



AGENDA

REGULAR CITY COUNCIL MEETING

April 7, 2020 – 7:00 p.m.

Meeting Location:

Held Via Teleconference (for City Council and Staff Only)

Members:

Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli · Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto · Councilmember Gabriel Quinto

Pursuant to Executive Orders N-25-20 and N-39-20, Teleconference Restrictions of the Brown Act Have been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the meeting.

Members of the Public will **not** be able to participate directly through the teleconference platform but can watch or listen to the meeting as follows:

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2. Radio Broadcast on FM 88.1 or 97.7
3. Livestream online at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments may be submitted one of two ways:

Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments - Not on the Agenda OR Public Comments - Agenda Item #**.

Via Voicemail at [510-306-2558](tel:510-306-2558). The caller must start the message by stating **Public Comments - Not on the Agenda OR Public Comments - Agenda Item #** followed by their name and city of residence, followed by their comments.

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7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. 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 will be heard prior to the City Council taking action on each item.

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 for 1/21/2020, 2/1/2020, 2/4/2020, 2/18/2020, 3/13/2020, and 3/17/2020

Action Proposed: Pass a motion to approve the City Council meeting minutes for January 21, February 1, February 4, February 18, March 13 and March 17, 2020.

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

B. National Library Week Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring April 19-25, 2020 as National Library Week in the City of El Cerrito and encourage all residents to visit the library.

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

C. Earth Day Proclamation

Action Proposed: Pass a motion approving a proclamation designating April 18, 2020 as Earth Day in El Cerrito.

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

D. Proclamation Recognizing March as American Red Cross Month

Action Proposed: Pass a motion to approve a proclamation declaring March 2020 as American Red Cross Month in the City of El Cerrito and encouraging all Americans to support this organization and its noble humanitarian mission.

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

E. Education and Sharing Day Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring April 12, 2020 as Education and Sharing Day in the City of El Cerrito and to raise awareness and strengthen the education of our children.

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

F. Environmental Quality Committee Work Plan

Action Proposed: Receive and file the Environmental Quality Committee 2020 Work Plan.

Contact: Rebecca Milliken, Chair of the Environmental Quality Committee; Neil Tsutsui, Vice-Chair of the Environmental Quality Committee

G. Contra Costa County Library Commission (CCCLC) Update

Action Proposed: Receive and File a quarterly update from the El Cerrito appointment to the Contra Costa Library Commission.

Contact: Michael Fisher, Commissioner, CCCLC

H. Crime Prevention Committee Appointment

Action Proposed: Approve a Crime Prevention Committee recommendation to appoint George Gager to the Crime Prevention Committee, effective May 7, 2020.

Contact: Sgt. Ian Wong, Police Department/Crime Prevention Committee Liaison

I. Committee on Aging Appointment

Action Proposed: Approve the Committee on Aging recommendation and appoint David Van Etten to the Committee, effective May 7, 2020.

Contact: Bridget Cooney, Recreation Supervisor, Recreation Department

J. Support of a Bus-Only Lane on the Bay Bridge

Action Proposed: At the request of Mayor Pro Tem Fadelli, adopt a resolution in support of a bus-only lane on the San Francisco Bay Bridge.

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

K. Letters in Support of SB 54 (Allen) and AB 1080 (Gonzalez)

Action Proposed: As requested by Council member Quinto, pass a motion to authorize Mayor Lyman to sign letters in support of SB 54 (Allen) and AB 1080 (Gonzalez), reducing the amount of single-use plastic packaging and products that enter the waste stream and require those products to be recyclable or compostable by 2030.

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

L. Letters in Support of Solid Waste Emergency Funding Proposal

Action Proposed: At the request of Mark Figone, President of East Bay Sanitation Company Inc., pass a motion to authorize Mayor Lyman to sign letters in support of the Emergency Funding Proposal put forth by the Resource Recovery Coalition of California.

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

M. Parking Restriction on Elm Street south of 1800 Elm Street driveway to Manor Circle

Action Proposed: Adopt a resolution authorizing parking to be prohibited between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Friday, except Holidays, on the east side of Elm Street, between the driveway serving 1800 Elm Street (Summit K2 Charter School) and Manor Circle.

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

N. Consultant Services Agreements for On-Call Construction Management

Action Proposed: Adopt a resolution authorizing the City Manager to execute consultant services agreements with five firms, Anchor CM, Ghirardelli Associates, Mack 5, Park Engineering and Zoon Engineering, to provide on-call construction management services for three years with an option to extend for an additional two years in an amount not to exceed \$250,000 per fiscal year for each agreement.

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

O. Authorize Annual Report for Landscape and Lighting Assessment District for FY 2020-21

Action Proposed: Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988-1 report for Fiscal Year (FY) 2020-21.

Contact: Shannon Collins, Finance Supervisor, Finance Department

P. Construction Contract Award for the Carlson Boulevard and Central Avenue Pavement Rehabilitation Project, C3077

Action Proposed: Adopt a resolution approving plans and specifications for the Central Avenue and Carlson Boulevard Pavement Rehabilitation Project, City Project No. C3077, Federal Project No. STPL-5239 (027) (Project); accepting the three bids submitted for the Project; and authorizing the City Manager to execute a contract in the amount of \$436,460 with MCK Services Inc. and to approve change orders in an amount not to exceed \$50,000 for the construction of the Project.

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

Q. Annual Parcel Assessment for the National Pollution Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2020-21

Action Proposed: Adopt a resolution establishing the annual parcel assessment for the National Pollution Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of \$38.00 per Equivalent Runoff Unit (ERU) and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area (SUA) levies based on said amount for Fiscal Year 2020-21.

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

5. PRESENTATIONS

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. General Fund Budget Reductions Update and Fiscal Impacts of COVID-19

Action Proposed: Conduct study session and receive an update on the City's General Fund Budget reductions; provide staff with direction on further budget reductions for the FY 20-22 biennial budget.

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

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, April 21, 2020 at 7:00 p.m. via teleconference.

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/CouncilMeetingMaterials> 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 Fax: 510-215-4379, 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.



INSTRUCTIONS FOR SUBMITTING PUBLIC COMMENTS **FOR CITY COUNCIL MEETINGS HELD VIA TELECONFERENCE** ***Last Revised 3/30/2020***

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EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL MEETING OF THE CITY COUNCIL (not televised)
JANUARY 21, 2020 – 6:15 p.m.
Hillside Conference Room

**CONCURRENT SPECIAL MEETING OF THE
EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND REGULAR
MEETING OF THE CITY COUNCIL**
JANUARY 21, 2020 – 7:00 p.m.
City Council Chambers

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

Members:
Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli • Councilmember Janet Abelson Councilmember Rochelle
Pardue-Okimoto • Councilmember Gabriel Quinto

6:15 ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Lyman called the meeting to order at 6:18 PM.
Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember
Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember
Abelson

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

Cordell Hindler - spoke regarding need for additional commission members, particularly Crime Prevention Committee, and increasing participation and outreach at schools.

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Staff requests that City Council confer with staff regarding the ongoing recruitments, any remaining vacancies, consider pending applicants, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.

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

Moved/Seconded: Councilmember Pardue-Okimoto/Mayor Pro Tem Fadelli

Action: Approved the re-appointment of George Gager to Arts and Culture Commission for a partial term of March 1, 2020 - March 1, 2021. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto **Action:** Approved the appointment of Thomas Minter to Contra Costa Mosquito and Vector Control District Board of Trustees for a term ending March 1, 2022.
Ayes: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

3. 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: El Cerrito Police Employees Association; Public Safety Management Association - Battalion Chief Unit; Public Safety Management Association - Police Management Unit; and Service Employees International Union (SEIU) Local 1021.

Contact: Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 6:22 PM. No reportable action.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 7:18 PM.

7:00 ROLL CALL – CONVENE CONCURRENT SPECIAL MEETING OF THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND REGULAR CITY COUNCIL MEETING

Mayor Lyman called the meeting to order at 7:24 PM.

Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember Abelson

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.

Mayor Pro Tem Fadelli - reported attendance at BART Board meeting, and Mayor's conference; will attend ceremony for Governor's Historic Preservation Award to Contra Costa Florist building; announced new art display at city hall. Councilmember Pardue-Okimoto - reported attendance at Financial Advisory Board meeting.

Councilmember Quinto - reported attendance at MLK Day event.

Mayor Lyman - reported attendance at MLK Day event; announced Budget Townhall meeting on 2/1/20; and reminder of upcoming March 3rd election.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

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Cordell Hindler - invitation to pasta dinner on 2/7 at Salesian High School, requested Bart Project update, shared concern regarding lack of reserves and rent for commercial space in the City.

Dave Weinstein - spoke representing the Historical Society and award for the Contra Costa Florist Building, shared new trail guide for 2020 and spoke in favor of proposed trail names for the Hillside Natural Area.

Dianne Brenner - spoke regarding a high level of public support for and importance of undergrounding utilities, particularly on evacuation routes.

Michael Freeman - announced ACLU event on 1/25/20 titled Civil Liberties in California Recent Victories, Unfinished Business.

Gary Prost - Make El Cerrito Fire Safe, spoke regarding financial challenges of the City, and appreciation for efforts to make fire safety a top priority, particularly in the strategic planning process.

Nick Zamorano - spoke regarding proposed increase in PG&E rates.

Consuelo Lara - San Pablo resident and West Contra Costa School District (WCCSSD) board member spoke regarding Measure R coming up on the March Election.

Laurie Schrey - recapped personal pre-evacuation process from last fall, spoke on importance of making the city fire safe and working on getting funding from the state.

Susan Duncan - shared a map of the city showing designation of high fire zone, shared formation of a fire-wise neighborhood covering 89 homes.

Anne Ogonowski - commended the green team that did work at Creekside Park this past weekend.

Buddy Akacic - announced event at Hana Gardens 1/22/20 and commented on the configuration of the room.

Sherry Drobner - announced free workshop for tenants' rights on 2/1 to learn about AB1482.

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.

Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto **Action:** Approved items A-C on the consent calendar as indicated below. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

A. Approve the 2020 Regular Meeting Schedule for City Council

Action Proposed: Pass a motion to approve the regular meeting schedule for 2020, which includes reducing to the third Tuesday only for the months of March and November due to elections; and the third Tuesday only for the summer months of July, August and September.

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

Action: Approved schedule

B. CCTA Transportation Expenditure Plan Measure J

Action Proposed: At the request of Mayor Pro Tem Fadelli, Receive and file a brief report of details regarding Measure J on the March 3, 2020 Ballot.

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

Action: Received and filed

C. Hillside Natural Area Trail Naming

Action Proposed: Adopt a resolution confirming historical trail names and adding names to newer trails in the Hillside Natural Area as recommended by the El Cerrito Park and Recreation Commission.

Contact: Christopher Jones, Recreation Director, Recreation Department

Action: Approved Resolution 2020-01

D. Consulting Services Agreement with Zoon Engineering for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078

Action Proposed: Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Zoon Engineering to provide construction management services for the Eureka Avenue and Lexington Avenue Street Improvements Project, City Project No. C3078 in the amount of \$66,000 and approve a contingency amount not to exceed \$7,000.

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

Moved/Seconded: Councilmember Pardue-Okimoto/ Councilmember
Quinto **Action:** Pulled from consent by Mayor Lyman, approved Resolution
2020-02. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember
Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:**
Councilmember Abelson

**E. Construction Contract Award for the Eureka Avenue and
Lexington Avenue Street Improvements Project, City Project No.
C3078**

Action Proposed: Adopt a resolution approving plans and specifications
for the Eureka Avenue and Lexington Avenue Street Improvements
Project, City Project No. C3078 (Project); accepting the eight bids
submitted for the Project; authorizing the City Manager to execute a
contract in the amount of \$452,825 with GradeTech Inc. and to approve
change orders in an amount not to exceed \$50,000 for the construction of
the Project; and amending the Fiscal Year (FY) 2019-20 Adopted Budget
and Capital Improvement Program, including the Annual Program of
Maintenance and Improvement pursuant to the Measure A, to appropriate
\$353,000 in the Measure A Street Improvement Fund and \$200,000 in the
Capital Improvement Fund for the Project.

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

Moved/Seconded: Councilmember Pardue-Okimoto/ Councilmember
Quinto **Action:** Pulled from consent by Mayor Lyman, approved
Resolution 2020-03. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli,
Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None
Absent: Councilmember Abelson

**F. REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM Review
and Authorization to Submit the Draft Annual Recognized
Obligations Payment Schedule 20-21 (July 1, 2020 - June 30, 2021)**

Action Proposed: Adopt a Redevelopment Agency Successor Agency
Resolution reviewing and authorizing submittal of the draft Recognized
Obligations Payment Schedule (ROPS) 20-21.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Moved/Seconded: Councilmember Pardue-Okimoto/ Councilmember
Quinto **Action:** Pulled from consent by Mayor Lyman, approved SA
Resolution 2020-01 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli,
Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None
Absent: Councilmember Abelson

5. PRESENTATIONS

A. El Cerrito Police Department Drone (UAS) Policy

Action Proposed: Receive and file a presentation reviewing the Unmanned Aerial Systems (UAS) Operations Policy for the El Cerrito Police Department.

Contact: Paul Keith, Chief of Police, Police Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding process for potential policy changes and communication with the Council, state law requiring the posting of police policies online, clarification of frequency of posting drone uses online, coordination with Fire on red flag warning, potential use for filming city events, council notification of policy changes, clarification that policy governing employee action is under city manager's jurisdiction.

Public Comments:

Mike Katz-Lacabe - spoke on transparent process of the policy implementation, questioned criteria and measurements for success, process for policy changes.

Michael Freeman - requested city adopt policy before purchasing equipment, concerned with limited council oversight of policy, requested adoption of surveillance policy.

Tracey Rosenberg - appreciates policy feedback given was largely taken, feels council should have approved purchase of a drone and should be approving the policy, questioned length of time to keep footage.

Anne Ogonowski - spoke on surveillance technology value but has potential for abuse, feels council should be involved in the policy making.

Sherry Drobner - agrees with prior speakers, expressed appreciation of incorporating feedback from the public, feels the policy should be an ordinance.

Lisa Rein - appreciates the public process taken, hopes in the future the city will adopt a surveillance ordinance that makes process mandatory before purchasing surveillance equipment.

Miguel Espino - impacted by surveillance, affecting his career and movement, cited methods of surveillance already being used, concerned about accountability of use by employees and that policy can too easily be changed.

B Trehan - spoke regarding oversight and notification of policy changes, and that permission should be provided before purchasing equipment.

Chris Jasinski - spoke on need for transparency and keeping the policy in the public eye consistently, commented on the intimidation caused by the presence of a drone.

Council Discussion: Presenters and staff responded to additional comments and questions raised by members of the council regarding the purchase of a drone before the policy was written, clarification of need to own a device in order to get FAA approval, desire for more control at the council level on this topic, praise for transparency with public and need to work on a surveillance policy in the future, clarification of listed prohibited uses, relationship between this policy and a public use ordinance.

Action: Received and Filed.

B. Urban Forest Committee Update

Action Proposed: Receive and file.

Contact: Mary Torrusio, Chair of Urban Forest Committee

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding outreach to residents for prohibited trees, involvement with long range planning, funding needs and use and access to planting grants.

Action: Received and Filed.

C. Fiscal Update

Action Proposed: Receive and file a brief update on the City's financial position, overview of upcoming strategic plan, and biennial budget process.

Contact: Karen Pinkos, City Manager, City Management
Mark Rasiah, Finance Manager, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding concern with audit and available staffing, payoff of fund balance debts, need to quickly generate reserves, open and transparent process, reliance on strategic plan process, identification of services not part of the core mission, identification of budget adjustments, focus on increasing the fund balance, transparency in process for determining needed cuts.

Action: Received and Filed.

6. PUBLIC HEARINGS

A. 7952 Terrace Drive Tentative Parcel Map (*Public Hearing Noticed 1/11/2020*)

Action Proposed: Conduct a public hearing, and upon conclusion: (1) Adopt a resolution adopting an Addendum to the Initial Study/Mitigated

Negative Declaration (IS/MND) for the 7952 Terrace Drive Subdivision Map; and (2) Adopt a resolution approving a Tentative Parcel Map for a two-lot subdivision and an exception to Title 18 of the City's Municipal Code for a minor subdivision proposing a lot without frontage on a public street at 7952 Terrace Drive.

Contact: Jeff Ballantine, Senior Planner; Sean Moss, Planning Manager, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding intent for development, clarification of easements, and vacancy of adjacent property owned by the applicant.

Public Hearing: Mayor Lyman opened the public hearing.

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

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Approved Tentative Parcel Map Resolution 2020-04 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Approved Addendum to IS/MND Resolution 2020-05 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

B. Extension of Urgency Ordinance Amending Accessory Dwelling Unit Regulations (*Interim Urgency Ordinance Extension, 4/5 Vote Required, Public Hearing Noticed 01/11/2020*)

Action Proposed: Conduct a public hearing and upon conclusion adopt the attached interim urgency ordinance making findings and extending urgency Ordinance 2019-10 regarding accessory dwelling unit regulations. A four-fifths vote of the City Council is necessary to extend an interim urgency ordinance.

Contact: Jeff Ballantine, Senior Planner; Sean Moss, Planning Manager, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding timing of extension and electrification.

