving utility shall provide service trenching and conductor in accordance with its rules and tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City of El Cerrito; and

Section 4. The electric utility upon request by the City shall use said underground conversion allowance allocation, up to a maximum amount of \$1,500 per service entrance excluding permit fees, for the conversion of electric service panels to accept underground service in the Civic Center Underground Utility District, and each property owner shall be financially responsible for any and all costs not covered by the electric utility for the installation and maintenance of the conduit and termination box located on, under or within any structure on the premises served; and

Section 5. That upon notification as specified in Section 2, all property owners in the Civic Center Underground Utility District shall have underground electrical entrance facilities installed and inspected pursuant to the California Electrical Code within sixty (60) days and that should any property owner fail to install satisfactory underground electrical entrance facilities by the date specified in the notice, the electric utility shall notify the Director of Public Works who shall, within thirty (30) days direct the electric utility in writing to discontinue electrical service to the property, without recourse, pursuant to Rule 11 until electrical entrance facilities are ready to accept underground electrical conductors and have passed the necessary inspection requirements; and

Section 6. That once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in the Civic Center Underground Utility District, within a reasonable period of time after completed conversion.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within the district created by this resolution of the adoption thereof within ten days after the effective date of this resolution pursuant to El Cerrito Municipal Code Section 14.08.070.

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

I CERTIFY that at a regular meeting on July 16, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

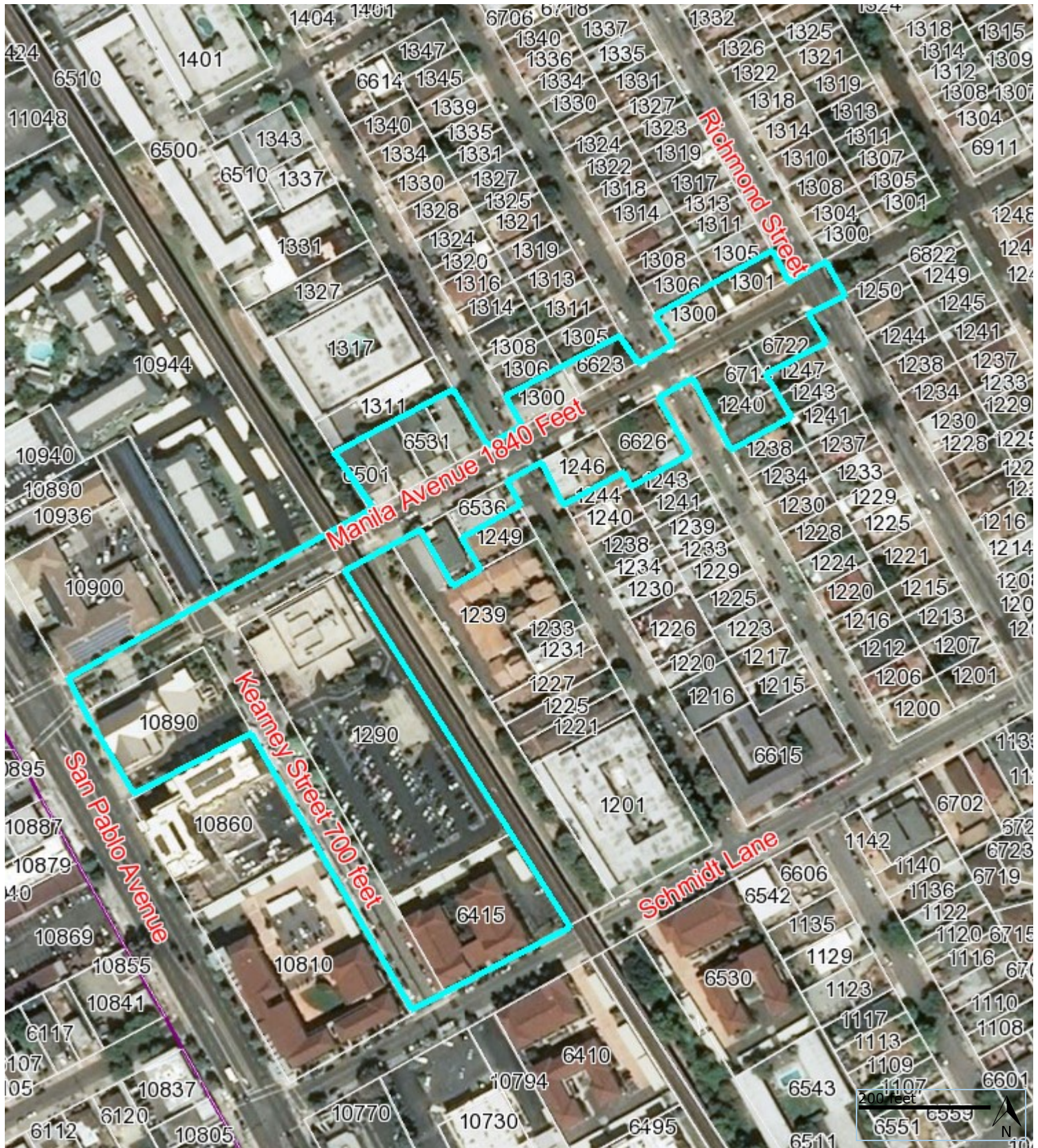
AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

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

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



**PROPOSED CIVIC CENTER
 UNDERGROUND
 UTILITY DISTRICT BOUNDARY MAP
 JULY 2, 2019
 SCALE: 1"=200'**

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ELECTRIC RULE NO. 20

Sheet 1

REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

A. PG&E will, at its expense, replace its existing overhead electric facilities with underground electric facilities along public streets and roads, and on public lands and private property across which rights-of-ways satisfactory to PG&E have been obtained by PG&E, provided that:

1. The governing body of the city or county in which such electric facilities are and will be located has:

a. Determined, after consultation with PG&E and after holding public hearings on the subject, that such undergrounding is in the general public interest for one or more of the following reasons:

- 1) Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
- 2) The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
- 3) The street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; and
- 4) The street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines.

b. Adopted an ordinance creating an underground district in the area in which both the existing and new facilities are and will be located requiring, among other things, (1) that all existing overhead communication and electric distribution facilities in such district shall be removed, (2) that each property served from such electric overhead facilities shall have installed in accordance with PG&E's rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of PG&E as soon as it is available, and (3) authorizing PG&E to discontinue its overhead service.

c. Acknowledged that wheelchair access is in the public interest and will be considered as a basis for defining the boundaries of projects that otherwise qualify for Rule 20A under the existing criteria set forth in Section A(1)(a) above.

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(N)

(Continued)

Advice 3860-E
Decision

Issued by
Brian K. Cherry
Vice President
Regulation and Rates

Date Filed
Effective
Resolution

June 13, 2011
July 13, 2011



ELECTRIC RULE NO. 20

Sheet 2

REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

A. (Cont'd.)

2. PG&E's total annual amount of work credits for undergrounding, as authorized by the California Public Utilities Commission, shall be allocated to cities or the unincorporated area of any county as follows:
 - a. Fifty percent of the total authorized amount shall be allocated in the same ratio that the number of overhead meters in any city or unincorporated area of any county bears to the total system overhead meters; and

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 - b. Fifty percent of the total authorized amount shall be allocated in the same ratio that the total number of meters in any city or unincorporated area of any county bears to the total system meters.

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 - c. Upon request by a city or county, the amounts allocated may be exceeded for each city or county by an amount up to a maximum of five years' allocation at then-current levels where PG&E establishes additional participation on a project is warranted and resources are available. Such allocated amounts may be carried over for a reasonable period of time in communities with active undergrounding programs. In order to qualify as a community with an active undergrounding program the governing body must have adopted an ordinance or ordinances creating an underground district and/or districts as set forth in Section A.1.b. of this Rule. Where there is a carry-over or additional requested participation, as discussed above, PG&E has the right to set, as determined by its capability, reasonable limits on the rate of performance of the work to be financed by the funds carried over. When amounts are not expended or carried over for the community to which they are initially allocated they shall be assigned when additional participation on a project is warranted or be reallocated to communities with active undergrounding programs.

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Advice 5085-E-A
Decision 11-05-018, 14-08-032 and 17-05-013

Issued by
Robert S. Kenney
Vice President, Regulatory Affairs

Date Filed
Effective
Resolution

October 11, 2017
November 13, 2017



San Francisco, California

Attachment 2

Cal. P.U.C. Sheet No. 41083-E
Cal. P.U.C. Sheet No. 16665-E

Sheet 3

A. (Cont'd.)

3. The undergrounding extends for a minimum distance of one block or 600 feet, whichever is the lesser.

Upon request of the governing body, PG&E will pay from the existing allocation of that entity for:

The installation of no more than 100 feet of each customer's underground electric service lateral occasioned by the undergrounding.

The conversion of electric service panels to accept underground service, up to \$1,500 per service entrance, excluding permit fees.

The governing body may establish a smaller footage allowance, or may limit the amount of money to be expended on a single customer's electric service, or the total amount to be expended on all electric service installations in a particular project.

$$\begin{array}{c} (L) \\ | \\ | \\ | \\ | \\ | \\ | \\ | \\ | \\ | \\ | \\ | \\ (L) \end{array}$$

(Continued)

<i>Advice</i>	5085-E-A
<i>Decision</i>	11-05-018, 14-08-032 and 17-05-013

Issued by
Robert S. Kenney
Vice President, Regulatory Affairs

<i>Date Filed</i>	<u>October 11, 2017</u>
<i>Effective</i>	<u>November 13, 2017</u>
<i>Resolution</i>	



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**Pacific Gas and
Electric Company®**

San Francisco, California

Agenda Item No. 6(A)**Attachment 2**Revised
Cancelling RevisedCal. P.U.C. Sheet No. 41084-E
Cal. P.U.C. Sheet No. 15611-E**ELECTRIC RULE NO. 20**

Sheet 4

REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

- B. In circumstances other than those covered by A above, PG&E will replace its existing overhead electric facilities with underground electric facilities along public streets and roads or other locations mutually agreed upon when requested by an applicant or applicants when all of the following conditions are met: (L)
1. a. All property owners served from the overhead facilities to be removed first agree in writing to have the wiring changes made on their premises so that service may be furnished from the underground distribution system in accordance with PG&E's rules and that PG&E may discontinue its overhead service upon completion of the underground facilities; or
 - b. Suitable legislation is in effect requiring such necessary wiring changes to be made and authorizing PG&E to discontinue its overhead service.
 2. The applicant has:
 - a. Furnished and installed the pads and vaults for transformers and associated equipment, conduits, ducts, boxes, pole bases and performed other work related to structures and substructures including breaking of pavement, trenching, backfilling, and repaving required in connection with the installation of the underground system, all in accordance with PG&E's specifications, or, in lieu thereof, paid PG&E to do so;
 - b. Transferred ownership of such facilities, in good condition, to PG&E; and
 - c. Paid a nonrefundable sum equal to the excess, if any, of the estimated costs, of completing the underground system and building a new equivalent overhead system.
 3. The area to be undergrounded includes both sides of a street for at least one block or 600 feet, whichever is the lesser, and all existing overhead communication and electric distribution facilities within the area will be removed. (L)

(Continued)

Advice 5085-E-A
Decision 11-05-018, 14-08-032 and 17-05-013

Issued by
Robert S. Kenney
Vice President, Regulatory Affairs

Date Filed
Effective
Resolution

October 11, 2017
November 13, 2017



ELECTRIC RULE NO. 20

Sheet 5

REPLACEMENT OF OVERHEAD WITH UNDERGROUND ELECTRIC FACILITIES

B. (Cont'd)

4. PG&E may, when requested by the city or county and mutually agreed upon by such government entity and PG&E, initially fund any required engineering/design costs for conversion projects under this section. In the event such a project proceeds, the requesting city or county shall reimburse PG&E for such engineering/design costs before PG&E shall be required to commence further work on the project. In the event the project is not approved to proceed within two and one-half years of PG&E's delivery of such engineering/design study, the requesting city or county shall reimburse PG&E for its costs of such engineering/design study within 90 days of a demand by PG&E. In the event payment is not received PG&E shall expense such costs as an operational cost and shall reduce the city or county's allocations provided under Section A of this Schedule by the amount.

5. The costs of removal of the overhead poles, lines, and facilities are the responsibility of PG&E and will be paid by PG&E. Such payments shall not operate to reduce Rule 20-A allocations.

- C. In circumstances other than those covered by A or B above, when mutually agreed upon by PG&E and an applicant, overhead electric facilities may be replaced with underground electric facilities, provided the applicant requesting the change pays, in advance, a nonrefundable sum equal to the estimated cost of the underground facilities less the estimated net salvage value and depreciation of the replaced overhead facilities. Underground services will be installed and maintained as provided in PG&E's rules applicable thereto.

- D. The term "underground electric system" means an electric system with all wires installed underground, except those wires in surface mounted equipment enclosures.



AGENDA BILL

Agenda Item No. 6(B)

Date: July 11, 2019
To: El Cerrito City Council
From: David R. Gibson, Fire Marshal
Michael Pigoni, Fire Chief
Subject: Public Hearing for Fire Hazard Abatement

ACTION REQUESTED

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

BACKGROUND

One of the lessons learned from the nearby Oakland/Berkeley Hills Fire in October 1991 was that El Cerrito needed a comprehensive citywide program to reduce hill area fire hazards. The "fire storm" in the Oakland/Berkeley Hills was in fact an urban conflagration, fueled by vegetation among homes and large acreage properties that was driven by seasonally strong dry winds from the east. The fire destroyed over 3,000 dwellings. At the time of the Oakland/Berkeley Hills Fire, El Cerrito faced similar fire hazard conditions in its hill area. The City Council was determined to reduce those fire hazards by all reasonable means.

El Cerrito's comprehensive fire hazard reduction program focused upon reducing fire hazards in four areas: (1) on City property, (2) on property owned by other agencies, (3) large landowners, and (4) on residential property. The City began a comprehensive planning process to reduce fire hazards on City property, other agencies' properties and large landholders. These property owners were approached about reducing fire hazards on their properties. Prior efforts at fire hazard reduction on private residential property relied on voluntary compliance by the owners. The City Council concluded that stronger measures were necessary to enforce the laws regarding abatement of fire hazards on residential private property.

The fire hazard abatement program is designed to reduce fire hazards on a large number of private properties during the spring and early summer months. A process of advance notice and hearings for property owners is coupled with a public education program involving the promulgation of standards for vegetation management in residents' yards and vacant lots. This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by creating a public nuisance and a fire hazard. Most

property owners voluntarily abate these hazards without Fire Department involvement. Ideally, 100% of the property owners would do so. We anticipate that a small number of owners are content to have the City do the work and place the costs on their tax bill.

For over 20 years, the City's annual fire hazard abatement program has been very successful in reducing fire hazards throughout the hill neighborhoods of El Cerrito. What started in 1992 as a program with over \$40,000 worth of abatement actions has been transformed into a program that required one (1) abatement action in 2018. All but one of the property owners voluntarily complied and cleared their own fire hazards. Indeed, this program has become a model program that other fire jurisdictions have borrowed from.

ANALYSIS

In May and June of this year, the Fire Department conducted citywide fire hazard inspections of all properties. The inspections began May 1 and were conducted through June 14. As a result of the primary inspections, a list of properties containing public nuisances was generated, which continues to be amended as additional properties are identified. Beginning on May 9, 2019, the properties determined to be in violation of El Cerrito Municipal Code Chapter 16.26 were notified in writing (Attachment 3) of the hazards on their property and to abate hazardous conditions and the El Cerrito Vegetation Management Standards were included (Attachment 4 and 5). Moreover, these property owners were informed in the Letter from the Fire Marshal (Attachment 3) of the time, date and location of the upcoming City Council meeting where their properties would be declared a public nuisance and abatement would be ordered. Property owners were directed to contact the El Cerrito Fire Department Fire Prevention Office once they had completed the necessary measures to bring their property into compliance. Additionally, property owners were directed to contact the El Cerrito Fire Department Fire Prevention Office for a free fire assessment should they not fully understand what measures were required to bring their property into compliance. Both re-inspections and fire assessments have been ongoing through July 16, 2019 and only those properties that were not voluntarily abated with the first notice are contained within the Master Abatement List, attached as Exhibit A to the Resolution.

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

The Fire Hazard Abatement process, under the direction of the Fire Department, should proceed according to El Cerrito Municipal Code Chapter 16.26.160, which specifies the following:

1. The Fire Department determines that hazards must be abated. Pursuant to these code sections, "hazards" are defined as weeds, rubbish, litter, or other flammable

materials which create a fire hazard or are otherwise noxious or dangerous and which exist on specific parcels of property within the City.

2. The Fire Department shall post notice on each property or send notice by mail that the El Cerrito Fire Department has determined the existence of a public nuisance which must be abated and that a hearing will be held to consider any objections prior to the Council declaring the properties to be a public nuisance and ordering the City Manager or his designee to perform abatement.
3. At the July 16, 2019 City Council meeting, the City Council shall first adopt a resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance (Attachment 1).
4. At the same hearing, but after adoption of the first resolution, the City Council shall hear and consider all objections to declaration of public nuisances or the procedures proposed for abatement of the same. After the hearing, the Council shall adopt a resolution Overriding Objections by Property Owners and Ordering the City Manager or Her Designee to Abate Certain Public Nuisances Pursuant to Chapter 16.26.160 (Attachment 2).
5. At the conclusion of the July 16, 2019 hearing, a second and final notice shall be sent to each property owner prior to abatement (Attachment 6). This notice will order the immediate abatement of nuisance conditions. This notice will clearly state that if nuisance conditions are ignored, the City shall cause abatement and costs for removal will be assessed against the property as a lien and special assessment. It will also indicate that if the conditions are voluntarily abated, the property shall be removed from the process.
6. If the nuisance is not abated between July 17, 2019 and August 16, 2019, prior to the arrival of the hazard abatement crew, the City of El Cerrito shall cause the weeds, rubbish, refuse, and other flammable material to be removed and shall keep an account of the cost of abatement for each parcel of land where such work is performed.
7. At the September 17, 2019 City Council Meeting the City Manager or her designee shall submit to the City Council for confirmation an itemized written report showing the cost of abatement work performed. A copy of this report shall be posted for at least ten (10) days prior to its submission to the City Council. Each property owner upon whose property abatement work was performed shall be sent written notice by mail of a hearing by the City Council to consider the cost of abatement work performed on their property.
8. At the City Council Meeting on September 17, 2019, the City Council shall receive and consider the written staff report on abatement actions taken by the City and shall hear any objections from the property owners liable to be assessed

for the abatement. The City Council may modify the staff report if deemed appropriate and then confirm the report by motion or resolution.

9. After City Council confirmation of the report, a certified copy of the report shall be filed with the county auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

STRATEGIC PLAN CONSIDERATIONS

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

ENVIRONMENTAL CONSIDERATIONS

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

FINANCIAL CONSIDERATIONS

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

LEGAL CONSIDERATIONS

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

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution Declaring Real Property that Constitutes a Public Nuisance
Exhibit A: Property List
2. Resolution Overriding Objections and Ordering the City Manager or Designee to Abate Certain Public Nuisances
3. May 9, 2019 Letter of Advance notice from the Fire Marshal
4. Fire Hazard Abatement Inspection Form – Example
5. Vegetation Management Standards
6. July 17, 2019 Fire Marshal's Letter of Declared Fire Hazard

RESOLUTION NO. 2019-XX

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

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

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

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

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

BE IT FURTHER RESOLVED that on this same date of July 16, 2019 at 7:00 in the City of El Cerrito, the City Council shall hold a hearing at which owners of the real property identified in Exhibit A hereto may object to the designation of their properties as public nuisances and object to the abatement actions proposed by the City.

I CERTIFY that at a regular meeting on July 16, 2019 the El Cerrito City Council passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on July 16, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address	Property Owner
504-211-012-1	100 BEHRENS ST	[REDACTED]
505-211-010-2	1004 CONTRA COSTA DR	[REDACTED]
505-212-008-5	1006 KING DR	[REDACTED]
510-024-003-4	10069 SAN PABLO	[REDACTED]
505-271-023-2	1007 CONTRA COSTA DR	[REDACTED]
505-101-015-4	1007 KING DR	[REDACTED]
505-310-015-1	1008 HAVENS PL	[REDACTED]
505-212-014-3	1011 CONTRA COSTA DR	[REDACTED]
505-211-009-4	1012 CONTRA COSTA DR	[REDACTED]
505-332-003-1	1012 VILLA NUEVA DR	[REDACTED]
505-212-015-0	1015 CONTRA COSTA DR	[REDACTED]
505-211-008-6	1016 CONTRA COSTA DR	[REDACTED]
505-101-001-4	1021 KING DR	[REDACTED]
504-262-009-5	121 RAMONA AVE	[REDACTED]
505-190-003-2	1305 CONTRA COSTA DR	[REDACTED]
505-383-001-3	1308 DEVONSHIRE CT	[REDACTED]
505-383-002-1	1323 DEVONSHIRE DR	[REDACTED]
505-383-003-9	1324 DEVONSHIRE CT	[REDACTED]
505-383-026-0	1325 DEVONSHIRE CT	[REDACTED]
502-471-002-1	1332 GAYLE CT	[REDACTED]
505-383-025-2	1352 BREWSTER DR	[REDACTED]
505-181-004-1	1355 BREWSTER DR	[REDACTED]
505-372-030-5	1385 CLUB VIEW CT	[REDACTED]
505-372-044-6	1411 ATWELL DR	[REDACTED]
504-291-008-2	145 COLUSA AVE	[REDACTED]
502-330-007-1	1461 NAVELLIER ST	[REDACTED]
573-133-007-1	1467 RIFLE RANGE RD	[REDACTED]
505-390-001-4	1475 VISTA RD	[REDACTED]
504-291-007-4	149 COLUSA AVE	[REDACTED]
505-422-001-6	1501 MADERA CT	[REDACTED]
505-422-002-4	1505 MADERA CT	[REDACTED]
505-422-003-2	1509 MADERA CT	[REDACTED]
505-421-004-1	1512 MADERA CIR	[REDACTED]
505-422-009-9	1514 MADERA CT	[REDACTED]
505-422-004-0	1515 MADERA CT	[REDACTED]
505-422-008-1	1518 MADERA CT	[REDACTED]

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address	Property Owner
505-422-006-5	1523 MADERA CT	[REDACTED]
502-270-003-2	1539 ELM ST	[REDACTED]
505-130-016-7	1540 REGENCY CT	[REDACTED]
502-270-002-4	1543 ELM ST	[REDACTED]
505-421-027-2	1544 MADERA CIR	[REDACTED]
505-130-015-9	1550 REGENCY CT	[REDACTED]
505-130-023-3	1575 REGENCY CT	[REDACTED]
504-291-031-4	161 COLUSA AVE	[REDACTED]
505-421-009-0	1622 JULIAN DR	[REDACTED]
505-421-013-2	1634 JULIAN DR	[REDACTED]
505-421-015-7	1637 JULIAN DR	[REDACTED]
505-162-002-8	1705 ARLINGTON BLVD	[REDACTED]
502-112-018-2	1712 LIBERTY ST	[REDACTED]
502-124-004-8	1716 MANOR CIR	[REDACTED]
502-124-006-3	1724 MANOR CIR	[REDACTED]
502-112-014-1	1728 LIBERTY ST	[REDACTED]
502-112-013-3	1732 LIBERTY ST	[REDACTED]
502-113-029-8	1743 LIBERTY ST	[REDACTED]
502-113-030-6	1747 LIBERTY ST	[REDACTED]
502-122-041-2	1760-1800 ELM ST	[REDACTED]
502-122-049-5	1768 MANOR CIR	[REDACTED]
502-122-048-7	1772 MANOR CIR	[REDACTED]
502-092-016-0	1800 LIBERTY ST	[REDACTED]
504-223-010-1	201 ASHBURY AVE	[REDACTED]
504-204-015-3	203 BEHRENS ST	[REDACTED]
504-310-013-9	205 COLUSA AVE	[REDACTED]
504-425-018-0	210 SEAVIEW DR	[REDACTED]
504-251-032-0	211 CARMEL AVE	[REDACTED]
504-204-011-2	215 BEHRENS ST	[REDACTED]
504-251-030-4	242 RAMONA AVE	[REDACTED]
504-191-009-1	258 BEHRENS ST	[REDACTED]
500-170-003-7	2649 ARLINGTON BLVD	[REDACTED]
500-140-008-3	2721 DEL MONTE AVE	[REDACTED]
500-150-007-2	2732 DEL MONTE AVE	[REDACTED]
500-150-006-4	2738 DEL MONTE AVE	[REDACTED]
504-191-006-7	306 BEHRENS ST	[REDACTED]
504-231-055-6	316 ASHBURY AVE	[REDACTED]

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address	Property Owner
504-320-020-2	320 SAN CARLOS AVE	[REDACTED]
504-241-007-5	321 CARMEL AVE	[REDACTED]
571-340-030-6	325 COLUSA AVE	[REDACTED]
504-182-028-2	333 CORONADO ST	[REDACTED]
504-424-013-2	403 SEAVIEW DR	[REDACTED]
504-425-008-1	404 SEAVIEW DR	[REDACTED]
504-425-007-3	406 SEAVIEW DR	[REDACTED]
504-425-006-5	408 SEAVIEW DR	[REDACTED]
504-425-003-2	414 SEAVIEW DR	[REDACTED]
504-412-009-4	501 BALRA DR	[REDACTED]
504-415-009-1	512 SEAVIEW DR	[REDACTED]
504-412-006-0	517 BALRA DR	[REDACTED]
504-415-007-5	520 SEAVIEW DR	[REDACTED]
504-412-005-2	521 BALRA DR	[REDACTED]
504-414-015-9	521 SEAVIEW DR	[REDACTED]
504-413-005-1	524 BALRA DR	[REDACTED]
504-414-017-5	529 SEAVIEW DR	[REDACTED]
504-415-002-6	600 SEAVIEW DR	[REDACTED]
504-411-009-5	605 SEAVIEW DR	[REDACTED]
504-403-001-2	608 SEAVIEW DR	[REDACTED]
504-403-002-0	612 SEAVIEW DR	[REDACTED]
504-393-001-4	620 BONNIE DR	[REDACTED]
504-403-004-6	620 SEAVIEW DR	[REDACTED]
504-392-006-4	621 BONNIE DR	[REDACTED]
504-392-005-6	625 BONNIE DR	[REDACTED]
502-113-018-1	6515 BLAKE ST	[REDACTED]
502-092-017-8	6657 HILL ST	[REDACTED]
502-092-006-1	6671 HILL ST	[REDACTED]
503-376-010-8	6704 EUREKA AVE	[REDACTED]
504-192-002-5	7014 FAIRMOUNT AVE	[REDACTED]
502-180-016-3	7128 MOUND ST	[REDACTED]
504-223-008-5	7209 A ST	[REDACTED]
502-172-001-5	7230 MOUND ST	[REDACTED]
502-180-009-8	7231 MOUND ST	[REDACTED]
505-430-003-2	7237 CUTTING BLVD	[REDACTED]
504-342-006-5	7315 FAIRMOUNT AVE	[REDACTED]
505-441-016-1	7352 PEBBLE BEACH DR	[REDACTED]

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address	Property Owner
505-441-017-9	7356 PEBBLE BEACH DR	[REDACTED]
505-441-021-1	7408 CUTTING BLVD	[REDACTED]
504-242-012-4	7485 CURRY AVE	[REDACTED]
504-381-001-8	7500 ERROL DR	[REDACTED]
504-392-004-9	7501 EUREKA AVE	[REDACTED]
504-330-004-4	7626 CURRY AVE	[REDACTED]
504-402-014-6	7712 RICARDO CT	[REDACTED]
504-402-007-0	7713 RICARDO CT	[REDACTED]
504-310-014-7	7725 LYNN AVE	[REDACTED]
504-310-001-4	7735 CURRY AVE	[REDACTED]
504-403-005-3	7800 EUREKA AVE	[REDACTED]
505-372-040-4	8 DYLAN'S WAY	[REDACTED]
505-281-006-5	829 ARLINGTON BLVD	[REDACTED]
505-122-010-0	8344 KENT CT	[REDACTED]
505-303-006-9	840 ARLINGTON BLVD	[REDACTED]
573-132-027-0	8425 WILDCAT DR	[REDACTED]
573-132-005-6	8426 WILDCAT DR	[REDACTED]
573-132-015-5	8433 BEL VIEW CT	[REDACTED]
573-132-029-6	8437 WILDCAT DR	[REDACTED]
573-132-002-3	8440 WILDCAT DR	[REDACTED]
573-132-030-4	8441 WILDCAT DR	[REDACTED]
573-132-032-0	8444 WILDCAT DR	[REDACTED]
505-292-012-0	849 ARLINGTON BLVD	[REDACTED]
505-291-016-2	8507 TERRACE DR	[REDACTED]
505-291-015-4	8515 TERRACE DR	[REDACTED]
505-282-022-1	8520 ROBERTA DR	[REDACTED]
505-282-021-3	8524 ROBERTA DR	[REDACTED]
505-291-011-3	8527 TERRACE DR	[REDACTED]
505-292-006-2	8532 TERRACE DR	[REDACTED]
505-291-009-7	8547 TERRACE DR	[REDACTED]
505-291-014-7	8551 TERRACE DR	[REDACTED]
505-292-039-3	856 BATES AVE	[REDACTED]
505-292-018-7	860 BATES AVE	[REDACTED]
505-322-002-5	8610 ARBOR DR	[REDACTED]
505-273-025-5	863 BATES AVE	[REDACTED]
505-332-013-0	8641 DON CAROL DR	[REDACTED]
505-292-034-4	876 BATES AVE	[REDACTED]

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

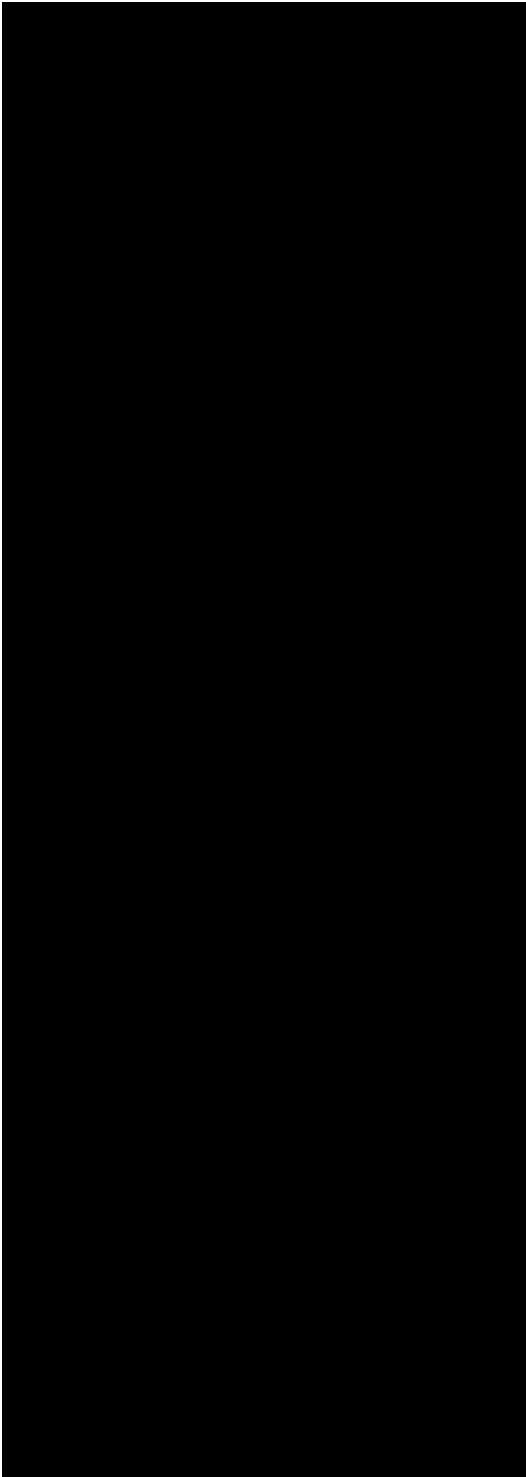
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505-292-031-0	882 BATES AVE	
505-273-001-6	885 BATES AVE	
505-301-038-4	910 ARLINGTON BLVD	
573-111-008-5	948 LENEVE PL	
505-293-004-6	970 CONTRA COSTA DR	
505-293-007-9	982 CONTRA COSTA DR	
505-212-012-7	993 CONTRA COSTA DR	
502-154-002-5	1730 GANGES AVE	
501-091-005-6	2301 TAMALPAIS AVE	
501-091-006-4	2305 TAMALPAIS AVE	
502-010-009-4	6868 SNOWDON AVE	
505-101-014-7	1009 KING DR	
505-101-014-7	1009 KING DR	
505-101-013-9	1011 KING DR	
505-102-007-0	1102 SHEVLIN DR	
505-103-018-6	1107 SHEVLIN DR	
505-203-014-4	1120 KING DR	
505-203-015-1	1130 KING DR	
505-203-016-9	1134 KING DR	
505-103-010-3	1155 SHEVLIN DR	
505-103-004-6	1165 SHEVLIN DR	
504-292-017-2	118 CARMEL AVE	
503-072-023-8	1232 EVERETT ST	
502-480-013-7	1301 LAWRENCE ST	
502-480-012-9	1305 LAWRENCE ST	
502-490-018-4	1326 LAWRENCE ST	
502-330-018-8	1406 LAWRENCE ST	
504-291-009-0	141 SANTA FE AVE	
502-350-007-6	1427 NORVELL ST	
502-360-005-8	1433 EVERETT ST	
502-330-005-5	1440 LAWRENCE ST	
502-300-023-4	1534 EVERETT ST	
505-061-020-2	1609 ROGER CT	
505-050-003-1	1628 NAVELLIER ST	
502-153-022-4	1709 GANGES AVE	
502-140-022-0	1744 GANGES AVE	
501-330-025-5	2109 HARPER ST	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

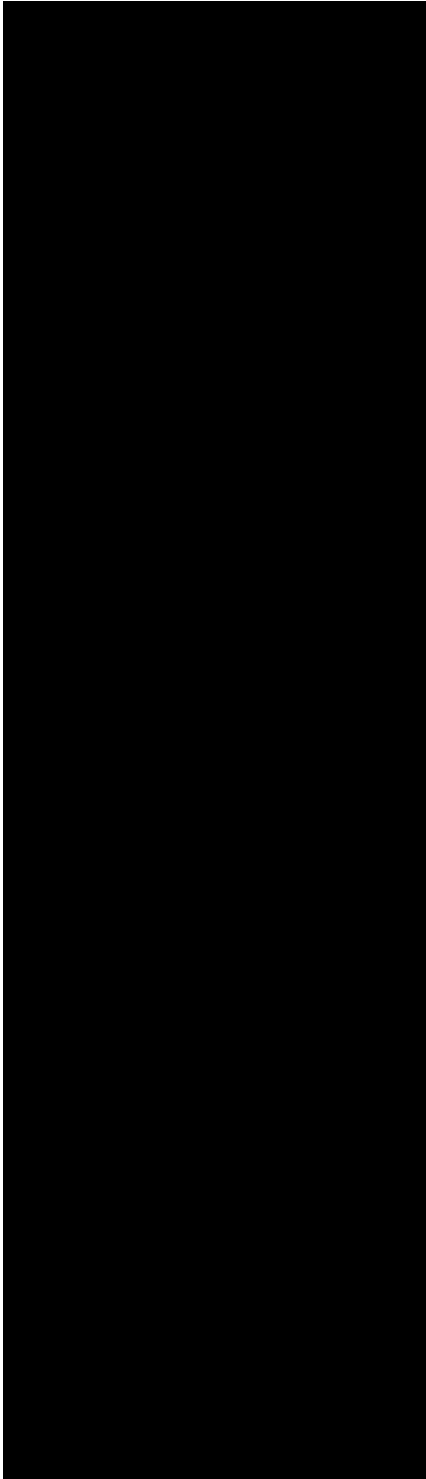
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501-201-001-2	2219 MONO AVE	
504-422-012-6	413 BALRA DR	
504-371-016-8	504 COLUSA AVE	
504-381-011-7	508 BONNIE DR	
504-415-008-3	516 SEAVIEW DR	
504-371-012-7	520 COLUSA AVE	
513-411-001-3	5205 ERNEST AVE	
513-411-003-9	5215 ERNEST AVE	
513-413-012-8	5219 GORDON AVE	
513-412-003-8	5222 ERNEST AVE	
513-412-001-2	5230 ERNEST AVE	
504-382-008-2	529 BONNIE DR	
501-190-002-3	5408 MACDONALD AVE	
504-395-004-6	608 BALRA DR	
504-393-009-7	609 BALRA DR	
504-402-005-4	617 SEAVIEW DR	
501-243-001-2	6322 OHIO ST	
501-201-014-5	6375 CONLON AVE	
501-190-017-1	6427 CONLON AVE	
501-350-018-5	6462 CONLON AVE	
504-404-003-7	650 SEAVIEW DR	
503-040-026-0	6615 SCHMIDT LN	
501-360-009-2	6641 GATTO AVE	
501-520-014-9	6795 SNOWDON AVE	
502-010-018-5	6815 GLEN MAWR AVE	
501-510-008-3	6858 KENILWORTH AVE	
502-140-015-4	6870 GLEN MAWR AVE	
502-462-015-4	6919 MANILA AVE	
501-460-002-6	6924 FAIRVIEW DR	
501-460-003-4	6928 FAIRVIEW DR	
501-481-013-8	6930 WILSON WAY	
501-460-004-2	6934 FAIRVIEW DR	
504-394-002-1	700 BALRA DR	
503-322-070-7	701 AVILA PL	
504-392-019-7	701 BALRA DR	
504-394-001-3	702 BALRA DR	
503-330-014-5	703 BALRA DR	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

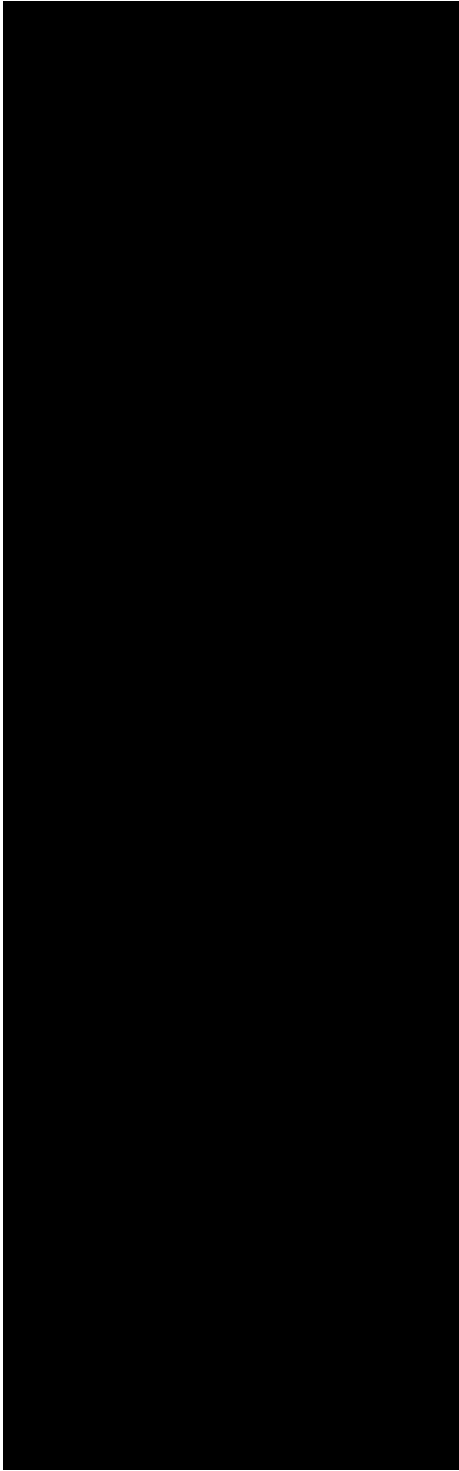
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504-405-003-6	704 MIDCREST WAY	
501-130-001-8	7075 CUTTING BLVD	
503-322-062-4	708 BALRA DR	
503-330-013-7	709 BALRA DR	
501-092-005-5	7090 CUTTING BLVD	
503-364-019-3	711 CLAYTON AVE	
502-472-015-2	7119 MANILA AVE	
505-244-021-0	712 SEAVIEW DR	
503-322-066-5	715 SEAVIEW DR	
503-322-067-3	716 BALRA DR	
503-460-013-9	720 POMONA AVE	
503-365-010-1	727 ALBEMARLE ST	
503-322-035-0	727 SEAVIEW DR	
502-154-012-4	7300 GANGES CT	
503-330-008-7	733 BALRA DR	
503-350-039-7	7330 WALDO LN	
503-500-005-7	7338 HOTCHKISS AVE	
503-500-004-0	7346 HOTCHKISS AVE	
503-350-014-0	7347 STOCKTON AVE	
503-450-026-3	736 ASHBURY AVE	
503-330-040-0	737 BALRA DR	
504-392-012-2	7401 ERROL DR	
503-292-037-2	7418 STOCKTON AVE	
503-302-040-4	7464 MOESER LN	
503-291-011-8	7471 STOCKTON AVE	
503-460-006-3	748 POMONA AVE	
504-393-012-1	7504 EUREKA AVE	
503-322-053-3	7514 LEVISTON AVE	
503-321-011-2	7519 LEVISTON AVE	
503-301-007-4	7527 STOCKTON AVE	
503-321-022-9	7558 TERRACE DR	
503-364-027-6	756 ALBEMARLE ST	
503-480-012-7	760 POMONA AVE	
503-322-003-8	7624 LEVISTON AVE	
503-312-003-0	7642 STOCKTON AVE	
503-330-001-2	769 BALRA DR	
504-395-002-0	7700 EUREKA AVE	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