Public Hearing: Mayor Lyman opened the public hearing.

Public Comments:

Howdy Goudey - spoke in favor of adopting the ordinance, and suggested modifications for the permanent ordinance.

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember Quinto **Action:** Approved the close of the public hearing. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Pardue-Okimoto/Mayor Pro Tem Fadelli **Action:** Approved Ordinance 2020-01. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Passed a motion to extend the meeting to 11:00 PM. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

C. Purchase and Sale Agreement 6111 Potrero Avenue and 11335-41 San Pablo Avenue (*Public Hearing Noticed 1/11/2020*)

Action Proposed: Staff recommends the City Council conduct a public hearing and adopt a resolution authorizing execution of a Purchase and Sale Agreement with Potrero Ave Partners, LLC (“Buyer”) for the disposition and subsequent development of 6111 Potrero Avenue and 11335-41 San Pablo Avenue (APNs 513-372-018 and -015).

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding method for arriving at the fair market price.

Public Hearing: Mayor Lyman opened the public hearing.

Moved/Seconded: Councilmember Quinto/Councilmember Pardue- Okimoto **Action:** Approved the close of the public hearing. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Quinto/Councilmember Pardue- Okimoto **Action:** Approved Resolution 2020-06 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

7. **POLICY MATTERS**

A. **Study Session on Project Stabilization Agreement for the City of El Cerrito with the Contra Costa Building and Construction Trades Council**

Action Proposed: Discuss and provide direction to staff regarding negotiation of a Project Stabilization Agreement for the City of El Cerrito.

Contact: Karen Pinkos, City Manager, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding financial impacts, community benefits, programs for training veterans, apprentice program, example of local hiring, enforcement of agreement, and how can this prevent human trafficking.

Public Comments:

Tom Hanson - IBEW Local 302 business manager, spoke regarding workers and wages building city hall, and spoke in favor of a PSA.

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Passed a motion to extend the meeting to 11:15 PM

Ayes: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember Quinto **Action:** Passed a motion directing staff to move forward with negotiations with Trade Union for a PSA, including clear definition on enforcement and monitoring on compliance. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

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

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

Mayor Lyman - reported on Mayor's conference discussion and Recycle More discussion on strategic plan.

9. **ADJOURN REGULAR CITY COUNCIL MEETING**

The regular meeting adjourned at 11:12 PM.

Gregory B. Lyman, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting(s) of January 21, 2020 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

CONCURRENT COMMUNITY TOWN HALL BUDGET MEETING AND SPECIAL CITY COUNCIL MEETING

Saturday, February 1, 2020 – 10:00 a.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Members:

Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli · Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto · Councilmember Gabriel Quinto

10:00 AM CONVENE COMMUNITY TOWN HALL BUDGET MEETING

The meeting was called to order at 10:03 a.m.

Present: Mayor Lyman; Mayor Pro Tem Fadelli; Councilmember Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember Abelson

1. DISCUSSION ON CITY BUDGET AND CURRENT FINANCIAL POSITION

Learn about the City's budget and current financial position and ask questions of staff and members of the City Council.

Contact: Karen Pinkos, City Manager, City Management

Mayor Lyman and City Manager Pinkos presented an overview of budget structure, spending, current challenges, measures taken and challenge we expect to face; and facilitated a dialogue with members of the public.

No formal action was taken.

1:00 PM ADJOURN COMMUNITY TOWN HALL BUDGET MEETING

The meeting was adjourned at 1:40 p.m.

Gregory B. Lyman, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting(s) of February 1, 2020 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING *(not televised)*
February 4, 2020 - 6:45 p.m. Hillside Conference Room

REGULAR CITY COUNCIL MEETING
February 4, 2020 – 7:00 p.m.
City Council Chambers

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

Members:
Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli • Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto • Councilmember Gabriel Quinto

6:45 ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Lyman called the meeting to order at 6:45 PM.

Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember Abelson

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

None

2. COMMISSION INTERVIEWS, STATUS, AND APPOINTMENTS

Action Proposed: Staff requests that City Council confer with staff regarding the ongoing recruitments, any remaining vacancies, consider pending applicants, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.

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

Moved/Seconded: Mayor Lyman/Councilmember Quinto **Action:** Conducted one interview and approved the following appointment: 1) Ajay Friesen to Financial Advisory Board for a partial term of 2/4/2020 - 3/1/2021 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 7:05 PM

7:00

ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman called the meeting to order at 7:10 PM.

Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember Abelson

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE (COUNCILMEMBER PARDUE-OKIMOTO)

Councilmember Pardue-Okimoto

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.

Councilmember Pardue-Okimoto - reported attendance at League of Cities dinner in Sacramento and Budget Town Hall meeting.

Councilmember Quinto - reported attendance at county commission meeting, Environmental Policy committee meeting, league policy meeting

Mayor Pro Tem Fadelli - reported attendance at the East Bay League division conference, Transportation Policy committee meeting, and governor's preservation award ceremony for Contra Costa Florist.

Mayor Lyman - reported the appointment of Ajay Friesen to the Financial Advisory Board, attendance at West County Mayors Conference, encouraged return of 2020 census questionnaires, reminder of March 3 election and reminder that the regular city council meeting is cancelled, thanked those who participated in the Budget Town Hall.

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.

Barbara Chan - spoke regarding the town hall meeting, suggested diversifying revenue and not focusing on cutting services and taxes.

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.

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto

Action: Approved the consent calendar as indicated below. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto

Noes: None **Absent:** Councilmember Abelson

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes from the meetings of December 17, 2019 and January 7, 2020.

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

Action: Approved minutes

B. Black History Month Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring February as Black History Month in the City of El Cerrito.

Contact: Kristen Cunningham, Human Resources Manager, Human Resources Department

Action: Approved proclamation

C. Lunar New Year Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing the cultural and historical significance of Lunar New Year in the City of El Cerrito.

Contact: Kristen Cunningham, Human Resources Manager, Human Resources Department

Action: Approved proclamation

D. Economic Development Committee Appointment

Action Proposed: Approve an Economic Development Committee recommendation to appoint Rachel Melby to the Economic Development Committee, effective February 4, 2020.

Contact: Jennifer Peat, Management Assistant/EDC Staff Liaison
Melanie Mintz, Community Development Director, Community Development Department

Action: Approved appointment

E. MUFG Union Bank Funds Transfer Authorization of Signatories

Action Proposed: Adopt a resolution authorizing the listed signatories as included on the attached MUFG Union Bank Funds Transfer Authorization Form.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Action: Approved Resolution 2020-07

F. Quarterly Cash and Investment Report

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending December 31, 2019.

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

Action: Received and filed

G. Annual payment for El Cerrito's share of the West Contra Costa Integrated Waste Management Authority operating expenses for calendar year 2019

Action Proposed: Adopt a resolution authorizing payment for the City of El Cerrito's share of the West Contra Costa Integrated Waste Management Authority's operating expenses for calendar year 2019 in an amount not to exceed \$81,200.

Contact: Maria Sanders, Operations + Environmental Services Division Manager

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

Action: Approved Resolution 2020-08

5. PRESENTATIONS

A. Proclamation for Officer of the Year

Action Proposed: Pass a motion to approve a proclamation commending and congratulating Detective Ryan Trac as the 2019 Officer of the Year.

Contact: Paul Keith, Police Chief, Police Department

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember Quinto **Action:** Approved proclamation **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

B. Proclamation for Professional Staff of the Year

Action Proposed: Pass a motion to approve a proclamation commending and congratulating Records Specialist Veronica Ceja as the 2019 Professional Staff Member of the Year.

Contact: Paul Keith, Police Chief, Police Department

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-Okimoto **Action:** Approved pro **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

C. Proclamation for Volunteer of the Year

Action Proposed: Pass a motion to approve a proclamation commending and congratulating Vivian Bocanegra as the 2019 Volunteer of the Year.

Contact: Paul Keith, Police Chief, Police Department

Moved/Seconded: Councilmember Pardue-Okimoto/Mayor Pro Tem Fadelli **Action:** Approved proclamation **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

D. West Contra Costa Unified School District (WCCUSD) Measure on Classroom Modernization and Safety Update (Measure R)

Action Proposed: Receive and file a brief overview of the March 3, 2020 Measure for WCCUSD.

Contact: Marcus Walton, Communications Director, WCCUSD

Presentation and Discussion: Matt Duffy, Superintendent, provided an overview of Measure R and responded to comments and questions raised by members of the council regarding crowding and enrollment at various campuses, rebuilding unused campuses, prioritizing Stege and Fairmont, facilities master plan, adding windows at JFK High School, potential of Proposition 13 funds, processing for prioritizing, use of property taxes, cost controls, audits, and charter schools.

Individuals introduced in support of Measure R included Demetri Gonzales, representative of teachers in West Contra Costa County; Tom Panis, School Board Member; Consuelo Lara, School Board Member; and Luis Freeze, Superintendent of Operations.

Public Comments:

Ben Steinberg- spoke regarding lack of accountability and transparency by the district, wasteful spending, district staff has requested rolling back oversight by committee on bond measure.

Denise Sangster - commented on lack of explanation on amount of bonds and repayments.

Al Miller - spoke regarding all schools in El Cerrito has been rebuilt or refurbished, and building good schools is building schools that will last, feels we have a moral responsibility to support the projects.

Action: Received and filed

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. Long Term Financial Forecast and Budget Study Session

Action Proposed: Receive and file an update on the City's General Fund Long Term Financial Forecast (LTFF) and provide staff with directions on budget reductions for the FY 20-22 biennial budget.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding estimates for real property transfer taxes (RPTT), property turnover, reduction to RPTT forecast for 20/21, pension costs, clarification on increase requested for fire overtime, uses of RPTT funds, creating a

separate fund for the Emergency Reserves (EDRF), needs to increase bond rating, Financial Advisory Board (FAB) recommendation for EDRF fund, length of forecast, and reduction options including changing days city hall is closed.

Public Comments:

Judith Frank - spoke regarding the town hall meeting and upcoming strategic plan meetings, and desire to not have any new taxes imposed.

Rose Stamm - spoke regarding need for staff reductions and need to pursue grants.

Nick Zamorano - spoke regarding town hall meeting and expectation of increased transparency and leadership of council and staff, non- essential services should be considered first, not public safety and fire prevention.

Paul Duncan - spoke regarding town hall meeting and urged council not to consider cuts to public safety, fire prevention and vegetation management.

Howdy Goudey - spoke regarding town hall meeting, need for a more realistic forecast, and responsibility to have reserves when needed.

Jerry Figone - spoke regarding the condition of Fairmont School and the need to back public safety.

Marlene George - spoke regarding town hall meeting, need for at least 10% in reduction, not in favor of layoffs, public safety and fire prevention are a priority, consider cutting consultants, reduce Recreation down to the self-funded amounts, and charging for EMS services.

Denise Sangster - spoke regarding the reimbursement costs for fire services, need for public safety, lack of discussion on diversifying the tax base, and generating revenues.

Sherry Drobner - spoke regarding town hall meeting, need for increased oversight by council, and felt the presentation was not adequate for the needed discussion.

Linda Cain - questioned how the city got to this point, stated that senior center and library are not dispensable programs.

Council Discussion: Presenters and staff responded to additional comments and questions raised by members of the council regarding next steps, return with two million in cuts to evaluate and determine how to move forward, clear information at the next meeting regarding the 4th of July and Earth Day events, inclusion of the cost of all other city sponsored events, senior service costs, potentially ending the midtown center contract, potential increase to revenue sources such as cannabis sales, and increases to grant writing.

Moved/Seconded: Councilmember Pardue-Okimoto/ Councilmember Quinto **Action:** Passed a motion to extend the meeting to 10:50 PM **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

B. Amending the Real Property Transfer Tax Collection Process (*Notice Published 1/25/2020*)

Action Proposed: It is recommended that the City Council 1) introduce by title and waive any further reading of an Ordinance amending Chapter 4.64 of the El Cerrito Municipal Code regarding administration of the Real Property Transfer Tax; and 2) adopt a resolution authorizing the City Manager to execute an agreement with the County of Contra Costa for collection of the Real Property Transfer Tax.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding current process, and how much in potential uncollected taxes.

Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto

Action: Passed a motion to extend the meeting to 11:00 PM **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto

Action: Approved Resolution 2020-09 with the first WHEREAS clause revised to read as follows “the People of the City of El Cerrito approved becoming a Charter City and a Real Property Transfer Tax (Ordinance 2018-03) at the November 6, 2018 general election.” **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Quinto **Noes:** Councilmember Pardue-Okimoto **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Quinto/Mayor Pro Tem Fadelli

Action: Introduced by title and waived the first reading of Ordinance 2020-02 with the first WHEREAS clause revised to read as follows “the People of the City of El Cerrito approved becoming a Charter City and a Real Property Transfer Tax (Ordinance 2018-03) at the November 6, 2018 general election.” **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Quinto **Noes:** Councilmember Pardue-Okimoto **Absent:** Councilmember Abelson

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS *Mayor and City Council communications regarding local and regional liaison assignments and committee reports.*
None

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 10:54 PM

Gregory B. Lyman, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting(s) of February 4, 2020 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

AGENDA

SPECIAL CITY COUNCIL MEETING (not televised)

February 18, 2020 – 6:00 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

February 18, 2020 – 7:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Members:

Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli · Councilmember Janet Abelson

Councilmember Rochelle Pardue-Okimoto · Councilmember Gabriel Quinto

6:00 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Lyman called the meeting to order at 6:02 PM.

Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember Abelson

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

Cordell Hindler - spoke regarding evaluation of pros and cons for labor negotiations, and the need for cost of living adjustments.

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: El Cerrito Police Employees Association; Public Safety Management Association - Battalion Chief Unit; Public Safety Management Association - Police Management Unit; United Professional Firefighters Local 1230; Service Employees International Union (SEIU) Local 1021; and Management/Confidential Employees.

Contact: Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 6:03 PM. No reportable action.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 7:03 PM

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman called the meeting to order at 7:10 PM.

Present: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Absent:** Councilmember Abelson

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE - Mayor Lyman

2. COUNCIL/STAFF COMMUNICATIONS

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

Mayor Lyman reported out from closed session that staff provided direction to labor negotiators.

Mayor Pro Tem Fadelli - reported attendance at Urban Forest Committee event, Elks Club dinner and Police Awards ceremony; and reminder to vote on March 3.

Councilmember Quinto - reported attendance at Mayor's Conference.

Councilmember Pardue-Okimoto - reported attendance at Association of Bay Area Governments (ABAG) meeting.

Mayor Lyman - reported attendance at Mayor's conference, Elks Club dinner and Police Awards ceremony; reminder to participate in the Census.

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.

Cordell Hindler - shared information about local events, spoke on the commercial property costs.

Michael Fischer - spoke in support of keeping additional library hours funded and benefits from the added hours.

Al Miller - spoke in support of keeping additional library hours funded and benefits from the added hours.

Gary Prost - inquired as to why city has been turned down for fire mitigation grants; suggested elimination of travel & training, subscriptions & dues, and field trips (except in public safety).

Dave Weinstein - shared details of annual report of the Historical Society.
Dianne Brenner - spoke in support of under-grounding utilities, and removal of eucalyptus trees.

Eddie Nodal - Service Employees International Union (SEIU) and city employee, support and thanked council for prior discussions putting layoffs and furloughs as a last resort.

Laurenteen Brazil - SEIU and city employee, requested council to step up and be more engaged in the budget review process, support of diversifying tax base and attracting development, requested council to directly ask SEIU staff for input.

Jose Martinez - SEIU staff representative spoke regarding staff on reduced work week and limited staffing levels, looking into revenue for reassessing commercial real estate, and getting input from SEIU employees.

Fletcher Oaks - Richmond resident spoke on use of El Cerrito services, appreciation of cultural events particularly the World One event, and support of keeping additional library hours.

Deborah Long - spoke regarding benefits of maintaining additional library hours for EL Cerrito students.

Paul Duncan - spoke in support of maintaining and enhancing public safety budget for wildfire safety.

Susan Duncan - spoke in support of funding and prioritizing wildfire safety and prevention.

Marlene George - spoke regarding specific submitted questions regarding changes in the city manager's budget, salaries, and use of consultants.

Nick Zamorano - spoke on potential new revenue source in charging for Emergency Medical Service calls.

Buddy Akacic - spoke regarding attendance at strategic plan workshop and inquired as to the absence of Councilmember Abelson.

Varenya - spoke regarding the design for the El Cerrito flag and shared design idea of a new flag for El Cerrito.

Barbara Chan - spoke in support of a full state audit, keeping community events, additional library hours, questioned why the city did not apply for a grant to rebuild the library.

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.

Moved/Seconded: Councilmember Pardue-Okimoto/Mayor Pro Tem Fadelli

Action: Approved A, C and D on the consent calendar as indicated below.

Ayes: Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

A. Women's History Month Proclamation

Action Proposed: Pass a motion to approve a proclamation designating March as "Women's History Month" and March 8, 2020 as "International Women's Day" in the City of El Cerrito.

Contact: Kristen Cunningham, Human Resources Manager, Human Resources Department

Action: Approved proclamation

B. Arbor Week Proclamation

Action Proposed: Pass a motion to approve a proclamation designating March 7 through March 14, 2020 as El Cerrito Arbor Week.