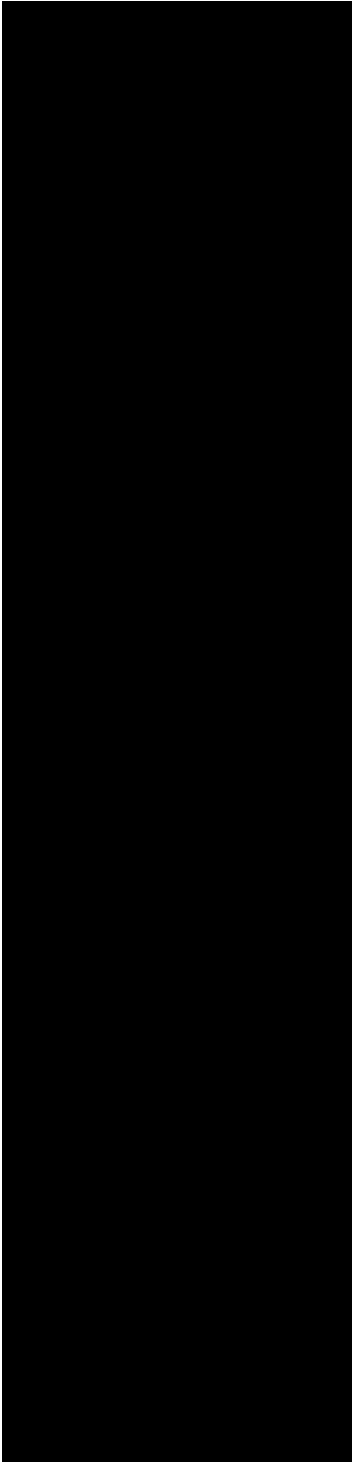
APN	Street Address	Property Owner
505-103-023-6	7755 EARL CT	
505-103-005-3	7785 BARON CT	
503-340-026-7	779 BALRA DR	
503-330-034-3	780 COLUSA AVE	
504-404-004-5	7801 EUREKA AVE	
504-403-006-1	7804 EUREKA AVE	
504-403-007-9	7808 EUREKA AVE	
504-404-005-2	7809 EUREKA AVE	
504-403-008-7	7812 EUREKA AVE	
503-322-020-2	7818 TERRACE DR	
503-480-006-9	782 POMONA AVE	
504-405-004-4	7827 EUREKA AVE	
505-101-009-7	7837 BURNS CT	
504-405-006-9	7839 EUREKA AVE	
504-403-016-0	7844 EUREKA AVE	
505-244-001-2	7870 TERRACE DR	
505-303-018-4	803 CRAFT AVE	
503-245-017-2	806 LIBERTY ST	
505-303-020-0	811 CRAFT AVE	
505-282-014-8	820 BATES AVE	
505-303-022-6	821 CRAFT AVE	
503-311-044-5	834 BALRA DR	
503-311-043-7	838 BALRA DR	
503-311-016-3	839 GALVIN DR	
503-292-043-0	849 BALRA DR	
503-311-013-0	851 GALVIN DR	
503-312-001-4	852 GALVIN DR	
503-311-011-4	859 GALVIN DR	
505-303-003-6	8620 TERRACE DR	
505-303-004-4	8630 TERRACE DR	
505-301-015-2	8631 TERRACE DR	
505-303-030-9	8640 TERRACE DR	
505-303-034-1	8646 TERRACE DR	
505-303-027-5	8666 TERRACE DR	
505-302-022-7	8750 TERRACE DR	
505-301-039-2	8751 TERRACE DR	
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EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

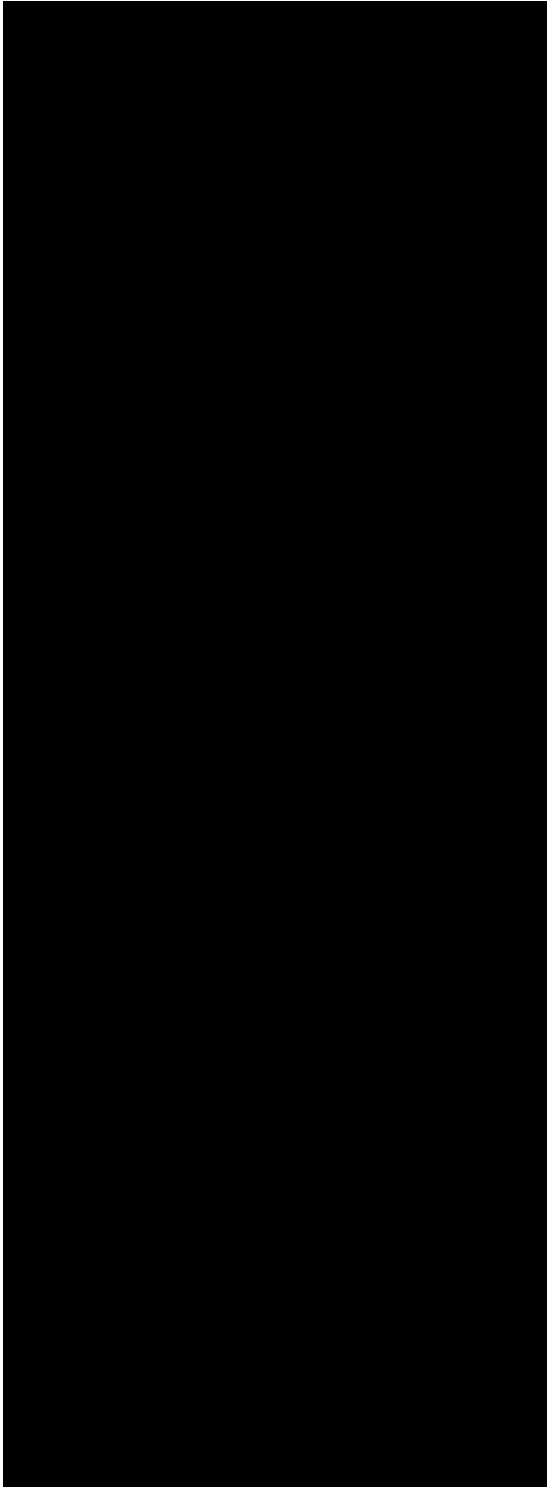
APN	Street Address	Property Owner
505-301-035-0	8821 TERRACE DR	
505-302-021-9	8840 TERRACE DR	
505-301-023-6	901 CLARK PL	
505-301-049-1	915 CLARK PL	
503-302-028-9	915 SEAVIEW DR	
505-301-032-7	921 CLARK PL	
503-301-003-3	924 BALRA DR	
503-302-046-1	931 SEAVIEW DR	
503-291-022-5	938 AVIS DR	
503-302-049-5	948 GALVIN DR	
505-221-041-5	966 SEAVIEW DR	
573-111-006-9	970 LENEVE PL	
503-202-014-0	1001 EVERETT ST	
503-182-051-6	1034 NAVELLIER ST	
503-202-024-9	1041 EVERETT ST	
503-160-019-9	1110 NAVELLIER ST	
503-150-006-8	1111 NAVELLIER ST	
503-150-012-6	1115 NAVELLIER ST	
503-141-016-9	1116 LIBERTY ST	
505-203-016-9	1134 KING DR	
503-141-001-1	1142 LIBERTY ST	
503-072-014-7	1200 EVERETT ST	
505-090-014-0	1200 NAVELLIER ST	
503-060-015-8	1201 EVERETT ST	
503-060-022-4	1220 RICHMOND ST	
503-072-020-4	1222 EVERETT ST	
503-072-021-2	1226 EVERETT ST	
503-030-009-8	1233 LIBERTY ST	
503-040-022-9	1240 LIBERTY ST	
503-071-003-1	1250 NORVELL ST	
504-422-017-5	402 BONNIE DR	
504-102-009-9	409 ALBEMARLE ST	
504-423-017-4	411 VILLAGE DR	
504-424-006-6	414 VILLAGE DR	
504-424-004-1	418 VILLAGE DR	
504-424-003-3	420 VILLAGE DR	
504-102-006-5	421 ALBEMARLE ST	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

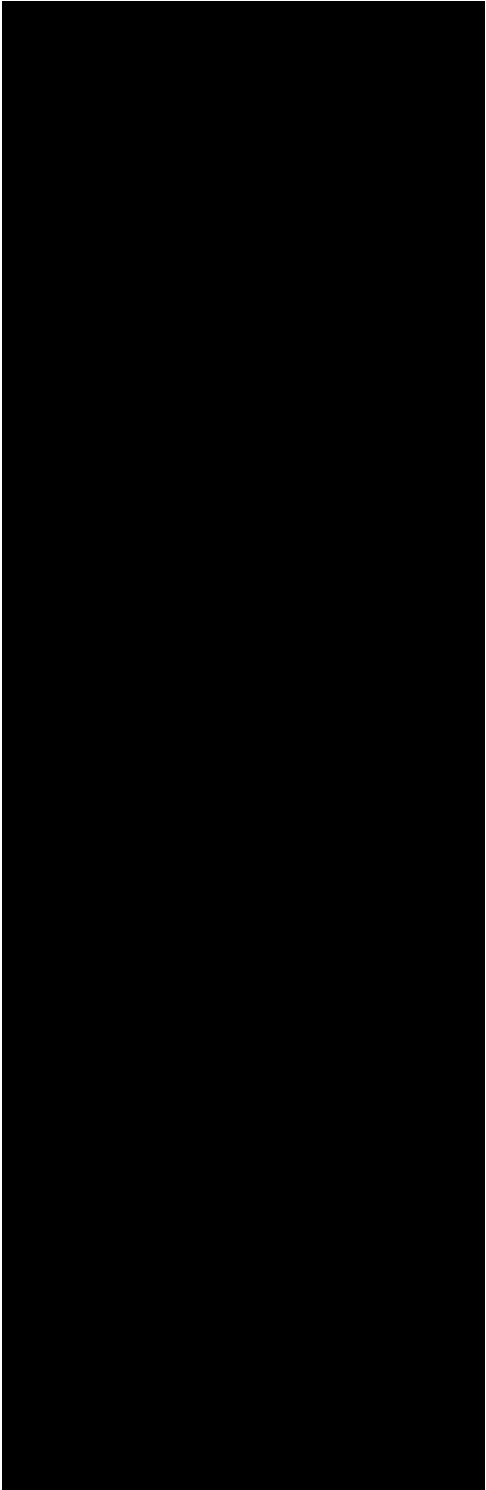
APN	Street Address	Property Owner
504-102-005-7	427 ALBEMARLE ST	
504-413-015-0	517 VILLAGE DR	
504-414-004-3	520 VILLAGE DR	
504-071-030-2	544 ALBEMARLE ST	
501-030-020-9	5528 MACDONALD AVE	
504-072-002-0	555 ALBEMARLE ST	
504-071-033-6	556 ALBEMARLE ST	
503-431-012-7	600 ALBEMARLE ST	
504-411-001-2	600 BALRA DR	
503-432-009-2	601 ALBEMARLE ST	
504-411-008-7	601 SEAVIEW DR	
504-395-005-3	604 BALRA DR	
503-432-008-4	605 ALBEMARLE ST	
504-393-008-9	605 BALRA DR	
503-431-015-0	612 ALBEMARLE ST	
503-431-017-6	618 ALBEMARLE ST	
503-431-019-2	626 ALBEMARLE ST	
503-431-020-0	630 ALBEMARLE ST	
503-432-002-7	631 ALBEMARLE ST	
503-366-009-2	635 ALBEMARLE ST	
503-366-001-9	649 ALBEMARLE ST	
503-210-003-3	6604 PORTOLA DR	
503-241-013-5	6707 WALDO AVE	
503-050-025-9	6714 MANILA AVE	
503-252-015-6	6901 WALDO AVE	
504-102-010-7	7031 FAIRMOUNT AVE	
503-150-007-6	7200 SCHMIDT LN	
504-080-032-7	7210 LINCOLN AVE	
504-080-036-8	7232 LINCOLN AVE	
503-440-013-4	7235 LINCOLN AVE	
503-150-025-8	7250 SCHMIDT LN	
503-110-011-7	7343 SCHMIDT LN	
503-160-006-6	7409 PARK VISTA	
503-160-015-7	7416 PARK VISTA	
503-160-011-6	7421 PARK VISTA	
503-160-012-4	7423 PARK VISTA	
503-182-035-9	7430 SEAVIEW PL	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

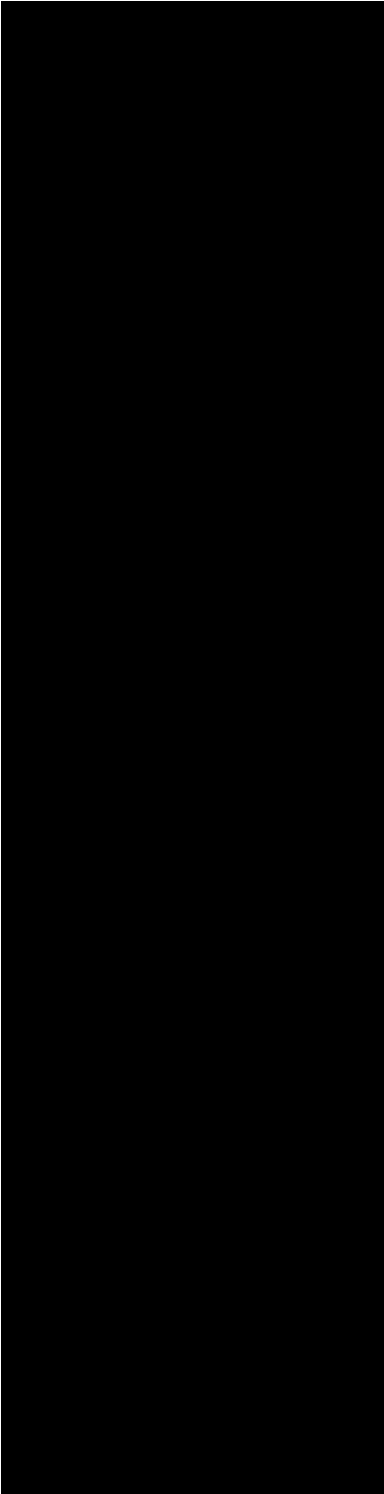
APN	Street Address	Property Owner
503-182-036-7	7432 SEAVIEW PL	
503-182-008-6	7447 SEAVIEW PL	
503-182-010-2	7463 SEAVIEW PL	
503-182-011-0	7471 SEAVIEW PL	
503-302-042-0	7472 MOESER LN	
504-413-020-0	7608 ERROL DR	
504-411-007-9	7709 ERROL DR	
505-103-006-1	7777 BARON CT	
505-241-010-6	7845 TERRACE DR	
505-261-019-2	804 SHEVLIN DR	
505-243-018-7	8042 TERRACE DR	
503-312-023-8	805 SEAVIEW DR	
505-230-028-1	808 SEAVIEW DR	
505-230-027-3	810 SEAVIEW DR	
505-261-034-1	8103 TERRACE DR	
503-245-019-8	812 LIBERTY ST	
505-230-039-8	817 SHEVLIN DR	
505-230-026-5	818 SEAVIEW DR	
505-261-016-8	820 SHEVLIN DR	
505-230-025-7	822 SEAVIEW DR	
505-230-016-6	822 SEAVIEW DR	
505-262-059-7	8246 TERRACE DR	
503-246-008-0	825 LIBERTY ST	
505-230-042-2	829 SHEVLIN DR	
505-261-032-5	830 SHEVLIN DR	
505-273-005-7	8338 TERRACE DR	
505-272-016-5	8355 TERRACE DR	
503-245-027-1	840 LIBERTY ST	
505-261-010-1	856 SHEVLIN DR	
505-230-049-7	865 SHEVLIN DR	
505-230-061-2	873 SHEVLIN DR	
505-273-001-6	885 BATES AVE	
505-261-003-6	886 SHEVLIN DR	
503-271-007-0	900 POMONA AVE	
505-222-010-9	900 SHEVLIN DR	
503-272-011-1	905 POMONA AVE	
505-222-009-1	906 SHEVLIN DR	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

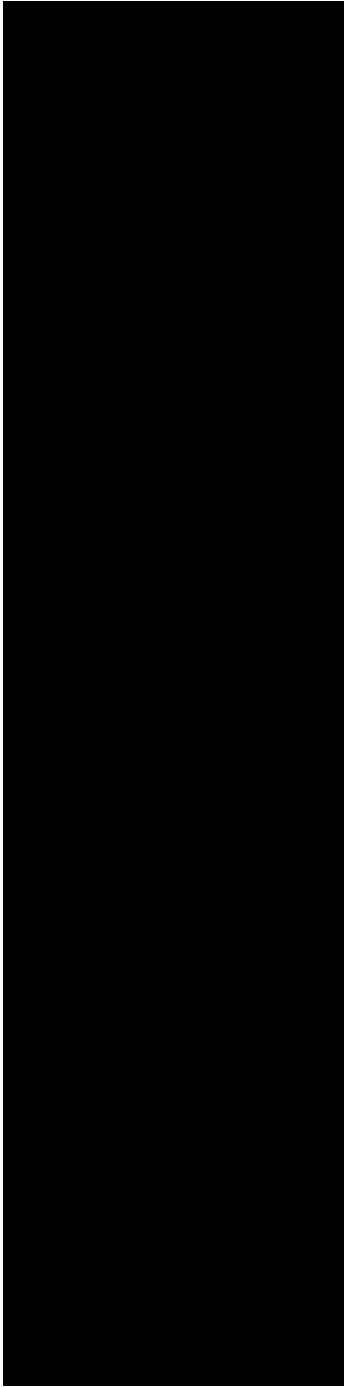
APN	Street Address	Property Owner
505-222-009-1	906 SHEVLIN DR	
503-251-011-6	908 NORVELL ST	
503-271-008-8	908 POMONA AVE	
503-251-010-8	912 NORVELL ST	
503-272-014-5	913 POMONA AVE	
503-251-009-0	916 NORVELL ST	
503-272-005-3	920 ASHBURY AVE	
503-251-008-2	920 NORVELL ST	
503-241-018-4	922 ELM ST	
505-272-006-6	924 CONTRA COSTA DR	
503-251-007-4	924 NORVELL ST	
503-241-026-7	925 RICHMOND ST	
503-251-006-6	926 NORVELL ST	
505-272-005-8	928 CONTRA COSTA DR	
505-221-024-1	929 SHEVLIN DR	
503-272-016-0	932 ASHBURY AVE	
503-251-005-8	932 NORVELL ST	
503-251-004-1	936 NORVELL ST	
505-221-027-4	941 SHEVLIN DR	
503-251-003-3	942 NORVELL ST	
505-222-001-8	942 SHEVLIN DR	
505-271-017-4	945 CONTRA COSTA DR	
503-251-002-5	946 NORVELL ST	
505-271-008-3	948 KING DR	
504-413-014-3	GATES, MARY C	
505-332-005-6	1004 VILLA NUEVA DR	
505-331-010-7	1007 VILLA NUEVA DR	
505-212-005-1	1012 KING DR	
505-211-007-8	1018 CONTRA COSTA DR	
505-331-013-1	1019 VILLA NUEVA DR	
505-211-006-0	1020 CONTRA COSTA DR	
505-212-024-2	1024 KING DR	
505-331-001-6	1040 ARLINGTON BLVD	
503-236-027-2	10496 SAN PABLO AVE	
505-410-002-8	1050 VILLA NUEVA DR	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

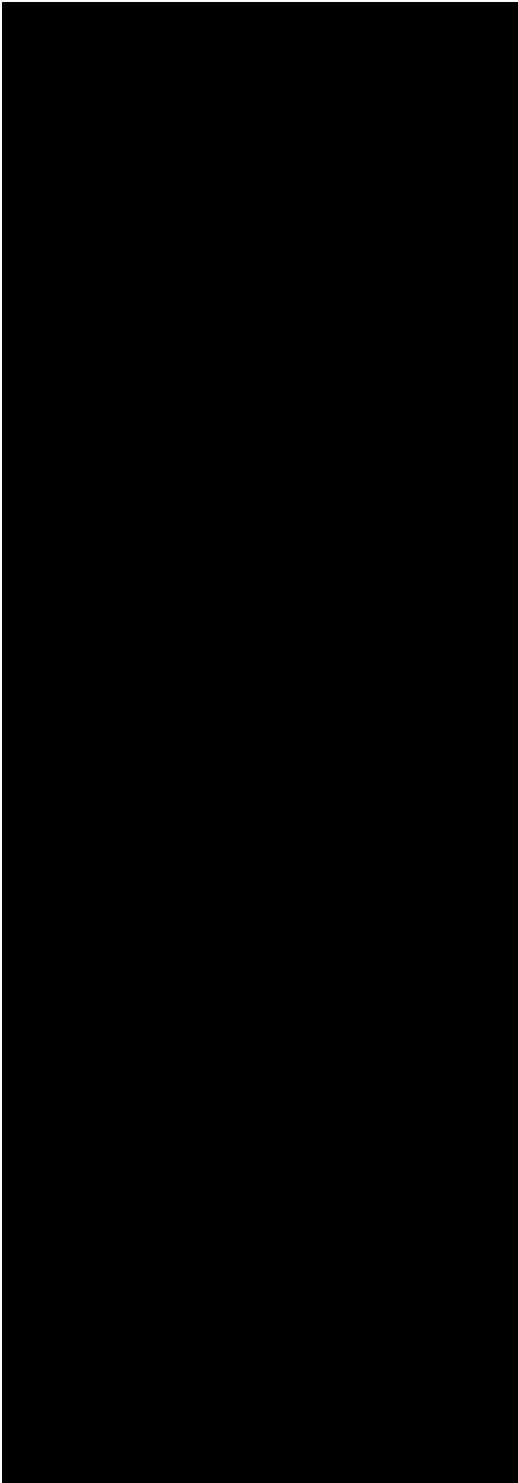
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573-120-025-8	1101 IVY CT	
573-120-024-1	1115 IVY CT	
505-102-001-3	1143 KING DR	
505-203-019-3	1150 KING DR	
505-102-012-0	1162 SHEVLIN DR	
505-372-039-6	12 DYLAN'S WAY	
505-201-006-2	1201 BREWSTER DR	
503-060-013-3	1211 EVERETT ST	
505-203-021-9	1212 KING DR	
505-202-016-0	1213 KING DR	
505-201-004-7	1215 BREWSTER DR	
503-060-021-6	1216 RICHMOND ST	
503-060-011-7	1217 EVERETT ST	
505-352-008-5	1220 BREWSTER DR	
505-203-022-7	1220 KING DR	
503-060-022-4	1220 RICHMOND ST	
505-202-015-2	1221 KING DR	
505-201-009-6	1224 CONTRA COSTA DR	
505-203-023-5	1226 KING DR	
503-072-022-0	1228 EVERETT ST	
505-352-009-3	1230 BREWSTER DR	
503-030-012-2	1231 LIBERTY ST	
505-201-001-3	1233 BREWSTER DR	
505-201-011-2	1234 CONTRA COSTA DR	
503-071-006-4	1236 NORVELL ST	
503-050-023-4	1238 ELM ST	
505-201-012-0	1240 CONTRA COSTA DR	
503-050-024-2	1240 ELM ST	
505-352-011-9	1244 BREWSTER DR	
505-202-007-9	1245 CONTRA COSTA DR	
505-201-013-8	1246 CONTRA COSTA DR	
505-201-013-8	1246 CONTRA COSTA DR	
505-202-006-1	1255 CONTRA COSTA DR	
505-202-006-1	1255 CONTRA COSTA DR	
505-383-010-4	1312 BREWSTER DR	
505-181-021-5	1312 CONTRA COSTA DR	
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EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

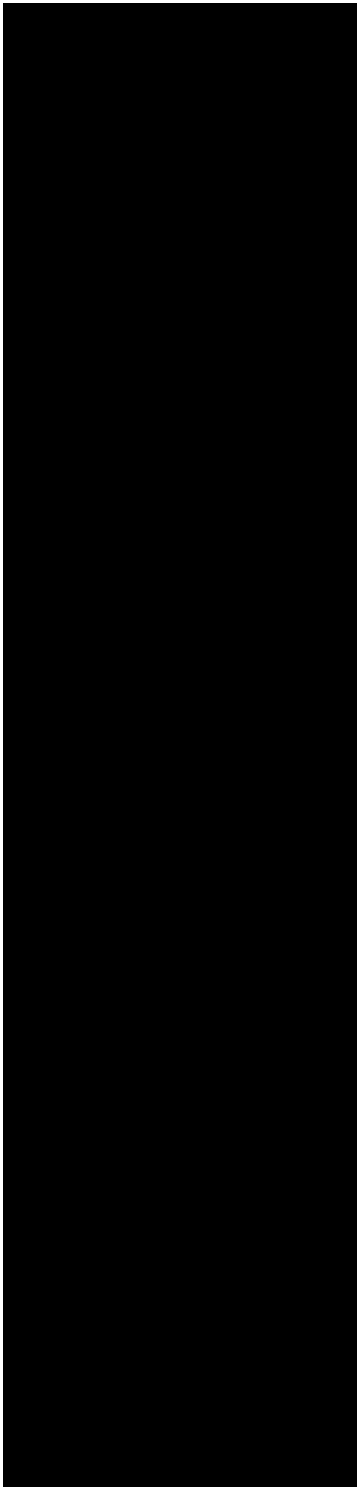
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505-383-009-6	1318 BREWSTER DR	
505-383-007-0	1330 BREWSTER DR	
502-440-004-5	1337 RICHMOND ST	
505-372-017-2	1340 LINDA VISTA DR	
505-181-001-7	1341 BREWSTER DR	
502-440-001-1	1345 RICHMOND ST	
505-080-022-5	1348 NAVELLIER ST	
505-181-003-3	1349 BREWSTER DR	
505-383-024-5	1366 BREWSTER DR	
505-372-041-2	1375 RIFLE RANGE RD	
505-372-005-7	1384 CLUB VIEW CT	
505-372-032-1	1385 RIFLE RANGE RD	
505-372-034-7	1388 CLUB VIEW CT	
505-372-033-9	1390 CLUB VIEW CT	
573-133-001-4	1401 RIFLE RANGE RD	
505-390-012-1	1401 VISTA RD	
505-390-012-1	1401 VISTA RD	
505-080-019-1	1404 NAVELLIER ST	
505-080-020-9	1406 NAVELLIER ST	
573-133-002-2	1407 RIFLE RANGE RD	
502-330-014-7	1409 SCOTT ST	
504-262-004-6	141 RAMONA AVE	
505-390-006-3	1415 VISTA RD	
502-320-011-5	1416 SCOTT ST	
502-360-010-8	1417 EVERETT ST	
505-372-003-2	1420 ATWELL DR	
502-360-023-1	1428 RICHMOND ST	
505-390-008-9	1434 CLUB VIEW CT	
573-132-008-0	1436 RIFLE RANGE RD	
573-133-004-8	1439 RIFLE RANGE RD	
573-133-005-5	1447 RIFLE RANGE RD	
505-390-010-5	1452 CLUB VIEW CT	
573-133-006-3	1459 RIFLE RANGE RD	
505-390-003-0	1465 VISTA RD	
505-390-002-2	1471 VISTA RD	
573-040-027-1	1477 RIFLE RANGE RD	
502-172-009-8	1507 NAVELLIER ST	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

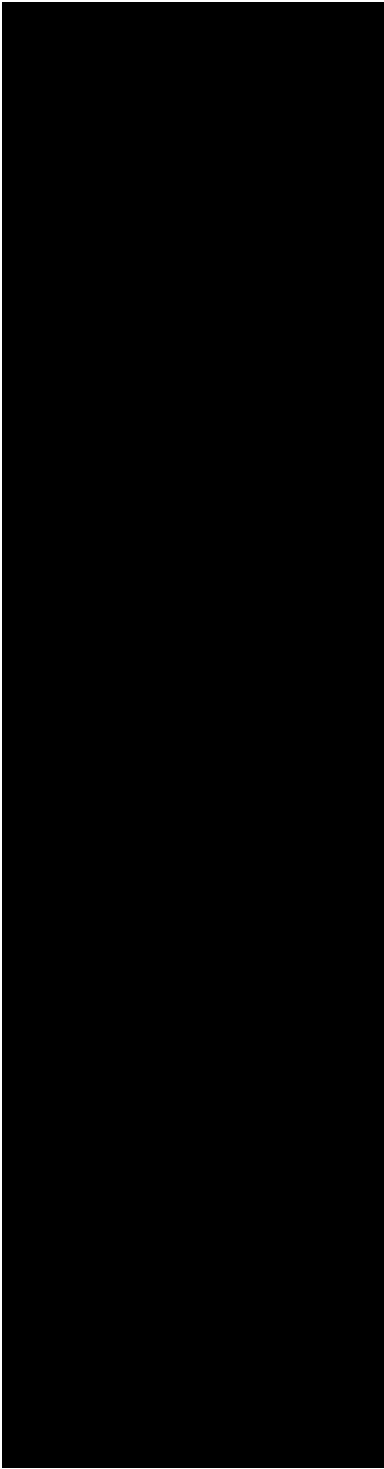
APN	Street Address	Property Owner
505-421-003-3	1508 MADERA CIR	
505-422-010-7	1511 MADERA CIR	
502-290-010-3	1514 RICHMOND ST	
502-280-011-3	1515 RICHMOND ST	
505-421-006-6	1520 MADERA CIR	
505-422-007-3	1522 MADERA CT	
505-421-022-3	1524 MADERA CIR	
502-290-006-1	1528 RICHMOND ST	
502-280-007-1	1529 RICHMOND ST	
505-130-025-8	1531 REGENCY CT	
505-421-024-9	1532 MADERA CIR	
502-290-005-3	1532 RICHMOND ST	
502-171-001-6	1533 NAVELLIER ST	
505-130-005-0	1541 REGENCY CT	
504-224-002-7	155 ASHBURY AVE	
504-261-002-1	155 CARMEL AVE	
505-130-006-8	1551 REGENCY CT	
505-421-030-6	1556 MADERA CIR	
505-470-004-1	1560 MADERA CIR	
505-130-014-2	1560 REGENCY CT	
505-130-013-4	1570 REGENCY CT	
505-130-024-1	1581 REGENCY CT	
505-130-011-8	1590 REGENCY CT	
502-162-011-6	1601 NAVELLIER ST	
505-421-021-5	1614 JULIAN DR	
505-421-008-2	1618 JULIAN DR	
505-421-019-9	1621 JULIAN DR	
505-421-011-6	1626 JULIAN DR	
505-151-001-3	1640 JULIAN DR	
505-152-012-9	1645 JULIAN DR	
505-151-003-9	1648 JULIAN DR	
505-152-003-8	1649 JULIAN DR	
505-152-004-6	1653 JULIAN DR	
505-152-005-3	1657 JULIAN DR	
505-161-003-7	1700 ARLINGTON BLVD	
505-161-002-9	1702 ARLINGTON BLVD	
505-162-001-0	1707 ARLINGTON BLVD	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

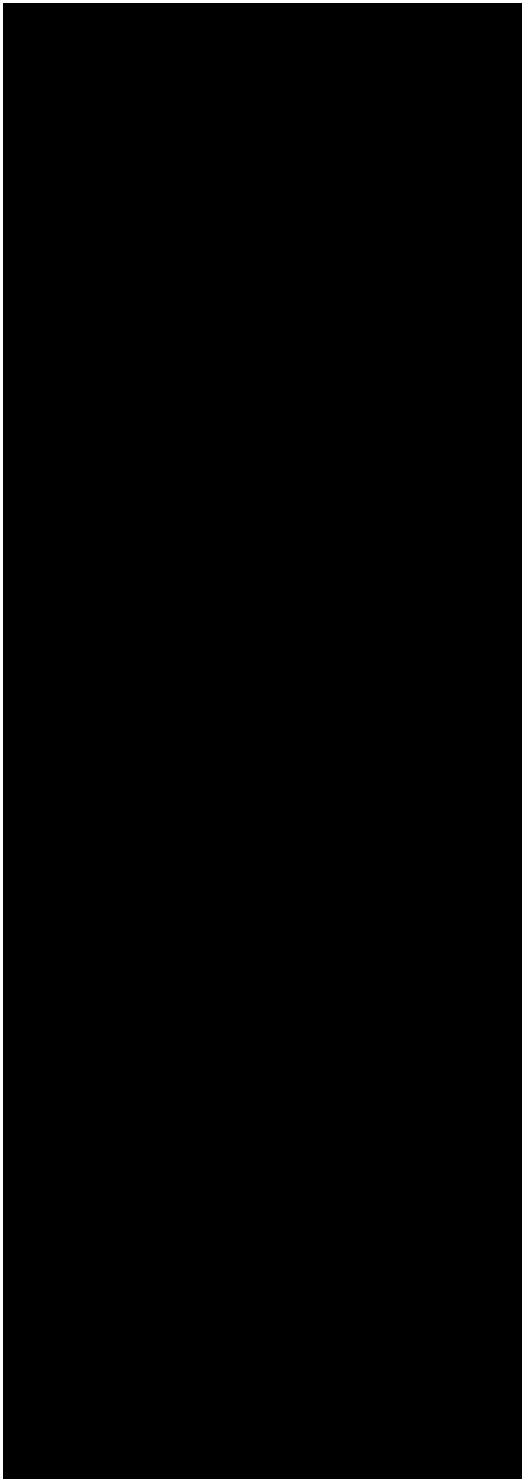
APN	Street Address	Property Owner
505-033-017-3	1710 ARLINGTON BLVD	
502-153-023-2	1711 GANGES AVE	
505-033-016-5	1714 ARLINGTON BLVD	
505-033-015-7	1720 ARLINGTON BLVD	
502-124-007-1	1728 MANOR CIR	
502-122-057-8	1736 MANOR CIR	
505-033-007-4	1752 ARLINGTON BLVD	
502-123-001-5	1755 MANOR CIR	
505-033-006-6	1758 ARLINGTON BLVD	
502-122-050-3	1764 MANOR CIR	
505-032-014-1	1765 ARLINGTON BLVD	
501-340-002-2	2097 TAPSCOTT AVE	
504-310-012-1	211 COLUSA AVE	
501-110-006-1	2205 HARVARD ST	
501-201-009-5	2210 HUMBOLDT AVE	
501-110-011-1	2220 ARLINGTON BLVD	
504-251-025-4	226 RAMONA AVE	
504-231-046-5	242 ASHBURY AVE	
504-251-002-3	243 CARMEL AVE	
500-050-023-0	2627 SONOMA ST	
500-140-004-2	2741 DEL MONTE AVE	
504-191-007-5	302 BEHRENS ST	
504-242-011-6	307 RAMONA AVE	
504-242-005-8	329 RAMONA AVE	
504-242-003-3	333 RAMONA AVE	
504-242-001-7	353 RAMONA AVE	
504-421-005-1	414 COLUSA AVE	
504-373-004-2	432 COLUSA AVE	
504-373-002-6	436 COLUSA AVE	
504-111-027-0	440 EVERETT ST	
504-111-028-8	442 EVERETT ST	
504-102-001-6	443 ALBEMARLE ST	
504-071-018-7	500 ALBEMARLE ST	
504-072-016-0	503 ALBEMARLE ST	
503-321-037-7	503-321-037-7	
504-413-010-1	504 BALRA DR	
504-371-015-0	506 COLUSA AVE	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

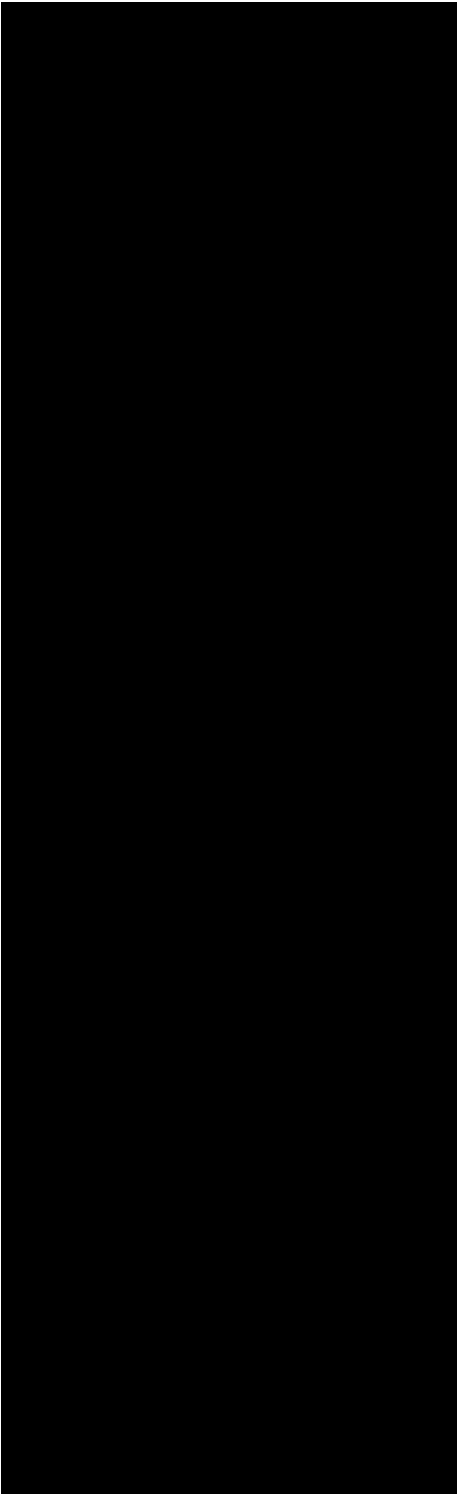
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504-072-015-2	507 ALBEMARLE ST	
504-061-041-1	510 EVERETT ST	
504-062-014-7	513 EVERETT ST	
504-071-025-2	522 ALBEMARLE ST	
504-072-011-1	523 ALBEMARLE ST	
504-062-029-5	528 RICHMOND ST	
504-072-009-5	529 ALBEMARLE ST	
504-072-008-7	531 ALBEMARLE ST	
509-012-018-8	5318 POTRERO AVE	
504-371-009-3	532 COLUSA AVE	
504-382-007-4	533 BONNIE DR	
504-072-007-9	535 ALBEMARLE ST	
504-371-008-5	536 COLUSA AVE	
504-382-006-6	537 BONNIE DR	
504-381-002-6	548 BONNIE DR	
504-062-003-0	553 EVERETT ST	
504-062-037-8	556 RICHMOND ST	
500-060-004-8	5701 CHARLES AVE	
500-071-013-6	5724 CHARLES AVE	
500-072-001-0	5810 CHARLES AVE	
503-432-011-8	604 NORVELL ST	
503-421-007-9	609 NORVELL ST	
503-432-012-6	610 NORVELL ST	
503-412-007-0	611 ELM ST	
503-421-023-6	611 NORVELL ST	
503-422-013-6	612 RICHMOND ST	
503-412-006-2	613 ELM ST	
500-092-017-2	6135 BARRETT AVE	
503-413-013-7	617 RICHMOND ST	
503-422-015-1	618 RICHMOND ST	
503-412-011-2	625 ELM ST	
503-374-006-8	630 EVERETT ST	
503-376-005-8	631 RICHMOND ST	
503-384-006-6	635 ELM ST	
503-376-008-2	640 ELM ST	
503-376-008-2	640 ELM ST	
501-300-019-4	6415 HAGEN BLVD	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

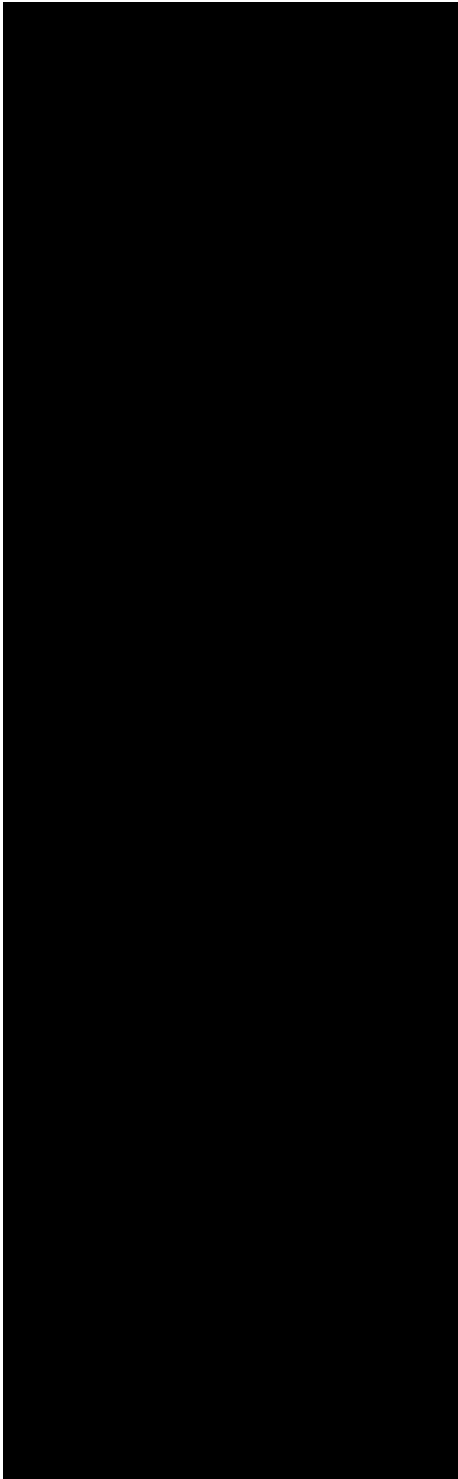
APN	Street Address	Property Owner
501-300-020-2	6419 HAGEN BLVD	
503-375-003-4	645 EVERETT ST	
503-374-002-7	645 NORVELL ST	
503-375-002-6	647 EVERETT ST	
503-374-011-8	650 EVERETT ST	
502-113-017-3	6505 BLAKE ST	
503-382-001-9	6534 STOCKTON AVE	
503-130-001-4	6606 SCHMIDT LN	
500-472-014-9	6619 LAGUNITAS AVE	
501-340-004-8	6642 GATTO AVE	
502-112-044-8	6660 HILL ST	
503-376-010-8	6704 EUREKA AVE	
503-413-008-7	6707 LINCOLN AVE	
503-372-036-7	6815 EUREKA AVE	
502-010-017-7	6823 GLEN MAWR AVE	
503-256-015-2	6831 STOCKTON AVE	
503-375-001-8	6850 EUREKA AVE	
502-010-020-1	6871 GLEN MAWR AVE	
502-300-002-8	6920 POTRERO AVE	
501-460-003-4	6928 FAIRVIEW DR	
503-322-034-3	700 AVILA PL	
504-394-002-1	700 BALRA DR	
501-454-001-6	7000 TAMALPAIS PL	
501-453-007-4	7001 TAMALPAIS PL	
504-072-017-8	7027 CENTRAL AVE	
503-322-040-0	704 BALRA DR	
503-322-039-2	705 SEAVIEW DR	
503-330-036-8	707 BALRA DR	
503-322-011-1	708 AVILA PL	
501-110-015-2	7100 VIEW AVE	
502-472-020-2	7111 MANILA AVE	
501-110-012-9	7111 VIEW AVE	
504-223-006-9	7120 B ST	
501-110-014-5	7120 CUTTING BLVD	
501-110-017-8	7140 CUTTING BLVD	
503-450-031-3	717 POMONA AVE	
503-322-061-6	718 BALRA DR	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