Contact: Stephen Prée, Environmental Programs Manager/ City Arborist, Public Works

Moved/Seconded: Councilmember Pardue-Okimoto/Councilmember Quinto **Action:** Cal Fire presented the City with Tree City USA Plaque. Approved proclamation **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

C. Recognize March 10, 2020 as the 61st Anniversary of the Tibetan National Uprising, and Affirm Support to the People of Tibet

Action Proposed: At the request of the El Cerrito Human Relations Commission, adopt a resolution declaring: 1) March 10, 2020, the 61st anniversary of the Tibetan national uprising, as "Tibet Day" in the City of El Cerrito and display the Tibetan flag at City Hall; and 2) Declaring El Cerrito's expression of solidarity with the Tibetan people and their just, peaceful, and non-violent movement to remind the world of the ongoing suppression of human rights and freedom in Tibet and the continuous degradation of culture, religion, land, and identity of the Tibetan people by China.

Contact: Human Relations Commission; Kristen Cunningham, Staff Liaison/Human Resources Manager, City Management

Action: Approved Resolution 2020-10

D. Crime Prevention Committee Appointment

Action Proposed: Approve a Crime Prevention Committee recommendation to appoint Dorothy Herzberg to the Crime Prevention Committee, effective February 18, 2020.

Contact: Ian Wong, Detective Sergeant/CPC Staff Liaison, Police Department

Action: Approved appointment

E. Formation of a Council Policy Subcommittee

Action Proposed: At the request of Mayor Lyman, pass a motion to form a City Council Ad Hoc subcommittee on council rules and procedures, consisting of Mayor Lyman and Mayor Pro Tem Fadelli.

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

Moved/Seconded: Councilmember Quinto/Councilmember Pardue-

Okimoto **Action:** Pulled from consent by Councilmember

Pardue-Okimoto, Mayor Lyman clarified intent for discussion on policies, including rotation rules, procedure for introducing items, ethics, training, rules of order and procedure, and travel. Approved formation of subcommittee. **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli,

Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None

Absent: Councilmember Abelson

F. 2nd Reading and Adoption of Ordinance Amending the Real Property Transfer Tax Collection Process

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2020-02 amending Chapter 4.64 of the El Cerrito Municipal Code regarding administration of the real property transfer tax.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Moved/Seconded: Councilmember Quinto/Mayor Pro Tem Fadelli

Action: Pulled from consent by Councilmember Pardue-Okimoto.

Approved Ordinance 2020-02 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Quinto **Noes:** Councilmember Pardue-Okimoto

Absent: Councilmember Abelson

5. PRESENTATIONS

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. Transmittal of the Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2019.

Action Proposed: Receive and file the Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2019.

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

Presentation and Discussion: Presenter and staff responded to comments and questions raised by members of the council regarding clarification of non-spendable fund balance and unrestricted fund balance, Other Post-Employment Benefits (OPEB) liability reporting requirements, changes in net pension liabilities, senior center and effect on reserves, spending of measure V funds, prior practice for presenting Comprehensive Annual Financial Report (CAFR) to council, write off of Redevelopment Agency (RDA) pending litigation, potential recession in the future, public safety overtime funding, auditor selection process, change in net position, and outstanding debts.

Action: Received and filed

B. FY 2019-20 Mid-Year Budget Update

Action Proposed: Receive an update on City revenues and expenditures for the first six months of the fiscal year through December 31, 2019 and adopt a resolution authorizing amendment to the FY 2019-20 budget and approving new spending limits.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding police and fire reductions, library hours, what is included in SB 1 funds, cannabis sales, assumptions related to real property transfer tax, request for better explanation of fire overtime costs, salary comparisons, and costs of boards and commissions.

Moved/Seconded: Councilmember Quinto/Mayor Pro Tem Fadelli **Action:** Approved Resolution 2020-11 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

C. Discussion of City Events

Action Proposed: Discussion and possible direction to staff regarding City events.

Contact: Karen Pinkos, City Manager, City Management Department
Christopher Jones, Recreation Director, Recreation Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding breakdown of revenues received and non-staff expenses, breakdown of the costs for July 3 vs July 4, increasing sponsorship, Arts & Culture Commission sponsorship, earth day revenue, and breakdown of staff overtime costs.

Public Comments:

Corey Mason - spoke regarding commitment to working with the city to reduce expenses and innovate, fundraising and creatively meet the immediate budgetary needs.

Al Miller - spoke in support of continuing the World One event.

Nick Zamorano - spoke in support of suspending the World One event.

Marlene George - spoke in support of suspending the World One event.

Kimberly Theurich - spoke in support of continuing the World One event.

Howdy Goudey - spoke in support of continuing the World One event.

Judith Frank - expressed appreciation to council for taking this process seriously and need to look at full 2M in requested cuts.

Anne Ogonowski - spoke in support of continuing the World One event.

Council Discussion: Presenters and staff responded to additional comments and questions raised by members of the council regarding stopping events versus suspending for this year, efficiencies to cut costs or be cost neutral, and increase to volunteers.

Moved/Seconded: Mayor Pro Tem Fadelli/Councilmember Quinto **Action:** Passed a motion to extend the meeting to 10:45 PM **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Pardue- Okimoto, Councilmember Quinto **Noes:** None **Absent:** Councilmember Abelson

Moved/Seconded: Councilmember Pardue-Okimoto/Mayor Pro Tem Fadelli **Action:** Passed a motion providing staff direction to move forward with the 3rd and 4th of July events with reductions in non-staff expenses to the maximum amount, reducing staff double time costs, increasing revenue through whatever means available and additional sponsors, including increasing the Arts and Culture budget spending on the event; proceed with National Night Out with reductions in staffing; no changes to the MLK event at this time; Earth Day event scaled back, potentially by modifying events at the community center; suspend Tri Safety Day; suspend Loving Day; and scale back Bike to Work based on the fact that we have already incurred the non-staff expenses. **Ayes:** Mayor Pro Tem Fadelli, Councilmember Pardue-Okimoto, Councilmember Quinto **Noes:** Mayor Lyman **Absent:** Councilmember Abelson

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

None

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, March 17, 2020 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

The regular meeting adjourned at 10:44 p.m.

Gregory B. Lyman, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting(s) of February 18, 2020 as approved by the El Cerrito City Council.

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

EL CERRITO CITY COUNCIL DRAFT MINUTES

**EMERGENCY CITY COUNCIL MEETING (not televised)
VIA TELECONFERENCE
March 13, 2020 – 4:00 p.m.
Hillside Conference Room**

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

Members:
Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli; Councilmember Janet Abelson;
Councilmember Rochelle Pardue-Okimoto; Councilmember Gabriel Quinto

Pursuant to Executive Order N-25-20, teleconferencing restrictions of the Brown Act have been suspended.
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Notification of this meeting was provided at 1:24 p.m. on 3/13/2020 to 37 media contacts; 145 agenda subscribers via www.el-cerrito.org; posted online at www.el-cerrito.org/CouncilMeetingMaterials; and physically posted at 10890 San Pablo Avenue (City Hall), 7007 Mossier Lane (Community Center), and 6510 Stockton Ave (El Cerrito Library).

4:00 P.M. ROLL CALL - CONVENE EMERGENCY CITY COUNCIL MEETING
The meeting was called to order at 4:04 p.m.

Present (via teleconference): Mayor Lyman; Mayor Pro Tem Fadelli;
Councilmembers Abelson, Pardue-Okimoto, and Quinto.

- 1. ORAL COMMUNICATIONS FROM THE PUBLIC**
All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only - None
- 2. DECLARATION OF LOCAL EMERGENCY**
Pursuant to Government Code Section 54956.5

Proposed Action: Adopt a resolution proclaiming a local emergency in the City of El Cerrito in response to the pandemic COVID-19 Coronavirus.

Contact: Karen Pinkos, City Manager, City Management

Council Discussion: Staff responded to comments and questions raised by members of the council regarding measures to protect staff, public safety precautions and protocols, actions taken of neighboring cities; closure of city facilities, impacts on solid waste services; notification to constituents; data related to recommended timeframes; eviction protections and addressing housing challenges; supply and access to personal protective equipment; effect on local economy declaring an emergency; estimates of potential revenue losses; availability of the city's Emergency Operations Plan; and potential delays to state audit.

Motion/Second: Councilmember Pardue-Okimoto/Councilmember Abelson

Action: Passed a motion to approve Resolution 2020-12 **Ayes:** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson, Councilmember Pardue-Okimoto, and Councilmember Quinto. **Noes:** None

3. ADJOURN EMERGENCY CITY COUNCIL MEETING

The meeting adjourned at 4:37 p.m.

Gregory B. Lyman, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting(s) of March 13, 2020 as approved by the El Cerrito City Council.

I further certify that the minutes were publicly posted from March 16 – March 26, 2020 pursuant to Government Code section 54956.5(e) regarding emergency meetings.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING (not televised)

March 17, 2020 – 5:00 p.m.

City Council Chambers

Meeting Location:

El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

Members:

Mayor Gregory B. Lyman

Mayor Pro Tem Paul Fadelli • Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto • Councilmember Gabriel Quinto

Pursuant to Executive Order N-25-20, teleconferencing restrictions of the Brown Act have been suspended.
--

5:00 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

The meeting was called to order at 5:03 p.m.

Present: Councilmember Pardue-Okimoto **Present (via teleconference):** Mayor Lyman, Mayor Pro Tem Fadelli, Councilmember Abelson (joined at 5:17 p.m.), and Councilmember Quinto.

1. ORAL COMMUNICATIONS FROM THE PUBLIC

*All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the **special meeting agenda only**.*

None

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: El Cerrito Police Employees Association and Service Employees International Union (SEIU) Local 1021.

Contact: Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 5:04 p.m. No reportable action.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 5:56 p.m.

Gregory B. Lyman, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting(s) of March 17, 2020 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing April 19-25, 2020 as National Library Week in the City of El Cerrito

WHEREAS, today's libraries are less about what they have on the shelves and more about what they can do with and for their communities; and

WHEREAS, libraries have long served as trusted and treasured institutions where people of all ages, interests and backgrounds can come together and learn alongside one another; and

WHEREAS, libraries of all types are at the heart of their cities, towns, schools and campuses; and

WHEREAS, libraries offer members of the community a welcoming space and opportunities to explore new passions through technology, programs and services; and

WHEREAS, libraries and librarians help patrons find tools to help improve the quality of their life; and

WHEREAS, libraries, which promote the free exchange of information and ideas for all, are cornerstones of democracy; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve; and

WHEREAS, libraries and librarians work to create an equitable society by providing free access to accurate information to all people; and

WHEREAS, libraries are a resource for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status, by offering services and educational programming that transform lives and strengthen communities; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week; and

WHEREAS, while the El Cerrito Library is currently closed due to the COVID-19 pandemic, online services can be accessed at www.ccclib.org.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim April 19-25, 2020 as National Library Week, recognizing that the library is a place where we can all belong and discover who we are. Because of you, Libraries Transform.

Dated: April 7, 2020

Gregory B. Lyman, Mayor

From: [Heidi Goldstein](#)
To: [City Clerk](#)
Subject: Public comments - Agenda item #? National Library Week
Date: Monday, March 30, 2020 12:41:31 PM

National Library Week

National Library Week

Thank you to the Mayor and esteemed members of the El Cerrito City Council for recognizing National Library Week 2020.

I'm proud to say that even during this unusual time of a mandatory shelter in place, Contra Costa County Library continues to provide its always free resources and tools to the community. Even with the absence of a physical building, we are here for the community to answer questions and provide resources via chat and phone. Not limited to eBooks and eAudiobooks, the library is also providing video entertainment, digital magazines and newspapers, research and genealogy databases, homework help, test prep, and volumes of online technological education. While we prefer to help in person when we can, be assured that El Cerrito Library is still working behind the scenes to ensure that the community has all that we can provide during this unprecedented time.

Thank you.

Heidi Goldstein

Senior Community Library Manager

Heidi Goldstein

[Contra Costa County Library](#)

Senior Community Library Manager

[El Cerrito Library](#)

6510 Stockton Ave., El Cerrito, CA 94530

510.526.7512

[Rodeo Library](#)

220 Pacific Ave., Rodeo, CA 94572

510.799.2606

EL CERRITO CITY COUNCIL PROCLAMATION
Designating Saturday, April 18, 2020 as El Cerrito Earth Day

WHEREAS, the first Earth Day was proclaimed 50 years ago, in 1970, in order to foster public awareness of the need to protect the environment and conserve resources; and

WHEREAS, the City of El Cerrito has celebrated Earth Day every year in keeping with the spirit of the initial Earth Day; and

WHEREAS, the City of El Cerrito seeks to involve all community members in improving our local environment and becoming more aware of the global environment; and

WHEREAS, this year to limit the spread of COVID-19, instead of participating in community work parties and an annual volunteer appreciation event, the City of El Cerrito is encouraging community members to celebrate Earth Day by incorporating environmental practices into their day-to-day activities and work around their homes, such as weeding their gardens, planting drought-tolerant plants, adjusting their thermostats to use less energy, opting up to [MCE's "Deep Green"](#) 100% renewable energy option, and learning more about the City's environmental programs at www.el-cerrito.org/Green; and

WHEREAS, when safe and able to do so, the City of El Cerrito invites community members to donate their time and money to: clean up and restore habitats in City parks, facilities, greenways, creeks, and schools; pick up litter along streets and in commercial areas; and take further steps to reduce water and energy use in public spaces and at home.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim Saturday, April 18, 2020 as "Earth Day" in the City of El Cerrito and encourages all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Dated: April 7, 2020

Gregory B. Lyman, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing March as American Red Cross Month in the City of El Cerrito

WHEREAS, every year, the American Red Cross, the largest humanitarian organization in the world, responds to an average of more than 60,000 disasters across the country from small home fires to massive disasters; and

WHEREAS, March is American Red Cross Month, a time when we recognize the humanitarian organization that eases people's suffering during life's emergencies in El Cerrito, across the United States and around the world; and

WHEREAS, The American Red Cross has a long history of helping our neighbors in their time of greatest need by delivering shelter, care and hope during disasters; making our community safer through its lifesaving Home Fire Campaign; providing lifesaving blood; teaching skills that save lives; and supporting military veterans and their families; and

WHEREAS, last year in Contra Costa County, American Red Cross volunteers helped 168 people affected by 110 home fires providing emotional support, addressing immediate needs and helping families recover with emergency financial assistance or community resources; collected 15,491 units of lifesaving blood; taught skills that save lives to 10,747 community members; provided international humanitarian aid; and supported 835 military members and their families; and

WHEREAS, when large disasters like the Kincaid fire, the Ridgecrest earthquake, Hurricane Dorian and the Coastal hurricanes and Midwest tornadoes and floods devastated families in other parts of the country last year, volunteers from El Cerrito were among the nearly 9,000 Red Crossers who left their homes to work alongside partners to provide refuge, food, relief items, emotional support; and

WHEREAS, the Red Cross continues to work with its partners to prevent fire tragedies through its national Home Fire Campaign, which installed its 2 millionth free smoke alarm last year and has saved almost 700 lives across the country since launching five years ago; and in Contra Costa County, the American Red Cross and local partners installed nearly 1,500 free smoke alarms and made 471 households safer from the threat of home fires; and

WHEREAS, during last years Red Flag Warnings, complicated by the Public Safety Power Shutoffs, American Red Cross worked tirelessly beside its Government and Community partners to coordinate preparedness efforts and develop response plans for the high fire danger by putting volunteers on standby to open evacuation centers, shelters and staff the Emergency Operations Center; and

WHEREAS, every day, people in our community depend on the American Red Cross, whose lifesaving mission is powered by the devotion of volunteers, generosity of donors and partnership of community organizations; and

WHEREAS, we dedicate the month of March to all those who support the American Red Cross mission to prevent and alleviate human suffering in the face of emergencies.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim March 2020 as American Red Cross Month in the City of El Cerrito and encourages all Americans to support this organization and its noble humanitarian mission.

Dated: April 7, 2020

Gregory B. Lyman, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Designating April 12, 2020 as Education & Sharing Day in El Cerrito

WHEREAS, excellence in education is vital to the success of our city; and in El Cerrito we seek to instill each child and adolescent with a good education; and

WHEREAS, by preparing our students for the responsibilities and opportunities of the future, education develops the intellect through lessons on literacy, math, and science; and

WHEREAS, the Rebbe, Rabbi Menachem Schneerson, of righteous memory, dedicated his life to the betterment of mankind and tirelessly advocated for a better education for all Americans; and

WHEREAS, the Rebbe taught that education, in general, should not be limited to the acquisition of knowledge and preparation for a career, or, in common parlance, “to make a better living,” and we must think in terms of a “better living” not only for the individual but also for the society as a whole, and that the educational system must, therefore, pay more attention, indeed the main attention, to the building of character; and

WHEREAS, the United State Congress has established “Education & Sharing Day, USA” in 1978 as an annual national day to commemorate the Rebbe’s achievements and contributions to education; and

WHEREAS, Education Day is a day of reflection and a time to raise awareness and strengthen the education of our children.

NOW, THEREFORE, the City Council of the City of El Cerrito, does hereby proclaim April 12, 2020 as Education and Sharing Day in the City of El Cerrito and calls upon educators, volunteers and citizens, to reach out to young people and work to create a better, brighter, and more hopeful future for all.

Dated: April 7, 2020

Gregory B. Lyman, Mayor



Agenda Item No. 4.F.

April 7, 2020

Mayor Lyman and City Council
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

Re: City of El Cerrito Environmental Quality Committee Report to City Council

Dear Mayor Lyman and City Council,

While the response to the COVID-19 situation is most pressing, it is our hope that this Environmental Quality Committee (EQC) report and the attached presentation can serve as a reminder of the power of community to come together with our local government to advance solutions and take action. We look forward to the time when we can assemble again together, to figure out how to continue the conversations and work required to address the climate crisis, in light of dramatically new circumstances.

Our intent was to present the EQC workplan as a story, full of images and narration. Please view the slides while reading the corresponding speaker notes provided below.

Slide # 1 2020 Workplan Presentation to Council: Council has been a great supporter of the EQC throughout our 11-year history. The need for us to collaborate and amplify efforts grows ever stronger. We are pleased to share with you some of our accomplishments from 2019, our ongoing efforts, and plans for 2020.

Slide # 2 We are the EQC! The EQC was established in 2008, under the leadership of Councilmember Abelson. We are a volunteer body, currently comprised of 14 members. We have diverse interests and skills but come together around our shared desire to foster environmental sustainability citywide.

Slide # 3 Inside: We work inside, where, with input from our residents, we learn about, inform and champion City environmental programs and policies. Our overarching goal is to reduce greenhouse gas emissions, to meet, and exceed targets of the El Cerrito Climate Action Plan.

Slide # 4 Outside: We work outside, to protect, expand and steward green spaces to maintain and restore natural areas with an emphasis on native ecosystems, and encourage a network of human and wildlife friendly green habitat throughout the city.

Slide # 5 Creekside: We work along our creeks and hills to support water quality, healthy creeks and forests, and green infrastructure to increase resiliency in the face of climate change.

Slide # 6 With Community: And, always, we work with community, to help businesses and residents live in a more sustainable and environmentally friendly fashion.



Slide # 7 Engagement: We strive to involve learners of all ages, to promote environmental education, action, engagement, equity and justice.

Slide # 8 Sustainably Thrive: The EQC's **mission** is to educate, inspire and activate our community to sustainably thrive. How do we do this? Through policy, outreach, service, and action.

Slide # 9 Green Team: Green Teams are a core component of ongoing EQC efforts. Led by Dave Weinstein, with support from Jeff Sobul and Sean O'Conner (pictured here), the EQC has hosted regular bi-monthly Green Team work parties for many years. Dave organized six work parties in 2019 and already has scheduled six for 2020.

Slide # 10 Green Team: Green Team events play an important part in trash removal from streets, parks and creeks, helping the City to meet its clean water requirements.

Slide # 11 Green Team: Often we partner with other groups to sponsor a Green Team event, helping us to engage with youth;

Slide # 12 Green Team: With families;

Slide # 13 Baxter Creek Cleanup: And local service groups and organizations such as Friends of 5 Creeks.

Slide # 14 Green Team: There's always a contest to see who can find the most unusual or largest piece of trash. Jeff Sobul is in this picture, one of our Green Team leaders.

Slide # 15 Broom Pull: In addition to Green Teams, the EQC, often led by Howdy Goudey, hosts Broom Pulls throughout the year and on Earth Day. These events not only help with weed and invasive plant removal and pollinator habitat restoration, but they also support fire suppression efforts in the City.

Between the Green Team and Broom Pull events, the EQC contributes over 250 volunteer hours a year to the city, in addition to providing meaningful opportunities for community engagement.

Slide # 16 Plastics Prevention & Reduction: With cheers from residents, the EQC declared 2019 to be the Year of Plastics Pollution Prevention and made plastics education part of our community outreach. And some of our team even made t-shirts in support!

The 2019 theme was selected to support the city's efforts to develop an expanded foodware ordinance. During last year, and continuing into this year, EQC members have provided input to city staff, and hosted a community session at our March meeting to incorporate public input. We are excited about the expanded draft ordinance and applaud staff and Council on your leadership to reduce plastics in El Cerrito. In 2020 we are eager to help the City provide outreach and education to businesses and residents.



Slide # 17 Fix it Clinics: Fix it Clinics events are another way to promote waste reduction. In 2019 the EQC co-sponsored a clinic and plans on hosting another in 2020.

Slide # 18 Hillside Festival: In 2019 the EQC co-hosted the 6th Annual Hillside Festival with the El Cerrito Trail Trekkers. The festival featured educational walks and talks on wild-land fire prevention, native insects, birds, trees, wildflowers and more. This beloved community event, now a weekend-long festival, is a great way to engage some of our younger residents and families.

Slide # 19 Hillside Festival: Much thanks to the Trail Trekkers for their leadership on this event, and we look forward to the 7th Annual Festival, which has just been postponed from early May.

Slide # 20 City Nature Challenge: In 2019 EQC Vice Chair Neil Tsutsui helped El Cerritoans to discover the diversity of flora and fauna in our natural areas by hosting a City Nature Challenge event. Neil brought out a group of enthusiastic UC Berkeley graduate students from his lab, who helped young and old to collect, identify and delight in the discovery of familiar and new species.

Slide # 21 Bike to Work Day: May also brings out the beloved arches that Howdy Goudey assembles for Bike to Work Day each year.

Slide # 22 Bike to Work Day: Bike to Work Day is a fun opportunity to engage with the community;

Slide # 23 Bike to Work Day: And hang out with great El Cerrito staff members! While on this slide, we'd like to recognize Will Provost, our amazing staff liaison. Behind the scenes Will promotes our events, coordinates with staff, and helps us to leverage and amplify the City's environmental initiatives. Thank you Will.

Slide # 24 July 4: The EQC has always had a presence at the 4th of July festival, and our 2019 booth was our most colorful. The Plastics Subcommittee team, led by Beth Molnar and Gisele Verrier, put together a fun upcycled crafts activity, along with a plastics alternative display featuring bamboo toothbrushes, metal reusable foodware, cloth produce bags and more, to educate the community about plastic pollution and prevention.

Slide # 25 July 4: It was a great opportunity to engage with youth and families.

Slide # 26 – 29: Throughout 2019 at our monthly meetings, the EQC hosted a variety of well attended presentations including on:

- The Draft Green Infrastructure Plan
- Integrated Pest Management (IPM)
- Waste management ordinances and operations
- Wildfire prevention
- The San Pablo Avenue Transit Corridor Plan
- Raptors and the use of anticoagulant poisons



Slide # 30 SunShares: At the end of last summer, the Bay Area wide SunShares program re-opened. SunShares provides discounts on rooftop solar and education about renewable energy. In 2019 El Cerrito participated for its 2nd year and hosted a packed community workshop last October. El Cerrito, although one of the smaller cities participating in the program, was one of the top tier outreach partners garnering the most sign-ups from its residents. As part of our 2020 workplan, the EQC has proposed participating again when the program reopens next summer.

Slide # 31 National Drive Electric Week: Electric vehicle education is part of our 2019 and 2020 workplans. In September of 2019 city staff, Will Provost, supported the Richmond Drive Electric event. EQC members Mark Miner and Beth Molnar are pictured here, volunteering at Berkeley's event.

Slide # 32 Electric Cars 101: Electric car education continues in 2020. On January 29 of this year the EQC hosted a packed event in Council Chambers to help residents learn about the benefits of driving electric.

Slide # 33 El Cerrito's Greenhouse Gas Emissions: Given that transportation accounts for the largest source of emissions in El Cerrito, encouraging electrification of transportation is a priority for the EQC and is reflected in our 2019 and 2020 workplans where we continue to support the use of electric vehicles and charging infrastructure to help our residents and the city move to zero emission transportation.

Additionally, as natural gas usage in our buildings accounts for the second largest source of emissions, our workplans seek to promote the transition to clean electricity in our homes and commercial buildings. In 2019 El Cerrito participated in the first ever East Bay Electrification Expo, which became an inspiration for other jurisdictions to host similar events throughout the Bay Area and state.

Slide # 34 Deep Green Opt Up: Transitioning from gas to clean, renewable electricity in our transportation and buildings will further reduce our emissions, as MCE's base Light Green electricity product, at 60% renewable, continues to get cleaner each year.

As part of our ongoing work, the EQC educates the public about its choices for clean electricity through MCE. Opting up to Deep Green 100% renewable energy is one of the easiest steps residents can take to reduce their carbon footprint.

Our city has one of the highest Opt Up Deep Green rates throughout MCE's service territory.

Slide # 35 San Pablo Avenue Specific Plan: In 2019, with climate change in mind, the EQC developed detailed environmental recommendations for the San Pablo Avenue Specific Plan, encouraging the City to align its development policies to reduce the carbon emissions associated with construction, materials and building operations. The recommendations included increasing electric vehicle ready charging stations, encouraging electrification, catalyzing new open space, incentivizing on-site water reuse and waste diversion, among others.



Slide # 36 2020 Workplan: As many of our efforts are ongoing from year to year, the 2020 workplan has been referenced throughout the presentation. But, in order to announce our 2020 theme that provides the overarching framework for our goals, we must first look back to last summer.

Slide # 37 Climate Emergency: On August 20, 2019, the City of El Cerrito approved of a resolution and joined hundreds of jurisdictions across the globe in declaring a climate emergency. This resolution, which sets a target to reduce greenhouse gas emissions further, with the ultimate goal of reaching zero emissions, has added both a renewed sense of urgency and import to the EQC's work.

Slide # 38 Climate Emergency Mobilization: Given the resolution, and with input from community members, the EQC has declared 2020 the *Year of Climate Emergency Mobilization*. All of our efforts – whether it is plastics reduction, electric car outreach, wildfire risk reduction, energy efficiency education – aim to accelerate our community's effort to address climate change.

Slide # 39 Climate Action Plan: Thus, we are eager to support the city in reviewing and updating our Climate Action Plan. The original plan adopted reductions of 1% a year below 2005 levels. El Cerrito is meeting its targets of 15% reductions by 2020, and 30% by 2035. But, can we do more? Can we be more ambitious?

Slide # 40 2020 Events: Our EQC calendar is already filling up. You can find out about EQC and city environmental events and efforts by signing up for the Green Happenings newsletter or joining us at our monthly meetings or community events. Though, unfortunately stay tuned for updates as the City and the EQC grapple with COVID-19. Events in April and May have been postponed or cancelled.

Slide # 41 Green Team & Broom Pull: Or join us outdoors for one of our Green Team or Broom Pull events throughout the year

Sincerely,

Rebecca Milliken (Chair) and Neil Tsutsui (Vice Chair)
City of El Cerrito Environmental Quality Committee

Environmental Quality Committee

2020 Workplan Presentation to Council



1

We are the EQC!



2

Inside



3

Outside



4

Creekside



5

With community



6

Engagement



7

Sustainably thrive...



8

Green Team



9

Green Team



10

Green Team



11

Green Team



12

Baxter Creek Cleanup



13

Green Team



14

Broom Pull



15

Plastics prevention & reduction



16

Fix it Clinics



17

Hillside Festival



18

Hillside Festival



19

City Nature Challenge



20

Bike to Work Day



21

Bike to Work Day



22

Bike to Work Day



23



July 4

plastic reduction pledges

24



25

Draft Green Infrastructure Plan



26

Wildfire Prevention



27

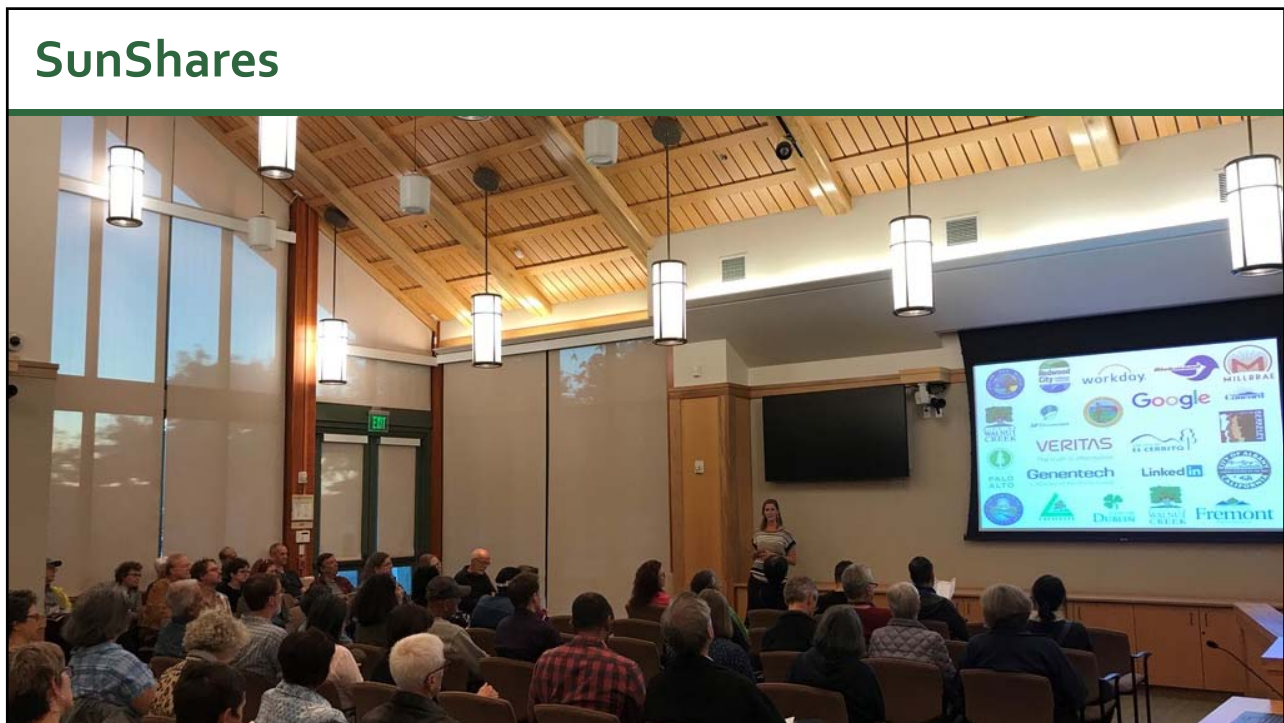
San Pablo Avenue Transit Corridor Plan



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National Drive Electric Week

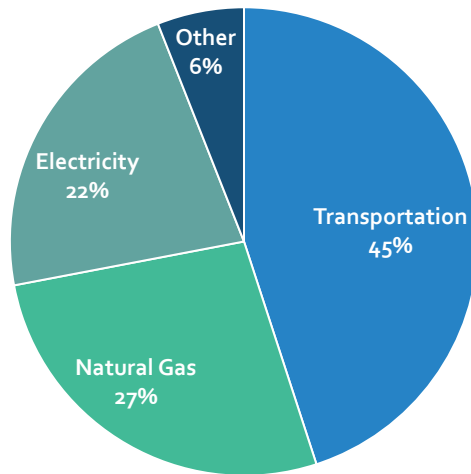
31

Electric Cars 101



32

El Cerrito's Greenhouse Gas Emissions



33

Deep Green Opt Up



Light Green

60%

RENEWABLE

Deep Green

100%

CALIFORNIA-PRODUCED RENEWABLE

Local Sol

100%

LOCALLY-PRODUCED SOLAR

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The El Cerrito City Council is expected to discuss a RESOLUTION TO DECLARE A CLIMATE EMERGENCY AND REQUESTING REGIONAL COLLABORATION ON AN EMERGENCY MOBILIZATION EFFORT TO RESTORE A SAFE AND STABLE CLIMATE on

**TUESDAY, AUGUST 20, 2019
7:00 PM
EL CERRITO CITY HALL, CITY COUNCIL CHAMBERS
10890 SAN PABLO AVENUE, EL CERRITO**

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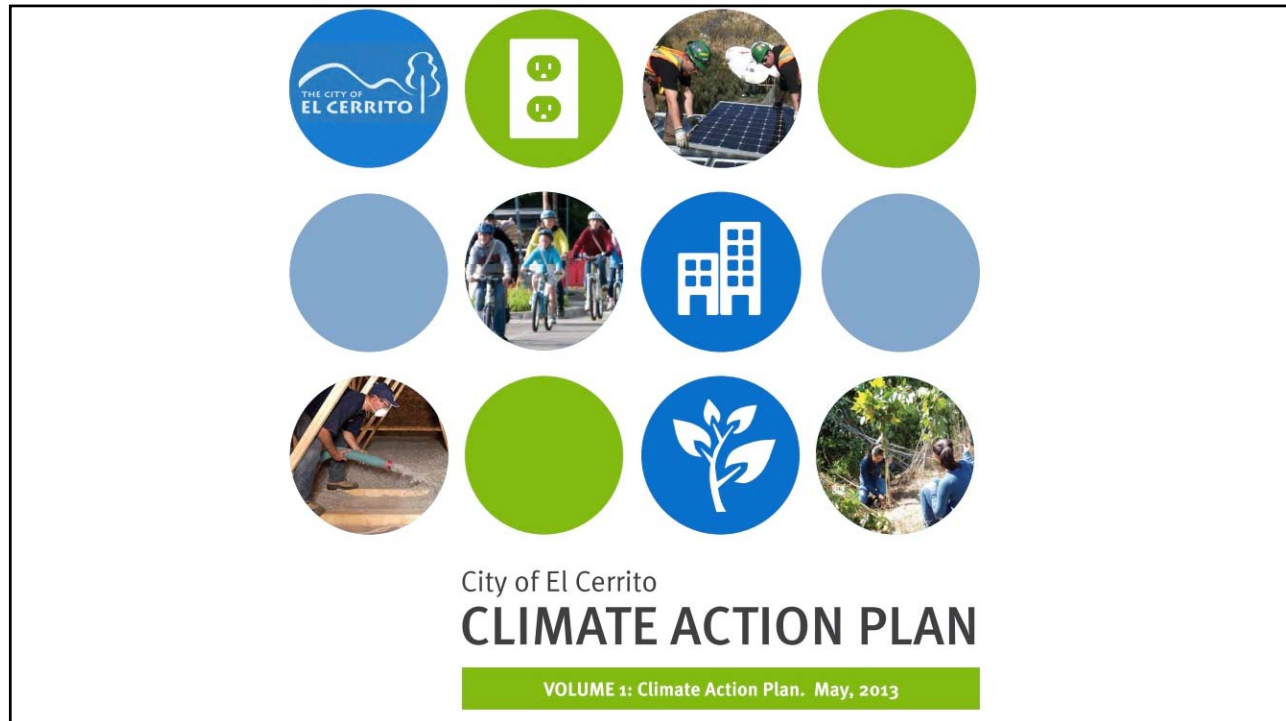
Climate Emergency Mobilization