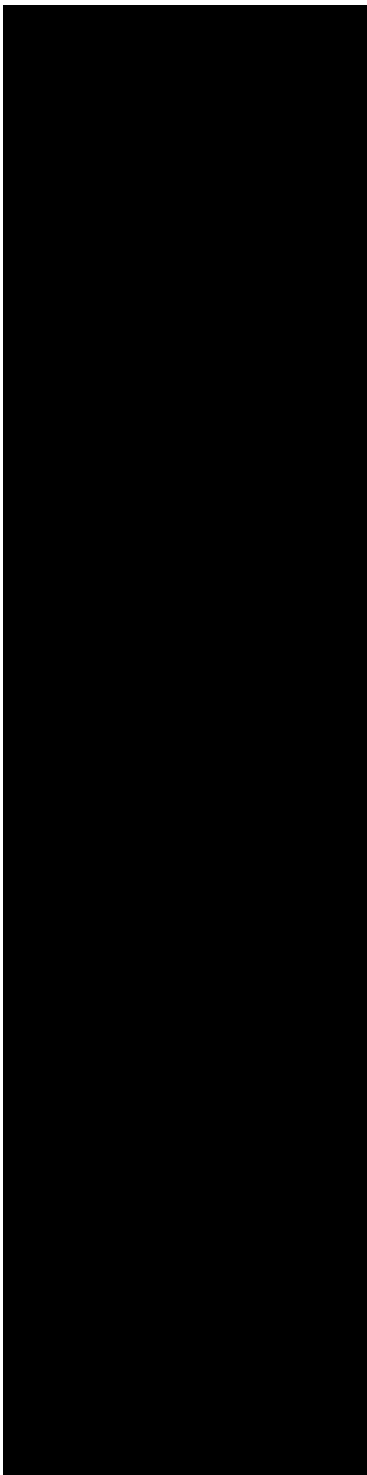
APN	Street Address	Property Owner
503-365-011-9	719 ALBEMARLE ST	
503-490-005-9	7202 STOCKTON AVE	
503-450-030-5	721 POMONA AVE	
505-022-001-0	7210 VIEW AVE	
503-440-015-9	7217 LINCOLN AVE	
503-322-071-5	722 BALRA DR	
502-172-002-3	7220 MOUND ST	
505-430-002-4	7221 CUTTING BLVD	
503-490-001-8	7226 STOCKTON AVE	
503-460-012-1	724 POMONA AVE	
505-021-008-6	7249 VIEW AVE	
503-330-011-1	725 BALRA DR	
503-450-009-9	725 POMONA AVE	
503-372-023-5	726 RICHMOND ST	
505-022-005-1	7260 VIEW AVE	
505-021-007-8	7265 VIEW AVE	
503-460-002-2	730 POMONA AVE	
502-154-001-7	7301 GANGES CT	
504-341-001-7	7301 ROCKWAY AVE	
504-341-002-5	7303 ROCKWAY AVE	
504-341-003-3	7305 ROCKWAY AVE	
503-480-021-8	7307 HOTCHKISS AVE	
503-350-035-5	7308 POMONA CT	
503-365-009-3	731 ALBEMARLE ST	
503-322-024-4	731 SEAVIEW DR	
505-441-007-0	7316 PEBBLE BEACH CT	
505-442-001-2	7345 PEBBLE BEACH DR	
502-500-015-8	7347 MANILA AVE	
505-441-015-3	7348 PEBBLE BEACH DR	
503-365-008-5	735 ALBEMARLE ST	
503-450-006-5	735 POMONA AVE	
502-500-016-6	7355 MANILA AVE	
505-441-018-7	7360 PEBBLE BEACH DR	
503-292-026-5	7363 TERRACE DR	
505-441-019-5	7364 PEBBLE BEACH DR	
503-450-005-7	737 POMONA AVE	
505-443-006-0	7378 CUTTING BLVD	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

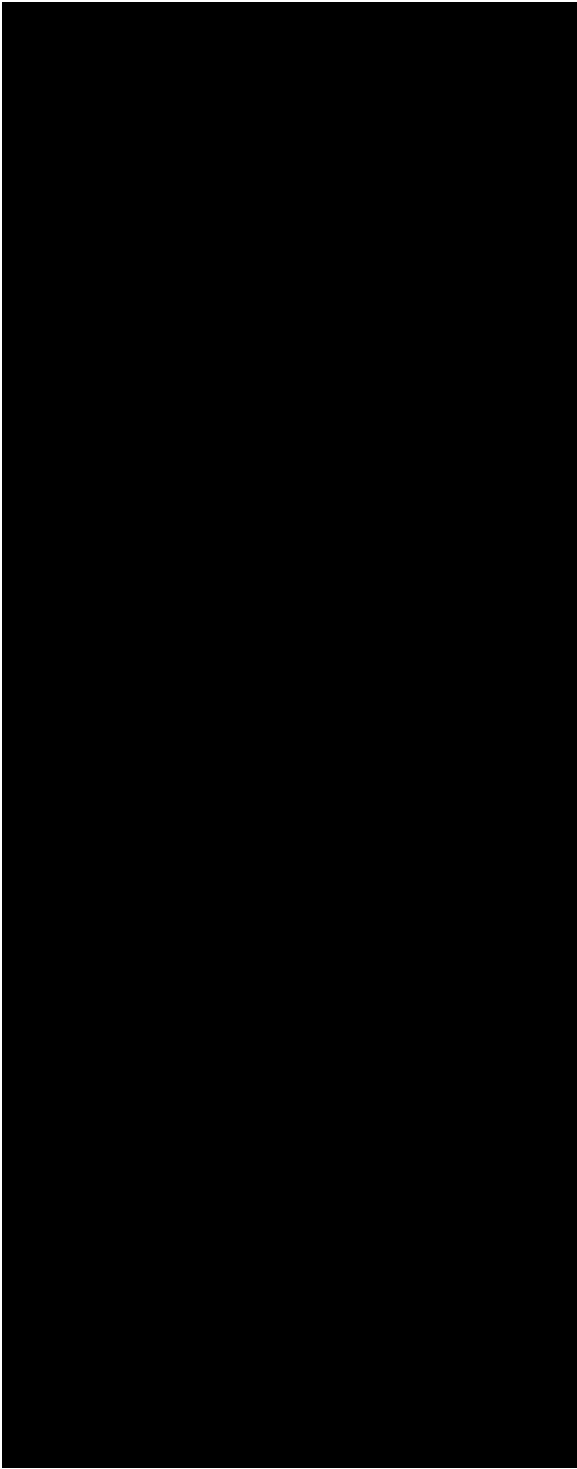
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503-292-034-9	7380 STOCKTON AVE	
504-341-008-2	7405 ROCKWAY AVE	
503-340-003-6	7418 TERRACE DR	
504-351-002-2	7425 ROCKWAY AVE	
503-340-004-4	7426 TERRACE DR	
504-352-003-9	7444 ROCKWAY AVE	
503-292-017-4	7447 TERRACE DR	
503-291-010-0	7473 STOCKTON AVE	
504-392-003-1	7505 EUREKA AVE	
504-351-006-3	7505 ROCKWAY AVE	
503-450-002-4	751 POMONA AVE	
503-311-005-6	7510 STOCKTON AVE	
504-352-007-0	7528 ROCKWAY AVE	
503-301-008-2	7535 STOCKTON AVE	
504-352-008-8	7550 ROCKWAY AVE	
503-322-054-1	756 BALRA DR	
503-311-024-7	7565 TERRACE DR	
503-321-005-4	7621 LEVISTON AVE	
504-330-004-4	7626 CURRY AVE	
503-321-003-9	7627 LEVISTON AVE	
503-480-018-4	764 POMONA AVE	
503-312-004-8	7650 STOCKTON AVE	
503-302-021-4	7669 STOCKTON AVE	
504-402-008-8	7709 RICARDO CT	
504-402-007-0	7713 RICARDO CT	
504-281-005-0	7715 WARD AVE	
503-330-033-5	776 COLUSA AVE	
505-103-026-9	7770 EARL CT	
505-103-027-7	7780 EARL CT	
505-103-009-5	7788 BARON CT	
505-101-019-6	7846 BURNS CT	
503-340-016-8	788 COLUSA AVE	
505-244-002-0	7886 TERRACE DR	
505-151-007-0	7900 POTRERO AVE	
503-312-030-3	800 GALVIN DR	
505-282-016-3	801 ARLINGTON BLVD	
503-292-046-3	805 BALRA DR	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

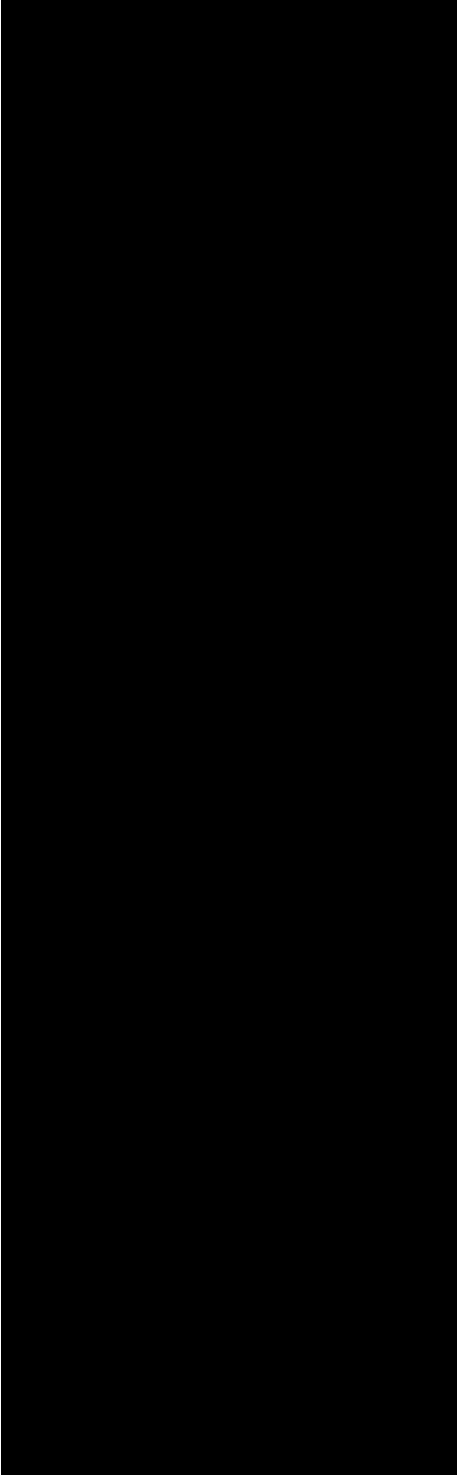
APN	Street Address	Property Owner
503-260-011-5	805 POMONA AVE	
505-303-019-2	807 CRAFT AVE	
503-246-012-2	809 LIBERTY ST	
503-255-017-9	810 EVERETT ST	
503-245-018-0	810 LIBERTY ST	
503-235-012-5	811 LEXINGTON AVE	
503-292-047-1	813 BALRA DR	
503-255-018-7	814 EVERETT ST	
503-254-019-6	817 ASHBURY AVE	
503-260-017-2	818 ASHBURY AVE	
503-311-034-6	818 BALRA DR	
503-311-021-3	821 GALVIN DR	
503-260-018-0	822 ASHBURY AVE	
505-303-031-7	824 ARLINGTON BLVD	
503-311-019-7	825 GALVIN DR	
505-302-013-6	828 CRAFT AVE	
505-110-008-8	8300 BUCKINGHAM DR	
503-311-018-9	831 GALVIN DR	
503-255-024-5	832 EVERETT ST	
505-190-005-7	8320 BUCKINGHAM DR	
503-256-007-9	833 EVERETT ST	
503-311-017-1	835 GALVIN DR	
505-122-014-2	8360 KENT DR	
505-122-027-4	8364 KENT DR	
505-122-026-6	8368 KENT DR	
573-132-022-1	8403 WILDCAT DR	
573-132-011-4	8405 BEL VIEW CT	
573-132-023-9	8407 WILDCAT DR	
573-132-024-7	8411 WILDCAT DR	
573-132-007-2	8414 WILDCAT DR	
573-132-025-4	8415 WILDCAT DR	
505-201-014-6	8420 BUCKINGHAM DR	
573-132-006-4	8420 WILDCAT DR	
573-132-026-2	8421 WILDCAT DR	
573-132-014-8	8425 BEL VIEW CT	
573-132-014-8	8425 BEL VIEW CT	
573-132-017-1	8426 BEL VIEW CT	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

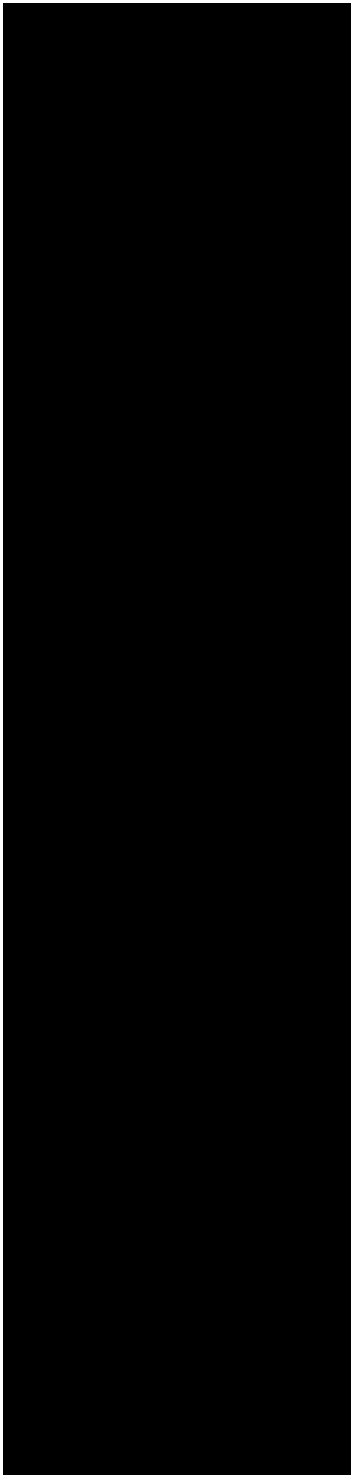
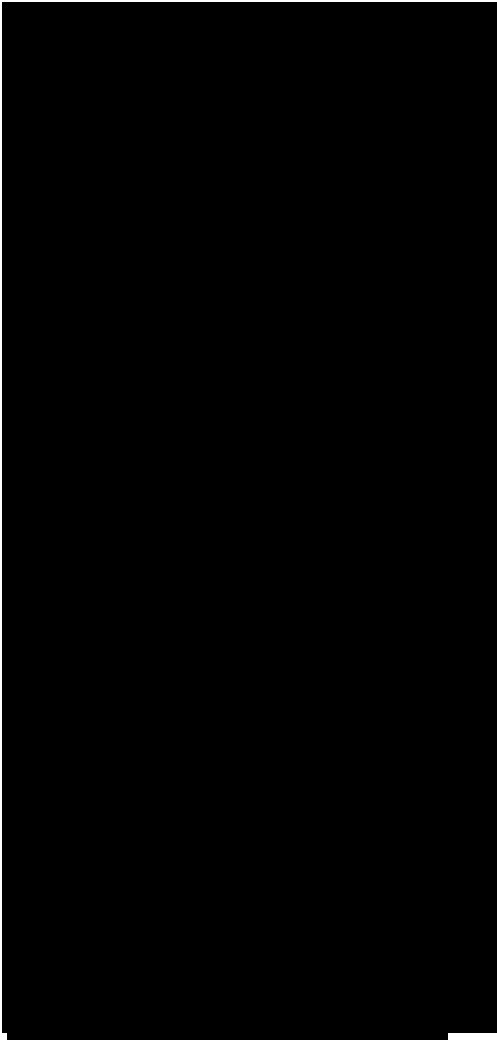
APN	Street Address	Property Owner
573-132-028-8	8429 WILDCAT DR	
573-132-016-3	8430 BEL VIEW CT	
505-181-024-9	8455 BUCKINGHAM DR	
503-311-014-8	847 GALVIN DR	
505-352-007-7	8501 BETTY LN	
505-383-012-0	8505 BUCKINGHAM DR	
505-292-011-2	851 ARLINGTON BLVD	
503-292-005-9	853 BALRA DR	
503-311-042-9	856 BALRA DR	
505-292-047-6	859 ARLINGTON BLVD	
505-292-047-6	859 ARLINGTON BLVD	
505-331-008-1	8609 DON CAROL DR	
505-372-018-0	8610 LAMBRECHT CT	
505-322-005-8	8618 EDGEHILL CT	
503-311-001-5	862 BALRA DR	
505-321-006-7	8629 ARBOR DR	
505-321-011-7	8631 ARBOR DR	
505-321-004-2	8633 ARBOR DR	
505-322-011-6	8636 ARBOR DR	
505-333-011-3	8636 DON CAROL DR	
505-321-002-6	8637 ARBOR DR	
505-333-012-1	8640 DON CAROL DR	
505-332-014-8	8645 DON CAROL DR	
505-332-015-5	8649 DON CAROL DR	
505-301-016-0	8649 TERRACE DR	
503-311-002-3	866 BALRA DR	
505-322-031-4	8701 DON CAROL DR	
505-322-017-3	8740 DON CAROL DR	
505-230-014-1	880 SEAVIEW DR	
505-302-001-1	8814 TERRACE DR	
503-291-008-4	905 BALRA DR	
503-350-008-2	909 AVIS DR	
503-302-010-7	910 GALVIN DR	
505-221-010-0	910 SEAVIEW DR	
505-301-047-5	911 CLARK PL	
505-221-009-2	914 SEAVIEW DR	
503-350-007-4	915 AVIS DR	

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address	Property Owner
503-350-006-6	917 AVIS DR	
503-301-013-2	917 GALVIN DR	
503-301-024-9	920 BALRA DR	
505-221-008-4	920 SEAVIEW DR	
503-350-005-8	925 AVIS DR	
503-301-014-0	925 GALVIN DR	
503-302-044-6	925 SEAVIEW DR	
503-302-006-5	926 GALVIN DR	
503-302-045-3	927 SEAVIEW DR	
503-301-002-5	928 BALRA DR	
503-302-005-7	930 GALVIN DR	
505-221-007-6	930 SEAVIEW DR	
503-301-015-7	933 GALVIN DR	
503-291-021-7	934 AVIS DR	
503-302-003-2	934 GALVIN DR	
505-301-046-7	940 ARLINGTON BLVD	
503-302-048-7	946 GALVIN DR	
503-291-025-8	950 AVIS DR	
505-271-020-8	960 KING DR	
501-350-019-3	Conlon Ave.	
505-103-019-4	1101 SHEVLIN DR	
504-405-009-3	7851 EUREKA AVE	
503-431-018-4	624 ALBEMARLE ST	
505-242-017-0	7937 TERRACE DR	
505-244-022-8	SEA VIEW DR	
503-110-010-9	1205 NAVELLIER ST	

RESOLUTION NO. 2019-XX

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

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

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

WHEREAS, on July 16th, 2019, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588, the City Council adopted Resolution 2019-XX declaring that certain real property within the City constitutes a public nuisance; and

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

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

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

Agenda Item No. 6(B)
Attachment 2

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

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

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

BE IT FURTHER RESOLVED that pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39574, the City Manager or her designee shall keep an account of the cost of abatement for each parcel of land on which work is performed. The City Manager or designee shall then prepare an itemized written report to be presented to the City Council so that, after the notice and hearing during the City Council meeting of September 17, 2019 these abatement costs can be confirmed as a special assessment against those parcels.

I CERTIFY that at a regular meeting on July 16, 2019 the El Cerrito City Council passed this resolution by the following vote:

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

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

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



EL CERRITO FIRE DEPARTMENT

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

May 9, 2019

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

Dear El Cerrito Property Owner:

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

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

On July 16, 2019 the City Council will hold a hearing to declare those properties not in compliance with the Vegetation Management Standards as a public nuisance. We require that you bring your property into compliance prior to the July 16, 2019 hearing. Once your property meets the Vegetation Management Standards please contact Fire Prevention Office for re-inspection. Once your property meets the standards you will be removed from the Fire Department list of non-compliant properties and will not be subject to further abatement actions.

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

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

Sincerely,

David Gibson

David Gibson
Fire Marshal

Fire Hazard Abatement Inspection Form - EXAMPLE

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

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

FIRE BREAK (ELIMINATE) Within 30' of a structure	Eliminate Hazardous vegetation, Maintain ornamental landscaping, Remove dead wood overhanging structures, Mature trees: Remove limbs 10' from ground, Small trees: Remove limbs 1/3 distance from ground, Provide 10' Clearance from chimney, Clear roof of combustible debris
FUEL BREAK (REDUCE) 30'-100' FROM STRUCTURE	Cut and maintain grass/weeds - 6", Clean and maintain hazardous vegetation - 18", Clear 10' from roadside
Both Fire Break & Fuel Break Requirements	Dispose of cut vegetation and debris, Remove vines, loose papery bark and loose branches, Install 1/2" screen covering on chimney and stovepipes
COMMENTS	Specific Comments Added Here
Property Description	<i>Field not completed.</i>
Inspected By	John Smith
Inspection Number	19-2000
Date of Inspection	6/5/2019 3:15 PM

City of El Cerrito Fire Hazard Reduction Program

I. INTRODUCTION

A. Purpose of Vegetation Management Standards

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

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

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

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

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

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

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

B. Fire Safe Vegetation Management Concepts

There are three basic methods employed to manage vegetation fuels: firebreaks, fuel breaks and ornamental landscaping. A firebreak eliminates all flammable vegetation and combustible growth. Appropriate ornamental landscaping is acceptable in this area. A fuel break reduces the fuel mass of flammable vegetation and combustible growth, thereby limiting the intensity of fire and slowing its rate of spread. Ornamental landscaping provides a yard or garden with decorative fire resistive plants that are irrigated, maintained and arranged to be aesthetically pleasing, functionally useful and enhance fire safety. Refer to the definitions listed for these terms.

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

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

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

C. Process

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

II. FIRE HAZARD REDUCTION GUIDELINES

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

A. Hazard Zones

Portions of the City of El Cerrito lie adjacent or near to large wildland areas containing steep slopes and naturally growing trees, brush and grasses. Every year under certain critical weather conditions, the neighborhoods near these wildland areas are at heightened risk of seasonal wildfire sweeping into the City and burning homes. These areas at heightened risk of wildfire have been designated as Very High Fire Hazard Severity (VHFHS) Zones. The rest of the City faces a lesser risk of wildfire.

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

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

B. Ornamental Landscaping

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

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

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

C. Vegetation Management Standards

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

1. **Properties within VHFHS Zones:**

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

2. **Properties outside VHFHS Zones:**

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

3. **Vegetation Management Standards for Firebreaks:**

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

4. **Vegetation Management Standards for Fuel Breaks:**

- a. Maintain ornamental landscaping in yards.

- b. All fire hazardous vegetation with the exception of weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.
- c. All weeds and grass shall be cleared and maintained at a height no greater than 6 inches above the ground.
- d. Remove from trees all vines, loose papery bark and dead branches.
- e. All cut vegetation and debris must be disposed of either by hauling and dumping in a lawful manner, or by chipping and dispersing over the property in a manner and to a height which will not constitute a fire hazard.
- f. Chipped materials which are spread on the ground shall be of a size no greater than 1 inch by 1 inch by 3 inches.

5. Additional Considerations for Vegetation Management:

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

D. Planting Considerations

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

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

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

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

E. Structural Fire Safety

The City's roofing and vegetation management standards are designed to reduce the amount of airborne burning material, limiting fire spread. Once a fire starts, it is often accelerated by wind-borne burning material. Burning embers or brands are the main source of fire spread in mixed urban-wildland fires. The roof of a house is most vulnerable to this type of ignition followed by openings such as vents. Spark arresters with a maximum of ½ inch openings in the mesh are required over the outlet of every chimney. Class A is the top rating for fire resistive roofing, followed by Classes B and C. The City of El Cerrito requires that all roofing be Class B or better, and wood shake shingle roofing materials are prohibited in new construction or replacement of more than 50% of the roof. It is recommended to cover vent openings with ¼ inch openings in the mesh to prevent flying embers from entering the structure.

III. GLOSSARY OF TERMS

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

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

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

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

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

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

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

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



CITY OF EL CERRITO

10900 San Pablo Avenue

El Cerrito, CA 94530

(510) 215-4450

FAX (510) 232-4917

July 17, 2019

To: «OWNER_NAME_1»

«OWNER_ADDRESS» «OWNER_CITY», «OWNER_STATE». «OWNER_ZIP»

Re: «SITE_ADDR» «SITE_CITY», «SITE_STATE». «SITE_ZIP»

Parcel Number: «APN»

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

On **July 16, 2019** the El Cerrito City Council declared that your property in the City of El Cerrito, designated above by address and parcel number, constitutes a public nuisance because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

A previous notice was sent to you informing you of the July 16, 2019 hearing and further informing you of your obligation to remove the weeds, rubbish, refuse and other flammable material from your property. **If you do not immediately abate these nuisance conditions, the City will do so and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment.** These removal costs shall then be collected in the time and in the manner of ordinary municipal taxes.

You will not receive any further notices from the City prior to this removal. The City shall perform this removal either through its own staff or through private contract sometime between the dates of **August 19, 2019 to September 6, 2019**. It is impossible to predict what it will cost the City to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded \$5,000 per parcel for those parcels with severe nuisance conditions

The City Council will conduct a public hearing on **September 17, 2019** to confirm the cost of the abatement work performed on your property. The meeting will be held in the **El Cerrito City Council Chambers at 10890 San Pablo Avenue in El Cerrito at 7:00 p.m.** During this public hearing you will be given the opportunity to voice objections regarding the report and the assessment of the abatement costs for your property. At this hearing you will also be given the opportunity to object, protest and/or present evidence to support your arguments.

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

David R. Gibson

David R. Gibson
Fire Marshal



AGENDA BILL

Agenda Item No. 6(C)

Date: July 16, 2019
To: El Cerrito City Council
From: Karen Pinkos, City Manager
Christopher Jones, Recreation Director
Holly M. Charléty, City Clerk
Subject: Call and request services for a November 5, 2019 special election to submit to voters a measure to renew the Measure A special tax to fund the preservation, maintenance and enhancement of El Cerrito's parks and recreation facilities.

ACTION REQUESTED

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

BACKGROUND

The El Cerrito Swim Center is a much-loved community focal point that contributes to the quality of life and health and safety for thousands of residents and non-residents alike. On March 7, 2000, the voters of El Cerrito approved a special tax, Measure A, for the purpose of renovating and reconstructing the El Cerrito Swim Center, rehabilitation of Canyon Trail Clubhouse, and access improvements to the restrooms at Harding, Huber, and Poinsett Park Clubhouses. By the beginning of 2004, these projects were complete.

On June 4, 2007, the City Council voted to authorize the use of surplus funds generated from the Measure A Swim Center special tax for capital projects at the Swim Center. Since this time, several projects have been completed including the installation of the Splash Park, the purchase of new energy efficient heaters, landscape improvements, and energy efficiency upgrades such as the installation of variable speed drives (smart pump) and the installation of LED lights throughout the Swim Center. Surplus funds are also used to pay for the Swim Center's portion of the Solar Lease Debt Service for the solar panels in the Swim Center parking lot. Most recently Measure A funds were utilized to renovate the locker rooms to correct safety issues and improve accessibility.

In total Measure A funds have saved the General Fund over \$2.2 million dollars in capital expenditures, in addition to savings generated by energy efficiency upgrades that provide ongoing savings to the City's utilities budget. Measure A will sunset on June 30, 2020. After this date, unless Measure A is renewed or another funding source is secured, the capital equipment and infrastructure needs at the Swim Center will need to be funded from the City's General Fund in order to keep it safe, functioning, and up to the standards that residents desire.

On April 2, 2019, the City Council adopted the El Cerrito Parks and Recreation Facilities Master Plan (Master Plan) which was developed through an extensive public engagement process. The Master Plan also incorporated several related City plans that the City Council had already adopted. This Master Plan effort verified that the City's parks and recreation network is highly valued and receives active community use. However, aging amenities, significant deferred maintenance, and limited opportunity for program expansion will negatively impact the City's provision of recreation services to the community in the near and long term. Additional funding is needed to address these deficiencies and to provide program space for relevant recreation services for youth, teens, and adults, which emerged as high priorities as part of the community engagement and recreation assessment. The Parks and Recreation Facilities Master Plan is online at www.el-cerrito.org/ParksMP, the Executive Summary is attached to this report (Attachment 2).

The Master Plan establishes a number of goals, policies and actions to guide its recommendations and to address present and future needs. The overarching goals are:

- Goal A: Enhance El Cerrito's Park Network
- Goal B: Enhance El Cerrito's Recreation Facilities
- Goal C: Support Recreation Programs
- Goal D: Improve Pathways and Trails
- Goal E: Improve Natural Areas

El Cerrito's park and recreation system encompasses 16 City parks, one greenway, two special-use open spaces, the Swim Center, and 15 recreation buildings. The City maintains and operates 175 acres of parkland, of which 102 acres remain dedicated open space. The City owns 155 acres of parkland and maintains 20 acres of parkland that is owned by the West Contra Costa Unified School District (WCCUSD) (6.5 acres), the City of Richmond (1.5 acres), and BART (12 acres). The Master Plan identified a total of 180 projects and implementation activities to meet community expectations for the City's park and recreational facilities.

The Master Plan also described several potential funding sources and provides a conceptual financing strategy, including phasing the project recommendations over a 20-year time frame to correspond with potential revenue enhancements and the availability of bond funding. A major component of this financing strategy is the renewal of the Measure A special tax, to not only maintain the Swim Center over the next 20+ years but also to help implement many of the Master Plan's priorities and projects.

Upon passage of the Master Plan, it was the direction of the City Council that staff should begin exploring the renewal of Measure A.

ANALYSIS

Community Feedback

The Master Plan Community Engagement process began in late 2017 and lasted throughout 2018. The extensive public engagement process included three community meetings, an online survey that was taken by 1,114 people, stakeholder group interviews, and three Park and Recreation Commission meetings. Additionally, a Community Advisory Group was established at the beginning of the planning process to serve as the public advisory board in planning key elements of community outreach and the framework for the Master Plan. The following are strong themes that emerged from this process:

- Overall, the community is satisfied with the City's existing supply and access to parks and recreation facilities and programs
- Many community members view the Hillside Natural Area and the Ohlone Greenway as valued recreation amenities that are unique to El Cerrito
- There is a desire to update and improve the City's existing recreation facilities and program space, to modernize and to meet demands in use
- The community is interested in supporting youth recreational programming space – toddler amenities, teen programming, and youth enrichment opportunities

Needs Assessment

The Master Plan identified the following priorities and costs to implement the recommended projects and policies:

1. Over \$38 million dollars is required to correct park and recreation facility deficiencies and to implement the 180 recommended projects. The projects and recommendations were organized into 5 categories:
 - Immediate Work Priorities
 - Policy/Program
 - Early Wins
 - Deficiency
 - Enhancements/New Projects

These projects are ranked in priority, as detailed in the Master Plan, using the following factors:

- High Priority of the community
- Fulfills unmet need
- Service Area (recommendations that will serve a large population or are located in high density areas of the City)
- Potential revenue generation
- Included in previous planning efforts
- Code and regulation

2. Annual Recreation Facility Maintenance Funding should be increased by \$250,000 over current budget allocations. The intent of this budget enhancement is to prevent a recurrence of the current backlog of deferred maintenance projects.
3. Annual Park Maintenance Funding should be increased by \$550,000 over current budget allocations. This funding enhancement would accomplish the following tasks:
 - Increased service for parks, fields, and playgrounds
 - Improved trash and litter management in parks and open space areas
 - Increased urban forest and vegetation management, including removal of invasive plants and fire hazard reduction, in all parks and open space areas
 - Implementation of deferred maintenance projects
 - Maintenance of recent additions and new amenities to the City's park system

In order to fund these projects, the Master Plan includes a detailed financing strategy to be implemented over the next 20 years (Attachment 3). While Measure A is not the only source of revenue needed, it is the City's first opportunity to collect a significant portion of the funds needed to begin implementation of the community's priorities, as expressed in the Master Plan. Renewal of Measure A will also protect the City's General Fund from the relatively expensive costs of maintaining the Swim Center as it ages; costs of capital equipment replacement and other renovations and enhancements at the Swim Center have exceeded \$2 million over the past 10 years. Over the next 20 years, it is estimated that the Swim Center may need nearly \$8 million to maintain it at a high standard. If the Measure A special tax is renewed, funds will be spent to increase parks and facilities maintenance and on the identified projects according to the prioritization criteria outlined in the Master Plan.

Measure Overview

Staff recommends the City Council consider placing the renewal of the Measure A special tax on the ballot to ask voters the following question:

To maintain El Cerrito's quality of life, continuing local control of recreation services and parks, including maintaining and improving:

- swim center pools, locker rooms and restrooms;
- city parks, walking paths, playfields, and open space; and
- program space for children, families, adults and seniors;

shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

In order to provide the City with statistically valid information related to community priorities and preferences for parks and recreation facilities maintenance and enhancements, and determine the level of support for extending the Measure A special tax, the City of El Cerrito commissioned Godbe Research in April 2019 to conduct a poll focused on the Master Plan's projects and priorities. The results from the survey were very favorable. More than two-thirds of the respondents indicated that they were definitely or likely in favor of voting to extend Measure A, at the current tax rates, to support the implementation of the Master Plan's recommendations, giving a clear indication of the community's support for the proposed measure. Bryan Godbe will present the finalized results of the survey at the July 16, 2019 City Council meeting.

The next established election date is November 5, 2019. If the renewal of the Measure A special tax, as presented, is passed, the City will continue to collect nearly \$650,000 per year. To be approved, the measure must receive "yes" votes from two-thirds of the voters voting on it.

The City prides itself on transparent and fiscally prudent financial practices. Consistent with those values and practices, and as with most of the City's other revenue measures, as part of the annual audit the City's independent auditor will prepare a report regarding the revenue from the measure and expenditure of funds, and the Financial Advisory Board will review the report as part of its review of the annual audit. The reporting will provide independent review that measure funds are spent only for the purposes authorized by the measure. Because the proposed measure renews a parcel tax, it is a special tax, and under the California Constitution (Proposition 218), the City must place revenue into a dedicated fund to only be used for the purposes of the measure. Additionally, as part of the City's bi-annual budget process, the El Cerrito Park and Recreation Commission will review proposed expenditures for alignment with the Parks and Recreation Facilities Master Plan and prepare a report to the City Council.

The proposed resolution sets in motion an election for the renewal of the Measure A special tax. It calls a special election to be held on November 5, 2019; submits the question of the extension of Measure A to the voters at that election; requests that Contra Costa County conduct the election on behalf of the City; directs the City Attorney to prepare an impartial analysis of the measure; and sets deadlines for arguments and rebuttals. Measure A is codified in Chapter 4.56 of the El Cerrito Municipal Code. Attached to the proposed resolution is an ordinance that would fully amend and restate Chapter 4.56 to renew the special tax but expand the permissible uses of revenue from the measure for the park and recreation facilities maintenance and enhancements described in the Master Plan. The ordinance would be submitted to the voters for approval and does not require action by the City Council at this time. The ordinance authorizes the City Council to amend the Master Plan as projects are completed, priorities change, and opportunities arise, as long as the use of tax revenue is used solely for park and recreation facilities maintenance and enhancement. The City Council may also amend the ordinance in the future except for the tax rate, the term of the tax, or the overall purpose of the tax.

Although the amendments to Measure A would expand the permissible uses of the tax revenue, it would not increase the Measure A tax rates. The tax rates that property owners have paid since Measure A first went into effect would remain the same.

STRATEGIC PLAN CONSIDERATIONS

The renewal of Measure A by El Cerrito voters will further the implementation of the projects and policies contained in the Parks and Recreation Facilities Master Plan and, to varying degrees, will help further every goal in El Cerrito's Strategic Plan and several identified strategies:

Goal A: Deliver exemplary government services

Strategies: Increase productivity and efficiency by utilizing data-driven analysis to ensure appropriate resource allocation & maintaining an emphasis on providing excellent customer service.

Goal B: Achieve long-term financial sustainability

Strategies: Develop a financial plan to address ongoing and deferred maintenance of facilities and infrastructure & Continue to pursue and support opportunities for new funding, including outside grants and ballot measures.

Goal C: Deepen a sense of place and community identity

Strategies: Promote strong neighborhoods & Identify, promote, and/or develop entertainment, recreational, and leisure activities for people of all ages and demographics.

Goal D: Develop and rehabilitate public facilities as community focal points

Strategies: Develop a plan to address ongoing and deferred maintenance of facilities and infrastructure; Continue the facilities assessment to prioritize and strategize investment & Revisit and update the Structural Facilities Management Plan.

Goal E: Ensure the public's health and safety

Strategies: Utilize environmental design techniques to deter and prevent crimes & Explore innovative and best practices for promoting public health.

Goal F: Foster environmental sustainability citywide

Strategies: Be a leader in setting policies and providing innovative programs that promote environmental sustainability; Promote environmental education to facilitate behavioral changes by working with the school district and other community groups & Encourage alternative modes of transportation to the single occupancy vehicle.

ENVIRONMENTAL CONSIDERATIONS

The City prepared a Mitigated Negative Declaration and Initial Study in compliance with the California Environmental Quality Act for the Parks and Recreation Facilities Master Plan which was adopted by the City Council on April 2, 2019.

Approval of the resolution is exempt from review under the California Environmental Quality Act (Public Resources Code § 21000 *et seq.* ("CEQA") and 14 Cal. Code Reg. § 15000 *et seq.* ("CEQA Guidelines")). The tax to be submitted to the voters by the resolution is a special tax that may only be used for specified governmental purpose(s). As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not

involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible time prior to approval of the project, consistent with CEQA Guidelines Sections 15004 and 15352. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

FINANCIAL CONSIDERATIONS

If El Cerrito voters approve the measure to extend the tax rates of Measure A, the City will continue to receive approximately \$650,000 per year to help fund the goals and priorities of the Parks and Recreation Facilities Master Plan and continue to maintain the El Cerrito Swim Center at a high level without impacting the City's General Fund. The City may, as it did for the 2000 measure, bond against this dedicated revenue stream to secure funds for capital improvements consistent with the measure. The City is currently within the debt guidelines as described in the City's Financial Policy, and this debt would not impact these levels as it would be backed by a dedicated revenue source.

The estimated cost from Contra Costa County elections for conducting the election is estimated between \$81,000 - \$114,000. Sufficient funds to cover these costs are approved as part of the City Clerk's budget for Fiscal Year 2019-20.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved all of the documentation with respect to this measure, including all public information and outreach materials as well as the attached resolution and ordinance. Staff will continue to work with the City Attorney to ensure that all activities of the City and its employees are strictly limited to providing accurate, fair, and impartial information about the ballot measure and the election process. Notification of this public hearing was publicly posted on July 5, 2019 and published in the West County Times on July 6, 2019.

Reviewed by:



Alexandra Orologas
Assistant City Manager

Attachments:

1. Resolution
Exhibit A: Ordinance
2. Parks and Recreation Facilities Master Plan Executive Summary
3. Parks and Recreation Facilities Master Plan Chapter 6: Implementation

RESOLUTION 2019–XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 5, 2019; ORDERING THE SUBMISSION OF A SPECIAL TAX MEASURE FOR THE PRESERVATION, MAINTENANCE AND ENHANCEMENT OF EL CERRITO'S PARKS AND RECREATION FACILITIES TO QUALIFIED VOTERS OF THE CITY AT SAID ELECTION; DIRECTING THE FILING OF AN IMPARTIAL ANALYSIS AND AUTHORIZING WRITTEN ARGUMENTS CONCERNING THE BALLOT MEASURE; AND REQUESTING CONTRA COSTA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF SAID ELECTION WITH OTHER ELECTIONS TO BE HELD ON THE SAME DATE, AND DIRECT THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION

WHEREAS, El Cerrito residents highly value the preservation and maintenance of El Cerrito's parks and recreation facilities as prominent aspects of quality of life and a high priority for the City to ensure access to a wide variety of recreational opportunities within the City including both public park and open space areas that also help protect our local environment; and

WHEREAS, the City maintains 16 City parks, one greenway, two special-use open spaces, the Swim Center, and 15 recreation buildings. The City maintains and operates 175 acres of parkland, of which 102 acres remain dedicated open space. Many acres of parkland, including the Madera Hillside portion of the Hillside Natural Area, the Dorothy Rosenberg Memorial Park, and Centennial Park are relatively new acquisitions and enhancements to El Cerrito's park system with no additional resources available for their maintenance; and

WHEREAS, the City Council adopted the Parks and Recreation Facilities Master Plan on April 2, 2019 to identify community priorities, document deferred maintenance needs, and develop a funding strategy to implement its recommendations. The Master Plan identified the need for an additional \$550,000 in landscape management funding, \$250,000 for facility maintenance, and over \$38 million dollars in deferred maintenance and enhancement; and

WHEREAS, El Cerrito, like all California cities, has faced declining revenues to address infrastructure and maintenance needs and fund enhancements to parks, recreation facilities, open space areas and trails; and

WHEREAS, without a dedicated source of funding to invest in maintenance and enhancement needs El Cerrito will be unable to fully address maintenance responsibilities in its parks and recreation facilities; and

WHEREAS, in 2000 voters in El Cerrito passed Measure A, a 20-year parcel tax that enabled the City to secure bonds to rebuild the El Cerrito Swim Center, renovate the Canyon Trail Clubhouse, and implement access improvements to the bathrooms at Harding, Huber and Poinsett Parks. In 2007 the City Council authorized excess proceeds to create a capital replacement and enhancement fund, consistent with the

Agenda Item No. 6(C)
Attachment 1

provisions of the voter approved Measure A, that, among other projects, funded significant and necessary capital equipment replacement and energy efficiency projects saving the City's General Fund over \$2.2 million in 10 years; and

WHEREAS, it is a priority of the City Council as identified in the City's Strategic Plan, to rehabilitate public facilities as community focal points, identify and pursue funding sources and to develop financing plans to address deferred maintenance of facilities and infrastructure; and

WHEREAS, in addition to the Parks and Recreation Facilities Master Plan, the City has adopted a number of plans resulting in policies for the maintenance and enhancement of City infrastructure and property including the Urban Greening Plan, Climate Action Plan, Ohlone Greenway Master Plan, the Active Transportation Plan and the San Pablo Avenue Specific Plan; and

WHEREAS, this ordinance would create a guaranteed source of local funding for the maintenance and enhancement of El Cerrito's parks and recreation facilities that cannot be taken by the State of California and must be spent locally for El Cerrito residents; and

WHEREAS, revenue from the renewal of Measure A could be used for parks and recreation facilities maintenance and enhancement projects described in the Parks and Recreation Facilities Master Plan. Examples of priority projects identified in the Parks and Recreation Facilities Master Plan include maintaining and improving the swim center pools, locker rooms and restrooms; protecting natural areas, greenways and open space; increasing urban forest and vegetation management including fire hazard reduction; maintaining and improving program space for children, families, adults and seniors; maintaining and improving City parks, paths, and playfields; replacing aging playgrounds and improving safety with new fall surfaces; addressing recreation facilities seismic issues; upgrading irrigation systems to conserve water; and improving trash and litter clean-up. As projects are completed and priorities change and new opportunities arise, the Master Plan may be amended to add or modify projects consistent with the purpose of maintaining and enhancing parks and recreation facilities; and

WHEREAS, the City Council desires to hold an election for the purposes of submitting a special tax measure to the voters for the preservation, maintenance and enhancement of El Cerrito's parks and recreation facilities, including open space and trails; and

WHEREAS, the City of El Cerrito acknowledges the benefits and value to the public health and welfare of providing a wide variety of recreational opportunities to its residents and wishes to improve its commitment to better maintaining its parks and recreation facilities for generations to come; and

WHEREAS, the City Council has the authority to submit this measure to the voters of the City of El Cerrito pursuant to Section (§) 9222 of the California Elections Code and Section 50077 of the California Government Code; and

WHEREAS, other elections may be held in whole or Contra Costa County on the same date, and it is to the advantage of the City to consolidate its municipal election pursuant to Elections Code Sections 10002 and 10400; and

WHEREAS, Elections Code Sections 10002 and 10400 provide that a City Council may request that the Contra Costa County Board of Supervisors consolidate the election with other elections to be held on the same date; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

WHEREAS, the City's boundaries have not changed since the last municipal election; and

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

Section 1. Declaration of Findings. The foregoing recitals are true and correct and incorporated by reference.

Section 2. Election Called. Pursuant to the requirements of the laws of the State of California, there is called and ordered to be held in the City of El Cerrito, California, on Tuesday, November 5, 2019, a special election for submitting to the voters of El Cerrito a special tax measure for the preservation, maintenance and enhancement of El Cerrito's parks and recreation facilities.

Section 3. Ballot Question. The following question shall be submitted to the voters of the City of El Cerrito at a special municipal election to be held on November 5, 2019:

To maintain El Cerrito's quality of life, continuing local control of recreation services and parks, including maintaining and improving:

- swim center pools, locker rooms and restrooms;
- city parks, walking paths, playfields, and open space; and
- program space for children, families, adults and seniors;

shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

The full text of the ordinance to be submitted to the voters for approval, as attached in Exhibit A to this resolution, shall be completely printed in the voter pamphlet. The measure shall not take effect unless and until it is approved by a vote of at least two-thirds of affirmative votes of the voters voting on the question at the election. If the measure is approved, the special tax shall be approved.

Section 4. Approval of Ordinance. The City Council hereby approves the proposed ordinance to be submitted to the voters, attached hereto as Exhibit A. The proposed special tax shall not take effect unless and until the proposed measure is approved by a vote of at least two-thirds of affirmative votes of the voters voting on the question at the election. If approved by voters, the ordinance would authorize the levy of a special tax annually on each parcel of property in the City of El Cerrito, except those parcels exempted from the tax. The tax may be collected by Contra Costa County with and in the same manner as *ad valorem* property taxes, unless the City Council selects an alternative method of collection. The tax rates would be the same as established by voters by the approval of Measure A in 2000: \$58.46 per single family residential unit; \$45.00 per multifamily residential unit; and \$410.00 per acre of non-residential property. Revenue from the tax may be used for the purposes described in the recitals of this resolution and in the attached ordinance.

Section 5. Ballot Format. The ballots to be used at the election shall be in the same form and content as required by law.

Section 6. Impartial Analysis. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 which shall be filed no later than **July 30, 2019 at 4:00 p.m.**

Section 7. Ballot Arguments. The City Council hereby authorizes the Mayor to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282. The last day for filing of primary arguments is **4:00 p.m. on July 30, 2019**. At the Mayor's discretion, the argument may also be signed by members of the City Council or representatives of bona fide associations or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, the Mayor is also authorized to submit a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or representatives of bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.

If more than one argument is submitted on the measure, the city clerk shall select the argument and shall give preference to arguments pursuant to California Elections Code Section 9287.

Section 8. Provisions for Rebuttal Arguments. The provisions of Elections Code Section 9285 shall apply to this election. The last day for filing of rebuttal arguments is **4:00 p.m. on August 6, 2019**.

Section 9. Consolidation of Elections. Pursuant to Elections Code Sections 10400 *et seq.*, the City Council of the City of El Cerrito hereby requests that the Contra Costa County Board of Supervisors consent and agree to the consolidation of the special municipal election with any other elections within Contra Costa County to be held on November 5, 2019 and provide all services necessary to conduct the election and print a ballot question as described in Section 3 of this resolution. The county election department is authorized to canvass the returns of the special municipal election in accordance with California Election Code Sections 15300 *et seq.* Within the City of El Cerrito, the election precincts, election officers, hours of voting, polling places and voting booths shall in every case be the same as those selected and designated by the Contra Costa County Registrar of Voters; provided that no person not a qualified elector of the City of El Cerrito shall be permitted to vote for the measure placed on the ballot by the City Council. The City Council recognizes that the County will incur additional costs in conducting the election called by this resolution, agrees to reimburse the County for those costs, and authorizes and directs the City Manager or his designee to expend the funds necessary to pay for the costs of conducting the election.

Section 10. Hours of Polling. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed except as provided in Elections Code Section 14401.

Section 11. Other Procedures. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Council acknowledges that the consolidated election will be conducted in the manner prescribed in Elections Code Section 10418.

Section 12. Notice. The City Clerk is authorized and directed to give notice of the election and notice of measure as required by law. The City Clerk shall file a copy of this resolution with the County Elections Official and the Clerk of the Board of Supervisors forthwith.

Section 13. Compliance with the California Environmental Quality Act. Approval of this resolution is exempt from review under the California Environmental Quality Act (Public Resources Code § 21000 *et seq.* ("CEQA") and 14 Cal. Code Reg. § 15000 *et seq.* ("CEQA Guidelines")). The tax to be submitted to the voters by this resolution is a special tax that may only be used for specified governmental purpose(s). As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible time prior to approval of the project, consistent with CEQA Guidelines Sections 15004 and 15352. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

Agenda Item No. 6(C)
Attachment 1

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

I CERTIFY that at the regular meeting on July 16, 2019 the El Cerrito City Council passed this resolution by the following vote:

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

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

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY OF EL CERRITO AUTHORIZING A SPECIAL TAX ON REAL PROPERTY LOCATED IN EL CERRITO TO FUND PARKS AND RECREATION FACILITIES MAINTENANCE AND ENHANCEMENT AND AMENDING AND RESTATING CHAPTER 4.56 OF THE EL CERRITO MUNICIPAL CODE

WHEREAS, El Cerrito residents highly value the preservation and maintenance of City parks and recreation facilities as prominent aspects of quality of life and a high priority for the City to ensure access to a wide variety of recreational opportunities within the City including both public park and open space areas that also help protect our local environment; and

WHEREAS, the City maintains 16 City parks, one greenway, two special-use open spaces, the Swim Center, and 15 recreation buildings. The City maintains and operates 175 acres of parkland, of which 102 acres remain dedicated open space. Many acres of parkland, including the Madera Hillside portion of the Hillside Natural Area, the Dorothy Rosenberg Memorial Park, and Centennial Park are relatively new acquisitions and enhancements to El Cerrito's park system with no additional resources available for their maintenance; and

WHEREAS, the City Council adopted the Parks and Recreation Facilities Master Plan on April 2, 2019, to identify community priorities, document deferred maintenance needs, and develop a funding strategy to implement its recommendations. The Master Plan identified the need for an additional \$550,000 in landscape management funding, \$250,000 for facility maintenance, and over \$38 million dollars in deferred maintenance and enhancement; and

WHEREAS, El Cerrito, like all California cities, has faced declining revenues to address infrastructure and maintenance needs and fund enhancements to parks, recreation facilities, open space areas and trails; and

WHEREAS, without a dedicated source of funding to invest in maintenance and enhancement needs El Cerrito will be unable to fully address maintenance responsibilities in its parks and recreation facilities; and

WHEREAS, in 2000 voters in El Cerrito passed Measure A, a 20-year parcel tax that enabled the City to secure bonds to rebuild the El Cerrito Swim Center, renovate the Canyon Trail Clubhouse, and implement access improvements to the bathrooms at Harding, Huber and Poinsett Parks. In 2007 the City Council authorized excess proceeds to create a capital replacement and enhancement fund, consistent with the provisions of the voter approved Measure A, that, among other projects, funded significant and necessary capital equipment replacement and energy efficiency projects saving the City's General Fund over \$2.2 million in 10 years; and

WHEREAS, it is a priority of the City Council as identified in the City's Strategic Plan, to rehabilitate public facilities as community focal points, identify and pursue funding sources and to develop financing plans to address deferred maintenance of facilities and infrastructure; and

WHEREAS, in addition to the Parks and Recreation Facilities Master Plan, the City has adopted a number of plans resulting in policies for the maintenance and enhancement of City infrastructure and property including the Urban Greening Plan, Climate Action Plan, Ohlone Greenway Master Plan, Active Transportation Plan, and San Pablo Avenue Specific Plan; and

WHEREAS, this ordinance would create a guaranteed source of local funding for the maintenance and enhancement of El Cerrito's parks and recreation facilities that cannot be taken by the State of California and must be spent locally for El Cerrito residents; and

WHEREAS, this ordinance is enacted in accordance with the authority granted to cities by Article XI, Section 7, and Article XIII A, Section 4, of the California Constitution and Government Code sections 50075 *et seq.*

THE PEOPLE OF THE CITY OF EL CERRITO DO ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are true and correct and made a part of this Ordinance.

SECTION 2. Amendment and Restatement of Municipal Code. Chapter 4.56 of the El Cerrito Municipal Code is hereby amended and restated to read as follows:

**4.56 PARKS AND RECREATION FACILITIES MAINTENANCE AND
ENHANCEMENT SPECIAL TAX**

4.56.010 - Title

This Chapter shall be known as the "Parks and Recreation Facilities Maintenance and Enhancement Special Tax" or the "Swim Center Tax."

4.56.020 – Definitions

A. "City" means the City of El Cerrito.

B. "Multi-family residential parcel" means a parcel that is zoned or used for multi-family residential purposes and that has been assigned one of the following Contra Costa County usecodes: 21, 22, 23, 24, 25, 26, 27, 28, as they may be amended.

Agenda Item No. 6(C)
Attachment 1 Exhibit A

C. “Nonresidential parcel” means a parcel that is zoned or used for purposes other than single-family or multi-family residential and that has been assigned one of the following Contra Costa County use codes: 31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 46, 47, 48, 49, 53, 70, 71, 72, 74, 75, 76, 85, as they may be amended. A nonresidential parcel includes property that is designed, intended, or used for any purpose other than a residential use, including but not limited to, commercial, industrial, and office uses. A hotel or motel structure containing one or more residential units shall be treated as a nonresidential property.

D. “Owner” means the owner or owners of real property located within the City.

E. “Parcel” means any real property designated by an assessor’s parcel map and parcel number and shown on the equalized property tax roll of the County of Contra Costa as of January 1 of each fiscal year.

F. “Parks and recreation facilities” means the parks and recreation facilities described in the Parks and Recreation Facilities Master plan.

G. “Parks and Recreation Facilities Master Plan” means the Parks and Recreation Facilities Master Plan approved by the El Cerrito City Council on April 2, 2019, as it may be amended in the future.

H. “Single-family residential parcel” means a parcel zoned or used for single-family residential purposes and that has been assigned one of the following Contra Costa County use codes: 11, 12, 13, 14, 15, 19, 29, as they may be amended. A single family residential parcel may be improved with more than one unit.

I. “Special tax” means the special tax imposed by this Chapter.

J. “Tax Administrator” means the Finance Director or other City official designated by the City Manager to administer the tax.

K. “Unit” means an individual residential living space. The number of units on a parcel may be determined by (1) referencing use code data, (2) site surveys and physical unit counts, (2) reviewing building permit data, or (4) determining the number homeowner exemptions reflected for an parcel in data of the Contra Costa County Assessor.

4.56.030 – Special Tax Imposed; Exemptions, Including for Low-Income and Seniors and Individuals with Disabilities

A. An annual special tax in the amounts set forth in Section 4.56.040 is hereby imposed on every taxable parcel of real property within the City. The special tax shall first be levied in fiscal year 2020-21.

B. The special tax constitutes a debt owed by the owner of each parcel of real property to the City.

C. The special tax imposed by this Chapter shall be subject to the exemptions set forth in this section.

1. Real property otherwise wholly exempt from *ad valorem* tax by California or United States law shall also be exempt from any liability for the special tax.

2. The special tax shall not be imposed on vacant property or property under private ownership that is designated as open space in the El Cerrito General Plan, unless that property is used primarily for residential use.

3. Single-family residential parcels and units under separate ownership on multi-family residential parcels shall be exempt from the special tax if one of the owners qualifies for participation in either or both the Gonzales-Deukmejian-Petris Senior Citizen Property Tax Assistance Law (also known as the Senior Citizens Homeowners and Renters Property Tax Assistance Law and the Homeowners and Renters Property Tax Assistance Law) or the Senior Citizen Property Tax Postponement Law.

(a) Qualifying applicants must occupy the property and be at least partially legally responsible for payment of the *ad valorem* tax for the property.

(b) Applications may require proof that the State Controller's Office or Franchise Tax Board has approved the applicant's participation in either of the programs named in this section. Applications for this exemption must be submitted to the Tax Administrator in the manner and at the time established by the Tax Administrator. Applications shall be on forms provided by the Tax Administrator and shall provide such information as the Tax Administrator may require. If the Tax Administrator determines the need to audit an application, the Tax Administrator may require additional information, including, but not limited to, federal income tax returns and W-2 forms of owner-occupants eligible for this exemption.

4.56.040 – Special Tax Rates

A. The rates of the special tax for each parcel type shall be as set forth in the table below.

Parcel Type	County Use Code	Rate
Single-Family Residential	11, 12, 13, 14, 15, 19, 29	\$58.46 per unit
Multi-Family Residential	21, 22, 23, 24, 25, 26, 27, 28	\$45.00 per unit
Nonresidential	31, 32, 33, 34, 35, 36, 41, 42, 43, 44, 46, 47, 48, 49, 53, 70, 71, 72, 74, 75, 76, 85	\$410 per acre or portion thereof
Non-taxable	10, 17, 18, 20, 30, 37, 38, 45, 50, 63, 77, 78, 79, 81, 83, 87, 89	\$0.00

B. If a single-family residential parcel contains more than one unit, including an accessory dwelling unit, the tax shall be calculated by multiplying the single-family residential rate by the number of units on the parcel.

C. If a parcel consists of both residential and nonresidential uses, the tax rate shall be determined by the use code assigned by the Contra Costa County Tax Assessor.

D. The tax rates stated in the table above are maximum rates. The City Council may, by resolution, increase or decrease the rate of the special tax for any or all categories, as long as it does not set a rate that exceeds the maximum stated in the table above. If for any fiscal year the City Council sets a lower tax rate, it may increase the tax rate in any subsequent year up to the maximum rate in the table above. No further voter approval shall be required for any adjustment of a tax rate under the authority granted by this section.

E. The assessment roll data of the Contra Costa County Tax Assessor as of January 1 of each year and City records shall be used to determine the actual use of each parcel of real property for purposes of determining the amount of the special tax for each parcel.

F. In the event that the Contra Costa County Tax Assessor adds new use codes, deletes use codes, or amends the use codes listed in the table above or in section 4.56.020, the Tax Administrator may determine what tax rate shall apply to a parcel based upon the new use code assigned, and the City Council may amend the table to reflect the use code changes.

G. For parcels divided by Tax Rate Area lines, the amount of the special tax for the portion of the parcel within Contra Costa County shall be calculated at the same rates as set forth above. For properties wholly within Contra Costa County and divided by Tax Rate Area lines into multiple parcels, the property shall be taxed as a single parcel at the rates set forth above.

4.56.050 – Collection of Special Tax

A. The special tax shall be collected in the same manner as ordinary *ad valorem* taxes are collected and shall have the same lien priority and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes collected by the County of Contra Costa. The City Council may provide for other alternative methods of collection of the special tax by resolution.

B. The amount of the special tax, any penalty, and any interest imposed under the provisions of this Chapter shall be deemed a debt to the City. Any person owing money under the provisions of this Chapter shall be personally liable to an action brought in the name of the City, at its option, for the recovery for such amount.

4.56.060 – Use of Tax Revenue

A. Revenue from the special tax, including penalties and interest thereon, shall be used for the maintenance and enhancement of the City's park and recreation facilities described in the Park and Recreation Facilities Master Plan. The Parks and Recreation Facilities Master Plan identified a total of 180 projects and implementation activities to meet community expectations for the City's park and recreational facilities to be funded by the special tax. Examples of priority projects identified in the Parks and Recreation Facilities Master Plan include maintaining and improving the swim center pools, locker rooms and restrooms; protecting natural areas, greenways and open space; increasing urban forest and vegetation management including fire hazard reduction; maintaining and improving program space for children, families, adults and seniors; maintaining and improving City parks, paths, and playfields; replacing aging playgrounds and improving safety with new fall surfaces; addressing recreation facilities seismic issues; upgrading irrigation systems to conserve water; and improving trash and litter clean-up.

B. Inclusion of a project in the Parks and Recreation Facilities Master Plan does not require that each and every project be completed or undertaken in the time frame or exactly in the form described. The City Council may make adjustments reflecting opportunities that arise and changes in priorities that occur over the life of the Parks and Recreation Facilities Master Plan that are found to be consistent with the purpose of maintaining and enhancing parks and recreation facilities. As the Parks and Recreation Facilities Master Plan ages, the City Council may amend it to reflect changes in public priorities for parks and recreation facilities, the condition of parks and recreation facilities, the addition of new parks and recreation facilities, environmental changes and the need for adaptation of parks and recreation facilities, and other changes in circumstance, as long as the amendments do not result in the use of special tax revenue for purposes other than the maintenance and enhancement of parks and recreation facilities.

C. The City Council is authorized to incur indebtedness in the form of bonds, notes, contractual obligations or other evidences of indebtedness authorized by law to finance or refinance the costs of capital projects, including but not limited to parks and recreation facilities improvements; to pay any and all costs of issuing or incurring such indebtedness; and to fund reserve funds, capitalized interest, costs of credit enhancement, costs of interest rate hedging arrangements or any other financing costs associated with such indebtedness. Such indebtedness shall be solely payable from, and may be secured by a pledge and lien on, the proceeds of the special tax. The annual indebtedness, including principal and interest, shall not exceed the estimated annual proceeds of the special tax.

D. At the City Council's discretion, revenue from the special tax, including penalties and interest thereon, may also be used to pay for the costs of holding an election to seek voter approval of this Chapter, for the costs of administering the special tax, and for the costs of defending the special tax and this Article, including attorneys' fees and related costs.

4.56.070 – Accountability

In accordance with the requirements of California Government Code Sections 50075.1 and 50075.3, the following accountability measures, among others, shall apply to the special tax:

A. A separate, special account, referred to as the Parks and Recreation Facilities Special Tax Fund, shall be created, into which the proceeds of the special tax, including penalties and interest earned on such proceeds, must be deposited.

B. The specific purposes of the special tax are for the funding of parks and recreation facilities maintenance and enhancement, administration, and legal fees as set forth in Section 4.56.060. The proceeds of the special tax shall be applied only to those specific purposes.

C. The Tax Administrator shall annually prepare and submit to the City Council a report regarding the special tax funds collected and expended, as well as any other information required by Government Code sections 50075.1 and 50075.3.

4.56.080 – Oversight and Annual Audit

Each year, as part of the audit of the City's financial statements, the City's independent auditors shall complete a report reviewing the collection, management, and expenditure of revenue from the special tax. The report shall be reviewed by the Financial Advisory Board or successor agency designated by the City Council as part of its review of the annual audit.

4.56.090 – Interpretation, Administration, and Appeals of Special Tax

A. Any taxpayer who feels the amount of the special tax assigned to a parcel is in error may file a notice with the Tax Administrator appealing the levy of the special tax. The Administrator then will promptly review the appeal and, if necessary, meet with the applicant. If the Administrator verifies that the special tax levied on the applicant's parcel should be modified or changed, the special tax levy will be corrected and, if applicable in any case, a credit or refund will be granted. The appeal must be filed not later than one year after having paid the special tax that is disputed.

B. The City Council may by resolution interpret this Chapter for purposes of clarifying any vagueness or ambiguity as it relates to the special tax rate, the classification of properties, or any definition applicable to the special tax.

C. Without City Council approval, the Tax Administrator may make minor, non-substantive administrative and technical interpretations of the provisions of this Chapter for purposes of administrative efficiency or convenience or to comply with new applicable federal, state, or local law, so long as any interpretation does not materially affect the rate paid by any and manner of collection of the special tax. The Tax Administrator may also make determinations regarding whether property is subject to the special tax and the applicable tax rate based on use of the property.

4.56.100 – Amendments

This Chapter may only be amended by a vote of the people of El Cerrito if the amendment would result in the special tax being imposed, extended, or increased in a manner not authorized by this Article as originally approved by the voters, or if the amendment would substantially alter the purpose of the special tax. The City Council may enact other amendments, including but not limited to amendments necessary to implement or administer the special tax.

4.56.110 – Expiration of Special Tax

The authority to levy the special tax shall remain in effect unless a later ordinance is adopted and approved by a vote of the people of El Cerrito that either repeals the special tax or establishes a date that the authority to levy the special tax shall terminate.

Section 3. Adjustment of Appropriations Limit. Pursuant to Article XIII B of the Constitution of the State of California and applicable laws, the appropriations limit for the City is hereby increased by the aggregate sum authorized to be levied by this tax for fiscal year 2020-21 and each year thereafter.

Section 4. Compliance with the California Environmental Quality Act. Approval of this ordinance is exempt from review under the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines”)). The tax authorized by this ordinance is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible time prior to approval of the project, consistent with CEQA Guidelines Sections 15004 and 15352. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Agenda Item No. 6(C)
Attachment 1 Exhibit A

Section 6. Effective Date and Publication. This Ordinance shall be considered adopted on the date of the declaration of the vote at the November 5, 2019, election and shall become effective 10 days thereafter. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law.

The foregoing ordinance was approved by the following vote of the People of the City of El Cerrito at special election on November 5, 2019:

YESES:

NOES:

The foregoing ordinance was adopted by the Declaration of the vote at the November 5, 2019 special, which the City Council of the City of El Cerrito declared on December XX, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

EXECUTIVE SUMMARY

1.1 Purpose

1.2 Scope

1.1 PURPOSE

El Cerrito's *Parks and Recreation Facilities Master Plan* will shape the future of the City's parks, open spaces, and recreation facilities, creating a framework for the services in El Cerrito's recreation network. **The Master Plan assesses the City's existing conditions, identifies the community's recreation needs, prioritizes recommendations, and generates a plan for the long-term maintenance and enhancement of the City's parks and facilities.**

This plan includes:

- El Cerrito's recreation, park, and open space assets
- The recreation services provided by the City
- Current and future recreation opportunities for the El Cerrito community
- Current and future maintenance needs of the City's parks and recreation facilities
- Prioritized project recommendations for the maintenance, rehabilitation, and improvement of El Cerrito's parks and recreation facilities

1.2 SCOPE

The scope of El Cerrito's *Parks and Recreation Facilities Master Plan* includes an inventory and assessment of the community's existing recreation system, community input gathering, exploration of potential enhancement and expansion projects, and priority setting. The *Master Plan* looks at the significant maintenance and rehabilitation needs of the City's aging parks and recreation facilities with the intent to identify the necessary repairs and upgrades so that facilities will be sustainably maintained in the future. To help set priorities for improvements, the *Plan* also assesses community needs in recreation and enhancement opportunities.

INVENTORY AND NEEDS ASSESSMENT

The inventory and needs assessment of the *Master Plan* surveys the City's existing park and recreation facilities, reviews previous planning efforts, and analyzes the community's demographic and recreational profile. From this, the inventory and needs assessment identifies where community demand is not met by the City's supply of recreation services.

El Cerrito's park and recreation system encompasses 16 City parks, one greenway, two special-use open spaces, and 15 recreation buildings. The City maintains and operates 175 acres of parkland, of which 102 acres remain dedicated open space. The City owns 155 acres of parkland and maintains 20 acres of parkland that is owned by the West Contra Costa Unified School District (WCCUSD) (6.5 acres), the City of Richmond (1.5 acres), and BART (12 acres).

Overall, the City's recreation network receives active community use. However, aging amenities, significant deferred maintenance, and limited opportunity for program expansion negatively impact the City's provision of recreation services to the community. Additional funding is needed to provide recreation services for youth, teens, and adults which are a priority for the community.

COMMUNITY OUTREACH

Extensive community outreach was utilized throughout the master planning process. This outreach included the establishment of a guiding Community Advisory Group (CAG), interviews with parks and recreation Stakeholders, three community workshops, an online survey, and two public study sessions with the El Cerrito Park and Recreation Commission.

Executive Summary

The following are strong themes from the community outreach process:

- Overall, the community is satisfied with the City's existing supply of and access to parks and recreation facilities and programs
- Many community members view the Hillside Natural Area and Ohlone Greenway as valued recreation amenities that are unique to El Cerrito
- There is a desire to update and improve the City's existing recreation facilities and programs, to modernize and to meet demands in use
- There is a strong desire for improved general maintenance in the City's parks – restrooms, waste removal, etc.
- The community is interested in pedestrian access throughout the City's recreation network – walking and biking
- The community is interested in supporting youth recreational programming – toddler amenities, teen programming, and youth enrichment opportunities

PROJECT IDENTIFICATION AND REFINEMENT

The El Cerrito parks and recreation network has significant deferred maintenance and rehabilitation projects requiring an assessment and systematic prioritization for these projects, while also addressing potential improvements to serve identified recreational need in the community. The Consultant worked with the CAG, City staff, and community input to assess and refine improvements for El Cerrito's parks and recreation facilities.

The City is faced with high demand and insufficient space to meet the community's existing recreation needs. The space that is available to the community for recreation programming requires extensive renovation and updates to meet current and future recreation programming. To fulfill its mission of providing the opportunities, resources, and services that will enhance quality of life and create community connections, the Recreation Department's recreational, educational, and cultural offerings will require expansion.

GOAL AND PRIORITY SETTING

To establish priorities for El Cerrito's recreation enhancements, the *Master Plan* is guided by the following overarching goals:

- Goal A: Enhance El Cerrito's Park Network
- Goal B: Enhance El Cerrito's Recreation Facilities
- Goal C: Support Recreation Programs
- Goal D: Improve Pathways and Trails
- Goal E: Improve Natural Areas

In addition to these goals, prioritizing criteria were created through the input of the CAG, City staff, and the community. Combined with a detailed financial analysis of potential park projects, and the identified prioritizing criteria, the overarching goals support the selection of priority projects that will serve the community's existing and future recreational needs.

IMPLEMENTATION

The *Master Plan* identifies \$9.7 million in existing parks and recreation building deficiencies. This cost includes ADA deficiencies, urban forest management, and the in-kind feature replacement for items at the end of their useful life throughout the City's parks and recreation buildings as identified through update of the 2004 *Structural Facilities Management Plan* and the 2003 *Landscape Management Plan*. **The \$9.7 million in existing park and recreation building deficiencies does not include**

additional amenities or facilities, but the as-is cost to improve the recreation network as it currently is.

The *Master Plan* recommendations identify \$22.3 million in desired park and recreation building improvements and enhancements. These improvements would enhance and expand the City's recreation network while addressing deficient items. Should the recommended improvements be implemented, many of the identified park and recreation deficiencies will be addressed. The balance of the deficient items will be addressed through the implementation of identified maintenance budget enhancements.

In total, the Master Plan includes 180 projects or implementation activities, of which 128 are estimated to have costs of \$22.3 million. 52 projects are not assigned a cost as they are policy and program changes or are not sufficiently defined to estimate implementation. This value reflects hard costs only – future planning will need to account for contingencies such as design, administration, and construction management. With a contingency of 35% (20% contingency and 15% soft costs) the recommendations are estimated to be \$30.1 million.

Recommended projects are categorized as follows:

- **(IWP)** Immediate Work Priorities– items/assets that are failing and have reached the end of their useful life (assessed as 'poor' in the 2018 Inventory and Deficiencies Assessment)
- **(P)** Policy/Program– recommendations related to park or asset program or City policy
- **(EW)** Early Wins– recommendations with an implementation cost of \$20,000 or less
- **(DEF)** Deficiencies– recommendations related to code, regulation compliance, and ADA accessibility
- **(ENP)** Enhancements/New Projects– recommendations that support park and asset enhancement or the creation of a new amenity

TABLE 1. RECOMMENDATION TYPE, NUMBER, AND COST

Recommendation Type	Projects	Known Costs
(IWP) Immediate Work Priority	19	\$657,765, for 19 projects
(P) Policy/Program	21	NA*
(EW) Early Wins	28	\$228,700, for 27 projects
(DEF) Deficiency	37	\$4,969,449, for 36 projects
(ENP) Enhancement/New Project	75	\$16,371,380, for 46 projects
Recommendations Total	180	\$22,227,294
35% Contingency		\$30,006,847
Swim Center Capital Projects*	3	\$7,643,370
Grand Total	183	\$37,650,217

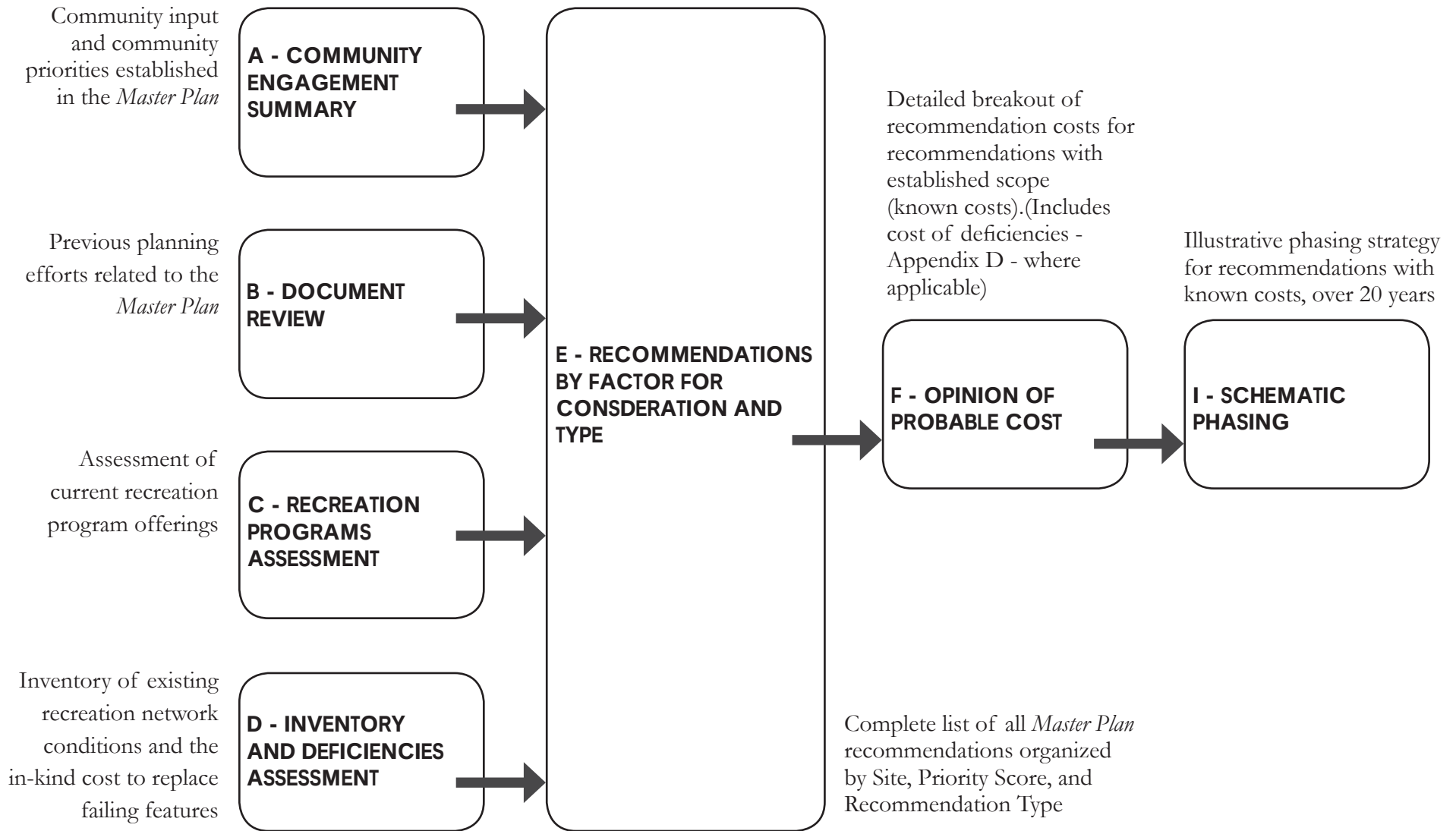
* A more detailed analysis was conducted for anticipated Swim Center Projects, please see page 137.

In addition to the recommended projects, the **Master Plan determines that the total maintenance enhancement needed to maintain existing facilities and parks to the standards desired by the public is an additional \$800,000 in current dollars, annually.** To fund the implementation of these recommendations, an exploration of funding sources is included in the *Master Plan*. Existing or potential funding sources include:

- Measure A Extension
- Landscape and Lighting Assessment District (LLAD)
- Development Impact Fees and Development Related Payments
- Enhanced General Fund Revenues
- Community Facilities District (CFD)
- Grant Funding
- State Department of Parks and Recreation
- Charitable Contributions and Donor Campaigns

A conceptual financing strategy is also included in the *Master Plan*. This strategy phases the project recommendations over a 20-year time frame to correspond with revenue potential and the availability of bond funding. Phasing is based on recommendation type and priority assessment.

FIGURE 1. APPENDIX FLOW CHART



IMPLEMENTATION

- 6.1 Financial Analysis of Park and Facility Maintenance
- 6.2 Phasing Strategy
- 6.3 Conceptual Financing Strategy

6.1 FINANCIAL ANALYSIS OF PARK AND FACILITY MAINTENANCE

INTRODUCTION

As the City identifies its priorities for the renovation and renewal of park and recreation facilities, an important consideration is the funding required to maintain and sustain existing, upgraded, and/or new amenities. Years of limited funding for maintenance and limited to none for renewal, have resulted in the aged conditions of these valued public assets. Without adequate maintenance funding for existing, renovated, and/or new facilities, these conditions will worsen and repeat.

The public's perception of park and recreation facilities maintenance is mixed. The community is satisfied with the supply of parks and recreation facilities, but report that the parks and recreation facilities are aged and in need of renovation and modernization. According to the community survey, the renewal and/or replacement of infrastructure and outdated equipment is the community's highest priority for park facility improvements. The public's desire for new facilities, however, is tempered by the concern that the City is unable to maintain existing facilities. Adding new amenities must be balanced with upgrading failing, existing facilities. Meeting the public's desires and expectations is made more challenging as the facilities continue to age and reach the end of their useful life.

This section reports the current funding for maintenance, provides an opinion of required funding, and examines the financial impact of renovation and new facilities on maintenance costs. A brief overview of the maintenance funding follows.

MAINTENANCE FUNDING OVERVIEW

The Public Works Department and the Recreation Department share responsibilities for the maintenance of all City parks and recreation facilities. The El Cerrito park system encompasses 16 city parks, one greenway, and two special-use open spaces. Maintenance of parks, sports fields, playgrounds, recreation facilities and open space include turf maintenance, reseeding, aeration, and fertilization, irrigation repair, litter removal, vegetation management including pruning and weed control, playground safety inspection and repair, building maintenance and repair, graffiti abatement, and special event support.

FIGURE 28. ASPHALT PAVING AT CASTRO PARK, IN 'POOR' CONDITION



The Public Works and Recreation Departments receive General Fund and Special Funds support for the maintenance of parks and recreation facilities. Funding is derived from a variety of fund sources, including \$754,442 (FY2016-2017) from the Landscape and Lighting Assessment District (LLAD), which was passed by voters in 1988. The LLAD was established to collect funds to support improvements and maintenance of the City's park areas, landscaping areas, and street lighting. The LLAD does not include a provision for cost inflation, and consequently as labor, electricity, and supply costs rise the revenue has not kept pace, necessitating a greater contribution from the General Fund to maintain

Implementation

the status quo. Adjusted to inflation, LLAD revenues would need to be \$1.6 million in order to pay for the same amount of service as it did in 1988.

The financial recession that began in 2008 has had a lasting effect on the City's funding. General Fund revenues declined during this period, severely limiting the capacity of the City to provide the necessary funding to do more than essential maintenance. As the recovery began to take place in 2015, the Public Works annual budget has been increased. However, funding levels continue to be insufficient to fund routine maintenance, preventative maintenance, or to provide a contingency for unforeseeable events (i.e. vandalism, flooding, fire, drought).

For this *Master Plan*, the Public Works Department provided detailed cost data for the maintenance of the City's parks, recreation facilities, and open space. For FY2016-2017, the Public Works Department reports expenditures for park maintenance was \$1,354,700. Additional funding was allocated for a one-time deferred maintenance project (\$49,500) for an annual and deferred maintenance expenditure of \$1,404,200.

FIGURE 29. PICNIC TABLE AT CANYON TRAIL PARK, IN 'FAIR' CONDITION



The Swim Center is a separate budget item in the Recreation Department and is not included in the figures above. For the past five years, an average of approximately \$200,000 has been spent per year at the Swim Center from Measure A, on capital equipment replacement, upgrades and renovations. Estimates of future costs suggest that \$400,000 per year will be needed over the next 20 years to maintain the Swim Center at a high level and implement *Master Plan* recommendations. Measure A funding sunsets in 2020 and if not renewed, will require an alternative funding source. Table 28 notes the Public Works parks expenditures in FY2016-2017.

TABLE 28. PARK ACREAGE EXPENDITURES (EXCLUSIVE OF BUILDINGS) FY2016-2017

Park Acreage Expenditures (Exclusive of Buildings) FY2016-2017	
Park Acreage Annual Maintenance Expense	
Annual Park Maintenance	\$1,354,700
Deferred Maintenance	
Park Path Paving	\$49,500
Total and Annual Deferred Maintenance FY2016-2017	\$1,404,200

During this same year, FY2016-2017, the recreation buildings maintenance expenditure was \$301,315. Additional funding was allocated for deferred maintenance projects (\$165,900) and Measure A Funds for Swim Center Maintenance (\$232,000) for an annual maintenance expenditure of \$699,215. Table 29 notes the Recreation buildings expenditures.

FIGURE 30. PLAYGROUND AT POINSETT PARK, IN 'GOOD' CONDITION



TABLE 29. RECREATION BUILDINGS ANNUAL MAINTENANCE BUDGET EXPENSE FY 2016-2017

Recreation Buildings Annual Maintenance Expense FY 2016-2017	
Custodial Budget	\$241,315
Building Supplies	\$60,000
Subtotal Maintenance	\$301,315
Swim Center - Measure A Funds	\$232,000
Deferred Maintenance	
Clubhouse Painting	\$91,500
Minor Repairs and Supplies	\$74,400
Subtotal Deferred Maintenance	\$165,900
Total Annual, Measure A and Deferred Maintenance	\$699,215

Regarding open space, funding for the City's 102 acres of open space at the Hillside Natural Area is limited to fire and safety maintenance. The preservation and development of open space can provide a number of benefits to the City and its residents. Open space preserves habitat, protects creeks and wetland areas with riparian buffers, supports storm water management, and provides opportunities for tree restoration and reforestation. El Cerrito's open space can be developed for both active and passive recreation uses and environmental study. Currently, the Hillside Natural Area includes trails and there is a demand for additional trail development, which requires funding for trail management, trail erosion, and hazard removal. The City's open space requires funding of capital improvements in addition to annual maintenance funding. Currently, the Public Works Department stretches available resources through the use of volunteers and contract services.

Due to the age, backlog of deferred maintenance, and failing or failed infrastructure, the City's parks are labor intensive to maintain. As the facilities continue to deteriorate, more staff time and financial resources are required to remediate conditions. This diverts finite staff resources and funding to quick-fix repairs rather than replacement and renewal. The recommended improvements to the parks and buildings will break this cycle of deferring maintenance.

FIGURE 31. PICNIC TABLE AT HUBER PARK, IN 'VERY GOOD' CONDITION



Completing the recommended improvements will help contain annual maintenance costs. An example of this is the re-lamping in 2011 of the overhead lights along the Ohlone Greenway. The light quality was poor and the halogen lamps were targets for vandals, costing the City approximately \$3,000 each year to replace broken lights. Public Works replaced the halogen lights with energy efficient LED lighting that provides better lighting for Greenway users. The cost to re-lamp was \$116,000; however, using a combination of Federal Stimulus Funds and utility rebates, the City's cost share was \$23,000. In the 7 years since the old lights were replaced, no lights have failed or been vandalized, saving the City approximately \$9,600 per year in avoided energy costs and maintenance repairs. In varying amounts, savings are expected with the implementation of the following:

- Replacement of failing irrigation systems
- Correction of field and park drainage issues
- New paving for paths and courts
- Conversion of one field to synthetic turf
- Replacement of playground surfaces and structures
- Replacement of BBQ (cooking grills), picnic amenities, benches and tables
- Use of graffiti-resistant materials, paint, and signage
- Improved lighting

OPINION OF MAINTENANCE COSTS

The City's cost to maintain the current inventory of parks and open space (175 acres) is \$7,741 per acre. To measure the performance and costs of these services, the City was benchmarked using national and regional data developed by the National Recreation and Parks Association (NRPA).

BENCHMARKING

The NRPA is dedicated to the advancement of public parks and recreation and is recognized as the definitive source of data for use in park planning, operations, maintenance, capital development, and benchmarking. Each year the NRPA publishes the *Agency Performance Review* that contains data, self-reported by over 1,000 park and recreation agencies across the United States. The data and key findings are summarized and published in an annual *NRPA Park Metrics* report and together these documents provide the most comprehensive park and recreation benchmarks and insights available.

The NRPA does not provide standards, recognizing that local agencies are unique in the population served, community needs and expectations, resources, service offerings, and core mission, to name a few considerations that make each agency unique.

METHODOLOGY

The 2018 *NRPA Park Metrics* reports findings for the lower-quartile (lowest 25 percent), the upper-quartile (highest 25 percent), and the median (the mid-point with half below and half above). This data provides insights into how El Cerrito compares not only to agencies at the median values but also to the full range of agencies at both the high and low quartiles. Table 30 reports key data points that were used to benchmark current maintenance operations and develop funding recommendations for the sustained maintenance of the City's park and open space.

TABLE 30. OPERATING EXPENDITURES PER ACRE

Operating Expenditures Per Acre			
Per Acre Expenditure	Lower Quartile	Median	Upper Quartile
Population 20,000 to 49,999	\$4,142	\$7,671	\$15,864
Pacific Southwest	\$5,645	\$17,651	\$31,801
Density over 2,500 pop sq. mile	\$5,246	\$11,953	\$28,319
250 or less acres	\$4,881	\$11,415	\$29,023

FACTORS IMPACTING MAINTENANCE COSTS

The significant factors that impact maintenance costs include:

- Population and population density
- Park number and acreage
- Cost index and economies of scale

POPULATION AND POPULATION DENSITY

The 2018 *NRPA Performance Review* found that operating expenditures increase with higher population density. Nationally, agencies serving a community with a density of 1,501 to 2,500 residents per square mile have a median operating expense of \$5,246. This figure increases to \$11,953 for agencies serving a population greater than 2,500 residents per square mile. El Cerrito is very densely populated with over 6,600 residents per square mile.