RESOLUTION 2019-52

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

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

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39

2020 Events

- January 14: Coyote Presentation
- January 29: Electric Cars 101 Workshop
- March 10: Expanded Foodware Ordinance Public Meeting
- April 18: Earth Day 50th Anniversary
- May 1-3: Hillside Festival
- May 14: Bike to Work Day
- May 21: BayREN Energy Efficiency Workshop
- July 4: City Festival
- August – November: SunShares 2020



Green Happenings in El Cerrito | February 2020

40

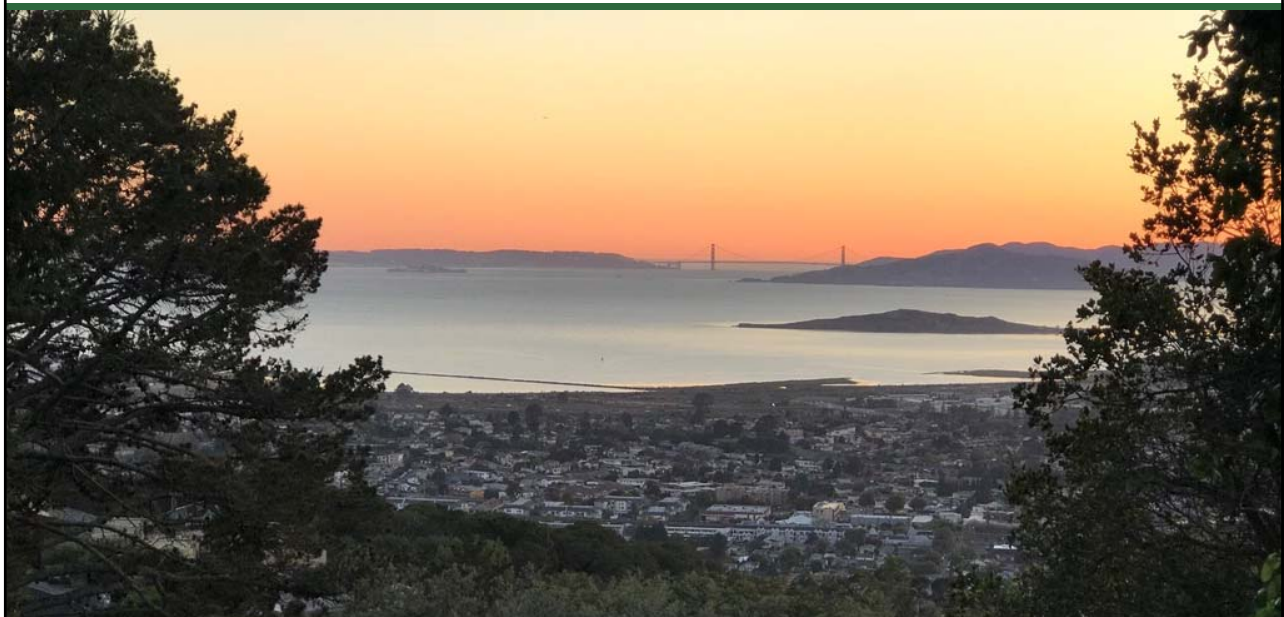
2020 Green Team & Broom Pull



- January 18
- February 15
- March 8
- March 21
- April 18
- June 6
- August 16
- October 23

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Thank You!



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Environmental Quality Committee

2020 WORK PLAN

AND

2019 ACCOMPLISHMENTS

Members: Chair Rebecca Milliken, Vice-Chair Neil Tsutsui, Howdy Goudey, Daniel Hamilton, Mark Miner, Beth Molnar, Alison Moreno, Sean O’Conner, Paloma Pavel, Jeff Sobul, Renee Solari, Ellen Spitalnik, Sheila Tarbet, Gisele Verrier, David Weinstein

MISSION STATEMENT:

The Environmental Quality Committee's **mission** is to educate, inspire and activate our community to sustainably thrive.

Because the City of El Cerrito recognizes that environmental quality is an important issue that demands immediate and ongoing attention, the Environmental Quality Committee (EQC) was established in 2008 by Resolution 2008-13, as a Council-appointed body of up to 15 El Cerrito residents and business owners. It typically meets every 2nd Tuesday of the month at 7 PM in City Council Chambers. The enabling resolution identifies the whole City's role and responsibility in reducing environmental impacts, as well as providing environmental leadership and affecting cultural change in the way that the City and its citizens relate to the environment.

The EQC **duties and responsibilities**, as stated in its enabling resolution, are:

1. To serve in an advisory capacity to the City Council, staff, other boards, commissions, and committees, and the citizens of the City with regard to environmental quality issues within the City of El Cerrito
2. To recommend programs, policies, and ordinances to the City Council and promote the City's environmental quality efforts
3. Promote and foster public awareness, education, interest and support for environmental quality efforts, foster volunteer opportunities, and educate El Cerrito citizens regarding environmental quality and issues relating to environmental impacts

The EQC **goals** are:

- Reduce greenhouse gas (GHG) emissions to meet and exceed targets of the El Cerrito Climate Action Plan (and propose revised goals, as appropriate)
- Promote environmental education, action, engagement, equity and justice
- Involve learners of all ages
- Help businesses and residents live in a more sustainable and environmentally friendly fashion
- Inform and champion the City's environmental policies and ordinances
- Change material use patterns by encouraging Reduction, Reuse, Recycling, and Composting
- Champion energy/water efficiency, renewable energy, and sustainable transportation
- Minimize hazardous chemical use and human/environmental exposures to toxics
- Protect, expand and steward green spaces with public path/trail connectivity, maintain and restore natural areas with an emphasis on native ecosystems, and encourage a network of human/wildlife friendly green habitat throughout the city
- Support water quality, healthy creeks and forests, and green infrastructure to increase resiliency in the face of climate change

The EQC's work is guided by the 2015-2020 El Cerrito Strategic Plan (excerpt below):

Goal F: Foster environmental sustainability citywide

- 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.
- Implement policies to promote waste diversion (i.e., mandatory commercial recycling and green waste).
- Encourage alternative modes of transportation to the single occupancy vehicle.
- Implement, monitor the City's Climate Action Plan to:
 - Reduce vehicle miles traveled (by creating a well-connected, pedestrian, bicycle and transit-oriented urban forms that will make it easier for residents and visitors to leave their car behind.)
 - Facilitate energy and water efficiency and greater use and generation of clean energy
 - Reduce the amount of waste generated in El Cerrito
 - Make municipal operations more resource efficient and environmentally friendly

On August 20, 2019, the City of El Cerrito approved of a resolution and joined hundreds of jurisdictions across the globe in declaring a climate emergency. This resolution, which sets a target to reduce GHG emissions further, with the ultimate goal of reaching zero GHG emissions, has added both a renewed sense of urgency and import to the EQC's work.

HISTORICAL BACKGROUND:

The EQC was established in 2008. Over the history of the EQC, the committee emphasis has occasionally cycled between public education, organizing community volunteer engagement, and environmental policy, but there has generally been a consistent commitment to all forms of action envisioned for the EQC over time. The committee has also remained a fairly consistent size, with a number of long-serving members. Over 40 community members have served, and the committee is currently operating at its full 15-member capacity.

2020 WORK PLAN

OBJECTIVE	PROPOSED ACTIVITIES	PRIORITY RANKING	TIMELINE FOR COMPLETION
1. Public Education and Outreach	a) Declare 2020 the Year of Climate Emergency Mobilization, hosting at least two public events (e.g. films, lectures, or workshops) in support	1	1 year
	b) Support implementation of an Expanded Food Ware Ordinance and provide outreach and education to residents and businesses	1	1 year (ongoing)
	c) Participate in events and programs that encourage energy efficiency and electrification of buildings and transportation (e.g. Bay Area SunShares program to increase rooftop solar adoption, Electric Cars 101 workshop, BayREN Home+ workshop and National Drive Electric Week)	1	1 year (ongoing)
	d) Co-sponsor the Hillside Festival and other related hikes and educational events	1	1 year (ongoing)
	e) Co-sponsor Fix-it Clinic events to promote waste reduction	1	1 year (ongoing)
	f) Support Citizen Scientist activities to increase awareness of El Cerrito's biodiversity	1	1 year (ongoing)
	g) Table at major City events and perform other outreach activities to spread awareness	1	1 year (ongoing)
	h) Continue 100% renewable Deep Green power enrollment outreach	1	1 year (ongoing)
	i) Provide education about the El Cerrito Real Property Transfer Tax (RPTT) rebates for seismic upgrades and energy & water conservation	1	1 year (ongoing)
	j) Provide emergency preparedness education (e.g. PG&E Public Safety Power Shutoff)	1	1 year (ongoing)
2. Volunteer Work Parties	a) Hold a Green Team work party every other month (~6/year); diversify work party activities; hold broom pulls and other regular habitat improvement projects	1	1 year (ongoing)

3. Policy Development and Recommendations	a) Review and update Climate Action Plan (CAP) to accelerate the speed with which we reach the stated goal of zero net GHG emissions in the face of our declared climate emergency; review and update the CAP to promote electrification to reduce residential and commercial natural gas usage; engage budget process to be inclusive of CAP goals	1	1-2 years
	b) Develop policies to increase electrification of new buildings and decrease or eliminate use of natural gas	1	1 year (ongoing)
	c) Support use of electric vehicles and charging infrastructure	1	1 year (ongoing)
	d) Develop policy/programs to support the reduction of single-use plastics, particularly in foodware	1	1 year (ongoing)
	e) Review how City cares for its creeks and riparian habitat and recommend changes as needed	2	1 year (ongoing)
	f) Interface with other relevant City commissions and committees to aid in development of environmentally friendly policies	2	1 year (ongoing)
4. Support Implementation of City Environmental Programs	a) Support wildfire risk reduction and emergency preparedness efforts	1	1 year (ongoing)
	b) Expand stewardship of Hillside Natural Area (invasive plants and fire safety; address deferred maintenance)	1	1 year (ongoing)
	c) Support public and municipal electric vehicle charging infrastructure deployment	1	1 year (ongoing)
	d) Support the implementation of commercial and multi-family compost policy/programs per new state laws	2/3	1 year (ongoing)
	e) Support future acquisition of public open space or public access easements and help implement Urban Greening and Green Infrastructure Plans	2/3	1 year (ongoing)

2019 ACCOMPLISHMENTS

OBJECTIVE	ACTIVITIES SUPPORTING GOAL
1. Public Education and Outreach	a) Co-hosted 6th Annual Hillside Festival, co-sponsored with El Cerrito Trail Trekkers, which featured educational walks and talks on wild-land fire prevention, native insects, birds, trees, wildflowers and more b) Co-hosted National Drive Electric Week events in Berkeley and Richmond c) Supported the 2019 East Bay Electrification Expo d) Tabled at Earth Day, Bike to Work Day, and 4th of July e) Conducted plastics reduction and MCE Deep Green education and outreach at events throughout the year f) Co-sponsored a Fix-it Clinic at the El Cerrito Community Center g) Participated in the SunShares program and hosted a workshop at City Hall h) Hosted presentations on wildfire prevention; Integrated Pest Management (IPM); San Pablo Avenue Transit Corridor Plan; draft Green Infrastructure Plan; Raptors and the use of anticoagulant poisons; and waste management ordinances and operations i) Hosted City Nature Challenge to measure El Cerrito's biodiversity j) Co-sponsored the first annual teen environmental art & essay contest k) Attained and operated at the EQC's 15-member maximum
2. Volunteer Work Parties	a) Regular Green Team work parties (~6/ year), including trash removal from streets, parks and creeks (participated in Coastal Clean-up day), and two broom pulls in Hillside Natural Area b) Hosted Earth Day events including a third broom pull and trash removal
3. Policy Development and Recommendations	a) Advised staff on the expansion of the El Cerrito Foodware Ordinance, incorporating input from the public, with the goal of reducing plastic usage in the City b) Developed detailed environmental recommendations for the San Pablo Avenue Specific Plan c) Advised staff on and reviewed implementation of Real Property Transfer Tax (RPTT) rebate program for seismic and conservation improvements
4. Support Implementation of City Environmental Programs	a) Reviewed and provided feedback on City's Green Infrastructure Plan b) Supported City programs through public education, outreach, and work parties

ONGOING PROJECTS

PROJECT	ACTIVITIES
1. Green Team Work Parties	Coordinate roughly six trash clean-up events each year in various City parks, the Ohlone Greenway and City streets. Organize other volunteer work parties focused on weed/invasive plant removal, pollinator habitat restoration/stewardship, tree planting (in collaboration with the Urban Forest Committee and City arborist) and maintenance/stewardship of the Hillside Natural Area.
2. Hillside Festival	Assist Trail Trekkers in the production of the annual event celebrating the Hillside Natural Area with many hikes, talks, and activities.
3. Climate Action Plan implementation and progress metrics	Work with City staff to evaluate successes and opportunities as we further implement the Climate Action Plan. Explore opportunities to reduce residential natural gas use, and promote electrification of home appliances and automobiles as a complement to 100% renewable electrical power. Improve municipal EV infrastructure/readiness and fleet management.
4. Urban Greening implementation	Volunteer work parties and policy/program development to strengthen pollinator habitat and green infrastructure.
5. Future Projects Ideas/Areas to Explore (2019/2020)	a) Liaise with other City commissions/committees to ensure sustainability considerations. Increase EQC participation on related topics in City budget process. b) Explore environmental benefits/impacts of new development. c) Participate in regional climate action information sharing and coordination.

Michael A. Fischer

El Cerrito City Nominated Commissioner

Contra Costa County Library Commission

Email: eclibrarycommissioner@gmail.com



Date: March 9, 2020
To: El Cerrito City Council
From: Michael A. Fischer,
City Nominated Library Commissioner
Vice Chair, Contra Costa County Library Commission
Subject: Report on Library Related Matters

As promised to the city council and through them to all El Cerritans, this is a periodic report on library related issues to be presented to the City Council at their March 17, 2020 meeting. It includes further discussion of issues related to city-funded library hours as well as other library related news.

At the end of this memorandum, before the other attachments, are two memoranda previously sent to members of the council, which are incorporated in this memorandum. They are:

1. Memorandum dated February 20, 2020, on the issue of library hours setting forth (1) a proposal for oversight of the effect of city-funded library hours, (2) the importance of libraries, and (3) the non-directly quantifiable effect of adequate hours on our branch library.
2. Memorandum dated February 20, 2020, providing quantifiable data concerning the usage of our branch library showing more directly the benefit to library users of the city-funded hours.

There are 8 sections to this memorandum:

1. City funded library hours: “Adequate” hours.
2. City funded library hours: The digital divide.
3. City funded library hours: Background and history.
4. City funded library hours: Benefits of adequate hours on the educational and entertaining programs provided at no individual cost to our library users.
5. City funded library hours: Proposal for oversight of the effect of city-funded library hours.
6. Interruption of library network and Internet access.
7. The library response to the COVID-19 virus (in part an example of second responder status).
8. The seed library.

1. Adequate Hours

The 50 hours provided jointly by the city (15 hours) and the county (35 hours) are referred to as “adequate” hours. This adjective was very deliberately chosen. Merriam-Webster defines adequate as “sufficient for a specific need or requirement,” “good enough,” or “acceptable but not better than acceptable.” It would be better if

our library was open the 58 hours as in Lafayette and San Ramon, or the 60 hours as in Danville and Orinda. But the city is experiencing a financial challenge so consideration of this increase, like the issue of the replacement of our woefully inadequate library building,¹ must be deferred. And, frankly, this seems like enough sacrifice for what is often referred to, correctly, as the busiest, most beloved, and most important public building in any city.

2. The Digital Divide

One of the problems with cutting costs in government services is that all too often these cuts fall upon the poorer members of our community. Nowhere is this issue more clearly raised than the issue of the digital divide.

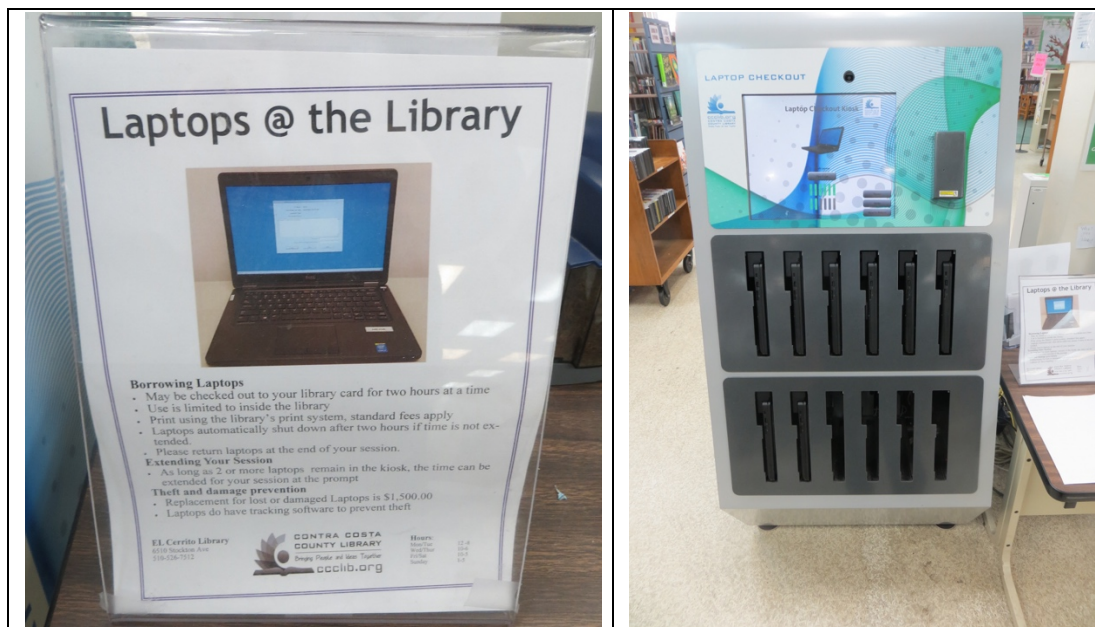
As discussed in the earlier memoranda, one of the important needs of our community that are met by the library system is access across the digital divide. Many poorer library users cannot afford access to the internet – whether it is from lack of computers or lack of access to the internet, or, often, both. In addition, many library users are unable to bridge the technical chasm to get online. Our library helps meet both these needs provided it is open.

The adequate hours that we've had for nearly two years shows that we are facing a huge need for digital services that has skyrocketed. As noted in the previous memoranda, computer logins since the adequate hours were in effect have increased by over 50% while the logins countywide have been slightly less than flat. There is probably an additional need that could be met by even more hours.

¹ The El Cerrito Library was built in 1949. The city has grown in population nearly 40% since then. The building is not seismically safe, and it sits right next to the BART line without adequate sound proofing. It is one of only two buildings in the entire county library system with no air conditioning, destroying its use as a second responder to two major effects of climate change – excessive heat days and dangerously smoky air. It has no separate meeting rooms or rooms for tutoring.

While our fiscal restraints might prevent us from exploring that, to cut the hours in face of this overwhelming expression of need would be a heartless rejection of our most needy library users.

The increase in computer logins has been in the desktop computers available at the library – of which our library has eight. Four of these are available for use for periods of 1 hour. Two are available for use for periods of one-half hour. And two are available for use for periods of 15 minutes, at a standing desk. Recently the county library system, at no cost to the city, made 12 laptops available for use in the library. These computers can be checked out of the laptop kiosk for a period of two hours with an extension if there is not a demand for their use by others.



3. History of Library Hours

The issue of library hours is not a simple one. The issue results from the dual responsibility for our county library system. The county library system reaches 18 of the 19 cities of Contra Costa

County.² Our neighboring county of Alameda has a similar system although there are more separate city libraries (Alameda, Berkeley, Oakland, and Pleasanton).

The agreement between the cities and the county divides responsibility for library services as follows:

- The city provides a building for the library.
- The city provides maintenance for the library building.
- The county provides the library collection – both physical and virtual.
- The county provides sufficient personnel so that the library can be kept open and staffed for 35 hours per week.
- The city can make an agreement with the county to provide funding for further open library hours. Our city currently provides funding for an additional 15 hours per week.

As is true of many situations, a little bit of history is valuable. This is presented in Attachment C.

The normal situation for libraries that are open 35 hours a week is that they are closed on Sunday, one weekday, and one additional morning or afternoon. Currently that situation applies to four cities: Antioch, Martinez, Pinole, and Pittsburg. Oakley is also open 5 days but 40 hours a week.

A number of cities are open six days a week: Brentwood (56 hours), Clayton (44 hours), Dougherty Station (one of two libraries in San Ramon – 50 hours), Hercules (43 hours), Moraga (39 hours), Pleasant Hill (43 hours), Ygnacio Valley (one of two libraries in Walnut Creek – 56 hours), and Walnut Creek (56 hours).

² The City of Richmond has a separate library system that predates the county system and it, thus, does not participate in the county system.

A number of other cities, including El Cerrito (50 hours), have libraries available to users seven days a week: Concord (52 hours), Danville (60 hours), Lafayette (58 hours), Orinda (60 hours), San Pablo (47 hours), and San Ramon (58 hours),

Each of the cities that has a library open more than 35 hours a week provides funding for those extra hours to the county.

The county continues to fund library services to its various branches and maintains a physical and virtual collection from a budget that at the level of one mill of assessed valuation that predates Proposition 13. Small additional amounts to the county library budget comes from the state and from the federal government through the state. Each branch library also provides programs for its users, as discussed later in this memorandum.

One source of library funding that is no longer available, and which provided less than one percent of the total library budget, is revenue from fines for overdue library books. As of last year, fines are no longer collected in the county system. The library joined the vanguard of those eliminating overdue fines because of the drastic effect fines had preventing library access by low-income patrons. Not only has the elimination of fines resulted in the return of many patrons to the library, it has also resulted in the return of many books. There is no showing that elimination of fines results in an increase of overdue books. An article from Forbes Magazine discussing this is attached as Attachment D.

Our library building, its contents, its existence as a place where the homeless and poor are welcome, and its programs and educational assistance, represents one of the biggest assets of our city, along with our first responders. But unlike the first responders, who

provide value to us by merely being there, the library only provides value to us when it is open.

The council recognized this importance several years ago when they voted to increase library hours from the then 35 hours a week to 50 hours a week, resulting in a library that was available to us every day of the week. The cost of that action to the taxpayers of El Cerrito is less than 50 cents per El Cerritan per month. State Senator Nancy Skinner has recognized the city's funding of the extended hours in a certificate posted in the library.



In view of the very real benefit to our city and our library users and the significant city and county investment in the library, the reduction or elimination of the city-funded hours would be a false economy – wasting access to the invaluable community resource. The cutting of hours also would represent a very real staff cut and potential layoffs or reduction in hours for our valuable library staff. Library employees are not city employees, but they serve our city equally as well as our valuable city employees.

4. Programming

One of the services the county provides through its library personnel is programs. One of the significant benefits of having sufficient library hours is that our personnel are fulltime employees of our specific library which results in an increase in the number and quality of programs. A fulltime staff, especially one as dedicated and talented as we have at our library, means that this important function of the library is given plenty of energy.

When our library was only open 35 hours a week, no staff members were full time at our library. Those that had full time status with the county library system divided their time (and thus their energy and loyalty) between our library and the other library or libraries at which they worked.³ This meant fewer programs and less innovative ones. The truth of this has been shown by the increase in both the number and creativity of the programs presented by our library. From the time of the Ptolemies in Alexandria, libraries have been about more than just about books. They are about learning, culture, art, history, community, and entertainment. Library programs are one of the many ways that libraries today meet these needs. The adequate hours improve our program offerings in two ways: (1) fulltime library staff with increased energy, loyalty, and time; and (2) increased hours the library is open providing the ability to have the increased programs.

The effect of the adequate hours on programs is not just theoretical as the following table shows in terms of numbers of programs and attendance at the programs. The average number of programs per quarter rose from 89 before adequate hours to 137 after adequate hours, an increase of 54%. Attendance rose even more, from 1,880

³ It is also harder to recruit and keep staff for the specific library when that library does not offer full time employment. Prior to the adequate library hours there were always several staff vacancies or the need to have temporary staff. This problem has disappeared with the ability to offer full time employment at our library.

people per quarter before adequate hours to 4,141 people per quarter after adequate hours, an increase of 120%. Another way of stating this is the adequate hours resulted in an increase of over 9,000 people per year who attended library programs.

Program Numbers and Attendance

Quarter	Programs	Attendance
7-9 / 2017	101	2,502
10-12 / 2017	62	766
1-3 / 2018	103	2,372
Average @ 35 hours	89	1,880
4-6 / 2018	120	3,479
7-9 / 2018	125	3,263
10-12 / 2018	124	3,631
1-3 / 2019	143	3,796
4-6 / 2019	157	5,077
7-9 / 2019	153	5,603
Average @ 50 hours	137	4,141
Percentage increase	54%	120%

Attachment E contains various flyers announcing some of the fabulous programs available this month at our library. Each of these programs is open and free to all. Sometimes there is a cost attendant to a program, and this is always paid for by our generous Friends or Foundation groups. Many of the flyers contain the logo of the Friends of the El Cerrito Library indicating that the Friends funded the cost of the program. During each year the El Cerrito Library Foundation also funds some programs as well as other activity at the library. This funding from the Friends and Foundation represents a multiplying effect for the city money used to keep the library open 50 hours a week. For so many of our

library users, the library provides entertainment and education every week, at no cost to the attendees.

5. Oversight

The oversight proposal which is contained in Attachment A is designed to provide council oversight to ensure that the funding provides an important ongoing benefit to our population. It will provide the council data showing how many of our library users are benefited by the adequate library hours. And it will open up communication between El Cerritans and the library commissioner about library issues. If the council decides this will be a valuable service, at no cost to city staff, all it will take is a link from the city's website to the library commissioner's website.

6. Network and Internet Service Interruption

In early January the county library system experienced a ransomware attack resulting in a network outage affecting all of the libraries' computers and Internet Access. Many online services were also affected. This was a good reminder that while the digital collection of the library system has grown significantly, the hard copy books, newspaper, and magazines are still an important part of our system.

The system was restored. However, just last week, as part of that effort, some of the system was down again. The restoration is designed not simply to bring the system back to where it was, but to perform necessary maintenance, upgrade and install new security software, and modernize the technology infrastructure. This should result in a substantially hardened system. The attack is

believed to have resulted in no compromising of personal patron data.⁴

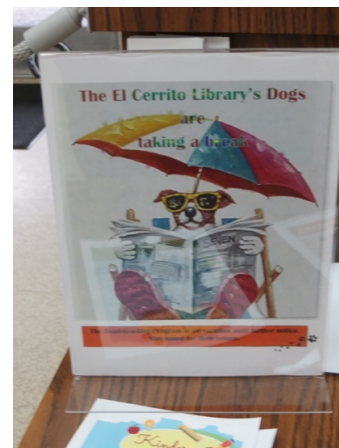
7. Response to the COVID-19 Virus

We are all aware of the COVID-19 Virus. Currently we don't know just how serious this infection will be, either in terms of the extent of the population affected or the severity of the illness. The library, in its role as a "second responder," is a valuable source of community information and assistance not quite as time-critical as provided by our police, fire, and EMS first responders. With the COVID-19 Virus, the El Cerrito Library is playing this role by providing calm, truthful information both in the library and by means of access to the Internet. It provides hand sanitizer to those using the library and gives information for assistance in hand sanitizing, one of the most important weapons against this infection.



⁴ The library system only collects name, address, telephone number, email address and birthdate. It does not collect social security numbers and does not store credit card payment information. While the library used to collect driver's license numbers, it ended that practice in 2019 and removed all such information from the system.

A temporary casualty from the COVID-19 Virus is a program that is one of the most popular and well-conceived, not to mention absolute charming of all library programs. It is the Read to a Dog Program. One of the problems with beginning readers is that they are very embarrassed or tentative about reading out loud. They fear the judgment, real or imagined, when they are reading to a



person. But we all know that a dog never judges. Dogs just love you – and look adoringly at you – if you simply talk to them. So, the library has had a program in which beginning readers sit on the floor and read to a dog -- a real dog. The program is so popular that the teen group has requested that they be allowed to have a Teen Read to a Dog Program.

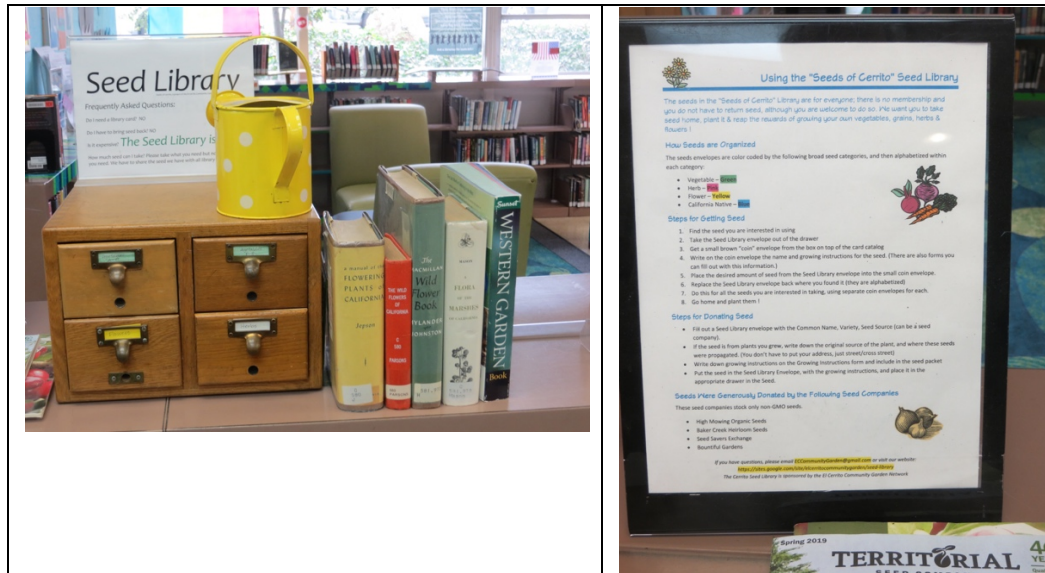
But, alas, dog fur is a possible medium for transmission of the COVID-19 Virus. And, dogs are notoriously hopeless at exercising proper sanitizing techniques. So, one of the library's most popular programs has had to go on hiatus.

8. Seed Library

To end on a more positive note, one of the wonderful little parts of the El Cerrito Library is that it is the home to one of the two El Cerrito Seed Libraries, a project of the El Cerrito Community Garden Network. The library was opened on August 14, 2014, and consists of a four-drawer wooden library card catalog⁵ containing vegetable, herb, flower, and California Native seed. The seeds are available to all. For more information about the project, see

⁵ It is ironic, or perhaps appropriate in this city that has sustainability as one of its core values, that the library card catalogs that are no longer used in the library in this more digital age can find a new use in the seed library.

<https://sites.google.com/site/elcerritocommunitygarden/seed-library>.



Conclusion

One of the questions people ask is who pays for the library staff – the city or the county. The technical answer is that part is paid for by the city and part by the county. But the real answer, is that we pay for the library staff, and, indeed, for all the other aspects of the library. The city and the county are really just us – using our tax dollars. The only question is through which entity that payment is made.

As shown in the various information provided to the council, the library is one of the biggest bargains in either the public or the private sector. It provides important services and meets vital needs for us and our library users. And, as discussed in the prior memoranda, every dollar invested in libraries returns multiple dollars to the community.

We need to remember that libraries are like umbrellas – they only work when open. Unlike umbrellas, though, the library is a significant investment of community resources. Indeed, as noted earlier, it is one of our most valuable resources and it is provided in part by county tax dollars, in part by city tax dollars, and in part by generous community donations. To let it lie partially unused is a waste of that investment.

So, in a greater sense, we don't really pay to keep the library open. Rather, we would pay, in the sense of a loss, if we keep it closed. We would pay in the loss of over 48,000 library patrons a year who have taken advantage of our increased hours. We would pay in the loss of over 5,000 people a year logging in to the library computers, many of them victims of the digital divide. We would pay in the loss of over 9,000 people a year who have benefited from our increased library programs. We owe it to El Cerritans to keep our current city funded library hours.

Report of the Library Commissioner – March 9, 2020
List of Attachments

Attachment A - Memorandum dated February 20, 2020, submitted to the members of the City Council on the issue of library hours setting forth (1) a proposal for oversight of the effect of city-funded library hours, (2) the importance of libraries, and (3) the nondirectly quantifiable effect of adequate hours on our branch library.

Attachment B – Memorandum dated February 20, 2020, submitted to the members of the City Council, providing quantifiable data concerning the usage of our branch library showing more directly the benefit to our neighbors of the cityfunded hours.

Attachment C – Historical summary of the shared responsibility for library costs between cities and the county.

Attachment D – Article on elimination of library fines.

Attachment E – Samples of recent and upcoming El Cerrito Library program offerings.