PARK NUMBER AND ACREAGE

Other factors that impact the cost of maintenance are park acreage and the number of developed parks. El Cerrito is in the lower quartile for both of these factors with less than 250 acres of parkland (175 acres), distributed over a low number of parks. The cost of deploying labor and equipment to the City's smaller park sites disproportionately increases costs.

COST INDEX AND ECONOMIES OF SCALE

Lower costs are associated with less acreage and a smaller population, however, these factors are partially offset by higher costs attributable to the lack of economies of scale, and the higher costs of goods and services in the region, and more specifically, the San Francisco Bay Area. Table 31 indexes the 2018 cost of living of major urban areas in the Pacific Southwest to the City of El Cerrito. The price indexing significantly impacts maintenance costs for the City of El Cerrito.

The cost of living index is based on a national average of 100. If the amount is below 100, it is less expensive than the national average. If the amount is above 100, it is more expensive than the national average. The indexing data below is derived from the Council for Community and Economic Research.

TABLE 31. COST OF LIVING INDEX

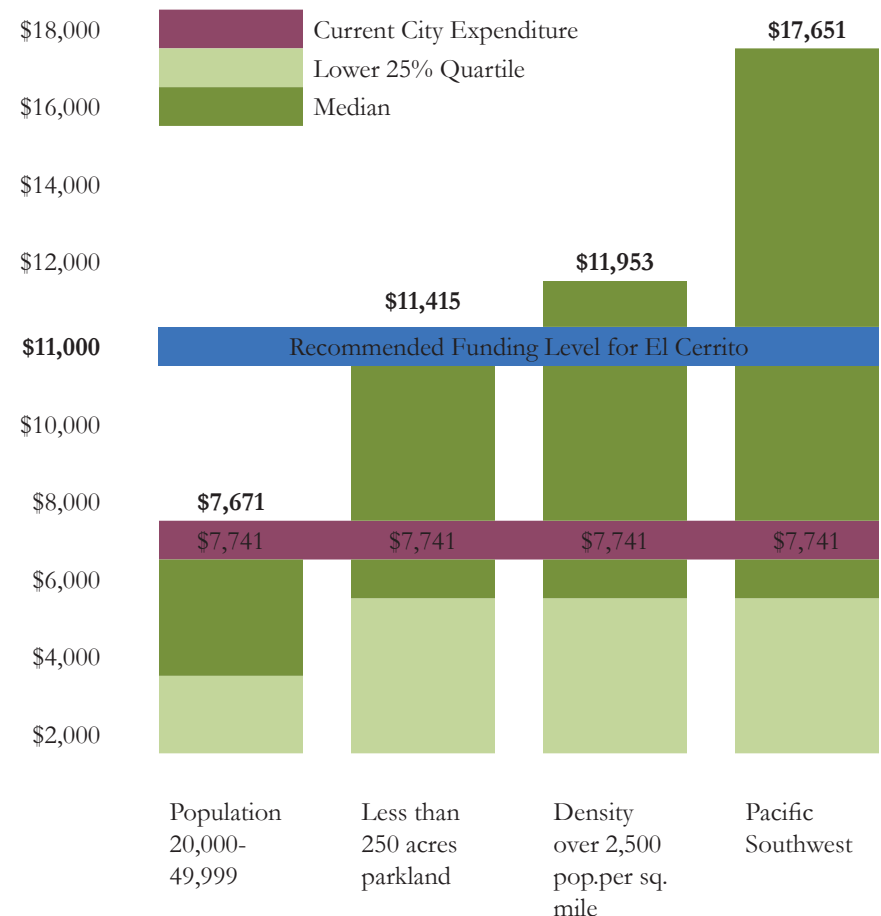
City	Cost of Living Index
Phoenix, Arizona	95
Las Vegas, Nevada	100
Salt Lake City, Utah	105
Los Angeles, CA	146
El Cerrito, California	173

PARK MAINTENANCE FUNDING ASSESSMENT AND RECOMMENDATION

The *Master Plan* provides a framework to assess the current level of park maintenance funding and identify a funding target. In FY2016-2017 the cost of annual park maintenance totaled \$1,354,700 or \$7,741 per acre. This figure includes the LLAD (Landscape and Lighting Assessment District) custodian costs. As previously discussed, current funding cannot provide for the quality of maintenance desired by the community as identified through the public outreach process. To estimate the maintenance costs for all parks and open space, at the desired level, and to perform preventative maintenance, NRPA data provides guidance.

As shown in Figure 32 the application of NRPA metrics supports a maintenance cost within a range of \$10,800 per acre to a high of \$11,200 per acre. Capital improvement projects and deferred maintenance are not included in these figures. An increase in annual maintenance from the current \$7,741 per acre to \$10,800 per acre would add approximately \$550,000 to the annual maintenance budget. As maintenance standards are developed and as specific improvements or new facilities are defined and added to the system, the annual maintenance costs can be refined.

FIGURE 32. NRPA BENCHMARKING OF PARK PER ACRE EXPENDITURES



Implementation

The new-targeted annual maintenance increase of \$550,000 is for maintenance based on 175 acres. These additional funds would be used for:

- Increased service for parks, fields and playgrounds
- Improved trash and litter management in parks and open space areas such as the Greenway and creek corridors
- Increased urban forest and vegetation management, including removal of invasive plants and fire hazard reduction, in all parks and open space areas (i.e., the Ohlone Greenway and the Hillside Natural Area)
- Phased implementation of deferred maintenance projects in buildings and park features
- Maintenance of recent additions and new amenities to the City's park system such as Madera Open Space, Centennial Park, Dorothy Rosenberg Memorial Park, and the BART Stations/ Ohlone Greenway ASP projects

RECREATION FACILITIES BUDGET AFTER RENOVATIONS

Annual maintenance costs are predicated on the improvements completed as noted on the Inventory and Deficiencies Assessment (**Appendix D**). The annual maintenance costs are estimated at one-percent (1%) of the replacement cost of each building. The 1% factor provides annual maintenance and limited funding for on-going renewal of the recreation facilities. The cost is estimated to range from \$240,000 to \$265,000 annually in addition to the current funding level. The intent is to prevent a reoccurrence of the current unfunded backlog of deferred maintenance projects.

SUMMARY OF MAINTENANCE COST FOR EXISTING AND NEW/ RENOVATED FACILITIES

A number of factors will impact the maintenance expense for renovated and new facilities that might be constructed. The *Master Plan* is not intended to provide detailed information regarding the actual size, layout, plant material, mechanical systems, building materials, finishes, or the many other factors that impact maintenance costs. As planning proceeds it will be possible to adjust planning figures based on more specific information. It is anticipated that as deferred maintenance projects are completed there will be some reductions in annual maintenance costs. The maintenance costs for new facilities and some renovated projects will be substantially less during the initial years of operation (1-5 years) as warranties and new features/fixtures require less maintenance. These initial years provide an opportunity to establish a facility replacement and renewal fund that will be needed after years 5-10 years, when systems begin to need major repairs or replacement.

Table 32 lists the expected range of annual maintenance costs per the discussed projects.

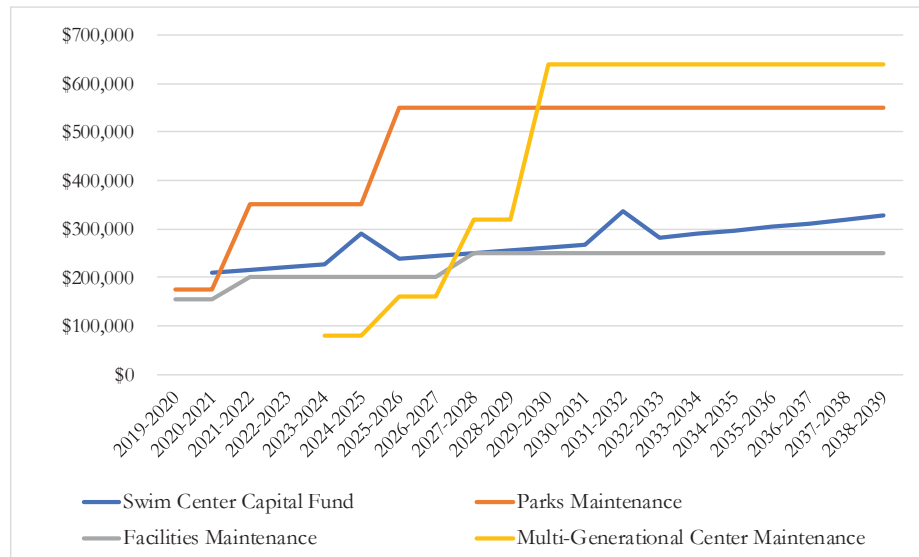
TABLE 32. EXPECTED RANGE OF ANNUAL MAINTENANCE COSTS

Project	Maintenance	
	Low	High
All-Weather Turf Field	\$15,000	\$17,000
Lighting for the Turf Field	\$3,000	\$4,000
Bike Skills Park	\$5,000	\$8,000
Park Maintenance	\$1,900,000	\$1,960,000
Recreation Facilities	\$590,400	\$615,400

For purposes of the conceptual Financing Strategy, Figure 33 summarizes the major anticipated increases in maintenance costs. As noted earlier, based on comparative statistics on maintenance costs per acre and conditions in El Cerrito for the 175 acres in the parks system, it is recommended that the park maintenance budget increase over several years by \$550,000 per year, reflected in the orange line in the graph. In

addition, facilities maintenance costs should increase by about \$250,000 per year. The Swim Center requires ongoing capital replacement costs for filters, pumps and other equipment, estimated at about \$400,000 per year. This includes \$2.6 million in expenditures for anticipated major plumbing work needed and replacement of the flat roof sections in the Swim Center buildings and other improvements programmed for 2029 (not shown in Figure 33). Finally, the proposed Adult/Multi-Generation Programming Space is anticipated to require \$650,000 per year to maintain and operate.

FIGURE 33. INCREASED MAINTENANCE COSTS



6.2 PHASING STRATEGY

IDENTIFIED DEFICIENCY PROJECTS

The *Master Plan* has identified \$9.7 million in existing park and recreation facility deficiencies. This includes building repairs, ADA deficiencies, urban forest management, and asset replacement for items at the end, or reaching the end, of their useful life throughout the City's parks and recreation buildings. Table 33 details these deficiency costs in each park. Implementing the proposed recommendations will address these existing deficiencies.

RECOMMENDED ENHANCEMENT PROJECTS

The *Master Plan* recommends a number of facility expansion and improvement projects to provide a higher level of programming capacity and in some cases to reduce maintenance costs. In addition, estimates have been made of the costs to correct existing deficiencies in buildings and facilities. In total, the *Master Plan* includes 180 projects or implementation activities, of which 128 are estimated to have costs of \$22.3 million. 52 projects are not assigned a cost as they are policy and program changes or are not sufficiently defined to estimate implementation. This value reflects hard costs only – future planning will need to account for contingencies such as design, administration, and construction management. With a contingency of 35% (20% contingency and 15% soft costs) the recommendations are estimated to be \$30.1 million.

Implementation

TABLE 33. PARK AND CLUBHOUSE DEFICIENCY COSTS

Site	Clubhouse and Building Improvements			Park Facilities and Equipment			Grand Total
	Deficiencies	ADA	Total	Deficiencies	ADA	Total	
Arlington Park and Clubhouse	\$255,480	\$23,300	\$278,780	\$360,900	\$64,500	\$425,400	\$704,180
Baxter Creek Gateway Park				\$41,700		\$41,700	\$41,700
Bruce King Memorial Dog Park				\$5,900		\$5,900	\$5,900
Canyon Trail and Clubhouse	\$217,604	\$22,600	\$240,204	\$486,012	\$216,600	\$702,612	\$942,816
Casa Cerrito Childcare	\$170,374	\$37,500	\$207,874		\$26,100	\$26,100	\$233,974
Castro Park and Clubhouse	\$255,688	\$58,500	\$314,188	\$100,650	\$126,100	\$226,750	\$540,938
Central Park				\$1,123,402		\$1,123,402	\$1,123,402
Cerrito Creek (At El Cerrito Plaza)				\$28,100		\$28,100	\$28,100
Cerrito Vista Park and Recreation Facility	\$132,774	\$10,300	\$143,074	\$642,250	\$177,600	\$819,850	\$962,924
Community Center	\$744,211	\$52,900	\$797,111	\$33,000		\$33,000	\$830,111
Creekside Park				\$149,550		\$149,550	\$149,550
Dorothy Rosenberg	\$433,945	NA	\$433,945	\$15,800		\$15,800	\$449,745
Fairmont Playfield and Clubhouse	\$217,428	\$44,300	\$261,728	\$32,080	\$7,400	\$39,480	\$301,208
Harding Park and Clubhouse	\$373,310	\$56,700	\$430,010	\$223,381	\$65,600	\$288,981	\$718,991
Hillside Natural Area				\$241,009		\$241,009	\$241,009
Huber Park and Clubhouse	\$64,032	\$14,000	\$78,032	\$18,200	\$174,300	\$192,500	\$270,532
Madera Playground and Clubhouse	\$230,390	\$38,400	\$268,790	\$123,100	\$29,300	\$152,400	\$421,190
Ohlone Greenway				\$255,800		\$255,800	\$255,800
Poinsett Park and Clubhouse	\$66,272	\$15,800	\$82,072	\$280,800	\$23,100	\$303,900	\$385,972
Richmond/Blake Pocket Park				\$3,000		\$3,000	\$3,000
Swim Center	\$19,020	\$25,200	\$44,220				\$44,220
Tassajara Park and Clubhouse	\$217,823	\$31,800	\$249,623	\$683,225	\$61,300	\$744,525	\$994,148
Total	\$3,398,351	\$431,300	\$3,829,651	\$4,847,859	\$971,900	\$5,819,759	\$9,649,410

TABLE 34. RECOMMENDATION TYPE, NUMBER, AND COST

Recommendation Type	Projects	Known Costs
(IWP) Immediate Work Priority	19	\$657,765, for 19 projects
(P) Policy/Program	21	NA*
(EW) Early Wins	28	\$228,700, for 27 projects
(DEF) Deficiency	37	\$4,969,449, for 36 projects
(ENP) Enhancement/New Project	75	\$16,371,380, for 46 projects
Recommendations Total	180	\$22,227,294
35% Contingency		\$30,006,847
Swim Center Capital Projects*	3	\$7,643,370
Grand Total	183	\$37,650,217

* A more detailed analysis was conducted for anticipated Swim Center Projects

SWIM CENTER CAPITAL FUND

The Swim Center Capital Fund includes several items which are detailed in **Appendix J** and in the Plan Recommendations in Table 34. **Appendix J** includes an estimate of ongoing capital replacement costs for the Swim center equipment prepared by Knorr, Inc., which has been annualized for the 20-year plan period. In addition, Mack5 prepared a cost estimate for improvements to the Swim Center roof and locker room, among other items, which is scheduled to occur in 2029. In addition, Table 34 includes a recommendation for a deficiency improvement in the amount of \$44,000 and there is also a recommendation for an additional new project enhancement for \$50,000. These latter two projects were combined with the Knorr estimates and escalated at 2.5% per year to calculate the cost stream shown in Table 35. The Mack5 project cost estimate for 2029 also includes inflation and contingency estimates reflecting the specifics of that project. While inflation has not generally been projected for most of the costs in Table 35, the Swim Center projects are planned to be funded primarily from Measure A funds, if extended by the voters. The Measure A revenues would be capped at a constant level throughout the 20-year extension period and not subject to annual escalation for inflation. For this reason, it is important to project how cost escalation will affect the costs that would be funded by the potential Measure A revenues. The

\$7.7 cumulative cost for the Swim Center capital replacement does fit within the projected funding capacity of Measure A.

FUNDING SOURCES

Cities commonly employ a number of funding mechanisms to finance parks and recreation construction and maintenance. In addition to General Fund revenues, cities use voter approved taxes, such as parcel taxes, real property transfer taxes, utility taxes, and local sales taxes; special assessments such as Landscape and Lighting Districts (LLDs), and development impact fees and community benefits payments from developers to directly fund certain public amenities or improvements. El Cerrito has used or may consider using many of these funding sources. The section below describes existing or potential funding from these types of public finance programs.

MEASURE A

Measure A is a special tax approved by the voters of El Cerrito in March 2000 for the express purpose of funding the renovation and reconstruction of the Swim Center, the rehabilitation of the Canyon Trail Clubhouse, and the performance of access and restroom renovations to the Harding, Huber and Poinsett Park Clubhouses. The tax measure was approved for 20 years and is set to expire in June 2020. The original funding objectives of the tax measure will have been accomplished by that date, and the City may consider requesting that the voters renew Measure A to help fund continued maintenance of the swim center or other capital costs of correcting deficiencies at other park and recreation facilities identified in the *Master Plan*.

The Measure A special tax for FY 2018-19 is set at \$58.56 per single family dwelling unit, \$45.00 per multi-family dwelling unit and \$410.00 per acre of non-residential development. Under these tax rates, the Measure is projected to generate approximately \$646,000 per year. If the Measure were renewed, this level of revenue exceeds the low end of the range of recommended increased maintenance costs for the park and

Implementation

recreation system as a whole. While the revenues may be dedicated to swim park maintenance as a first priority, this would allow the City to allocate other funds to meet the overall increased maintenance goal.

LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT (LLAD)

El Cerrito has an LLAD that helps to fund certain services such as street lighting and maintenance of parks, park buildings and landscaping in public areas. Authorized by the Landscape and Lighting Act of 1972, the El Cerrito District was established by the City Council in 1988. The LLAD is subject to the provisions of Proposition 218, which requires approval of property owners in order to impose the assessments. The LLAD was affirmed by the voters in 1996 when Proposition 218 was passed, but a measure seeking a higher assessment in 2006 was not approved. The LLAD currently generates about \$776,000 annually, based on the assessment rates that have been in place since 1988. The LLAD does not contain a provision for inflation and thus has not kept pace with escalation of costs for labor, utilities, and materials since it was first passed. Adjusted for inflation, LLAD revenues would need to be \$1.6 million in order to pay for the same amount of service as it did in 1988. Any increase to the assessments to help fund recommended levels of park maintenance would need to go through a property owner approval process.

DEVELOPMENT IMPACT FEES AND OTHER DEVELOPMENT -RELATED PAYMENTS

It is common for cities to charge impact fees to new construction projects to help pay for necessary expansions of City infrastructure to support population and employment growth. For parks, the state Quimby Act allows cities to require new development to dedicate a certain amount of park land to the City based on the amount of new population each development project would house. The Act allows developers to pay a fee in lieu of dedicating actual acreage under certain circumstances. In addition, the Mitigation Fee Act permits cities to charge a parks facilities impact fee (along with other infrastructure fees), to cover the cost of

acquiring new park land and open space and developing raw park land into active recreation facilities.

El Cerrito has not enacted an ordinance under either or both the Quimby Act or Mitigation Fee Act, but its San Pablo Avenue Specific Plan (SPASP) contains provisions for developments occurring within the Specific Plan area to dedicate open space or pay an in-lieu fee. Most of the future development potential of the City would occur within the SPASP area. The most recent development project list for the SPASP shows 191 dwelling units under construction, an additional 451 units approved and 608 under review in the entitlement process. This totals 1,250 units, plus additional commercial space, which is very nearly the total that ABAG projects El Cerrito to grow by the year 2040 (Projections 2013).

The Form Based Code (FBC) that implement the SPASP indicates that the City will develop an in-lieu fee program pursuant to additional analysis of opens space conditions within the Specific Plan area. For early developments occurring in the SPASP, the City has negotiated a fee based on analysis of the cost to acquire and develop park land. This fee is set at \$102 per sq. ft. of open space required from the development project. For the early projects that have been subject to the fee, this has averaged about \$911/unit, which is a function of the size of the units and may vary from project to project. In addition, the SPASP contains a provision for development projects to pay for certain community benefits, which may include parks, if they do not meet minimum design guidelines provided in the FBC. Two recent residential projects made additional contributions toward improvements at Centennial Park under the Community Benefits provision, equivalent to an additional \$1,760 per unit.

While the SPASP in-lieu fee program may evolve in the future, if each of the 1,250 units currently in the planning pipeline paid an average of \$911 per unit, it would generate nearly \$1.14 million in fee revenue. Some development projects may opt to dedicate actual public open space, in which case the fee revenues would be lower. However, some additional revenue may be gained through the Community Benefits program.

Importantly, if the City implemented a development impact fee in the future, fee revenue would need to be programmed for park and open space facilities expansion projects, rather than correction of existing deficiencies, to meet the provisions of the Mitigation Fee Act.

PROPERTY TRANSFER TAX

The voters of El Cerrito have approved making the City a Charter City rather than a General Law City. The powers granted to charter cities in the California State Constitution includes greater taxing authority. The City now has the authority to levy a Real Property Transfer Tax (RPTT), which is applied to all real estate transactions occurring in the City. City staff estimates that at current real estate activity levels, this tax could generate as much as \$3 million per year for the City General Fund. The City Council will need to determine how these revenues would be allocated among City services, but if a portion of the revenue were allocated to parks maintenance or improvements, it could fill a significant gap in mitigating the deferred maintenance backlog the City has accumulated. The City may consider prioritizing parks improvement projects that also have the potential to reduce future maintenance costs, or increase fee revenue, such as the installation of All-Weather turf fields and upgraded picnic areas. In addition, this revenue stream could augment current City expenditures for park maintenance to achieve a more sustainable maintenance level with lower major facility replacement costs in the future.

COMMUNITY FACILITIES DISTRICT (CFD)

Authorized by the Mello Roos Community Facilities Act of 1982 and subject to voter or property owner approval, these community facilities districts (CFDs) permit the imposition of taxes on property to fund construction costs for infrastructure and facilities, maintenance of facilities and operation costs for public services such as police and fire protection. They have been used both to fund infrastructure construction and to help pay for services (park maintenance and recreation programs).

GRANT FUNDING

Similar to most cities, El Cerrito accesses state and federal grant programs when available to help fund parks and recreation facilities. For large projects it is frequently necessary to assemble several grants from sources which may have different purposes but which can contribute to portions of a larger project. In addition to state and federal grant sources, there are a number of private foundations, major corporations and non-profit groups that offer funding for specific purposes appropriate to the types of projects in the *Master Plan*. In some cases these programs are offered on an annually recurring basis and sometime they are one time opportunities, or offered on a less frequent basis. If not already, the City may consider subscribing to a service such as Grantstation Insider (www.grantstation.com) in order to monitor upcoming grant opportunities. However, in general grant funds are limited and usually allocated on a competitive basis, which makes it difficult to incorporate them in specific ways into long term capital improvements programs. In addition, grants primarily provide funding for capital costs, rarely for deferred or on-going maintenance costs.

STATE DEPARTMENT OF PARKS AND RECREATION

Periodically, voters of the state have approved park, water and natural resources bonds that the State Department of Parks and Recreation has used to grant funds to local agencies through its Office of Grants and Local Assistance (OGALS). Previously, a statewide park bond was passed in 2006 and in June 2018 \$4.1 billion in bonds was approved with Proposition 68. Not all program guidelines have not been issued yet for these latest bonds but El Cerrito should be able to compete for some of the funds for its projects. Additionally, OGALS administers annual Land & Water Conservation Fund (LWCF) funds from the National Park Service, the Habitat Conservation Fund (\$2 million/yr.) and the Recreational Trails Program (up to \$4 million, depending on Congressional action).

CHARITABLE CONTRIBUTIONS AND DONOR CAMPAIGNS

Citizens and businesses alike often recognize the vital importance of the City's parks and recreation system to the community quality of life and wish to contribute financially. For major projects, cities often mount donor campaigns, which may include major corporate support, to fund high profile facilities. However, this approach can also be helpful for neighborhood projects as well where the community may be willing to conduct funding raising activities and donate volunteer efforts to provide a recreation, cultural, or open space amenity in their neighborhood.

6.3 CONCEPTUAL FINANCING STRATEGY

FINANCING STRATEGY

The City Council and the voting residents of the City will need to make decisions to adopt certain funding mechanisms in order fund the maintenance and capital improvements that are desired by the public and identified as part of this *Plan*. The previous section describes potential funding sources. This section outlines a possible funding package for the *Plan*.

This section outlines one possible funding strategy based on the priorities expressed through the public engagement process and also in consultation with City staff about the potential availability of certain revenue sources. In the future, other funding sources may become available that are more advantageous than those discussed here. The City may make different decisions on how to allocate available resources. However, this conceptual financing strategy presents the best current approach given the City's existing financial position.

The conceptual financing strategy is summarized in Table 35 and is spread over 20 years, beginning with the 2019-20 fiscal year.

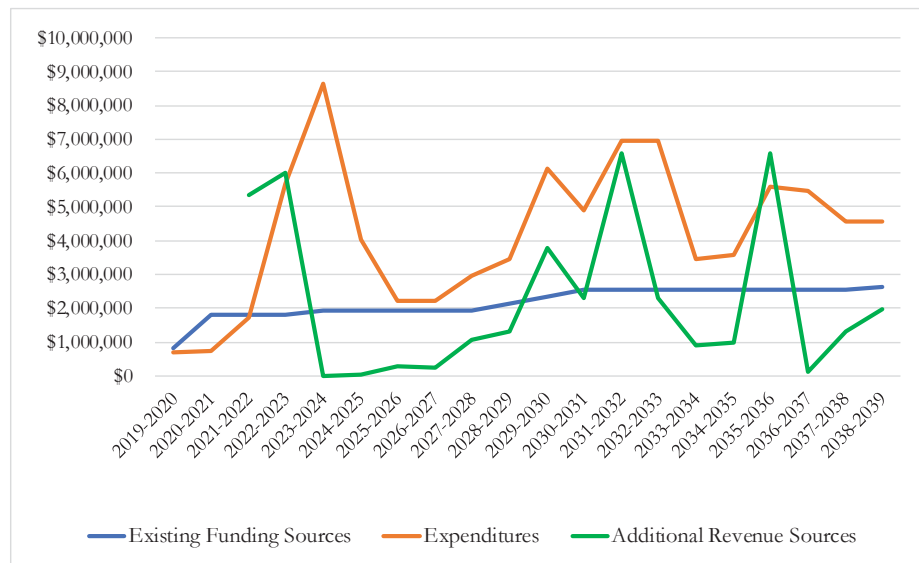
The expenditures shown in Figure 35 include maintenance, capital replacement and new construction, as well as debt service on any potential bonds. The table also divides the revenue sources into annual ongoing revenues and one-time capital funding sources. For purposes of long-term conceptual planning, the tables does not account for inflation. However, when the City is establishing revenue program for specific projects, annual cost escalators should always be included.

The top-line total costs and revenues are summarized in Figure 34. The revenues are divided between existing funding sources and those that will require future voter or City Council approval. Existing funding sources include additions or shifts in General Fund allocations such as increased

deferred maintenance allocations for Public Works, the enhanced General Fund revenues associated with the City Charter approval in November 2018, as well as development related fees and state and federal grant programs. Although these sources exist currently, the future levels of funding available are hypothetical, as discussed further below. The projection of existing funding sources is represented by the blue line in Figure 34.

Additional funding sources would include extension of Measure A, an increase in the LLAD assessment and other unidentified funding sources, represented by the green line in Figure 34. The peaks in the green line reflect opportunities for bond financing, beginning with a potential Measure A-backed bond in FY 2021-2022. The City would need to adopt payment sources for the later bonds and the total debt service the City can sustain is limited by policy to five percent of City operating costs.

FIGURE 34. FUNDING NEEDED TO BALANCE COSTS AND REVENUES



EXPENDITURES

The upper section of the table outlines several spending categories for both maintenance and new construction. The capital projects costs per budget cycle are shown in the top line of the expenditures section. The conceptual phasing first identifies various Immediate Work Priorities (IWPs), in order to prevent asset failures, and then follows priority score for remaining projects (note that Appendices F and I provide more detailed cost and phasing data). The scoring is a combination of priorities expressed through the public engagement process and staff assessment of the relative benefits of projects in terms of revenue or cost avoidance potential. As the *Master Plan* is implemented, it may be prudent to implement projects in a different order to take advantage of better sequencing efficiencies or the availability of grant funds or other resources. However, at this time, the priority scoring best reflects the project priorities developed through the *Master Plan* process. The phasing of the projects over the 20-year time frame corresponds in part to the availability of bond funding. The City has a policy of limiting debt service to 5% of operating expenditures. The timing of the bonds in Figure 35 accounts for existing debt the City has already incurred for other projects.

The Swim Center capital replacement includes pool filters and pumping equipment that require regular replacement as well as major improvements to the locker room, mechanical room and roofs. A Measure A extension could cover these items plus some additional capital improvements for other facilities.

The total maintenance enhancement needed to maintain existing facilities and parks to the standards desired by the public is estimated at an additional \$800,000 in current dollars. It is anticipated that approximately \$200,000 per year of this would come from a General Fund allocation for deferred maintenance to get deficient facilities back up to normal condition.

Implementation

TABLE 35. CONCEPTUAL FINANCING STRATEGY

	One-Year Budget Cycle									
Budget Items	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028	2028-2029
Total Revenue and Funding Sources	\$820,000	\$1,800,000	\$7,170,000	\$7,810,000	\$1,930,000	\$1,960,000	\$2,230,000	\$2,180,000	\$2,990,000	\$3,440,000
Expenditures	\$695,985	\$739,210	\$1,709,666	\$5,685,771	\$8,629,289	\$4,020,335	\$2,211,650	\$2,199,368	\$2,978,606	\$3,435,824
Capital Projects	\$271,100	\$147,470	\$262,595	\$2,794,000	\$5,000,000	\$1,538,818	\$30,300	\$16,800	\$433,945	\$768,000
Capital Cost Contingency	\$94,885	\$51,615	\$91,908	\$977,900	\$1,750,000	\$538,586	\$10,605	\$5,880	\$151,881	\$268,800
Swim Center Capital Fund		\$210,125	\$215,378	\$220,763	\$226,282	\$289,923	\$237,737	\$243,681	\$249,773	\$256,017
Parks Maintenance	\$175,000	\$175,000	\$350,000	\$350,000	\$350,000	\$350,000	\$550,000	\$550,000	\$550,000	\$550,000
Facilities Maintenance	\$155,000	\$155,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$250,000	\$250,000
Multi-Generational Center Maintenance					\$80,000	\$80,000	\$160,000	\$160,000	\$320,000	\$320,000
Debt Service/Reserves			\$589,784	\$1,143,109	\$1,023,007	\$1,023,007	\$1,023,007	\$1,023,007	\$1,023,007	\$1,023,007
Annual Revenue Sources	\$770,000	\$1,350,000	\$1,350,000	\$1,350,000	\$1,470,000	\$1,500,000	\$1,770,000	\$1,720,000	\$2,520,000	\$2,970,000
PW Deferred Maintenance Budget (General Fund)	\$110,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000
Prop 68 Non-competitive	\$210,000									
Enhanced General Fund Revenues		\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$500,000	\$700,000
Measure A	\$450,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000
Lease savings on modulares (General Fund)					\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000
LLAD increase										
Additional Unidentified Revenue Sources						\$30,000	\$300,000	\$250,000	\$1,050,000	\$1,300,000
One Time Funding Sources	\$50,000	\$450,000	\$5,820,000	\$6,460,000	\$460,000	\$460,000	\$460,000	\$460,000	\$470,000	\$470,000
One-time Grants		\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000
Development Impact Fees	\$50,000	\$50,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$60,000	\$70,000	\$70,000
Measure A and other bonds			\$5,360,000	\$6,000,000						
Annual Cost/Revenue Balance	\$124,015	\$1,060,791	\$5,460,334	\$2,124,229	(\$6,699,289)	(\$2,060,335)	\$18,350	(\$19,368)	\$11,394	\$4,176
Cumulative Cost/Revenue Balance	\$124,015	\$1,184,806	\$6,645,140	\$8,769,369	\$2,070,080	\$9,744	\$28,095	\$8,727	\$20,121	\$24,297

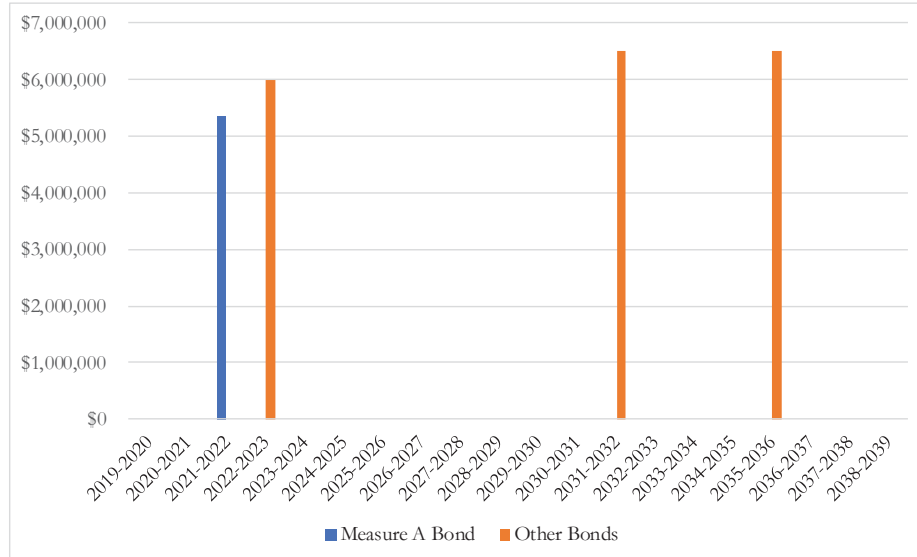
Agenda Item No. 6(C)
Attachment 3

Implementation

	One-Year Budget Cycle										
Budget Items	2029-2030	2030-2031	2031-2032	2032-2033	2033-2034	2034-2035	2035-2036	2036-2037	2037-2038	2038-2039	Total
Total Revenue and Funding Sources	\$6,140,000	\$4,860,000	\$9,140,000	\$4,840,000	\$3,440,000	\$3,540,000	\$9,140,000	\$2,640,000	\$3,840,000	\$4,590,000	\$84,500,000
Expenditures	\$6,129,175	\$4,891,199	\$6,949,297	\$6,937,902	\$3,455,448	\$3,585,485	\$5,617,028	\$5,467,347	\$4,565,110	\$4,584,724	\$84,488,419
Capital Projects	\$605,000	\$1,599,418	\$2,543,451	\$2,671,469	\$86,640	\$177,600	\$1,146,580	\$1,126,500	\$452,400	\$461,008	\$22,133,094
Capital Cost Contingency	\$211,750	\$559,796	\$890,208	\$935,014	\$30,324	\$62,160	\$401,303	\$394,275	\$158,340	\$161,353	\$7,746,583
Swim Center Capital Fund	\$2,849,417	\$268,978	\$336,632	\$282,595	\$289,660	\$296,901	\$304,324	\$311,932	\$319,730	\$327,723	\$7,737,570
Parks Maintenance	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000	\$550,000	\$9,450,000
Facilities Maintenance	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$250,000	\$4,510,000
Multi-Generational Center Maintenance	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$640,000	\$7,520,000
Debt Service/Reserves	\$1,023,007	\$1,023,007	\$1,739,005	\$1,608,824	\$1,608,824	\$1,608,824	\$2,324,822	\$2,194,640	\$2,194,640	\$2,194,640	\$25,391,172
Annual Revenue Sources	\$5,670,000	\$4,390,000	\$2,170,000	\$4,370,000	\$2,970,000	\$3,070,000	\$2,170,000	\$2,170,000	\$3,370,000	\$4,120,000	\$51,240,000
PW Deferred Maintenance Budget (General Fund)	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$3,910,000
Prop 68 Non-competitive											\$210,000
Enhanced General Fund Revenues	\$900,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,100,000	\$1,200,000	\$15,600,000
Measure A	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$650,000	\$12,800,000
Lease savings on modulars (General Fund)	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$120,000	\$1,920,000
LLAD increase	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$1,000,000
Additional Unidentified Revenue Sources	\$3,700,000	\$2,220,000		\$2,200,000	\$800,000	\$900,000			\$1,200,000	\$1,850,000	\$15,800,000
One Time Funding Sources	\$470,000	\$470,000	\$6,970,000	\$470,000	\$470,000	\$470,000	\$6,970,000	\$470,000	\$470,000	\$470,000	\$33,260,000
One-time Grants	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$400,000	\$7,600,000
Development Impact Fees	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$70,000	\$1,300,000
Measure A and other bonds			\$6,500,000				\$6,500,000				\$24,360,000
Annual Cost/Revenue Balance	\$10,825	(\$31,199)	\$2,190,703	(\$2,097,902)	(\$15,448)	(\$45,485)	\$3,522,972	(\$2,827,347)	(\$725,110)	\$5,276	\$11,581
Cumulative Cost/Revenue Balance	\$35,122	\$3,923	\$2,194,626	\$96,724	\$81,277	\$35,792	\$3,558,763	\$731,416	\$6,306	\$11,581	

Implementation

FIGURE 35. CAPITAL FUNDING - BONDS



The Financing Strategy includes line items for the construction and maintenance of a new Multi-Generational Center, in part to replace the Senior Center currently operated out of modular buildings. The specific program and project costs for this facility have not been closely defined, but the building is tentatively estimated to cost \$5 million. Annual maintenance and operations would likely range from \$200,000 to \$400,000 per year, with the potential for 60 to 80 percent cost recovery from program revenue.

The Debt Service/Reserves row includes bond debt issuance costs, annual interest payments and accumulation of reserve for eventual repayment of the bond principal. The assumptions here are that the bonds would carry 4 percent interest for 20 years, and require two percent issuance costs and a 20 percent reserve.

REVENUE SOURCES - ASSUMPTIONS

DEFERRED MAINTENANCE BUDGET

The City allocated \$110,000 in the FY 2018-19 budget to accomplish a couple specific deferred maintenance projects. Based on discussions with City staff, this allocation will hopefully increase to \$200,000 per year to help get ahead of the deferred maintenance backlog. These dollars come from existing General Fund revenues.

FIGURE 36. MAINTENANCE FUNDING SOURCES

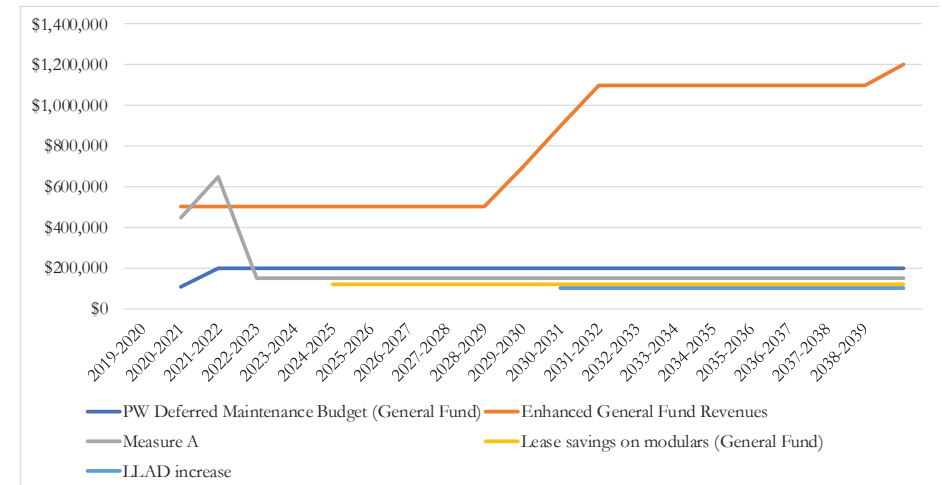


Figure 36 summarizes revenue sources for increased maintenance.

PROPOSITION 68 – PARKS, ENVIRONMENT, AND WATER BOND

This statewide bond measure was passed in June of 2018. City staff estimates the City should receive about \$210,000 in a one-time non-competitive allocation from this program in the near future. State regulations for this funding source have not yet been promulgated and may entail a different funding pattern when finalized. This has preliminarily been programmed for deferred maintenance (shown in Table 35, but not in Figure 36).

ENHANCED GENERAL FUND REVENUES

As discussed earlier, City voters approved El Cerrito becoming a Charter City, which included authorization of a RPTT. For planning purposes, City staff has recommended assuming that \$500,000 in new revenue per year could eventually be available for the Public Works and Recreation Departments. The funding strategy allocates this revenue to ongoing maintenance. The Financing Strategy also presumes that in later years, the City Council would make additional General Fund revenue available to maintain a new Multi-Generational Facility, if built by that time. These additional maintenance costs could also be funded through another tax if necessary.

MEASURE A

If the voters approve an extension of Measure A, it would generate an estimated \$650,000 per year, most of which would help to fund ongoing capital replacement costs for the Swim Center. These costs are shown in a separate line of the Expenditures portion of the Table labeled Swim Center Capital Fund. It is assumed the City would bond against Measure A funds to help fund these costs.

MULTI-GENERATIONAL CENTER LEASE ON MODULARS/ASSESSMENTS

The City currently spends \$120,000 per year leasing modular buildings for its Senior Center. As discussed above, a new facility, with the same square footage, is preliminarily estimated to cost about \$5 million, and part of the financing would come from General Fund revenues currently used to pay the lease. Another \$350,000 per year would be needed to finance a new facility. Alternatively these funds could augment a potential new library to provide additional space to accommodate all Recreation Department programs within the library and other existing, permanent buildings.

OTHER LONG-TERM FUNDING SOURCES

City voters would have additional options to increase funding for maintenance and capital expenditures, such as increasing the assessments for the Landscape and Lighting Assessment District (LLAD), establishing a citywide Community Facilities District (CFD) or authorizing other forms of taxes. Those options would entail property owner a or voter approval to fund operations and provide additional bonding capacity for recreation facility projects. These potential revenue sources have been included in the conceptual financing plan for illustrative purposes to provide a measure of what level of funding would be required to fully implement the *Master Plan*.

ONGOING GRANT FUNDING

As mentioned above, the City expects a certain allocation of Proposition 68 funds. In recent years, the City has been fairly successful in obtaining other grants for park improvement projects Table 36. It is difficult to predict where future grants funds may come from, but it is likely regional and state grant sources will be appropriate for certain park improvement projects. We have inserted an amount of \$400,000 per year in the financing strategy, roughly equivalent to the amounts the City has received over the past 7 years.

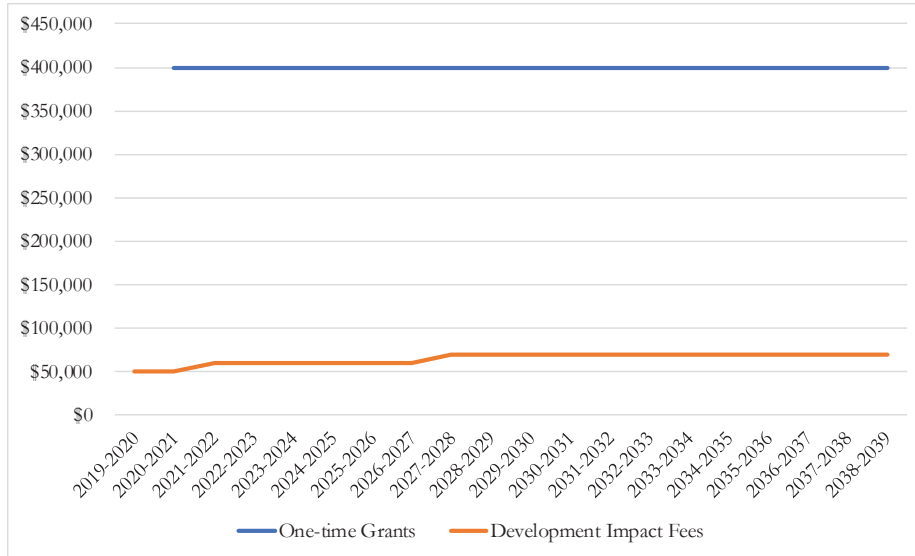
TABLE 36. RECENT PARKS GRANT FUNDS RECEIVED BY EL CERRITO

Grant Source	Amounts
Measure WW	\$936,442
Donation	\$103,900
EEMP	\$160,000
Proposition 84	\$1,217,047
Other	\$501,496
Total	\$2,918,885
Average Over 7 years	\$416,984

*El Cerrito Capital Improvement Plans from FY 2011-12 to FY 2018-19

Implementation

FIGURE 37. CAPITAL FUNDING - GRANTS AND IMPACT FEES



DEVELOPMENT-RELATED FEES AND COMMUNITY BENEFITS PAYMENTS

The amount of revenue from public open space in-lieu fees and developer community benefit payments would be dependent on the pace of new development in the SPASP area, but as the SPASP is developing, we have projected a rate of 50-70 dwelling units per year, which would accumulate about \$1.25 million over 20 years. If the City implemented Quimby Act requirements, including in-lieu fees, or development impact fees under the Mitigation Fee Act, additional revenue would be available for park land and open space acquisition and the improvement of parks.

The remaining one-time funding sources show the projected amounts of bonds needed to fund the capital projects in the *Master Plan*. As discussed above, the timing of the bonds depends on the ability of the City to support the debt service, but has been aligned with the priority scoring for the individual projects through the public engagement process.

SUMMARY

El Cerrito's *Parks and Recreation Facilities Master Plan* will shape the future of the City's parks, open spaces, and recreation facilities, creating a framework for the future of services in El Cerrito's recreation network. The *Master Plan* assesses the City's existing conditions, identifies the community's recreation needs, prioritizes recommendations, and generates a plan for the long-term maintenance and enhancement of the City's parks and facilities.

The City is faced with high demand and insufficient space to meet the community's existing recreation needs. The space that is available to the community for recreation programming requires extensive renovation and updates to meet current and future recreation programming. To fulfill its mission of providing the opportunities, resources, and services that will enhance quality of life and create community connections, the Recreation Department's recreational, educational, and cultural offerings will require expansion.

The *Parks and Recreation Facilities Master Plan* identifies \$22.3 million in recreation improvements (nearly \$30.1 million with a 35% contingency) with an additional \$800,000 annually, for maintenance enhancement of the City's existing amenities. With thoughtful planning and consideration of funding and revenue sources, the *Master Plan* will guide the future enhancement and development of El Cerrito's park and recreation network.



SUPPLEMENTAL AGENDA MATERIALS

CITY COUNCIL MEETING July 16, 2019

AGENDA ITEM 3 - ORAL COMMUNICATIONS FROM THE PUBLIC

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

1. Current Property List (Exhibit A)
2. Public Comments

AGENDA ITEM 6(C) – Call and request services for a November 5, 2019 special election to submit to voters a measure related to renew the Measure A special tax to fund the preservation, maintenance and enhancement of parks and recreation facilities.

1. Presentation
2. Revised Resolution

RECEIVED
AT THE MEETING OF

JUL 16 2019

CITY OF EL CERRITO
CITY CLERK

JUNE 14-JULY 21
TICKETS START AT \$15

ONCE ON THIS ISLAND



Book and Lyrics by
**LYNN
AHRENS**

Music by
**STEPHEN
FLAHERTY**

Based on the novel
"My Love, My Love"
by Trinidadian author
ROSA GUY

Director
SALIM RAZAWI

Music Director
ENRICO BANSON

Choreographer
AMANDA BOYAN

 **CONTRA COSTA
CIVIC THEATRE**

MARILYN LANGBEHN | ARTISTIC DIRECTOR
GEORGINA EDWARDS | MANAGING DIRECTOR

www.ccct.org

El Cerrito Climate Action Plan - Comments to City Council 7/16/2019

Submitted by Robin Mitchell

JUL 16 2019

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AT THE MEETING OF

At the June 11, 2019 Environmental Quality Committee meeting, City staff gave a presentation titled "Climate Action Implementation Report". There were several interesting points in that presentation, which is on the City's Climate Action Plan web page.

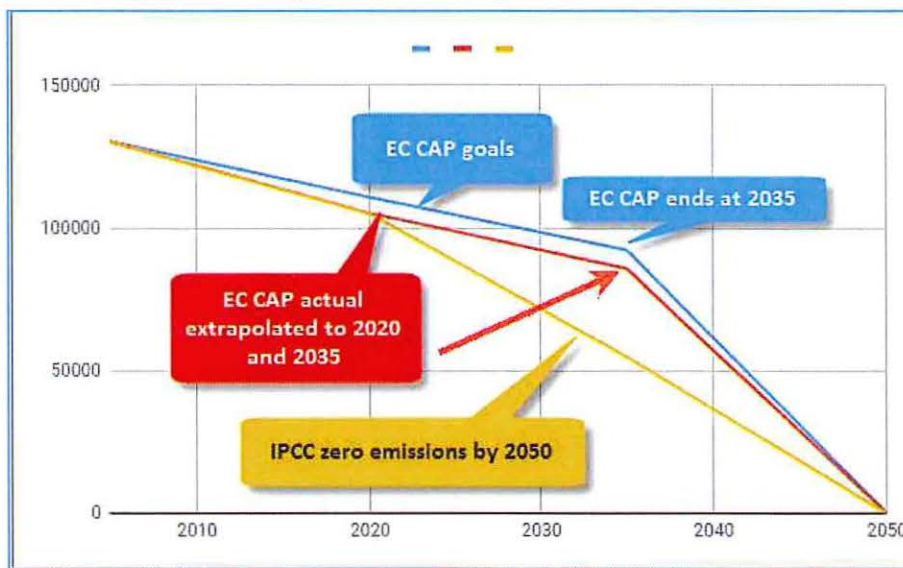
The second page showed screenshots of article headlines that included titles such as

- Climate Change and the New Age of Extinction
- Scientific evidence for warming of the climate system is unequivocal

The third page, titled "Why a Climate Action Plan?" had this title from an article from the UN

- We have 12 years left to take action on climate change

The rest of the report contained information about what the city had accomplished according to the existing climate action plan, which has a goal of a 15% reduction from 2005 levels by 2020 and 30% reduction of 2005 levels by 2035. These goals may have seemed reasonable in 2013 when the plan was developed, but they are not enough to accomplish what has been declared by the IPCC to keep global warming to 1.5 °C, which requires net zero greenhouse gas emissions by 2050.



The "Potential Next Steps" page included the following recommendations

- Set stricter goals and extend to a 2050 timeline
- Incorporate state laws and reduction goals into projections
- Update and develop strategies for adaptation

I request that the City Council direct staff to update the City's Climate Action Plan to the 3 Next Steps included in the report, with the addition of a goal of net zero GHG emissions by 2050.

It is an ambitious and difficult goal to achieve, but if we don't try to achieve it, we risk seeing the end of civilization as we know it. A chilling [Australian policy paper](#) outlining a doomsday scenario for humans if we don't start [dealing with climate change](#) suggests that by 2050, we could see irreversible damage to global climate systems resulting in a world of chaos where political panic is the norm and we are on a path facing the end of civilization.

**RECEIVED
AT THE MEETING OF**

JUL 16 2019

**CITY OF EL CERRITO
CITY CLERK**

El Cerrito City Council Meeting, 16 July 2019

Vegetation Abatement on Private Property

- 1) Would like to thank El Cerrito Fire Department for sending out letters to homeowners needing to bring their properties into compliance with City fire ordinances.
- 2) Would like to emphasize that vegetation abatement by private property owners is analogous to the state insisting on vaccinations for school children: over a certain threshold, lack of vaccination threatens EVERYONE with measles and other epidemics. Likewise, if everyone doesn't do their part to control vegetation and have defensible fire zones around homes, EVERYONE'S home-fire risk increases. It is not just a public nuisance.
- 3) We urge the City to hold strong and follow through with vegetation abatement if homeowners do not comply.

Gary Prost
Make El Cerrito Fire Safe

JUL 16 2019

EXHIBIT A

El Cerrito
List of Real Property Constituting Public Nuisances – AMENDED 7-16-19
CITY OF EL CERRITO
CITY CLERK

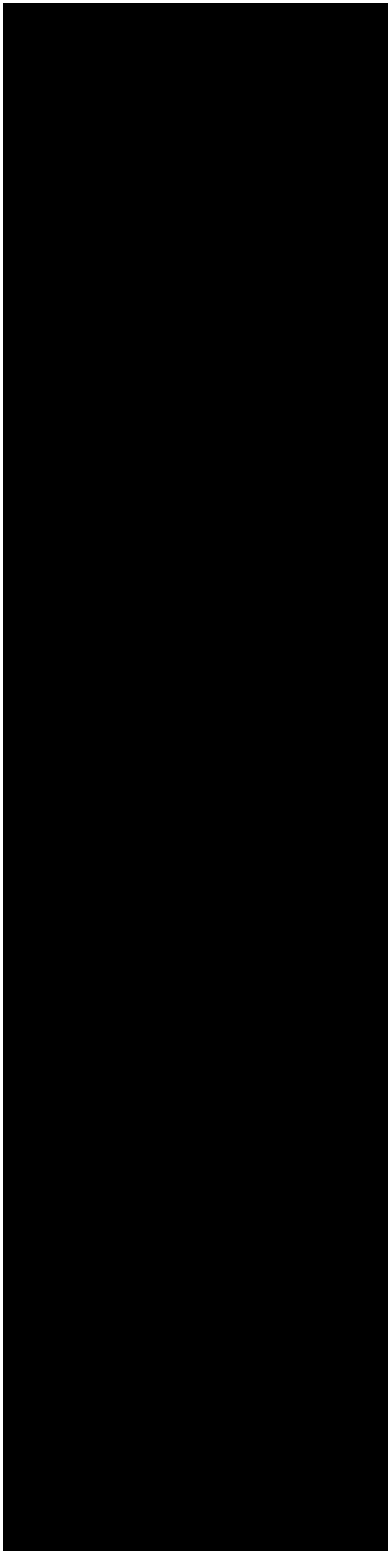
APN	Street Address	Property Owner
505-211-010-2	1004 CONTRA COSTA DR	
510-024-003-4	10069 SAN PABLO	
505-211-008-6	1016 CONTRA COSTA DR	
505-190-003-2	1305 CONTRA COSTA DR	
505-383-001-3	1308 DEVONSHIRE CT	
505-383-026-0	1325 DEVONSHIRE CT	
502-471-002-1	1332 GAYLE CT	
505-181-004-1	1355 BREWSTER DR	
505-372-030-5	1385 CLUB VIEW CT	
504-291-008-2	145 COLUSA AVE	
502-330-007-1	1461 NAVELLIER ST	
505-422-002-4	1505 MADERA CT	
505-422-003-2	1509 MADERA CT	
505-421-004-1	1512 MADERA CIR	
505-422-009-9	1514 MADERA CT	
505-422-004-0	1515 MADERA CT	
505-422-006-5	1523 MADERA CT	
502-270-003-2	1539 ELM ST	
502-270-002-4	1543 ELM ST	
505-421-027-2	1544 MADERA CIR	
505-130-015-9	1550 REGENCY CT	
502-122-049-5	1768 MANOR CIR	
504-223-010-1	201 ASHBURY AVE	
504-204-015-3	203 BEHRENS ST	
571-340-030-6	325 COLUSA AVE	
504-412-006-0	517 BALRA DR	
504-414-015-9	521 SEAVIEW DR	
504-413-005-1	524 BALRA DR	
504-411-009-5	605 SEAVIEW DR	
504-393-001-4	620 BONNIE DR	
504-392-006-4	621 BONNIE DR	
504-392-005-6	625 BONNIE DR	
502-092-017-8	6657 HILL ST	
502-092-006-1	6671 HILL ST	
503-376-010-8	6704 EUREKA AVE	
504-192-002-5	7014 FAIRMOUNT AVE	
502-172-001-5	7230 MOUND ST	

EXHIBIT A

El Cerrito List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

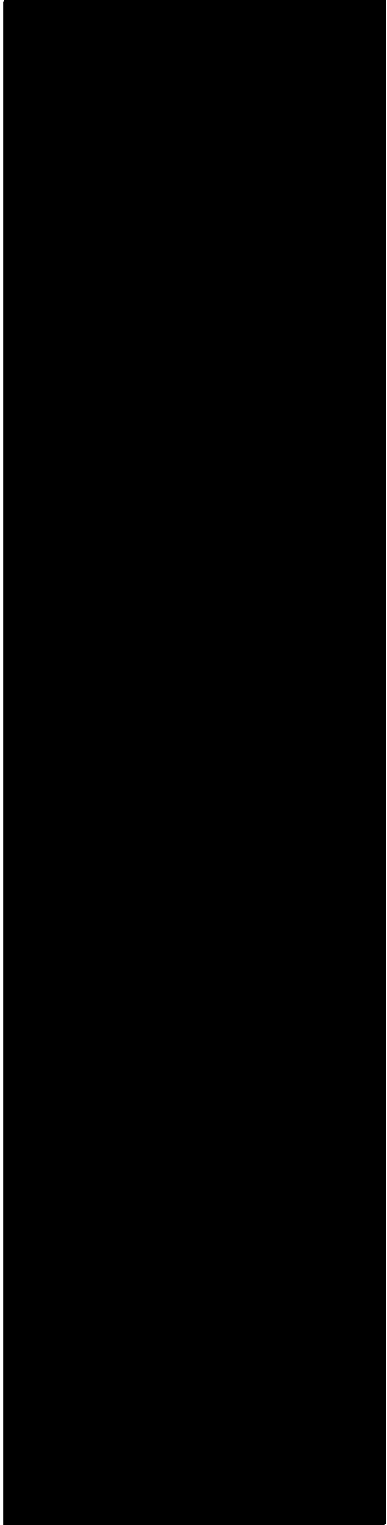
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504-381-001-8	7500 ERROL DR	
504-392-004-9	7501 EUREKA AVE	
504-330-004-4	7626 CURRY AVE	
504-310-001-4	7735 CURRY AVE	
504-403-005-3	7800 EUREKA AVE	
505-372-040-4	8 DYLAN WAY	
505-281-006-5	829 ARLINGTON BLVD	
505-122-010-0	8344 KENT CT	
505-303-006-9	840 ARLINGTON BLVD	
573-132-005-6	8426 WILDCAT DR	
573-132-015-5	8433 BEL VIEW CT	
573-132-002-3	8440 WILDCAT DR	
573-132-030-4	8441 WILDCAT DR	
573-132-032-0	8444 WILDCAT DR	
505-292-012-0	849 ARLINGTON BLVD	
505-291-016-2	8507 TERRACE DR	
505-282-022-1	8520 ROBERTA DR	
505-282-021-3	8524 ROBERTA DR	
505-292-006-2	8532 TERRACE DR	
505-322-002-5	8610 ARBOR DR	
505-293-007-9	982 CONTRA COSTA DR	
505-212-012-7	993 CONTRA COSTA DR	
505-101-014-7	1009 KING DR	
502-480-013-7	1301 LAWRENCE ST	
502-153-022-4	1709 GANGES AVE	
502-140-022-0	1744 GANGES AVE	
501-201-001-2	2219 MONO AVE	
504-371-012-7	520 COLUSA AVE	
513-411-001-3	5205 ERNEST AVE	
513-411-003-9	5215 ERNEST AVE	
513-413-012-8	5219 GORDON AVE	
513-412-001-2	5230 ERNEST AVE	
504-382-008-2	529 BONNIE DR	
501-190-002-3	5408 MACDONALD AVE	
504-395-004-6	608 BALRA DR	
504-393-009-7	609 BALRA DR	
501-201-014-5	6375 CONLON AVE	

EXHIBIT A

El Cerrito

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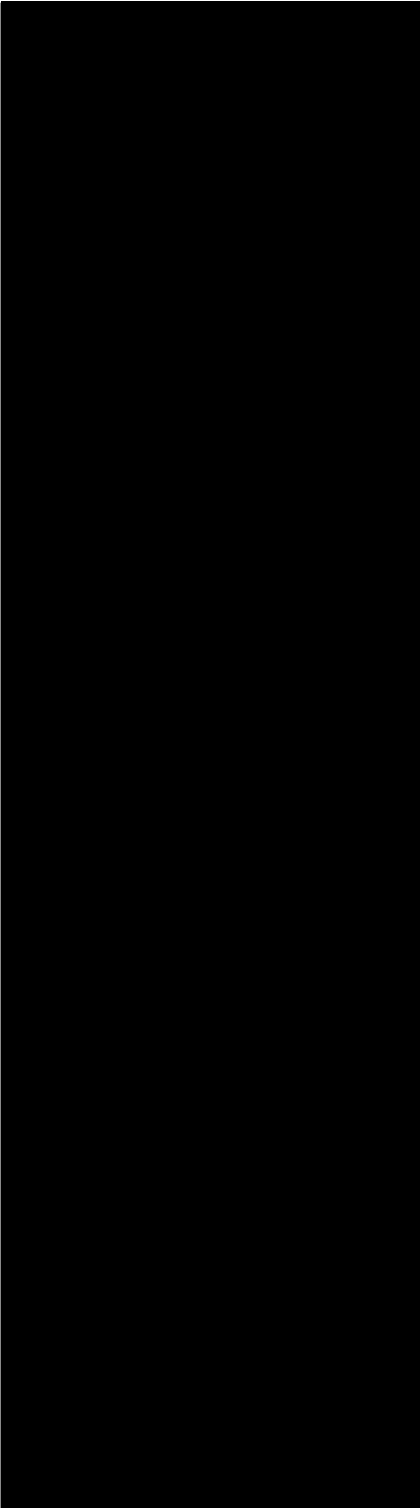
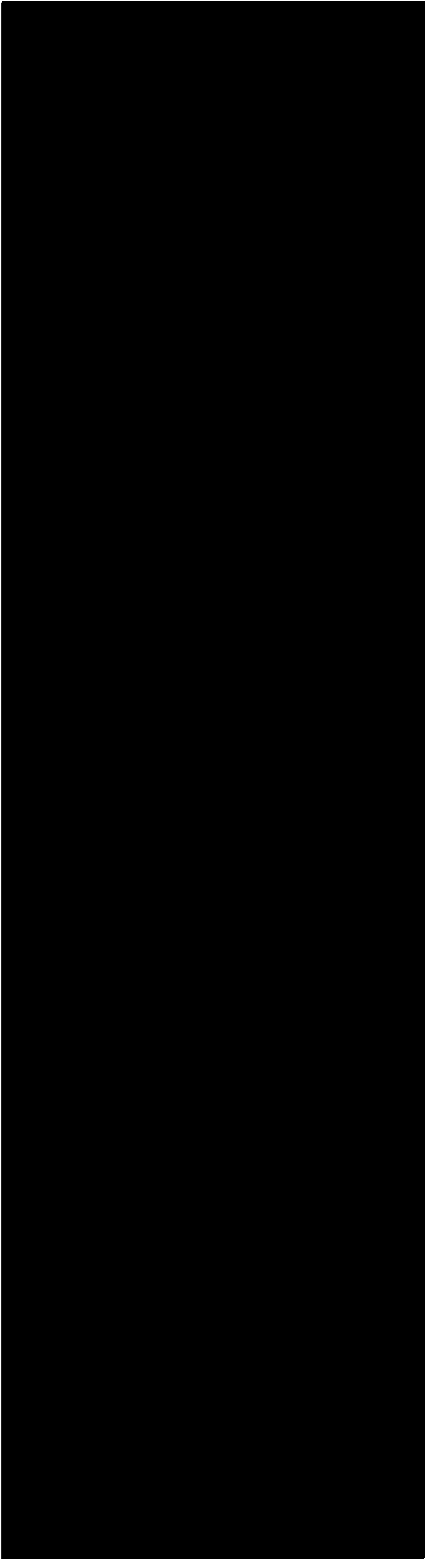
<u>APN</u>	<u>Street Address</u>	<u>Property Owner</u>
501-350-018-5	6462 CONLON AVE	
504-404-003-7	650 SEAVIEW DR	
503-040-026-0	6615 SCHMIDT LN	
501-360-009-2	6641 GATTO AVE	
502-462-015-4	6919 MANILA AVE	
501-460-003-4	6928 FAIRVIEW DR	
501-460-004-2	6934 FAIRVIEW DR	
504-394-002-1	700 BALRA DR	
504-392-019-7	701 BALRA DR	
504-405-003-6	704 MIDCREST WAY	
503-322-062-4	708 BALRA DR	
501-092-005-5	7090 CUTTING BLVD	
503-322-067-3	716 BALRA DR	
503-322-035-0	727 SEAVIEW DR	
502-154-012-4	7300 GANGES CT	
503-330-008-7	733 BALRA DR	
503-350-039-7	7330 WALDO LN	
503-450-026-3	736 ASHBURY AVE	
503-330-040-0	737 BALRA DR	
504-393-012-1	7504 EUREKA AVE	
503-301-007-4	7527 STOCKTON AVE	
503-480-012-7	760 POMONA AVE	
503-322-003-8	7624 LEVISTON AVE	
503-330-001-2	769 BALRA DR	
504-395-002-0	7700 EUREKA AVE	
505-103-005-3	7785 BARON CT	
503-340-026-7	779 BALRA DR	
504-403-006-1	7804 EUREKA AVE	
504-404-005-2	7809 EUREKA AVE	
504-403-008-7	7812 EUREKA AVE	
503-322-020-2	7818 TERRACE DR	
503-480-006-9	782 POMONA AVE	
504-405-004-4	7827 EUREKA AVE	
505-101-009-7	7837 BURNS CT	
504-405-006-9	7839 EUREKA AVE	
504-403-016-0	7844 EUREKA AVE	
505-244-001-2	7870 TERRACE DR	

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List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

<u>APN</u>	<u>Street Address</u>	<u>Property Owner</u>
505-303-018-4	803 CRAFT AVE	
505-282-014-8	820 BATES AVE	
505-303-022-6	821 CRAFT AVE	
503-311-016-3	839 GALVIN DR	
503-312-001-4	852 GALVIN DR	
505-303-004-4	8630 TERRACE DR	
505-301-015-2	8631 TERRACE DR	
505-301-049-1	915 CLARK PL	
505-301-032-7	921 CLARK PL	
503-301-003-3	924 BALRA DR	
503-291-022-5	938 AVIS DR	
503-302-049-5	948 GALVIN DR	
505-221-041-5	966 SEAVIEW DR	
573-111-006-9	970 LENEVE PL	
503-202-014-0	1001 EVERETT ST	
503-202-024-9	1041 EVERETT ST	
505-203-016-9	1134 KING DR	
503-072-014-7	1200 EVERETT ST	
505-090-014-0	1200 NAVELLIER ST	
503-060-015-8	1201 EVERETT ST	
503-060-022-4	1220 RICHMOND ST	
504-422-017-5	402 BONNIE DR	
504-102-009-9	409 ALBEMARLE ST	
504-424-004-1	418 VILLAGE DR	
504-102-005-7	427 ALBEMARLE ST	
504-071-030-2	544 ALBEMARLE ST	
504-071-033-6	556 ALBEMARLE ST	
503-432-009-2	601 ALBEMARLE ST	
504-411-008-7	601 SEAVIEW DR	
503-432-008-4	605 ALBEMARLE ST	
504-393-008-9	605 BALRA DR	
503-431-015-0	612 ALBEMARLE ST	
503-431-020-0	630 ALBEMARLE ST	
503-432-002-7	631 ALBEMARLE ST	
503-366-009-2	635 ALBEMARLE ST	
503-210-003-3	6604 PORTOLA DR	
503-241-013-5	6707 WALDO AVE	

TRUST

EXHIBIT A

El Cerrito List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

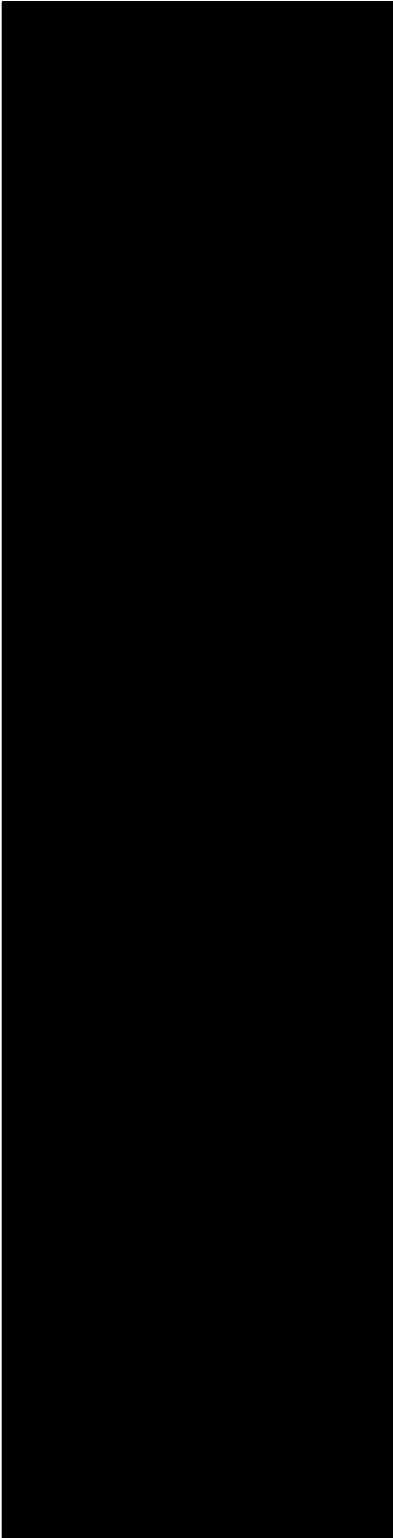
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503-050-025-9	6714 MANILA AVE	
503-252-015-6	6901 WALDO AVE	
504-102-010-7	7031 FAIRMOUNT AVE	
503-150-007-6	7200 SCHMIDT LN	
504-080-032-7	7210 LINCOLN AVE	
503-150-025-8	7250 SCHMIDT LN	
503-110-011-7	7343 SCHMIDT LN	
503-160-012-4	7423 PARK VISTA	
504-413-020-0	7608 ERROL DR	
504-411-007-9	7709 ERROL DR	
505-241-010-6	7845 TERRACE DR	
505-261-019-2	804 SHEVLIN DR	
503-312-023-8	805 SEAVIEW DR	
505-230-028-1	808 SEAVIEW DR	
505-261-034-1	8103 TERRACE DR	
505-262-059-7	8246 TERRACE DR	
505-273-001-6	885 BATES AVE	
505-261-003-6	886 SHEVLIN DR	
505-222-009-1	906 SHEVLIN DR	
503-271-008-8	908 POMONA AVE	
503-272-005-3	920 ASHBURY AVE	
503-251-006-6	926 NORVELL ST	
503-272-016-0	932 ASHBURY AVE	
505-221-027-4	941 SHEVLIN DR	
505-271-017-4	945 CONTRA COSTA DR	
504-413-014-3	GATES, MARY C	
505-332-005-6	1004 VILLA NUEVA DR	
505-212-005-1	1012 KING DR	
505-211-007-8	1018 CONTRA COSTA DR	
505-331-013-1	1019 VILLA NUEVA DR	
505-211-006-0	1020 CONTRA COSTA DR	
505-212-024-2	1024 KING DR	
503-236-027-2	10496 SAN PABLO AVE	
505-410-002-8	1050 VILLA NUEVA DR	
505-351-018-5	1101 Arlington Blvd.	
573-120-024-1	1115 IVY CT	
505-102-001-3	1143 KING DR	

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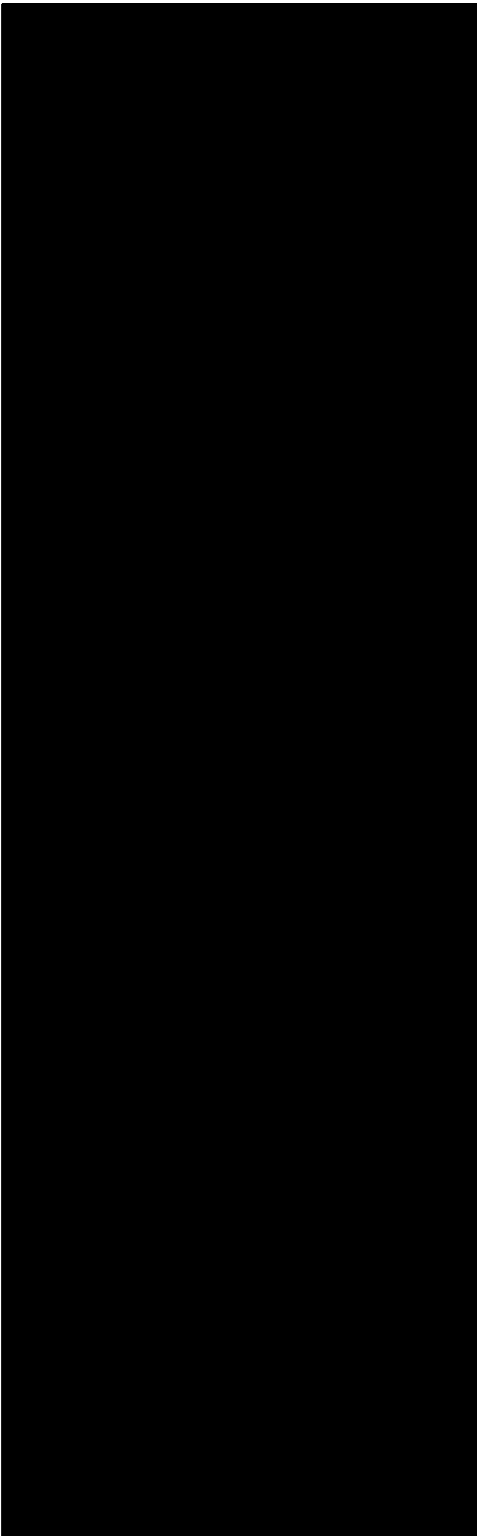
<u>APN</u>	<u>Street Address</u>	<u>Property Owner</u>
505-203-019-3	1150 KING DR	
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505-372-039-6	12 DYLAN'S WAY	
505-201-006-2	1201 BREWSTER DR	
503-060-013-3	1211 EVERETT ST	
505-203-021-9	1212 KING DR	
505-201-009-6	1224 CONTRA COSTA DR	
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505-352-011-9	1244 BREWSTER DR	
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505-383-010-4	1312 BREWSTER DR	
505-181-021-5	1312 CONTRA COSTA DR	
505-382-007-1	1319 Arlington Blvd	
505-363-005-8	1320 Arlington Blvd.	
505-181-001-7	1341 BREWSTER DR	
502-440-001-1	1345 RICHMOND ST	
505-372-034-7	1388 CLUB VIEW CT	
505-080-019-1	1404 NAVELLIER ST	
573-133-002-2	1407 RIFLE RANGE RD	
502-330-014-7	1409 SCOTT ST	
502-360-010-8	1417 EVERETT ST	
505-372-003-2	1420 ATWELL DR	
573-133-004-8	1439 RIFLE RANGE RD	
502-380-029-4	1445 ELM ST	
573-133-005-5	1447 RIFLE RANGE RD	
505-390-010-5	1452 CLUB VIEW CT	
573-133-006-3	1459 RIFLE RANGE RD	
505-390-003-0	1465 VISTA RD	
573-040-027-1	1477 RIFLE RANGE RD	
502-330-001-4	1479 NAVELLIER ST	
502-300-014-3	1500 Everett St.	
502-260-013-3	1503 LIBERTY ST	

EXHIBIT A

El Cerrito List of Real Property Constituting Public Nuisances — AMENDED 7-16-19

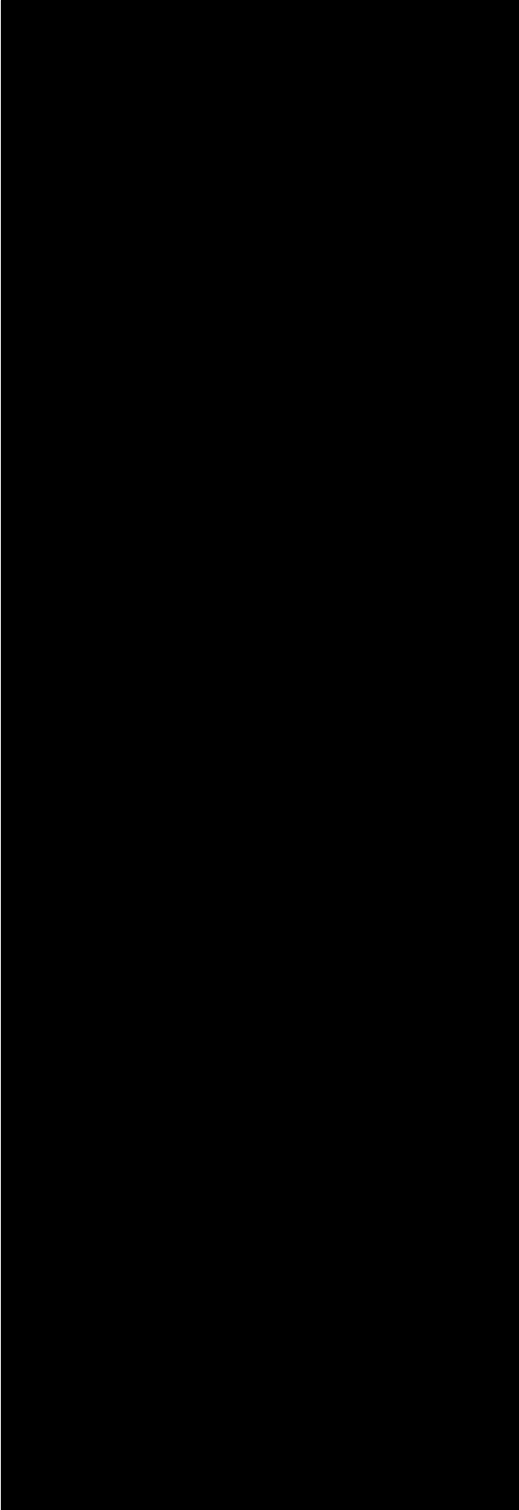
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505-421-022-3	1524 MADERA CIR	
505-421-024-9	1532 MADERA CIR	
505-130-013-4	1570 REGENCY CT	
505-130-011-8	1590 REGENCY CT	
505-061-013-7	1600 Navellier St.	
502-162-011-6	1601 NAVELLIER ST	
502-212-010-8	1602 Elm St.	
505-421-008-2	1618 JULIAN DR	
505-421-011-6	1626 JULIAN DR	
505-163-009-2	1627 ARLINGTON BLVD	
505-151-001-3	1640 JULIAN DR	
505-152-012-9	1645 JULIAN DR	
505-033-006-6	1758 ARLINGTON BLVD	
505-033-005-8	1760 ARLINGTON BLVD	
505-033-004-1	1764 ARLINGTON BLVD	
505-033-002-5	1774 ARLINGTON BLVD	
504-310-012-1	211 COLUSA AVE	
500-400-002-1	2441 MIRA VISTA DR	
500-280-004-2	2502 Yuba Ave.	
500-092-019-8	2601 CARQUINEZ AVE	
500-040-018-3	2601 Yuba Ave.	
500-050-008-1	2616 Yuba Ave.	
500-050-008-1	2620 Yuba Ave.	
500-040-025-8	2625 Yuba Ave.	
500-040-001-9	2641 Yuba Ave.	
500-050-029-7	2644 Yuba Ave.	
500-091-002-5	2645 CARQUINEZ AVE	
500-092-025-5	2649 FRANCISCO WAY	
500-092-002-4	2657 FRANCISCO WAY	
500-140-004-2	2741 DEL MONTE AVE	
504-191-007-5	302 BEHRENS ST	
504-421-005-1	414 COLUSA AVE	
504-111-027-0	440 EVERETT ST	
504-111-028-8	442 EVERETT ST	
504-102-001-6	443 ALBEMARLE ST	
504-071-018-7	500 ALBEMARLE ST	

EXHIBIT A

El Cerrito List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

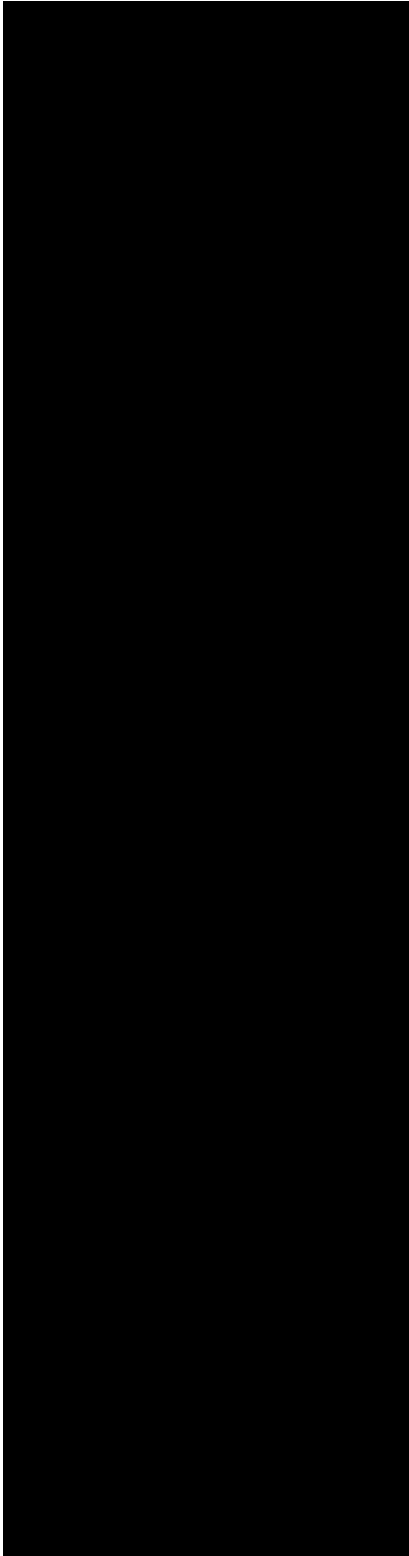
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504-371-015-0	506 COLUSA AVE	
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504-061-041-1	510 EVERETT ST	
504-062-014-7	513 EVERETT ST	
504-072-011-1	523 ALBEMARLE ST	
570-222-001-2	527 BELOIT AVE	
504-062-029-5	528 RICHMOND ST	
509-012-018-8	5318 POTRERO AVE	
504-371-009-3	532 COLUSA AVE	
504-072-007-9	535 ALBEMARLE ST	
504-371-008-5	536 COLUSA AVE	
504-382-006-6	537 BONNIE DR	
500-040-007-6	5420 Silva Ave.	
500-030-009-4	5439 Barrett Ave.	
500-013-015-2	5442 Zara Ave.	
500-040-017-5	5469 Barrett Ave.	
504-381-002-6	548 BONNIE DR	
500-291-008-0	5480 Barrett Ave.	
500-012-003-9	5501 Zara Ave.	
500-012-006-2	5523 Zara Ave.	
504-062-003-0	553 EVERETT ST	
500-072-001-0	5810 CHARLES AVE	
501-170-002-7	5926 JORDAN AVE	
501-060-008-7	5941 JORDAN AVE	
501-170-020-9	5948 FERN ST	
501-170-010-0	5954 FERN ST	
501-170-009-2	5960 FERN ST	
500-080-011-9	6023 BARRETT AVE	
501-070-010-1	6025 JORDAN AVE	
503-412-007-0	611 ELM ST	
500-240-013-2	6120 BARRETT AVE	
503-412-006-2	613 ELM ST	
500-240-014-0	6130 BARRETT AVE	
500-240-010-8	6160 BARRETT AVE	
503-422-015-1	618 RICHMOND ST	

EXHIBIT A

El Cerrito

List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

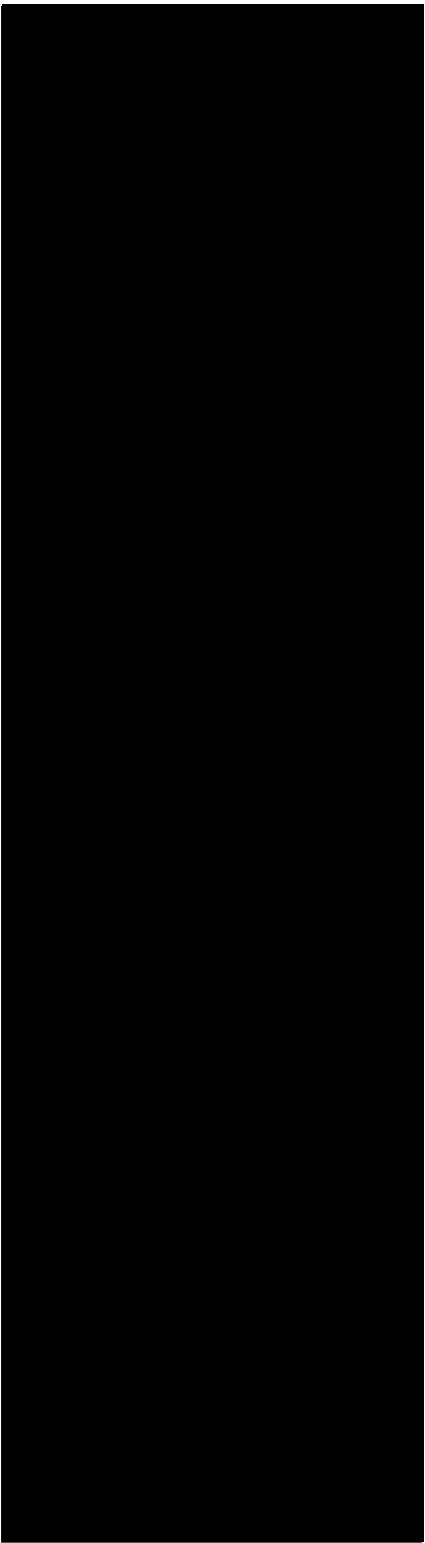
APN	Street Address	Property Owner
503-412-011-2	625 ELM ST	
503-384-006-6	635 ELM ST	
503-374-011-8	650 EVERETT ST	
502-113-017-3	6505 BLAKE ST	
502-260-014-1	6511-6513 Gladys Ave.	
503-130-001-4	6606 SCHMIDT LN	
500-472-014-9	6619 LAGUNITAS AVE	
502-112-044-8	6660 HILL ST	
502-290-016-0	6803 GLADYS AVE	
503-372-036-7	6815 EUREKA AVE	
502-290-017-8	6831 Gladys Ave.	
503-375-001-8	6850 EUREKA AVE	
502-300-002-8	6920 POTRERO AVE	
502-350-001-9	6922 GLADYS AVE	
501-460-003-4	6928 FAIRVIEW DR	
503-322-034-3	700 AVILA PL	
504-394-002-1	700 BALRA DR	
502-180-025-4	7025 GLADYS AVE	
504-072-017-8	7027 CENTRAL AVE	
502-180-023-9	7029 GLADYS AVE	
502-180-022-1	7031 GLADYS AVE	
503-330-036-8	707 BALRA DR	
501-110-014-5	7120 CUTTING BLVD	
503-322-061-6	718 BALRA DR	
503-440-015-9	7217 LINCOLN AVE	
503-322-071-5	722 BALRA DR	
503-330-011-1	725 BALRA DR	
503-350-035-5	7308 POMONA CT	
503-365-009-3	731 ALBEMARLE ST	
505-070-023-5	7321 GLADYS AVE	
505-441-015-3	7348 PEBBLE BEACH DR	
504-341-008-2	7405 ROCKWAY AVE	
505-062-015-1	7432 POTRERO AVE	
504-392-003-1	7505 EUREKA AVE	
503-311-005-6	7510 STOCKTON AVE	
503-301-008-2	7535 STOCKTON AVE	
504-330-004-4	7626 CURRY AVE	