Attachment A

Memorandum dated February 20, 2020, submitted to the members of the City Council on the issue of library hours setting forth (1) a proposal for oversight of the effect of city-funded library hours, (2) the importance of libraries, and (3) the non-directly quantifiable effect of adequate hours on our branch library.



Michael A. Fischer
El Cerrito City Nominated Commissioner
and Vice-Chair
Contra Costa County Library Commission
Email: eclibrarycommissioner@gmail.com



To: Mayor Greg Lyman
Mayor Pro Tem Paul Fadelli
Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto
Councilmember Greg Quinto
City Manager Karen Pinkos
Assistant City Manager Alexandra Orologas
City Clerk Holly M. Charl  ty

From: Michael A. Fischer
City Nominated Library Commissioner
Vice-Chair Contra Costa County Library Commission

Date: February 10, 2020

Subject: Continued Funding for Adequate Library Hours

This memorandum sets for the case for retaining the city's funding for adequate library hours. This expenditure of less than 50 cents per person per month gives our city one of its most important civic functions -- a library adequately available to our residents seven days a week.

One of the questions often heard about libraries is whether we need them in today's digital internet-connected age. People ask, "Can't you get everything online? What does a physical building provide to us?" The answer to these questions is that we need our library building open to the public as much as possible, more today than perhaps ever before.

This memorandum will start by looking at the vital role libraries serve in our society. Next, it will examine the effect funding adequate hours for our library has had on the library's operation and the benefits reaped by our city residents

because of those adequate hours. Finally, there will be a proposal for appropriate oversight of the money spent on providing those adequate hours for our library.

Importance: Crucial to Democracy

Libraries are more than just books. There are one of the most important parts of our democratic civilization. The late Senator Clairborne Pell, after whom the educational Pell Grants are named, called libraries “a symbol of the vital connection between knowledge and democracy.” While he was speaking specifically of the Library of Congress, our library serves no less a vital function at the local level.

In a 2018 opinion piece in the Washington Post, Katrina vanden Heuvel, editor and publisher of the Nation Magazine, noted the importance of libraries in an article titled, “Want to Defend Democracy? Start with the Public Library.” (See attachment 1.) At the start she quotes, only somewhat tongue-in-cheek, Ron Weasley and Hermione Granger, “When in doubt, go to the library,” explaining that “public libraries provide information in an era of misinformation. They offer facts and nuance. And this is apparently something on which different generations can agree. 87% of millennials and 74% of boomers say that libraries help them find information that is trustworthy and reliable.”

Author, historian, and Presidential Medal of Freedom recipient David McCullough, who wrote Pulitzer Prize and National Book Award-winning biographies of Presidents John Adams, Theodore Roosevelt, and Harry Truman, put it perhaps most eloquently yet simply when he said, “Freedom is found through the portals of our nation’s libraries.” We must keep these portals open and accessible to our community.

When McCullough was speaking of portals, he was referring to actual, not virtual portals. For those on the side of the digital divide without computers or internet service, a closed library is inaccessible even if there is a virtual library. For all of us, the ability to connect directly with the personnel of the library, to participate in its programs, and to simply scan the shelves is an experience not available online.

Importance: Vital to the Census

The current year is the latest for our decennial census. Article I, section 2 of our Constitution notes that the census is taken every 10 years and is to be used for the apportionment of Congressional representatives among the states. While no other purpose is expressly stated in the constitution, this census is now used for a wide variety of apportionment of federal services and funding among the states. It is, thus, vital that we have a census that is as accurate and inclusive as possible among the various parts of our wonderfully diverse community. So, what does the census have to do with the library?

As part of the county effort to ensure a full and accurate census count, the libraries have been tasked with providing information about the operation of the census. There have been incidents concerning the census that will make the count more difficult and undermine people's confidence in the trustworthiness of the count. We also know that various scammers will be using the fact of the census to defraud some of our residents. The attempt to put a question about citizenship on the questionnaire, though now withdrawn, makes some of us worry about what will be done with the data.

These factors could result in an undercount of important parts of our community – and, in reality, all parts of our community are important. The library will be an important tool in ensuring people will be properly informed about the census, its importance, and debunking some of the misinformation that is out there about it.

Another aspect of the census is the method that is being used, for the first time, to collect information. We are in the digital / internet age and one of the options for completing the information is online. This will be helpful but some of us do not have internet access. The computers at the library will serve an important function in providing internet access to those who will want to complete their census forms digitally.

Importance: A Place Where All Can Feel Safe and Welcome

When then California Poet Laureate Dana Gioia visited every county in 2017, he chose to present his program at a library in that county. The reason, he said, was because the library is a place where everyone can feel safe and welcome. Gioia

chose the El Cerrito Library for his presentation in Contra Costa County, partially in recognition of El Cerrito's centennial that year.

A bit later, in September of 2018, an event occurred that showed the truth of this role of the library for El Cerrito.

Money had been donated from the DeLoach and Troy Trust, in memory of two longtime Kensington residents and users of the El Cerrito Library, James S. DeLoach and Eugene S. Troy. The library decided to use part of that money for the creation of the first LGBTQ+ special collection in the Contra Costa Library System. An event was held to celebrate the grand opening on this collection which was attended by a number of library patrons. (See attachment 2.)

A couple of days after the event a woman came into the library and stated that she had attended that event with her child who identified as non-binary. The woman told us that her child was now going to volunteer in the library as a result of that event, "because it was the first place that her child had felt safe and welcomed."

I've also attached an article on what it means to a child, who later grew up to become a director of a major library, to have access to a library building. (See attachment 3.)

Importance: Vital to Our Arts, Culture, and History.

The origin of libraries is not lost in history but, rather, constitutes the transition from prehistory to history. Libraries date back some 5,000 years to the Fertile Crescent. Classification schemes were developed shortly thereafter and by the time of the Royal Library of Ashurbanipal, dating from the 7th century BCE, libraries contained important information about the arts, culture, and history of their civilization.

But the greatest of the ancient libraries, in terms of what a library could encompass, was the library of Alexandria, Egypt, probably founded by Ptolemy II in the 3rd century BCE. The library was meant to be a collection of all knowledge, including art, literature, science, culture, and history. Together with the *Musaeum* of which it was part and parcel, it constituted a universal learning

center. We see the results of this heritage today in such forms as the many programs presented at our library and the display of art and culture. Indeed, one of the branches of the countywide system refers to itself as “Library and Learning Center.” And, the more hours our library is open to the public, the more accessible is our art and culture and the more programs we can provide.

Importance: Second Responder

We all know about First Responders – our vitally important police, firefighters, and paramedics who keep us safe and help us when there are problems. Libraries serve an important function as a second responder – providing not quite emergency response but still important and vital services or places of refuge to our community when the need is important. An article by Deborah Fallows in the Atlantic in May, 2019, notes the important role libraries across the nation play. (See attachment 4.) When our earth — or we as not-so-good stewards of the earth — throws such things as fire, earthquake, heat, floods, or hurricanes at us, people whose homes have been rendered unusable often find themselves at the library which will take them in. They seem to instinctively know that is where they should go. And, on a day-to-day basis, people who are experiencing homelessness find that one of the few places where they are welcome is the library. Many of us are only a paycheck away from finding ourselves in that situation. The more hours the library is open, the more it can serve its important role as a second responder.

Importance: The Digital Divide

The term “digital divide” refers to inequality in access, knowledge, and skills between individuals and households in access to the internet. Some of the issues involved the actual ability to sign on to the internet. In 2016, about 11.5% of the United States population did not have internet access. There are many reasons for this.

Some people either do not or cannot afford internet access in terms of equipment cost and monthly charges. Still, others have “computer anxiety” preventing them from actually setting up or using a system. Others lack the skills needed to get online. And still others have physical disabilities preventing access.

Libraries can and do help this problem. They have computers available for patron use at no cost and ensure that everyone needing access is given some time. Library staff also can help people get onto the internet and help those who are having problems finding what they need – in much the same way they have for years helped people find the printed materials they were looking for. Libraries present programs that help people learn how to use computers and the internet.

Library computers provide users access to services that would otherwise cost money. Some services are available from both the library's computers and from patrons' home computers including such things as newspapers (including the New York Times and the East Bay Times), magazines (Flipster), and research through many databases and sources, and movies (Kanopy). Those without computers or access to the Internet cannot access these services unless they do so through the library's own computers. In addition, a few of the library's digital services are only available from the library itself.

The access to the library's computers, though, is limited to those hours that the library is open. Adequate library hours is, thus, essential to lessening the impact of the digital divide and helping make the library's digital resources truly available to all of us.

Importance: Protecting Our Rights and Liberties

In 1939 the American Library Council adopted the Library Bill of Rights and it has been amended and reaffirmed a number of times since then. It's important to look at this statement from time to time to remind us of the very important role our libraries play in protecting our rights and liberties. The current version of the Bill of Rights reads:

"The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

"I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves.

Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

“II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

“III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

“IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

“V. A person’s right to use a library should not be denied or abridged because of origin, age, background, or views.

“VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.”

It should be clear from reading the Library Bill of Rights that the library is actively supporting and protecting our rights and liberties through its resources available when the library is open.

Adequate Hours: Full-Time Staff

Having adequate library hours thus ensures that the many reasons we have libraries, such as those discussed above, are available for more hours than the inadequate minimum hours that the county itself provides. But for some purposes, the dividing line between adequate and inadequate is not simply a matter of more or less. It is a matter of either our library has it or doesn’t have it. This is most clearly the case in terms of staff.

When a library is only open the 35 hours per week provided by county funding, one of the most serious effects on that branch’s operation is on the staff.

Staff at such a library are not full-time employees unless they are able to split the work between two libraries. Consequently, positions at these libraries are harder to fill and become open more often.

Adequate hours for our library mean much of the staff working there can be employed full-time. This has at least two important benefits. Full-time positions are easier to fill. Before the implementation of adequate hours, we had many unfilled positions, and those working at the library would often jump to a full-time position at another library when it became available. Since providing adequate hours and thus full-time positions, we have next to no openings on our staff.

When we were considering going to adequate hours, our library manager noted that one result of this action would be that we would have librarians clamoring to work at our library. She was correct although fortunately, the image of clamoring librarians was only a figure of speech rather than an actuality. Our staff is now effectively full-time and shows great energy, creativity, and attitude. Come to the library and see how wonderful they are.

One of the important functions of our library is the outreach program it runs with El Cerrito High School. This is a new program made possible only by the availability of full-time staff made possible by the adequate hours funding.

Adequate Hours: Increased Usage

We El Cerritans love our library and make good use of this important part of our city. In the little less than two years that we've had adequate hours, our library usage has grown at a pace that exceeds the increase in hours. As detailed in the report I've submitted entitled "Effect of Adequate Hours on Library Usage," since the advent of adequate hours, the number of El Cerrito library patrons has significantly increased with over 48,000 patron visits during the last fiscal year during the hours provided by city funding. Computer logins in the library increased over 50% while the El Cerrito increase accounted for all the increased computer logins the county saw in the same period. Statistics are not yet available for the new laptops available for use within the library, but this availability should mean even more computer logins. For each hour the library is

closed, these services are not available to the community that desperately needs them.

Our library represents an important asset to our community – in terms of democracy, community, culture, and information. Each hour that it is closed is an hour that this asset goes to waste. And we know that each hour the library is open is an hour that our residents benefit from it.

Adequate Hours: Increased Programs and Private Funding Amplification

We also have an increase in creative, interesting, and educational programs – a benefit of both the adequate hours and the increased energy and creativity of our full-time, fully-filled staff. In March we have 48 events scheduled, second highest in the West County and sixth highest countywide. Programs are available in many groups and are aimed at our entire population, from pre-readers, children, tweens, teens, adults, and seniors.

We have regular programs in such areas as Storytime, Read to a Dog, Computer Tutoring, ESL English Conversation, Mindful Meditation and Tween, Teen, and Adult book clubs. We have occasional events such as the electrical appliance repair sessions put on by our Environmental Committee and native plant talks by local master gardeners. We have special programs such as The Lizard Lady Reptile Show. And in recognition of Women's History Month there is a program on Women in Magic featuring El Cerrito Magician Heather Rogers.

The programs are presented at no cost to either the participants or the city. Some of them do require payment to the presenters and this cost is paid by generous donations from the Friends of the El Cerrito Library and the El Cerrito Library Foundation. This is one example of how the city funding for adequate hours gets amplified by the generous donations of our Friends and Foundation.

The Friends have significantly increased donations to the library for programs since the advent of adequate hours. Most of this money has come in response to requests from library staff to fund the types of programs that they now have the time and energy to plan given their full-time status at the library. Attachment 5 shows the donations from the Friends for calendar years 2017 through 2019. The

first 15 months of that period was before the advent of adequate hours. The remaining 21 months was after. The numbers show this significant increase in donations as follows:

	Children Programs	Teen Programs	Adult Programs
Total Before Adequate Hours	\$1,990.81	\$36.30	\$1,134.49
Per month	\$132.72	\$2.42	\$75.63
Total After Adequate Hours	\$4,478.49	\$1,489.50	\$5,949.06
Per month	\$213.26	\$70.93	\$283.29

The total per month spending across all three types of programs rose from \$210.77 to \$570.86, an increase of 170.8%. The amount of additional funding for our library from the Friends Donations averages \$6,850.32 per year.

The library has also had programs focused on the vital subject of food and nutrition.

In 2020 a program is under study on this important subject in partnership with local elementary schools, and with \$11,000 in funding coming from the El Cerrito Library Foundation.

The additional library hours have also had a further synergistic effect on donations to the Foundation. Since library hours were expanded, the Foundation had more than 200 new households donating funds to the Library. These recent gifts included donor-advised funds, charitable funds and employer-based funding for the largest-size gifts – and there has been a significant expansion of small and medium-sized giving from every El Cerrito neighborhood. Many of the donors add a note stating how thankful they are for the expanded hours.

In response, the Foundation established a Permanent Endowment that will provide income to sustain programs at the library from the interest on the Endowment's principal. Within one year, funds contributed to the Endowment increased from \$1,000 to nearly \$25,000 thanks to residents' enthusiasm for supporting the library's future.

Oversight

It's more important than ever given our current fiscal condition that we have as much oversight of our spending as possible. Since we will not be able going-forward, for at least a number of years, to have every service need of our city fulfilled, we must ensure that, in regard to the spending approved for city needs, the city gets the services funded and that these services provide the benefit expected by the city.

On an informal basis, the library commissioners have been providing reports of library usage to the city council. Given the appropriate concern about city staffing expenses, I'm proposing that these activities continue to take place on an informal basis and, thus, at no cost to the city. At such time as the financial condition of the city improves, the council may wish to consider a more formalized procedure that might require city staff time.

Because it is important that our residents see what they get for the adequate library hours, I'm committing to the council and our city that the commissioners will continue and expand upon means for our residents to communicate with the city's library representatives. I'm proposing the following as part of the continuation of the adequate library hours:

1) Quarterly reports about library usage and programs to be presented at the first council meetings in January, April, July, and October of each year.

- Library commissioner "office hours" to be held at the library at least every other month and to be held on a variety of days and times to permit as much community input as possible.
- The establishment of a web page or other appropriate social media by the library commissioners, at no cost to the city, linked to both the county library and city websites. The webpage will include (i) information about the library and libraries generally, (ii) a method for residents to provide comments to the commissioners and receive responses, and (iii) discussion of policies and plans for our library.

Conclusion

I urge the council and all El Cerritans to support the continuation of the payment of less than 50 cents per person per month for adequate hours for our library. The benefits brought by this small expenditure is seen every day at our library. It's one of the best bargains we have.

Want to defend democracy? Start with your public library.

[Katrina vanden Heuvel](#)



Benning Neighborhood Library in Washington in 2011. (Astrid Riecken/FOR THE WASHINGTON POST)

In “Harry Potter and the Chamber of Secrets,” the character Ron — channeling his friend Hermione — says to Harry Potter: “When in doubt, go to the library.” In the United States today, there is plenty to doubt.

Complex arguments are being whittled down to 280 characters. And of course, the president has made more

than [5,000 false or misleading statements](#) in about 600 days. Just last week, he [falsely claimed](#) that 3,000 Puerto Ricans “did not die in the two hurricanes.”

Lies have become too commonplace in the United States, so the American people need a place where they can go to get the truth. Ron is right. Go to your public library.

Public libraries provide information in an era of misinformation. They offer facts and nuance. They offer the opportunity for enlightenment. They offer every visitor the resources they need to find answers. The American Library Association [reports](#) that many public libraries are, for instance, “developing programs to help community members spot ‘fake news’ and evaluate information online.”

It’s not surprising, then, that in a time such as this, people are turning to their local library for information. Pew Research Center recently found that [87 percent](#) of millennials say the library “helps them find information that is trustworthy and reliable.” Seventy-four percent of baby boomers say the same.

It’s also not surprising that the Trump administration doesn’t seem to like libraries. Earlier this year, [the administration moved](#) to cut funding for the Institute of Museum and Library Services. In late August, the Senate, rebuffing the administration, [approved a funding increase](#) for the institute.

As Sue Halpern, a scholar in residence at Middlebury College, [explained](#) in the Nation, the institute has been “crucial for sustaining libraries, especially those in struggling urban neighborhoods and rural areas.”

In communities across the country, local libraries are struggling to stay open, and funding for local libraries is on the chopping block. Right now, in Mobile, Ala., a budget proposal is on the table that [could lead to](#) shorter hours or fewer programs within the library system there. If passed, the impact of such a cut would be significant. Scott Kinney, the director of the Mobile Public Library, [stated](#), “We are probably the most widely used city and county resource.”

Where communities have come together to defend this valuable resource, in places such as [Fort Wayne, Ind.](#), and [Columbus, Miss.](#), there has been some success. Boulder, Colo., is currently grappling with proposed budget cuts that would drop the Carnegie Library for Local History’s hours from 25 to [four each week](#). A coalition of local historians and researchers is pushing back, with activists peppering the library commission with emails and [protesting](#) at one of their meetings. Now, policymakers and staff in Boulder are [working to rearrange](#) the budget to keep the same library hours. “We heard loud and clear from community that Carnegie was too important to cut,” Boulder Mayor Suzanne Jones said.

Public libraries are essential for communities. While the powers that be attack the humanities (and sometimes, it seems, humanity itself), libraries provide research materials and books that can foster awareness and understanding. They provide the underserved a chance to be served and a shared space for community members.

Teenagers head to the library after school to study. Seniors visit the library to socialize. And millions of Americans who may not have a quality Internet connection at home [go to the library to get online](#). After all, [almost every public library](#) in the United States provides access to the Internet. Some libraries even provide career training and job preparation.

In his new book "[Palaces for the People](#)," [recently reviewed](#) by South Bend, Ind., Mayor Pete Buttigieg, sociologist Eric Klinenberg describes libraries as "the textbook example of social infrastructure in action." They are also a textbook example of democracy in action: Public libraries strive to be places where everyone is welcome and offer resources that everyone can access. They bring people together.

That is true in Joplin, Mo. In 2011, a tornado [destroyed up to a quarter](#) of Joplin. The local library was spared. Still, when the town rebuilt, it decided to build a new library in a section that was [among the worst hit](#). The new library is about 23,000 square feet larger than the old one and has indoor and outdoor spaces for the community to gather. It's a

symbol of rebirth for Joplin. Its slogan? "[At the center of it all.](#)"

Public libraries are at the center of our communities and our democracy. At the same time, they are, as Klinenberg [wrote](#) in an op-ed for the New York Times, "out of sync with the market logic that dominates our world." That's a good thing. With so much inequality and balkanization, public libraries are critical within the public sphere and, when fully supported, represent the best of government at work. They uphold the virtues of equality and community. If your library is under threat, it's worth defending.

Text

In brief: El Cerrito Library opens LGBT book collection

[compiled by East Bay Times](#) September 13, 2018 at 7:28

am

EL CERRITO

On Sept. 4, more than 110 people came to the El Cerrito Library to mark the historic grand opening of the Contra Costa County Library system's first LGBT+ Special Collection, made possible by a donation from The DeLoach and Troy Trust.

The collection includes fiction and nonfiction books for all ages that relate to gender identity and sexual orientation. While housed at the El Cerrito Library, individual volumes are available to all CCC Library cardholders. District I County Supervisor John Gioia; El Cerrito Mayor Gabe Quinto, City Councilman Paul Fadelli and Senior Community Library Manager Heidi Goldstein cut the new collection's rainbow ribbon.

The Friends of the El Cerrito Library and El Cerrito Library Foundation sponsored the event. The DeLoach and Troy trust, which has donated to libraries all across the country, was created in memory of two longtime Kensington

residents, James S. DeLoach and Eugene S. Troy.

“Part of the Library’s mission is to create equal access for all,” said county Librarian Melinda Cervantes. “This collection serves an important part of our community that is often overlooked.”

How a public library set me free

Richard Reyes-Gavilan May 16, 2014

My parents and two older brothers arrived in Queens from Cuba in 1967, squeezing into a one-bedroom apartment that got even more cramped when I showed up two years later. Suspicious of everyone and unable to communicate in English, my parents weren't about to let their kids roam unsupervised in the streets of their graffiti-strewn city. And since they both worked, we boys spent a lot of time at home making the best of our crowded quarters. School provided a welcome change of scenery, but that, too, was a somewhat constricting environment in which I was relegated to an uncomfortable chair in an overcrowded room for hours at a time.

The main public library on Merrick Boulevard was the first place I was allowed to visit on my own. I started going when I was 8. Everything I needed was located on what seemed to me an endless single floor. Wandering around that building aimlessly on a Saturday afternoon offered a sense of freedom I'd never experienced before.

Once my father dropped me off, it didn't really matter what I did so long as I could explore. I find it interesting that people

today say that libraries are no longer about books; they weren't really about books for me back in the 1970s, either. It was more about being around other people who looked like they were being productive — flipping pages, scrolling through microfilm, making copies, impatiently waiting for items. All this was fascinating to me.

I felt a certain level of dignity and self-respect at the library. I'd wonder how others perceived me, and at some point it dawned upon me that no one ever looked at me twice. They must have thought that I, too, was being productive. Why else would I be there? What a great feeling! I was no more and no less important than anyone in that building. That didn't seem to be true anywhere else.

I didn't borrow many books from the library despite spending practically every Saturday of my childhood there. I certainly browsed through hundreds and hundreds of them during my walks around the building — sports, reptiles and the solar system were my favorite sections of the stacks. But I felt no great need to bring books home. We had no room for books in our apartment anyway. I felt like a poor kid when I read books at home. I felt like everyone else when I read books at the library.

I came to Washington from Brooklyn a little more than two months ago. I was drawn by a number of reasons, but the most important was the opportunity to participate in the

[redesign of the Martin Luther King Jr. Memorial Library](#). This landmark — the [only public library](#), and only building in Washington, designed by [Ludwig Mies van der Rohe](#) — has fallen into disrepair and desperately needs modernization.

We recognize today that the focus of excellent library design should be to delight users, not to warehouse objects. This simple guiding principle creates boundless opportunities for architects and librarians to create inspirational centers of learning. In addition to providing shelves of books, libraries today must, at a minimum, provide those catalysts of curiosity that engage the mind and uplift the spirit: natural light, ubiquitous but largely invisible technology and a variety of spaces flexibly designed for independent study or collaboration.

[The renovated library](#) will certainly represent the most important civic structure in the District designed primarily for the use and enjoyment of residents. Certainly it will attract its share of visitors to the nation's capital as well. Regardless of who enters the new building, whether it be a retired tourist from Iowa or the son of poor immigrants from Cuba, we will ensure that it provides optimism, possibility, hope and, ultimately, happiness. Is there a better investment we can make in our city?

The writer is [executive director of the D.C. Public Library](#).

When Libraries Are 'Second Responders'

[Deborah Fallows](#) 2:50 PM / May 23, 2019



Above the doorway of the Columbus Metropolitan Library are the words *Open to All*. Deborah Fallows

Everyone knows about first responders. I've come to think of libraries as playing a crucial role as "second responders."

In Ferguson, Missouri, the public library [stayed open](#) when the schools were closed after the riots, to offer the kids a safe place and even classes taught by volunteers. After the hurricanes in Houston, some library websites were immediately up and running, announcing that they were open for business. After Hurricane Sandy, some libraries in New Jersey became [places of refuge](#). And in the Queens Library's Far Rockaway branch, which didn't have heat or light, the librarians set up shop in the parking lot to continue children's story hours "to give them a sense of normalcy," says Christian Zabriskie, who was a Queens librarian then. "Story time at the end of the

world” he called it. In Orlando, after the nightclub shootings, the library hosted an [art gallery](#) for those who made art as a way to express and share their reactions. After the Thomas Fire, the Santa Barbara Public Library invited the public to share their stories and lessons, to help heal and prepare for the future.

Libraries step in to fill gaps and offer help when normal channels are inaccessible. Pima County, Arizona, pays for a team of [nurses](#) to come to the library to help with medical questions for those who can’t or won’t go to a hospital, clinic, or doctor. In Charleston, West Virginia, librarians told me that they have launched searches for people to research health issues or concerns. In some libraries, librarians have Narcan training. In Bend, Oregon, a social worker has helped prepare the librarians to work with people who came in with sensitive, personal questions, such as how to meet their rent and mortgage payments.

Others report that they have helped people figure out how to have a dignified funeral when they have no money for one. In Las Vegas and surrounding Clark County, among the hardest-hit areas of the entire country during the 2008–2009 financial collapse, the leaders of the public-library system found ways to stretch and reprogram their budget to ensure that their system would stay open seven days a week during the crisis, because they knew their citizens would need its resources to cope with job loss, house foreclosures, and more.

Carved in the granite above the doorway of the imposing flagship Carnegie Library in Columbus, Ohio, are the words Open to All. I have seen homeless people line up waiting for the doors to open so they can spend the day inside comfortably and safely.

In my hometown of Washington, D.C., I trudged to our local library during an extreme cold-weather episode a year or two ago and read a handwritten sign saying that the library was closed because of the cold, and pointing to the emergency shelters that were open instead. Librarians have told me

that they've heard from homeless people about one of the important reasons they go to libraries: These are the only places where they are treated with respect. Librarians also told me about the various rules and regulations they impose about noise, sleeping, eating, "bathing" in restrooms, disruptive behavior, and storage of belongings. They say that occasionally people are placed on "sabbatical" from the libraries for infringements and are sometimes referred to public places where they can take showers. None have reported serious incidents to me, which suggests that respect is mutual.

The most serious of these examples are testament to the trust that citizens place in their libraries and librarians. The Pew Research Center [reports](#) that 78 percent of people say libraries help them to find information they can trust. Librarians are nothing if not discreet. I have asked librarians about their users looking at pornography on the public computers. They demur, kind of, and say that they don't look at what people are doing on the computers, and others say that they only step in when someone complains.

Zabriskie, who now works in Yonkers, points to the complexity of being a librarian these days. "Amidst glory days of librarianship," he says, "there can be trauma. If every day's work were just reading to toddlers, great. But sometimes those kids are homeless."

"Sometimes librarians are Batman," Zabriskie says. "Sometimes they are ghosts in the machine. We have to resist hardening the space."

If these are the libraries acting as second responders, there are also plenty of cases where they respond as providers of second chances.

The Los Angeles Public Library offers a chance to earn a [high-school degree](#) for those who missed out the first time around. Mayor Eric Garcetti and City Librarian John Szabo hand out diplomas. The most popular volunteer opportunity at the Smiley Library in Redlands, California, is for

adults to teach other adults how to read and write. Public libraries across the country offer a variety of paths to help people find new economic opportunity, with job and interview support and digital skills training.

And listen for how often you hear adults credit the public library as the place that spirited them away in their youth from anger or sadness or boredom at home. Many libraries make themselves appealing to schoolchildren of any age as a safe, warm place to do homework or just hang out when they can't or won't go home. I have seen and heard variations on this theme that range from the library being the only place the kids could go, to the library being the cool place where teenagers would hang out. I heard these comments from the desert communities of Arizona to the small towns of California to the urban centers of the Midwest and East Coast.

There are libraries in prisons, for those who can't go out, and books delivered to prisons when inmates request them. Library books are delivered to remote schools in Kanawha County, West Virginia, for teachers who don't have access to materials. Extending that metaphor of the library coming to the people, I have seen pop-up libraries in parks in Wichita, Kansas. There is a summer program around Minneapolis lakes to lend books in watertight containers from a library raft to boaters. And there is a library in the big shopping mall in Ontario, California, opportunistically placed for presumably reluctant shoppers who accompany enthusiastic shoppers.

Welcome to the new realities of public libraries and librarians.

Attachment 5

Friends of the El Cerrito Library Spending on Programs

2017	Kids	Teens	Adult
Jan	467.53		
Feb	240.00		
Mar			
Apr	200.00		350.00
May			
Jun	316.64		
Jul	250.00		
Aug	92.62		
Sep		14.05	
Oct			784.49
Nov			
Dec	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	1,566.79	14.05	1,134.49

2018	Kids	Teens	Adult
Jan	375.00		
Feb	49.02		
Mar	0.00	22.25	
Apr	942.08		25.00
May	427.21		539.65
Jun	1,191.60	65.18	
Jul	1,285.00		67.33
Aug	684.30		410.00
Sep	250.00		
Oct	625.00	150.00	550.00
Nov			250.00
Dec	<u>231.30</u>	<u>65.34</u>	<u>60.00</u>
Total	6,060.51	302.77	1,901.98

2019	Kids	Teens	Adult
Jan	154.18	0.00	20.00
Feb	52.87	0	1,050.00
Mar	462.06	80.49	355.00
Apr	236.67	40.29	365.00
May	700.00	730.21	550.00
Jun	375.00	0.00	200.00
Jul	1,499.46	0.00	525.00
Aug	728.06	254.44	0.00
Sep	0.00	0.00	259.73
Oct	153.53	0.00	91.04
Nov	116.66	103.55	545.00
Dec	<u>0.00</u>	<u>0.00</u>	<u>85.31</u>
Total	4,478.49	1,208.98	4,046.08

Attachment B

Memorandum dated February 20, 2020,
submitted to the members of the City Council,
providing quantifiable data concerning the
usage of our branch library showing more
directly the benefit to our neighbors of the city-
funded hours.



Michael A. Fischer
El Cerrito City Nominated Commissioner
and Vice-Chair
Contra Costa County Library Commission
Email: eclibrarycommissioner@gmail.com



To: Mayor Greg Lyman
Mayor Pro Tem Paul Fadelli
Councilmember Janet Abelson
Councilmember Rochelle Pardue-Okimoto
Councilmember Greg Quinto
City Manager Karen Pinkos
Assistant City Manager Alexandra Orologas
City Clerk Holly M. Charl  ty

From: Michael A. Fischer
City Designated Library Commissioner

Date: February 10, 2020

Subject: Effect of Adequate Hours on Library Usage

Summary: The effect of the adequate additional hours for our library by the city has resulted in the following:

- **Increased annual patron usage (door counts) by 48,007 during the additional hours (an increase of over 43%)**
- **Increased computer logins of 5,064 per year (an increase of over 48%)**

Beginning in April, 2018, the El Cerrito branch of the Contra Costa Public Library System went from being open 35 hours a week, as provided by the county, to 50 hours a week with a supplemental payment from the city of \$120,000 per year provided by action of the city council. The reasons for this action and many of the benefits are discussed in other materials from me. This memorandum is a quantification of the actual numbers of people benefited by the increase to adequate hours based on two criteria: (1) additional patron visits to the library (also known as door counts); and (2)

computer logins representing a quantifiable effect of the adequate hours on the digital divide.

The figures in this memorandum have come from various statistical figures kept by the county library system. Unfortunately, due to a ransomware attack on the county library's computer system last month, access to the server with the most current data has not yet been restored. This memorandum uses data obtained from the county on several occasions before the ransomware attack.

1. Door Count

Summary: Fiscal year 2018-2019, the latest full year, shows that the new hours resulted in 48,007 additional patron visits an increase of over 43% in library usage. This is equivalent to each adult and child in El Cerrito visiting the library almost 2 extra times per year.

One statistic as to the number of people served by the library is the door count. The entry gates note the number of people who enter the library during open hours. The system does not note specific individuals, so it counts total entries, not unique entries.

We have annual door counts for fiscal year 2016-2017 (the last year with no full-service hours), fiscal year 2017-2018 (the transition year where full-service hours were in effect for the last three months of that year), and fiscal year 2018-2019 (which had full-service hours the entire year. The data we have access to is not broken down monthly.

Total Yearly Door Counts

Hours Period	Fiscal Year 2016-2017	Fiscal Year 2017-2018	Fiscal Year 2018-2019
Wednesday	0	4,367 (3 months only)	23,704
Friday Morning	0	1,501 (3 months only)	6,049
Sunday	0	2,228 (3 months only)	18,254
Total	0	8,096 (3 months only)	48,007

The additional door counts can be put into perspective as to total library usage by noting that the total door count for fiscal year 2016-2017 was

109,404, so that the 48,007 increase in the periods funded by the additional hours represents an over 43% increase in the door count post adequate hour funding.

The trend in usage of the additional hours is also up. The data for fiscal year 2017-2018 shows an annualized increase of 32,384. The actual annual data for fiscal year 2018-2019 shows an additional increase of over 48% over the annualized data for the 2017-2018 fiscal year.

2. Computer usage

Summary: Computer usage increased by over 48% following implementation of the adequate hours.

Patron visits are an important figure. But equally important is the figure on computer usage. This number is very important because it represents, in part, the effect of the adequate hours on the digital divide. People who do not have computers, and people who do not have access to the internet at home, are important users of the library's publicly available computers.

The data we have is monthly computer logins using the publicly available computers at the library (and before the recent additional resource of laptops which also are only available when the library is open). We have data from January, 2018, through May, 2019. The raw data is attached. (See attachment 1.)

The table on the following page shows the computer logins (average monthly) in the El Cerrito Library as compared to the countywide library logons for the period from January, 2018 through May, 2019, divided into the period before and after implementation of adequate hours.

Before implementation of adequate hours, computer logins per month averaged 878 which represented 2.42% of the total computer logins countywide during the same period. After implementation of adequate hours, computer logins per month averaged 1,300 which represented 3.57% of the total computer logins countywide during the same period.

This is an increase of 422 logins per month or 5,064 increased logins per year, a huge percentage increase of over 48%.

Computer Usage Before and After Implementation of Adequate Hours

	El Cerrito Computer Logins