EXHIBIT A

El Cerrito List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

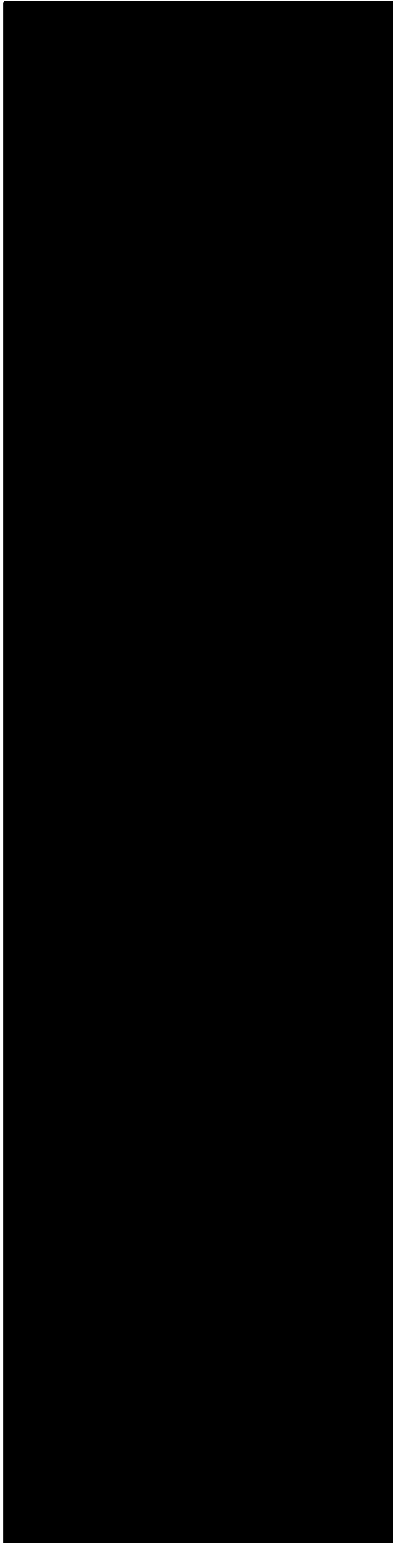
APN	Street Address	Property Owner
503-321-003-9	7627 LEVISTON AVE	
505-403-001-9	7628 POTRERO AVE	
504-281-005-0	7715 WARD AVE	
503-330-033-5	776 COLUSA AVE	
505-103-026-9	7770 EARL CT	
505-103-027-7	7780 EARL CT	
505-103-009-5	7788 BARON CT	
505-101-019-6	7846 BURNS CT	
505-244-002-0	7886 TERRACE DR	
505-010-013-9	7901 Cutting Blvd.	
505-151-004-7	7912 POTRERO AVE	
505-282-016-3	801 ARLINGTON BLVD	
503-292-046-3	805 BALRA DR	
505-243-019-5	8054 TERRACE DR	
505-303-019-2	807 CRAFT AVE	
503-255-017-9	810 EVERETT ST	
503-245-018-0	810 LIBERTY ST	
505-250-006-2	8106 TERRACE DR	
503-235-012-5	811 LEXINGTON AVE	
503-292-047-1	813 BALRA DR	
503-255-018-7	814 EVERETT ST	
503-254-019-6	817 ASHBURY AVE	
503-260-017-2	818 ASHBURY AVE	
503-311-034-6	818 BALRA DR	
503-311-021-3	821 GALVIN DR	
505-261-031-7	8231 TERRACE DR	
505-303-031-7	824 ARLINGTON BLVD	
503-311-019-7	825 GALVIN DR	
505-110-008-8	8300 BUCKINGHAM DR	
503-255-024-5	832 EVERETT ST	
503-256-007-9	833 EVERETT ST	
503-311-017-1	835 GALVIN DR	
573-132-022-1	8403 WILDCAT DR	
573-132-011-4	8405 BEL VIEW CT	
573-132-023-9	8407 WILDCAT DR	
573-132-024-7	8411 WILDCAT DR	
573-132-007-2	8414 WILDCAT DR	

EXHIBIT A

El Cerrito List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

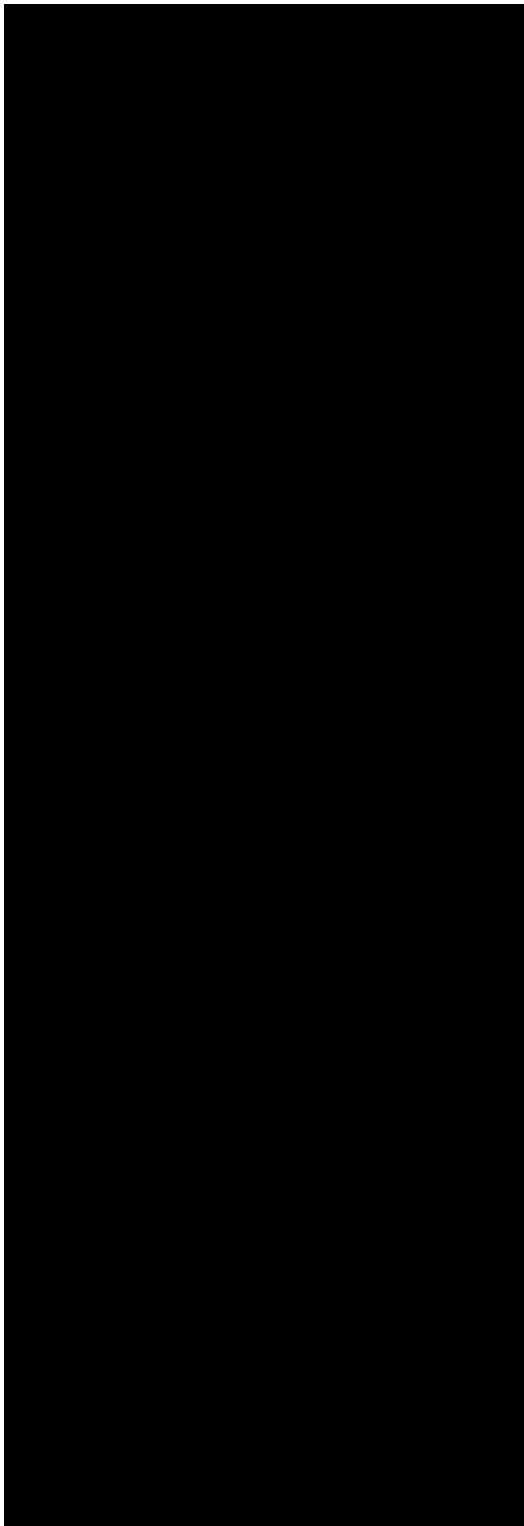
<u>APN</u>	<u>Street Address</u>	<u>Property Owner</u>
573-132-025-4	8415 WILDCAT DR	
505-201-014-6	8420 BUCKINGHAM DR	
573-132-006-4	8420 WILDCAT DR	
573-132-026-2	8421 WILDCAT DR	
573-132-014-8	8425 BEL VIEW CT	
573-132-014-8	8425 BEL VIEW CT	
573-132-017-1	8426 BEL VIEW CT	
573-132-016-3	8430 BEL VIEW CT	
505-181-024-9	8455 BUCKINGHAM DR	
503-311-014-8	847 GALVIN DR	
505-383-012-0	8505 BUCKINGHAM DR	
505-292-011-2	851 ARLINGTON BLVD	
503-292-005-9	853 BALRA DR	
503-311-042-9	856 BALRA DR	
505-292-047-6	859 ARLINGTON BLVD	
505-372-018-0	8610 LAMBRECHT CT	
505-322-005-8	8618 EDGEHILL CT	
505-321-006-7	8629 ARBOR DR	
505-321-004-2	8633 ARBOR DR	
505-322-011-6	8636 ARBOR DR	
505-301-016-0	8649 TERRACE DR	
503-291-008-4	905 BALRA DR	
505-221-009-2	914 SEAVIEW DR	
503-350-007-4	915 AVIS DR	
503-350-006-6	917 AVIS DR	
503-301-013-2	917 GALVIN DR	
503-301-024-9	920 BALRA DR	
505-221-008-4	920 SEAVIEW DR	
503-350-005-8	925 AVIS DR	
503-301-014-0	925 GALVIN DR	
503-301-002-5	928 BALRA DR	
503-302-005-7	930 GALVIN DR	
503-302-048-7	946 GALVIN DR	
503-291-025-8	950 AVIS DR	
505-040-006-7	FAIRVIEW DR.	
505-103-019-4	s 1101 SHEVLIN DR	
504-405-009-3	s 7851 EUREKA AVE	

EXHIBIT A

El Cerrito

List of Real Property Constituting Public Nuisances – AMENDED 7-16-19

<u>APN</u>	<u>Street Address</u>	<u>Property Owner</u>
503-431-018-4	s 624 ALBEMARLE ST	[REDACTED]
505-242-017-0	s 7937 TERRACE DR	[REDACTED]
505-244-022-8	SEA VIEW DR	[REDACTED]

**RECEIVED
AT THE MEETING OF**

JUL 16 2019

**CITY OF EL CERRITO
CITY CLERK**

July 14, 2019

El Cerrito City Council
10890 San Pablo Avenue
El Cerrito CA 94530

Re: Public Hearing – Fire Hazard Abatement – [REDACTED] Colusa Avenue – Parcel No. 504-373-002-6

To the El Cerrito City Council,

We received a letter from the Fire Marshall of the El Cerrito Fire Department on Saturday, June 15, 2019 about the "Fire Hazard Abatement Program". In the letter they state that they have inspected our property and found that it does not comply with the Vegetation Management Standards set forth in the El Cerrito Municipal Code 8.020.

Upon receiving this letter, we looked over our property to assess it for fire hazards and had a number of questions as to how we could quickly mitigate the hazards identified in the enclosed inspection report. I called Fire Prevention Officer Damien Carrion the following Monday, June 17, 2019 and left a voice-mail message requesting a re-inspection to specifically identify any fire hazards so that we could address them to the satisfaction of the Fire Department. I did not receive a call back from Officer Carrion. I called again on Monday, June 24, and per Officer Carrion's voice-mail greeting, submitted the attached e-mail requesting a re-inspection for the purpose of quickly coming into compliance. As of July 14, 2019, I have had no response to either my voice-mail message, or my e-mail.

We have done a significant amount of yard work on our property to mitigate any hazards we can clearly identify. As a former member of El Cerrito's Civil Service Commission, I take the safety concerns of the City seriously. I strongly object to our home being declared a public nuisance. We have made a good-faith effort to come into compliance with the fire abatement ordinance without any reciprocal good-faith response from the Fire Prevention Division of the El Cerrito Fire Department. Given the total lack of response from the El Cerrito Fire Department to our efforts to comply with their directive, I feel that a declaration of our property as a public nuisance is unwarranted and premature.

Either my wife or I would be happy to meet with a Fire Prevention Officer at any time to re-inspect our property and ensure that we have, in fact, mitigated any possible fire hazards. Until that time, we request that our house be removed from the list of "public nuisances" as we have done everything we can to come into compliance.

Thank you for your thoughtful attention and consideration of our request,

Eric Luttrell and Michele Mantynen

[REDACTED] El Cerrito

[REDACTED]



Eric Luttrell [REDACTED]

Colusa Avenue - Request for Re-inspection

1 message

Eric Luttrell [REDACTED] >
To: fpo@ci.el-cerrito.ca.us

Mon, Jun 24, 2019 at 11:03 AM

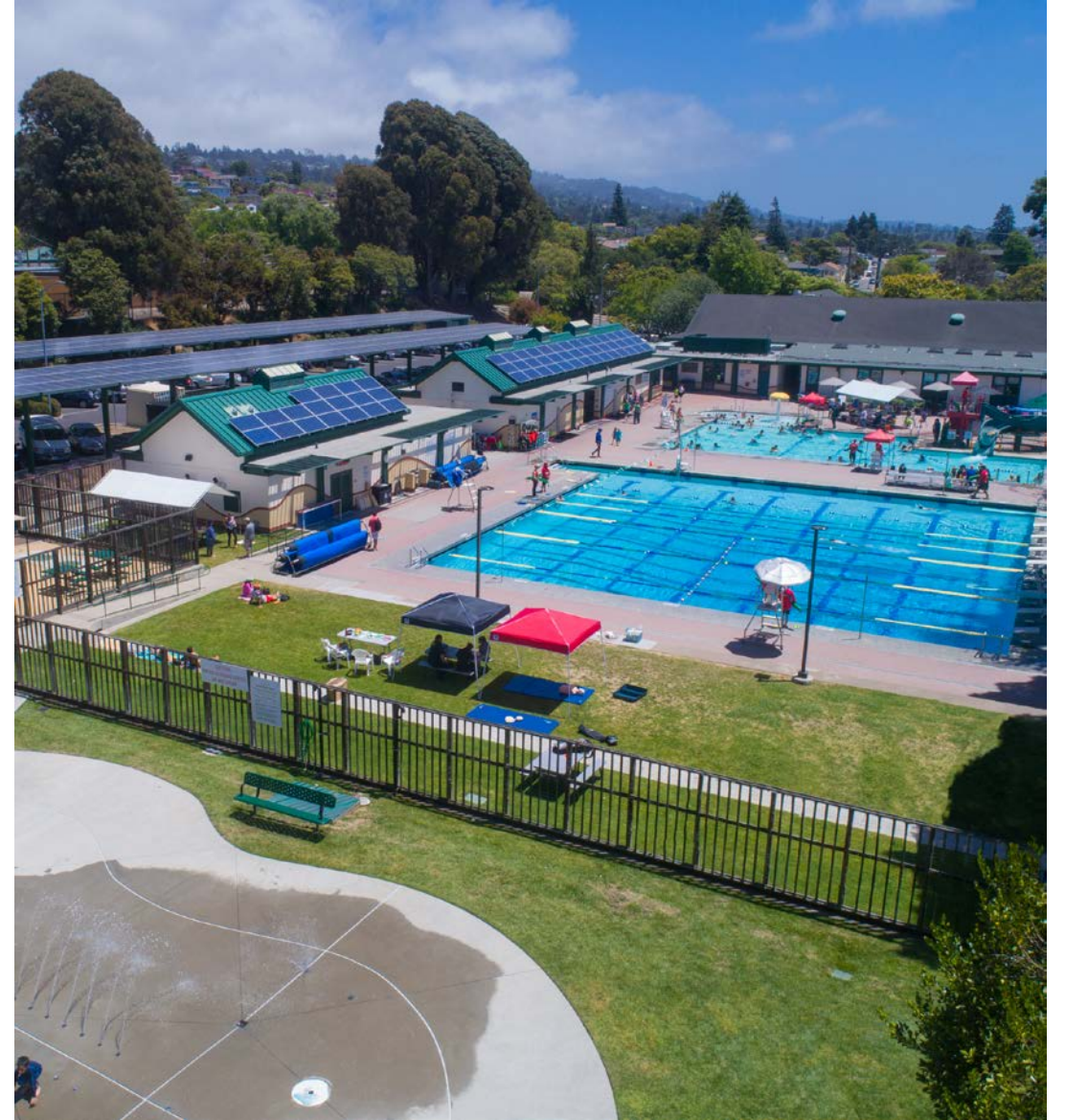
Good morning Officer Carrion,

We received a notice of non-compliance a week ago and would like to schedule a time where I could be here for a re-inspection. We just want to mitigate any unsafe conditions as quickly as possible and would appreciate having you point out specifically what needs to be done to get back in compliance.

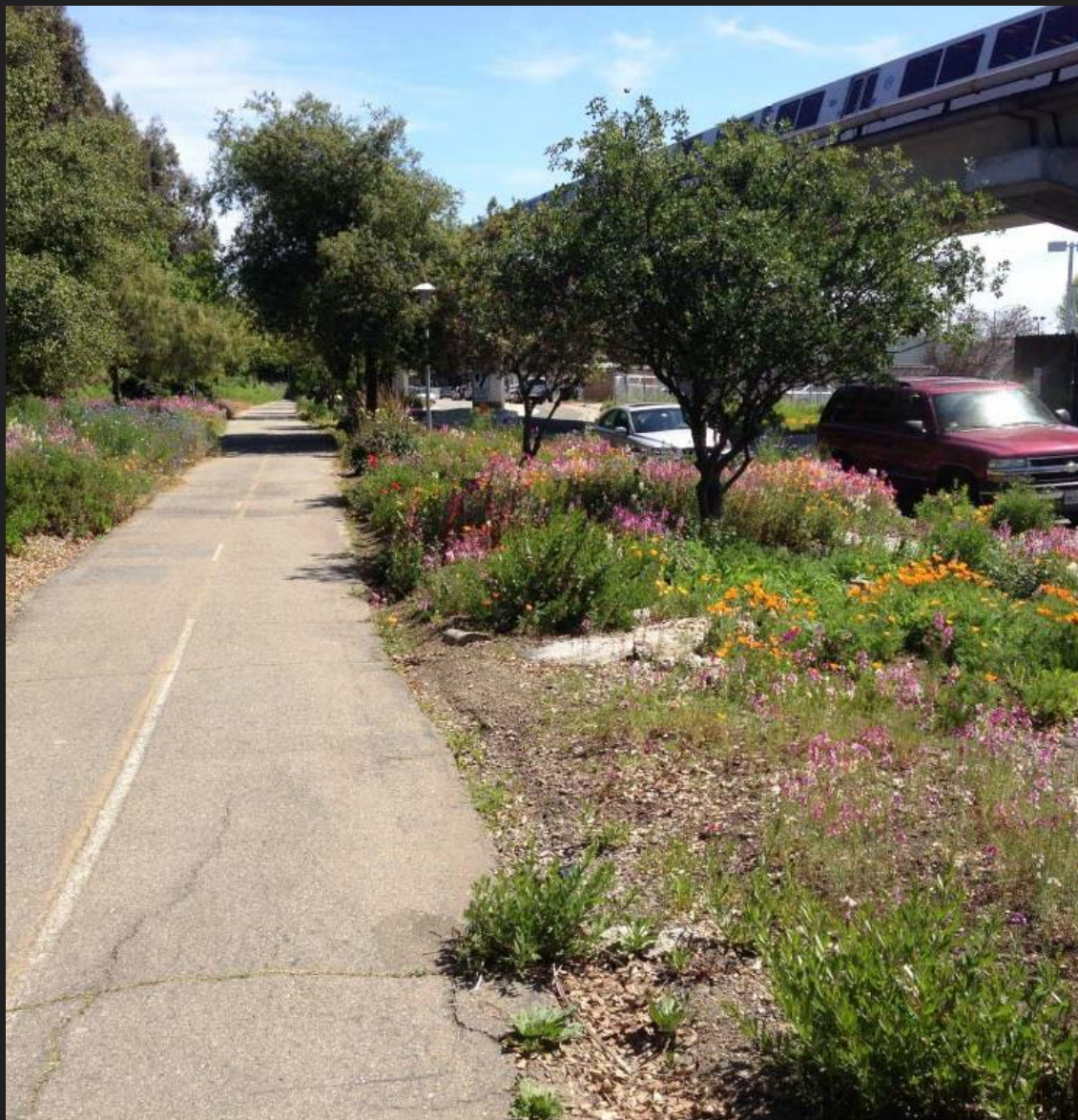
You can reach me via this e-mail address, or you can reach me at 510 [REDACTED]

Thank you,

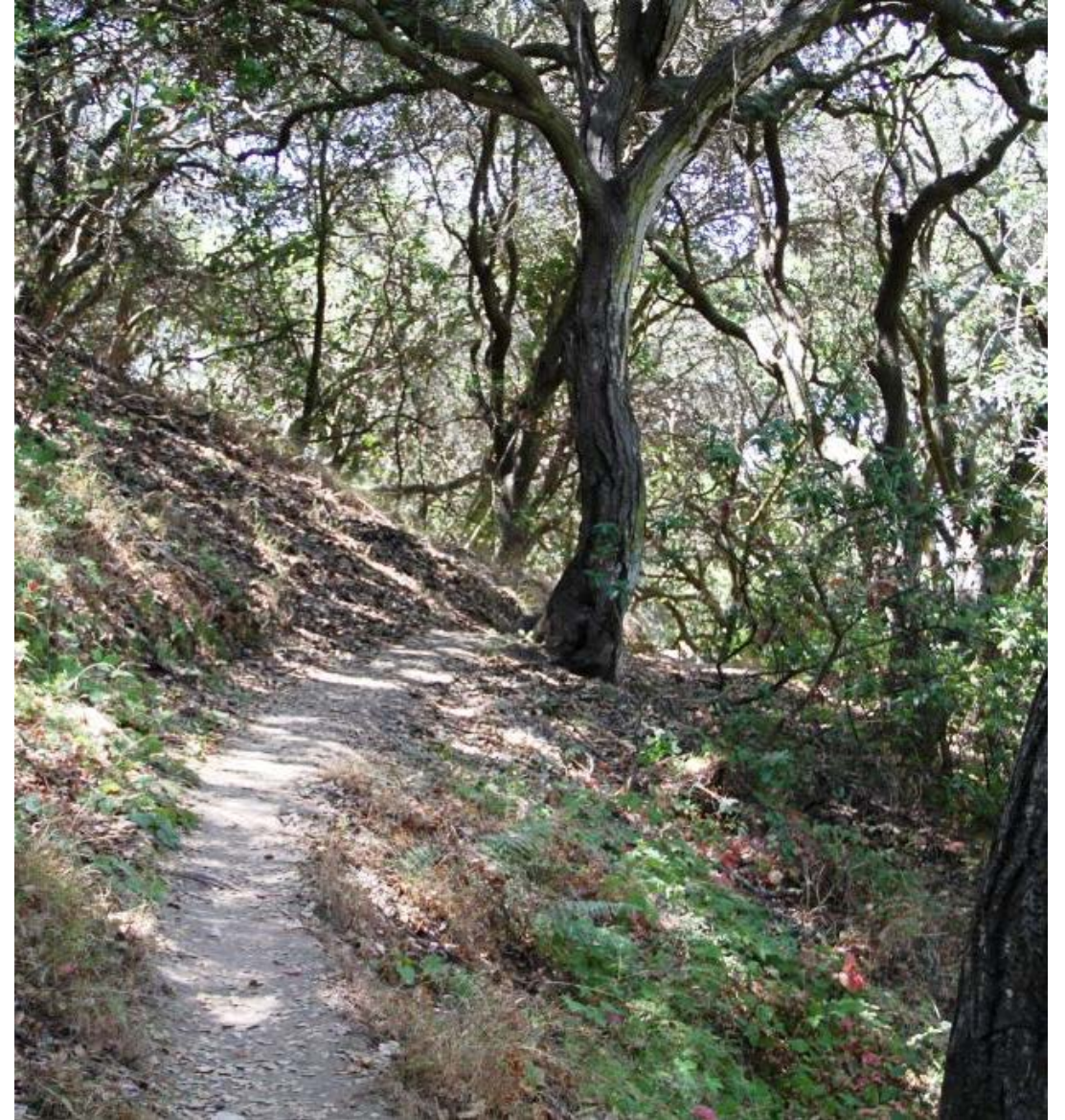
Eric Luttrell
[REDACTED]



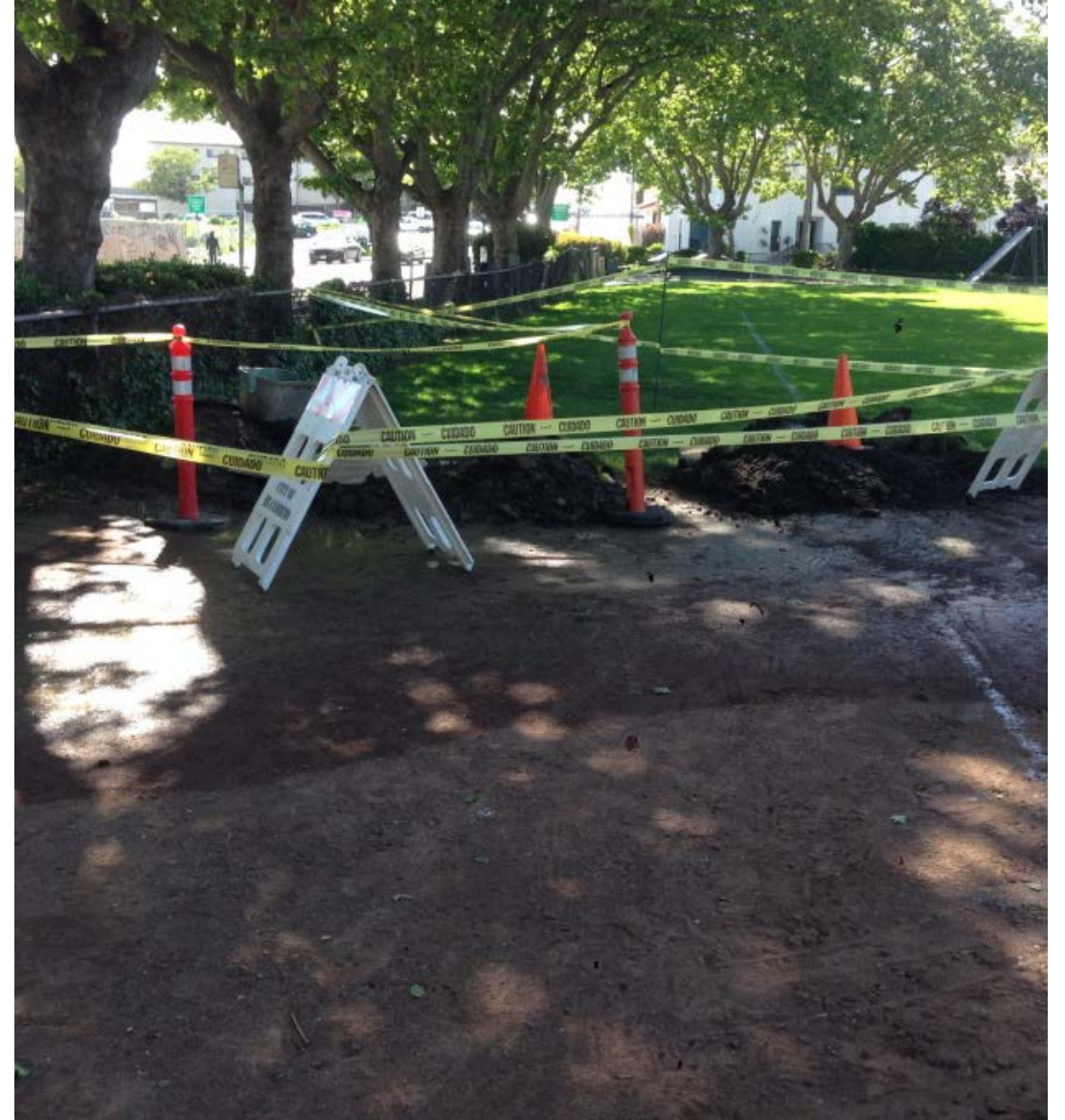




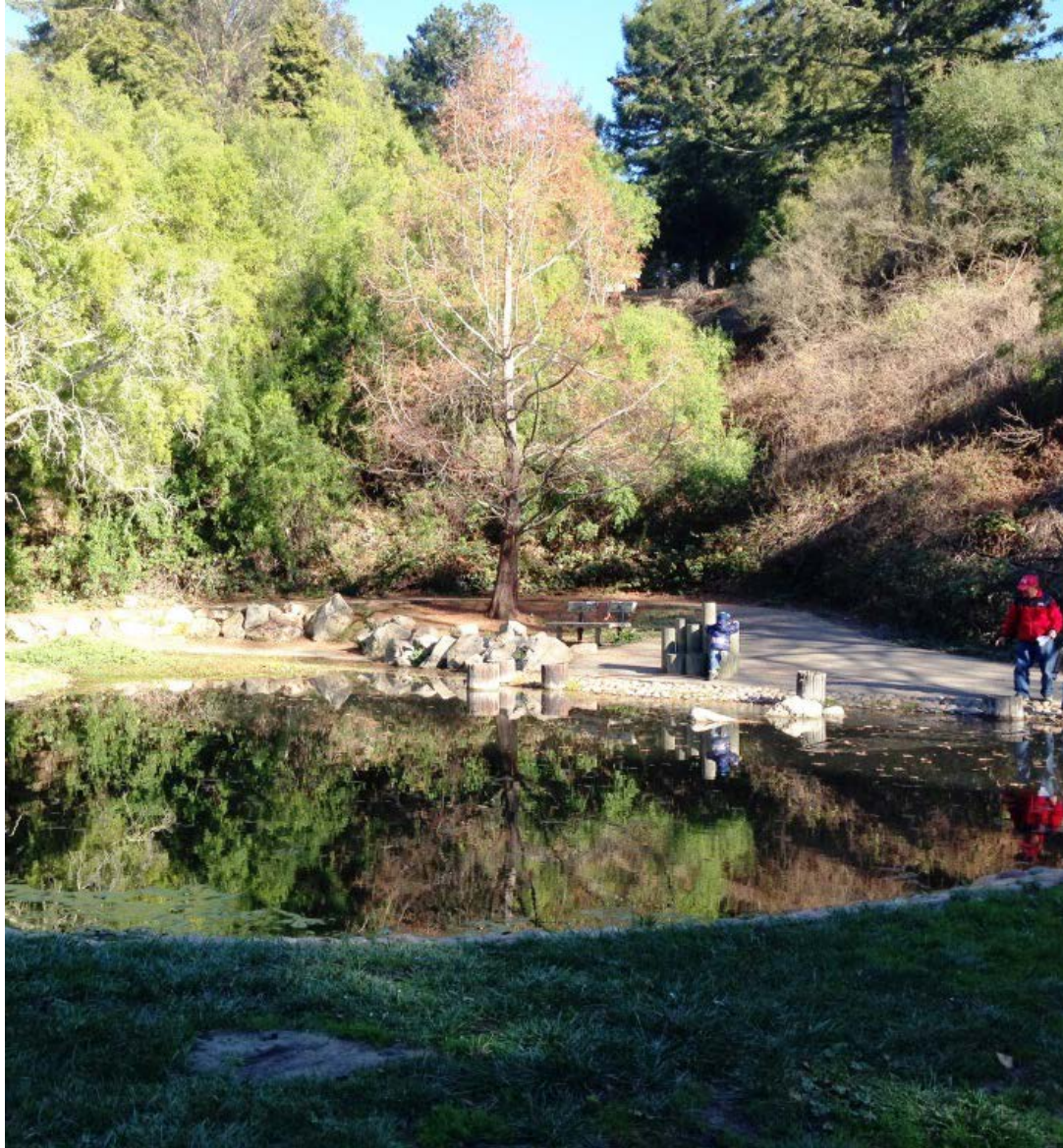




















City of El Cerrito

PARKS AND RECREATION FACILITIES MASTER PLAN



El Cerrito City Council
April 2, 2019





GODBE RESEARCH
Gain Insight



City of El Cerrito: 2019 Revenue Measure Survey

July 16 2019

The City of El Cerrito commissioned Godbe Research to conduct a survey of local voters with the following research objectives:

- Gauge overall satisfaction with the quality of life, as well as the City's provision of services and management of public funds;
- Assess potential voter support for the extension of a voter approved measure to maintain quality of life and continuing local control of recreation services and parks with funding that cannot be taken by the State;
- Prioritize projects and programs to be funded with the proceeds;
- Test the influence of informational and critical statements on potential voter support;
- Identify the duration at which voters will support the measure; and
- Identify any differences in voter support due to demographic and/or voter behavioral characteristics.

Methodology Overview

- Data Collection Landline (106), cell phone (65), text to online (265), and email to online (102) interviewing
- Universe 13,974 likely November 2020 voters in the City of El Cerrito, with subsamples of those likely to vote in the March 2020 (12,347) and November 2019 (9,996) elections
- Fielding Dates May 17 through May 23, 2019
- Interview Length 22 minutes
- Sample Size
538 Likely November 2020 voters
472 Likely March 2020 voters
408 Likely November 2019 voters
- Margin of Error
± 4.14% Likely November 2020 voters
± 4.42% Likely March 2020 voters
± 4.75% November 2019 voters



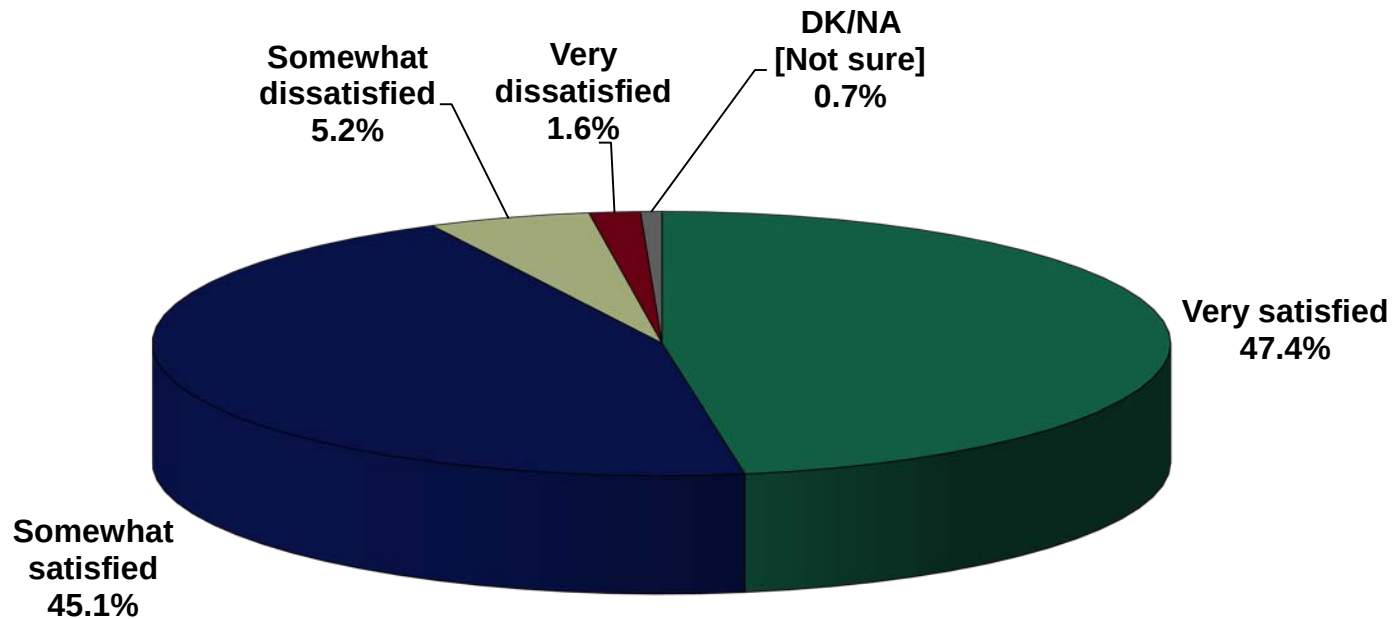
GODBE RESEARCH
Gain Insight



Key Findings

Satisfaction With Overall Quality of Life in El Cerrito

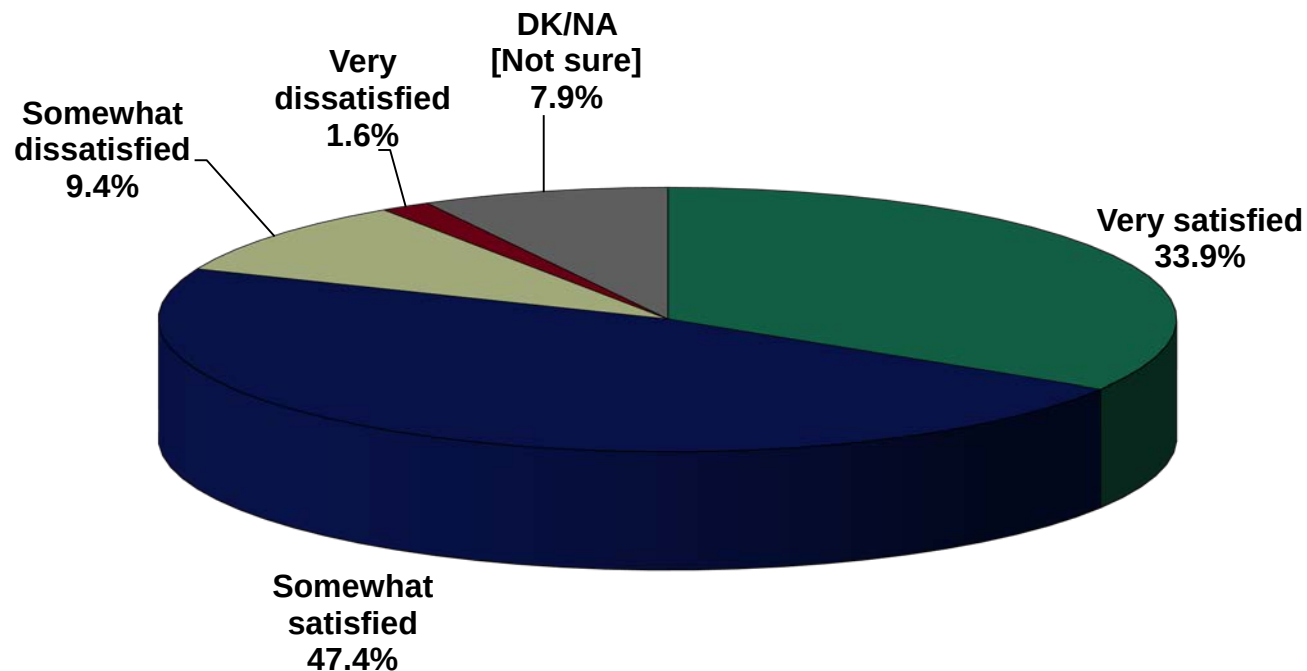
November 2020 (n=538)



Total Satisfied	92.5%
Total Dissatisfied	6.8%
Ratio Sat to Dissat	13.6

Satisfaction With Job the City is Doing to Provide Services

November 2020 (n=538)

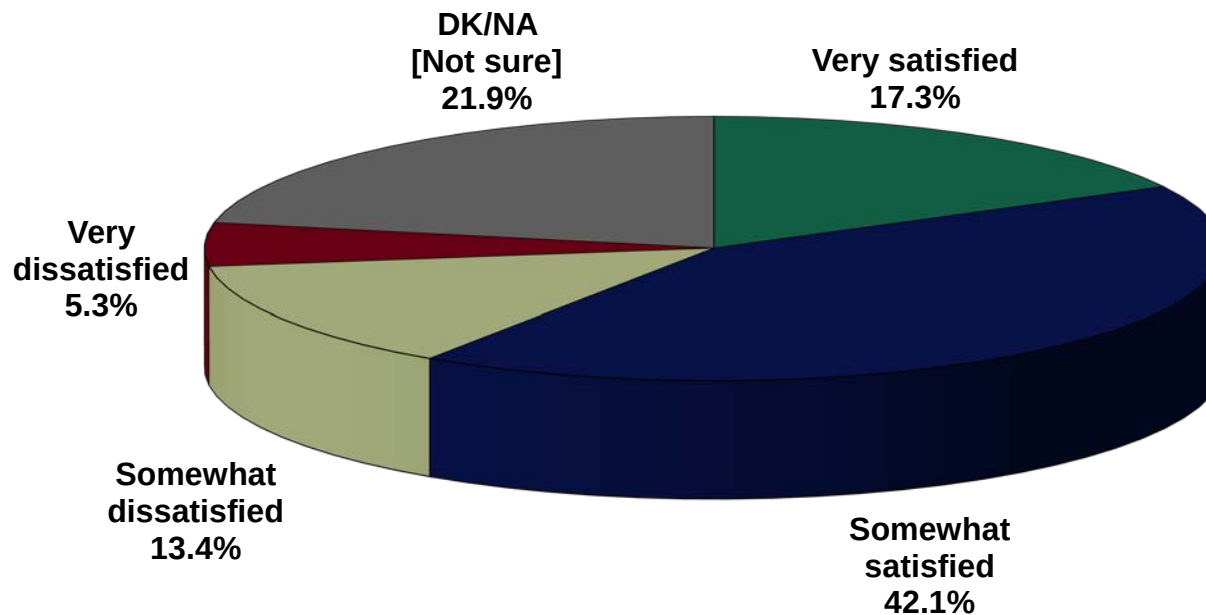


Total Satisfied	81.2%
Total Dissatisfied	10.9%
Ratio Sat to Dissat	7.4

Satisfaction With City's Management of Public Funds

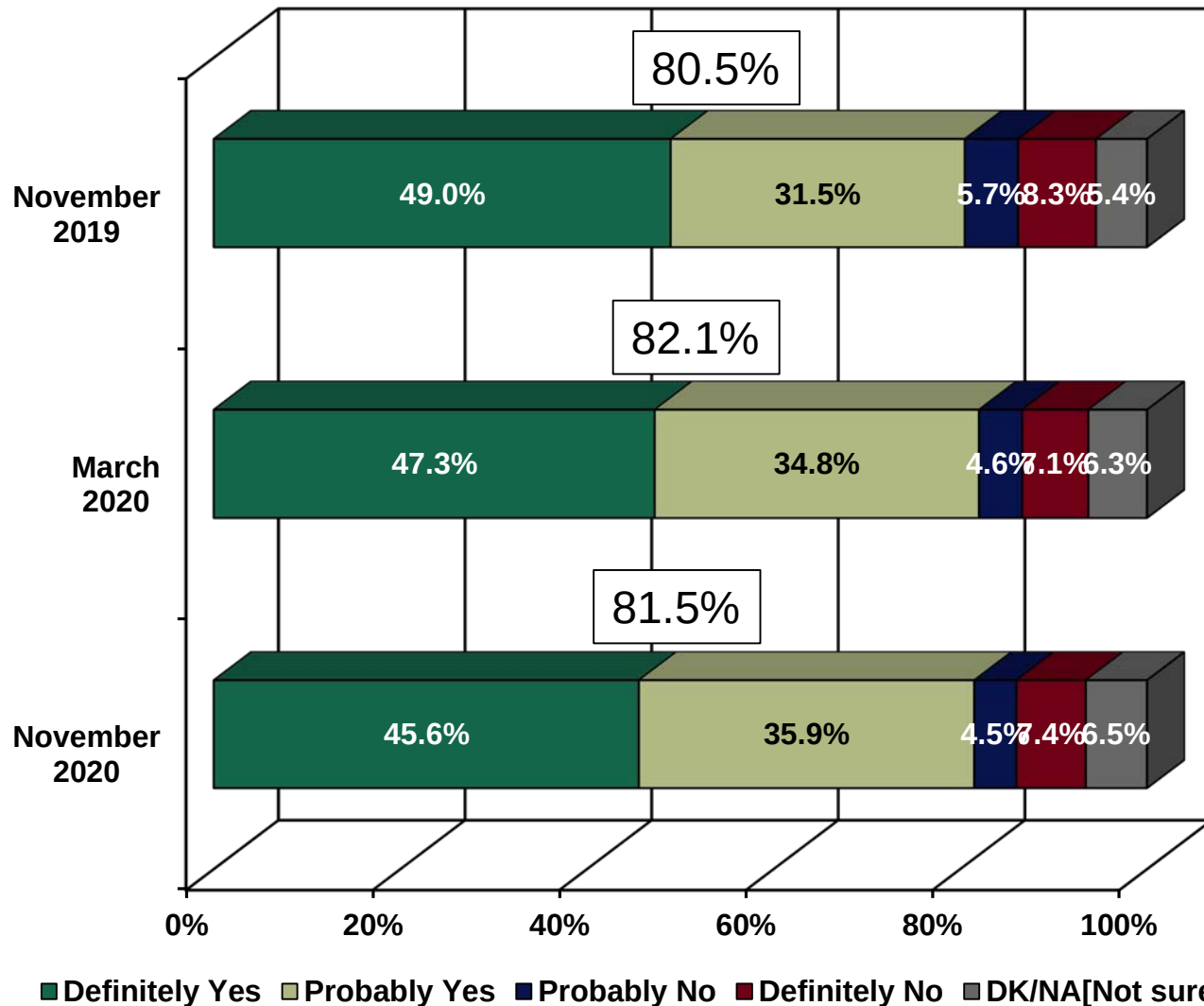
November 2020 (n=538)

GODBE RESEARCH
Gain Insight



Total Satisfied	59.4%
Total Dissatisfied	18.7%
Ratio Sat to Dissat	3.2

Uninformed Support



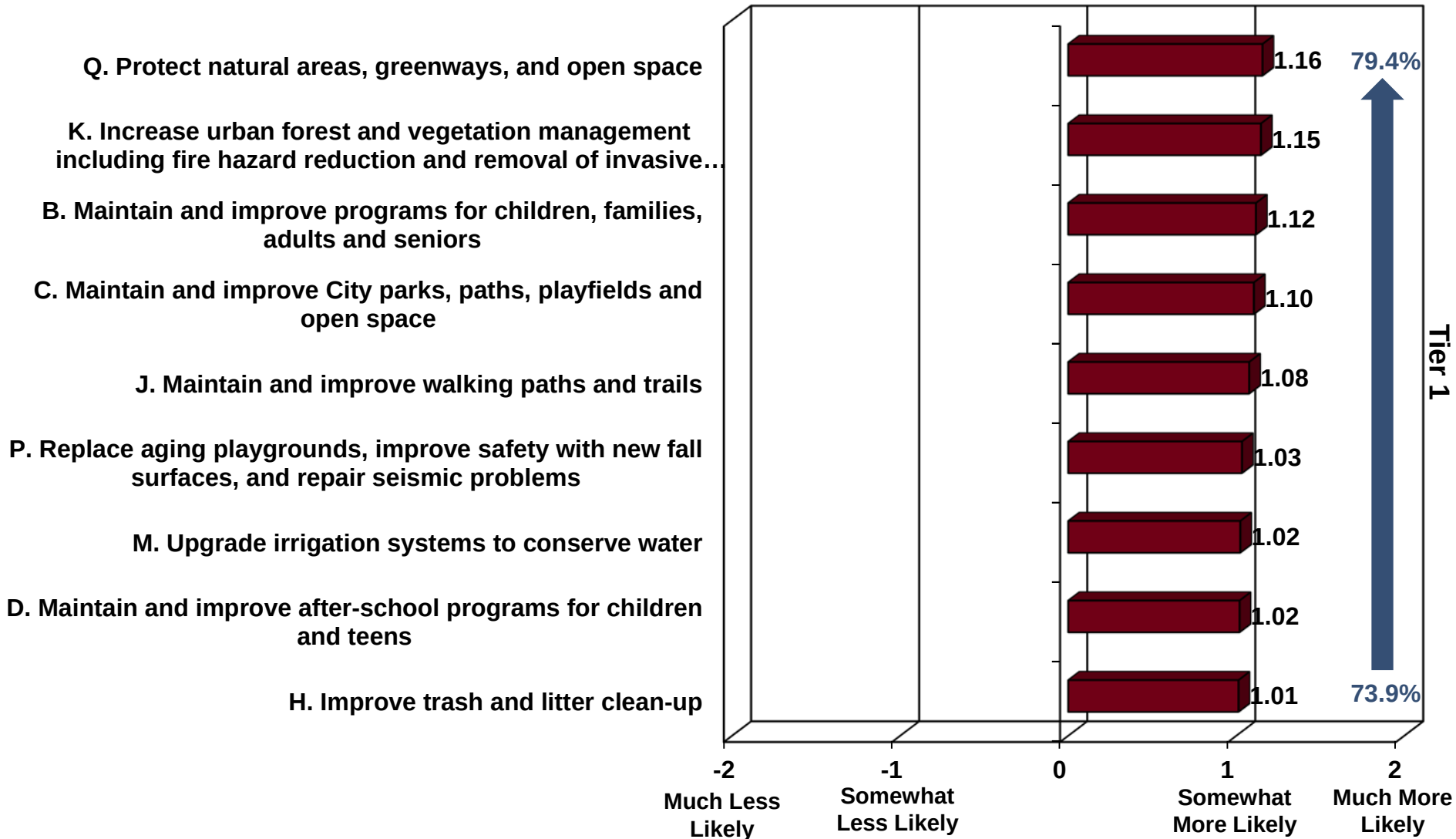
To maintain El Cerrito's quality of life, continuing local control of recreation services and parks, including maintaining and improving:

- swim center pools, locker rooms and restrooms;
- city parks, walking paths, playfields, and open space; and
- program space for children, families, adults and seniors;

shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

Features of the Measure I

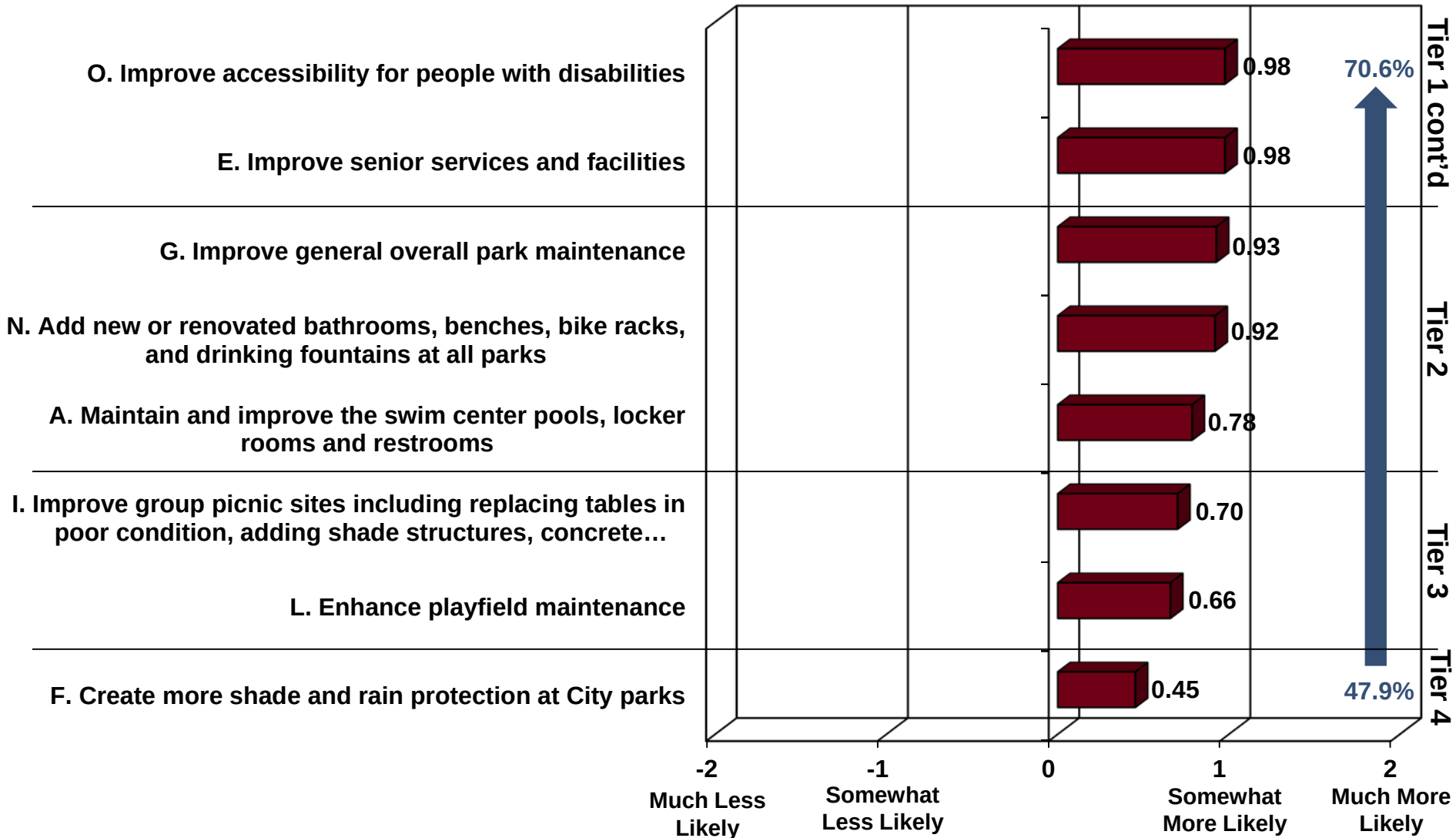
November 2019 (n=408)



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, "No Effect" = 0, "Somewhat Less Likely" = -1, and "Much Less Likely" = -2.

Features of the Measure II

November 2019 (n=408)



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, "No Effect" = 0, "Somewhat Less Likely" = -1, and "Much Less Likely" = -2.

Informational Statements I

November 2019 (n=408)

A. The measure requires independent citizen oversight, mandatory financial audits, and yearly reports to the community to ensure that all funds are spent as promised

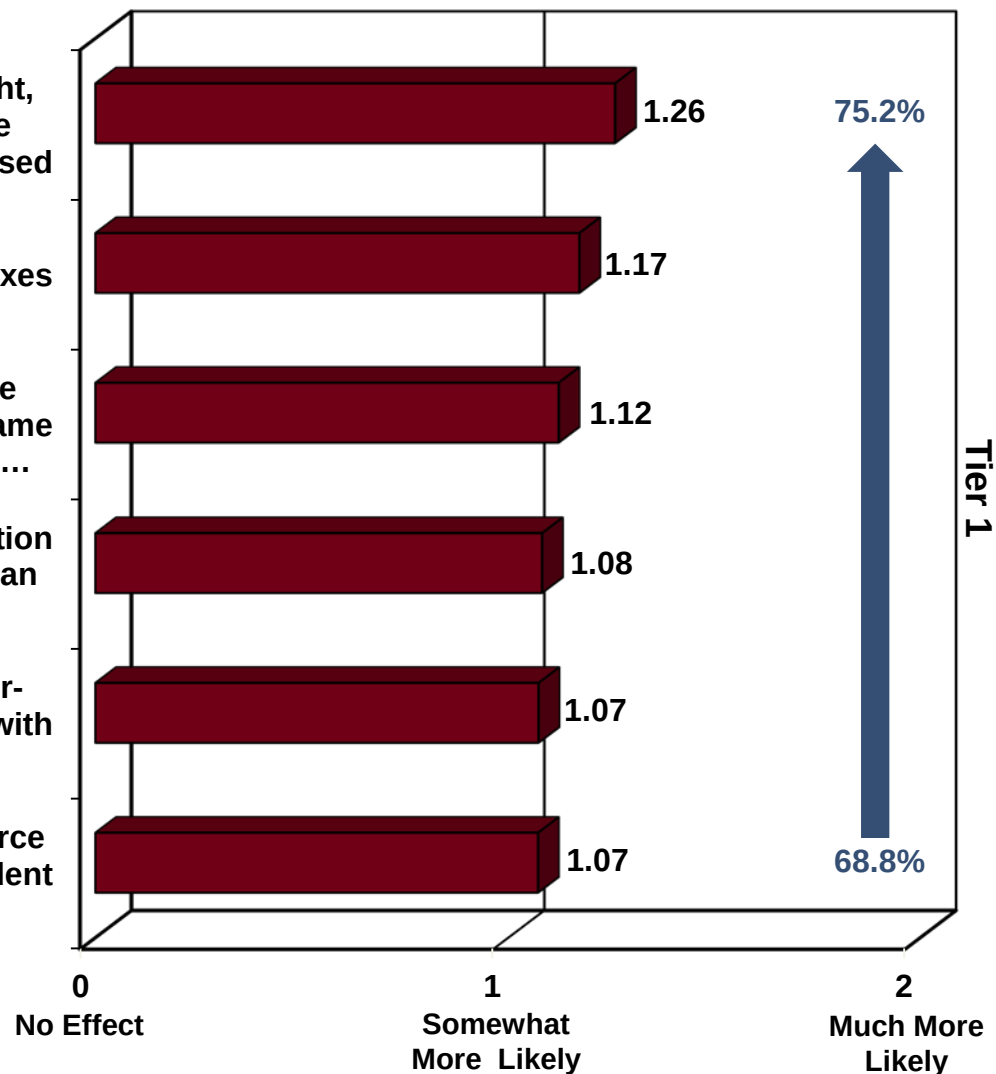
F. The measure does not increase taxes

K. The current measure will expire January 2020. The money collected from an extension of this tax at the same rate, would continue to fund our current and future...

L. The measure protects El Cerrito's parks and recreation facilities and will help ensure that El Cerrito remains an incredible place to live, work, and play

C. City services for children and teens, including after-school programs are critical to provide local students with the resources they need

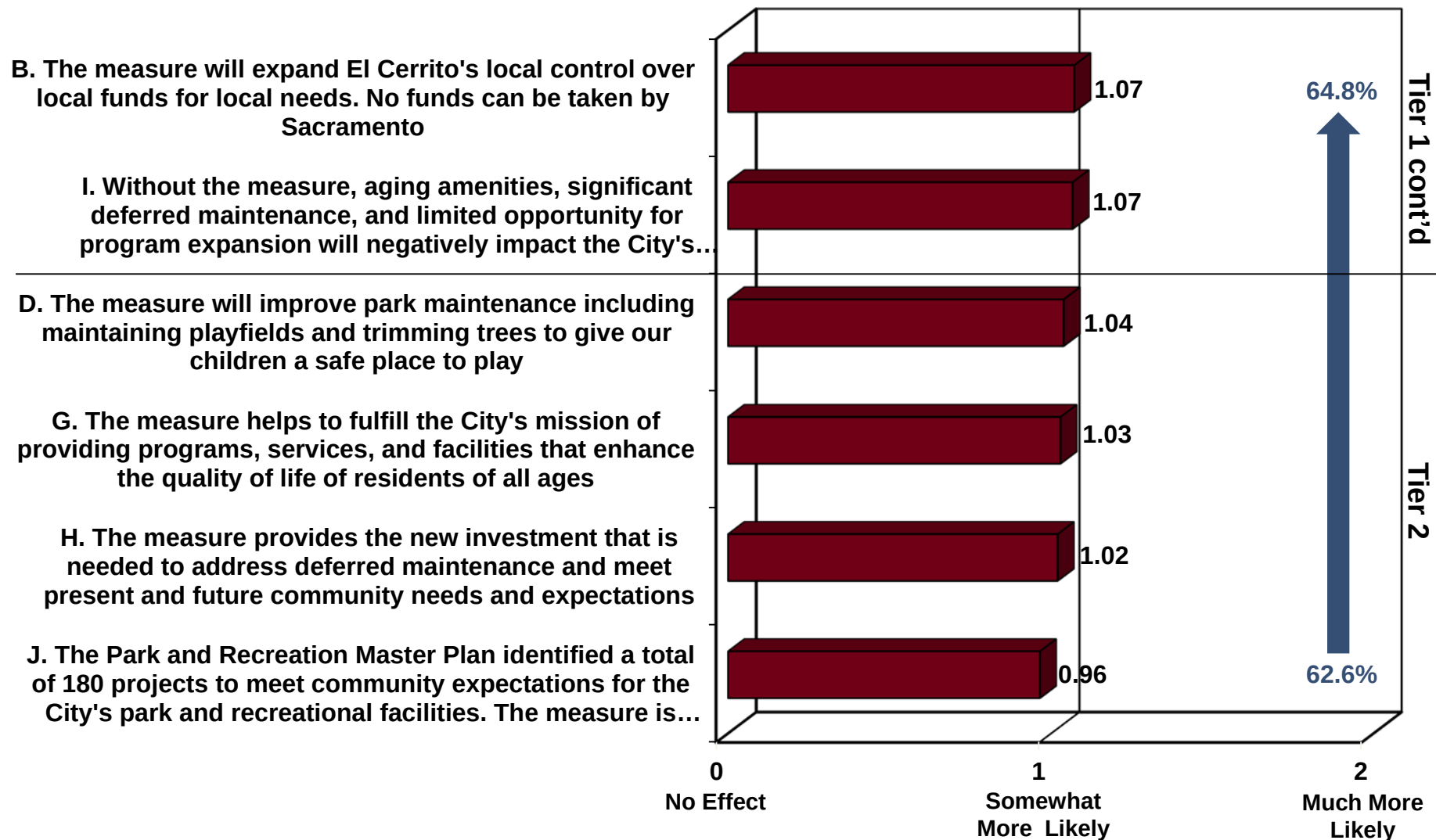
E. The measure provides a protected and reliable source of local revenue to prevent severe cuts to critical resident services



Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, and "No Effect" = 0.

Informational Statements II

November 2019 (n=408)

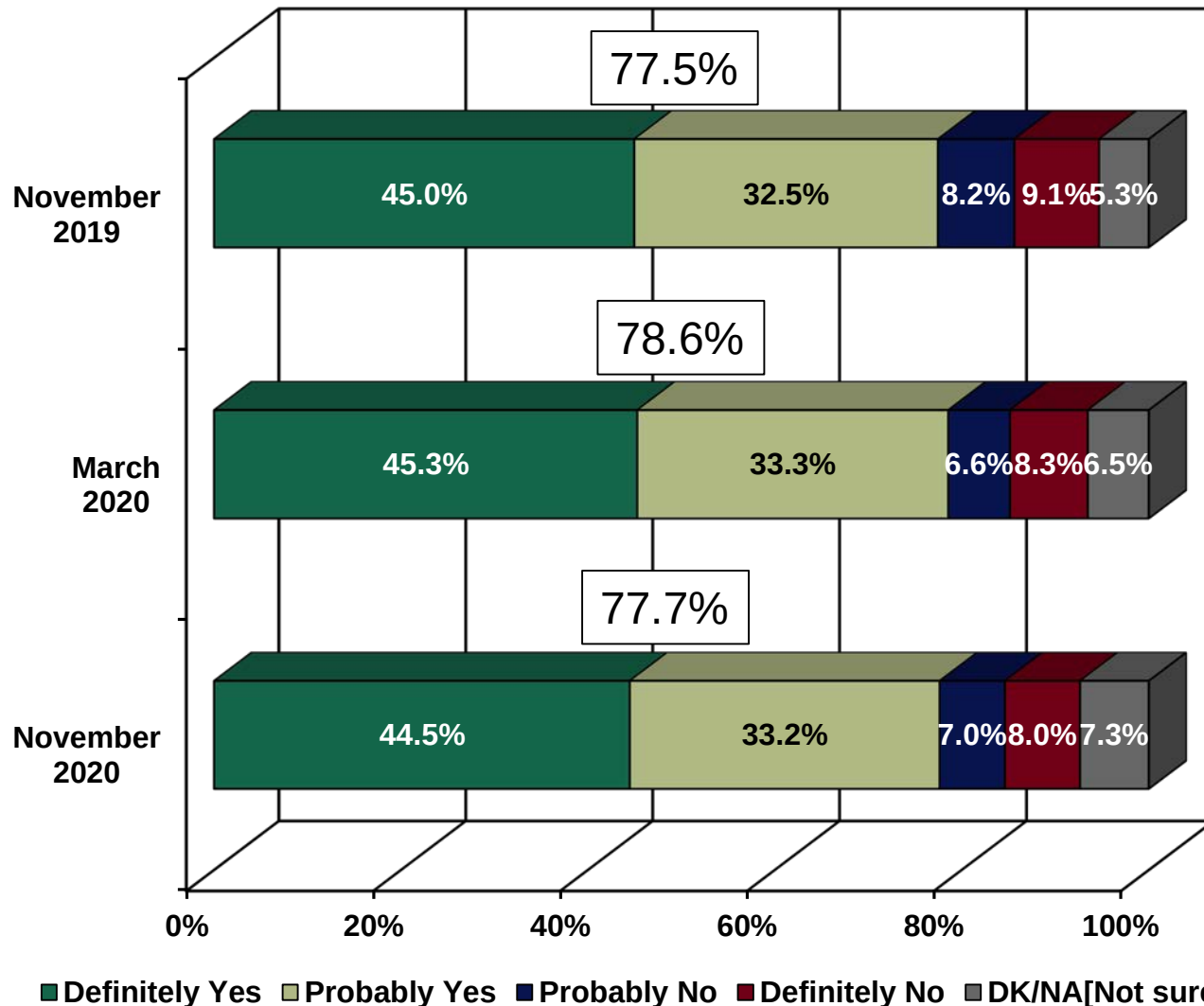


Note: The above rating questions have been abbreviated for charting purposes, and responses were recoded to calculate mean scores: "Much More Likely" = +2, "Somewhat More Likely" = +1, and "No Effect" = 0.

The survey included the impact of a variety of negative statements that were rotated with the informational statements:

- A. Voters have passed millions of dollars in City sales taxes, utility taxes, bonds, parcel taxes, and transfer taxes. The State has increased gas taxes and vehicle registration fees, and regional government has already increased bridge tolls.
- B. The City is responsible for the current budget problems. If our tax dollars weren't going to high salaries, benefits, and pensions for public employees, we would not need the measure
- C. There is no guarantee that the funds will be spent as promised and the measure is just a way to increase the council's power, so they can meet in secret to make key decisions
- D. The Bay Area's cost of living is already out of control - this is the wrong time to add another property tax for families trying to buy a home here
- E. The money will not be spent as promised, but instead the City just needs the money to solve the general fund shortfalls
- F. The City has not provided voters with a list of priority projects and the measure is just a blank check to the City Council
- G. The measure raises millions for parks, but they are ignoring the hillside wildfire risk
- H. The City is just asking for more money to cover up the financial mistakes uncovered by the City's own auditor

Informed Support

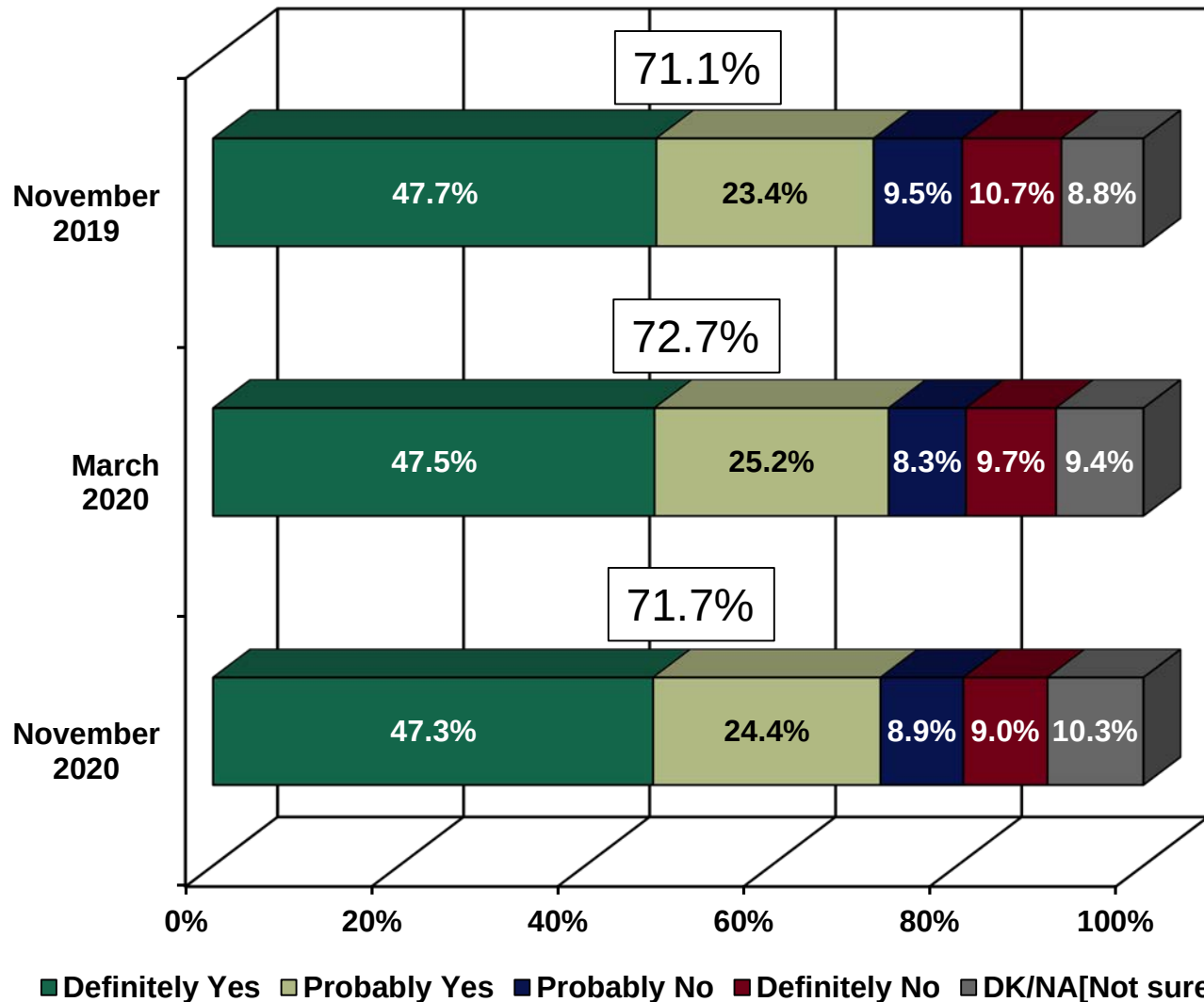


To maintain El Cerrito's quality of life, continuing local control of recreation services and parks, including maintaining and improving:

- swim center pools, locker rooms and restrooms;
- city parks, walking paths, playfields, and open space; and
- program space for children, families, adults and seniors;

shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

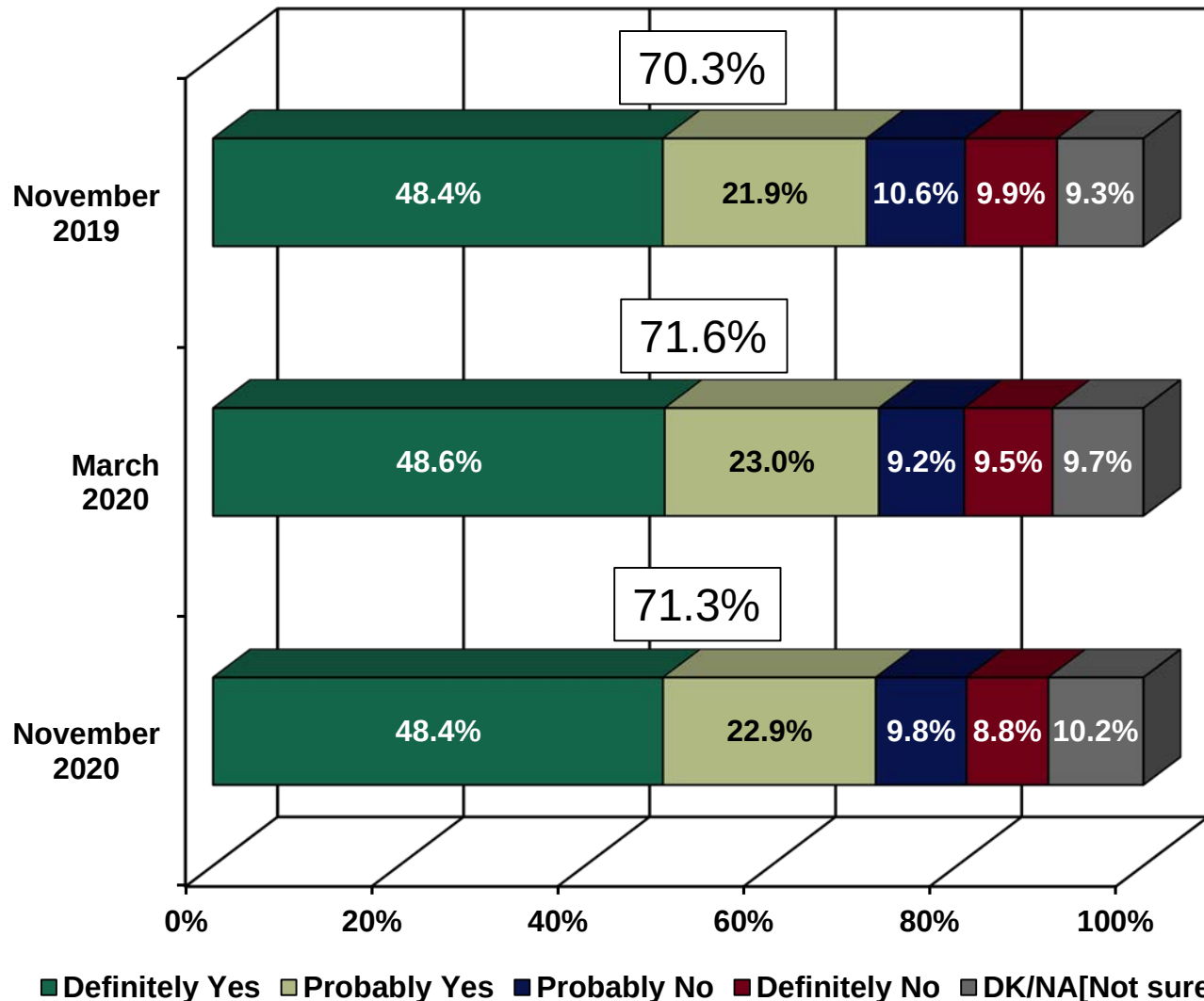
Support for Alternative 30 Year Measure



Instead of lasting until repealed by voters, what if the measure that would maintain and improve swim center pools, locker rooms and restrooms; city parks, walking paths, playfields, and open space; and program space for children, families, adults and seniors would last for 30 years.

If the election were held today, would you definitely vote yes, probably vote yes, probably vote no, or definitely vote no on this measure?

Support for Alternative 20 Year Measure



Instead of lasting for 30 years, what if the measure that would maintain and improve swim center pools, locker rooms and restrooms; city parks, walking paths, playfields, and open space; and program space for children, families, adults and seniors would last for 20 years.

If the election were held today, would you definitely vote yes, probably vote yes, probably vote no, or definitely vote no on this measure?



GODBE RESEARCH
Gain Insight



www.godberesearch.com

California and Corporate Offices
1575 Bayshore Highway, Suite 102
Burlingame, CA 94010

Nevada Office

59 Damonte Ranch Parkway, Suite B309
Reno, NV 89521

Pacific Northwest Office

601 108th Avenue NE, Suite 1900
Bellevue, WA 98004

RESOLUTION 2019–XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON NOVEMBER 5, 2019; ORDERING THE SUBMISSION OF A SPECIAL TAX MEASURE FOR THE PRESERVATION, MAINTENANCE AND ENHANCEMENT OF EL CERRITO'S PARKS AND RECREATION FACILITIES TO QUALIFIED VOTERS OF THE CITY AT SAID ELECTION; DIRECTING THE FILING OF AN IMPARTIAL ANALYSIS AND AUTHORIZING WRITTEN ARGUMENTS CONCERNING THE BALLOT MEASURE; AND REQUESTING CONTRA COSTA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF SAID ELECTION WITH OTHER ELECTIONS TO BE HELD ON THE SAME DATE, AND DIRECT THE REGISTRAR OF VOTERS TO CONDUCT THE ELECTION

WHEREAS, El Cerrito residents highly value the preservation and maintenance of El Cerrito's parks and recreation facilities as prominent aspects of quality of life and a high priority for the City to ensure access to a wide variety of recreational opportunities within the City including both public park and open space areas that also help protect our local environment; and

WHEREAS, the City maintains 16 City parks, one greenway, two special-use open spaces, the Swim Center, and 15 recreation buildings. The City maintains and operates 175 acres of parkland, of which 102 acres remain dedicated open space. Many acres of parkland, including the Madera Hillside portion of the Hillside Natural Area, the Dorothy Rosenberg Memorial Park, and Centennial Park are relatively new acquisitions and enhancements to El Cerrito's park system with no additional resources available for their maintenance; and

WHEREAS, the City Council adopted the Parks and Recreation Facilities Master Plan on April 2, 2019 to identify community priorities, document deferred maintenance needs, and develop a funding strategy to implement its recommendations. The Master Plan identified the need for an additional \$550,000 in landscape management funding, \$250,000 for facility maintenance, and over \$38 million dollars in deferred maintenance and enhancement; and

WHEREAS, El Cerrito, like all California cities, has faced declining revenues to address infrastructure and maintenance needs and fund enhancements to parks, recreation facilities, open space areas and trails; and

WHEREAS, without a dedicated source of funding to invest in maintenance and enhancement needs El Cerrito will be unable to fully address maintenance responsibilities in its parks and recreation facilities; and

WHEREAS, in 2000 voters in El Cerrito passed Measure A, a 20-year parcel tax that enabled the City to secure bonds to rebuild the El Cerrito Swim Center, renovate the Canyon Trail Clubhouse, and implement access improvements to the bathrooms at Harding, Huber and Poinsett Parks. In 2007 the City Council authorized excess proceeds to create a capital replacement and enhancement fund, consistent with the

Agenda Item No. 6(C)
Attachment 1

provisions of the voter approved Measure A, that, among other projects, funded significant and necessary capital equipment replacement and energy efficiency projects saving the City's General Fund over \$2.2 million in 10 years; and

WHEREAS, it is a priority of the City Council as identified in the City's Strategic Plan, to rehabilitate public facilities as community focal points, identify and pursue funding sources and to develop financing plans to address deferred maintenance of facilities and infrastructure; and

WHEREAS, in addition to the Parks and Recreation Facilities Master Plan, the City has adopted a number of plans resulting in policies for the maintenance and enhancement of City infrastructure and property including the Urban Greening Plan, Climate Action Plan, Ohlone Greenway Master Plan, the Active Transportation Plan and the San Pablo Avenue Specific Plan; and

WHEREAS, this ordinance would create a guaranteed source of local funding for the maintenance and enhancement of El Cerrito's parks and recreation facilities that cannot be taken by the State of California and must be spent locally for El Cerrito residents; and

WHEREAS, revenue from the renewal of Measure A could be used for parks and recreation facilities maintenance and enhancement projects described in the Parks and Recreation Facilities Master Plan. Examples of priority projects identified in the Parks and Recreation Facilities Master Plan include maintaining and improving the swim center pools, locker rooms and restrooms; protecting natural areas, greenways and open space; increasing urban forest and vegetation management including fire hazard reduction; maintaining and improving program space for children, families, adults and seniors; maintaining and improving City parks, paths, and playfields; replacing aging playgrounds and improving safety with new fall surfaces; addressing recreation facilities seismic issues; upgrading irrigation systems to conserve water; and improving trash and litter clean-up. As projects are completed and priorities change and new opportunities arise, the Master Plan may be amended to add or modify projects consistent with the purpose of maintaining and enhancing parks and recreation facilities; and

WHEREAS, the City Council desires to hold an election for the purposes of submitting a special tax measure to the voters for the preservation, maintenance and enhancement of El Cerrito's parks and recreation facilities, including open space and trails; and

WHEREAS, the City of El Cerrito acknowledges the benefits and value to the public health and welfare of providing a wide variety of recreational opportunities to its residents and wishes to improve its commitment to better maintaining its parks and recreation facilities for generations to come; and

WHEREAS, the City Council has the authority to submit this measure to the voters of the City of El Cerrito pursuant to Section (§) 9222 of the California Elections Code and Section 50077 of the California Government Code; and

Agenda Item No. 6(C)
Attachment 1

WHEREAS, other elections may be held in whole or Contra Costa County on the same date, and it is to the advantage of the City to consolidate its municipal election pursuant to Elections Code Sections 10002 and 10400; and

WHEREAS, Elections Code Sections 10002 and 10400 provide that a City Council may request that the Contra Costa County Board of Supervisors consolidate the election with other elections to be held on the same date; and

WHEREAS, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

WHEREAS, the City's boundaries have not changed since the last municipal election; and

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

Section 1. Declaration of Findings. The foregoing recitals are true and correct and incorporated by reference.

Section 2. Election Called. Pursuant to the requirements of the laws of the State of California, there is called and ordered to be held in the City of El Cerrito, California, on Tuesday, November 5, 2019, a special election for submitting to the voters of El Cerrito a special tax measure for the preservation, maintenance and enhancement of El Cerrito's parks and recreation facilities.

Section 3. Ballot Question. The following question shall be submitted to the voters of the City of El Cerrito at a special municipal election to be held on November 5, 2019:

To maintain El Cerrito's quality of life, continuing local control of recreation services/parks, including maintaining/improving: swim center pools, locker rooms/restrooms; city parks, walking paths, playfields/open space; and program space for children, families, adults/seniors; shall a measure be adopted extending the 2000 voter approved measure, with no increase of the current \$58.46 per single family residential unit or other rates, until repealed by voters, providing \$650,000 annually, with all funds benefiting El Cerrito?

The full text of the ordinance to be submitted to the voters for approval, as attached in Exhibit A to this resolution, shall be completely printed in the voter pamphlet. The measure shall not take effect unless and until it is approved by a vote of at least two-thirds of affirmative votes of the voters voting on the question at the election. If the measure is approved, the special tax shall be approved.

Section 4. Approval of Ordinance. The City Council hereby approves the proposed ordinance to be submitted to the voters, attached hereto as Exhibit A. The proposed special tax shall not take effect unless and until the proposed measure is approved by a vote of at least two-thirds of affirmative votes of the voters voting on the question at the election. If approved by voters, the ordinance would authorize the levy of a special tax annually on each parcel of property in the City of El Cerrito, except those parcels exempted from the tax. The tax may be collected by Contra Costa County with and in the same manner as *ad valorem* property taxes, unless the City Council selects an alternative method of collection. The tax rates would be the same as established by voters by the approval of Measure A in 2000: \$58.46 per single family residential unit; \$45.00 per multifamily residential unit; and \$410.00 per acre of non-residential property. Revenue from the tax may be used for the purposes described in the recitals of this resolution and in the attached ordinance.

Section 5. Ballot Format. The ballots to be used at the election shall be in the same form and content as required by law.

Section 6. Impartial Analysis. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code Section 9280 which shall be filed no later than **July 30, 2019 at 4:00 p.m.**

Section 7. Ballot Arguments. The City Council hereby authorizes the Mayor to submit a ballot argument in favor of the measure, pursuant to Elections Code Section 9282. The last day for filing of primary arguments is **4:00 p.m. on July 30, 2019**. At the Mayor's discretion, the argument may also be signed by members of the City Council or representatives of bona fide associations or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, the Mayor is also authorized to submit a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or representatives of bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.

If more than one argument is submitted on the measure, the city clerk shall select the argument and shall give preference to arguments pursuant to California Elections Code Section 9287.

Section 8. Provisions for Rebuttal Arguments. The provisions of Elections Code Section 9285 shall apply to this election. The last day for filing of rebuttal arguments is **4:00 p.m. on August 6, 2019**.

Section 9. Consolidation of Elections. Pursuant to Elections Code Sections 10400 *et seq.*, the City Council of the City of El Cerrito hereby requests that the Contra Costa County Board of Supervisors consent and agree to the consolidation of the special municipal election with any other elections within Contra Costa County to be held on November 5, 2019 and provide all services necessary to conduct the election and print a ballot question as described in Section 3 of this resolution. The county election department is authorized to canvass the returns of the special municipal election in accordance with California Election Code Sections 15300 *et seq.* Within the

Agenda Item No. 6(C)
Attachment 1

City of El Cerrito, the election precincts, election officers, hours of voting, polling places and voting booths shall in every case be the same as those selected and designated by the Contra Costa County Registrar of Voters; provided that no person not a qualified elector of the City of El Cerrito shall be permitted to vote for the measure placed on the ballot by the City Council. The City Council recognizes that the County will incur additional costs in conducting the election called by this resolution, agrees to reimburse the County for those costs, and authorizes and directs the City Manager or his designee to expend the funds necessary to pay for the costs of conducting the election.

Section 10. Hours of Polling. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed except as provided in Elections Code Section 14401.

Section 11. Other Procedures. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Council acknowledges that the consolidated election will be conducted in the manner prescribed in Elections Code Section 10418.

Section 12. Notice. The City Clerk is authorized and directed to give notice of the election and notice of measure as required by law. The City Clerk shall file a copy of this resolution with the County Elections Official and the Clerk of the Board of Supervisors forthwith.

Section 13. Compliance with the California Environmental Quality Act. Approval of this resolution is exempt from review under the California Environmental Quality Act (Public Resources Code § 21000 *et seq.* ("CEQA") and 14 Cal. Code Reg. § 15000 *et seq.* ("CEQA Guidelines")). The tax to be submitted to the voters by this resolution is a special tax that may only be used for specified governmental purpose(s). As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project at the earliest feasible time prior to approval of the project, consistent with CEQA Guidelines Sections 15004 and 15352. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

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

I CERTIFY that at the regular meeting on July 16, 2019 the El Cerrito City Council passed this resolution by the following vote:

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

Agenda Item No. 6(C)
Attachment 1

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

Holly M. Charl  ty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor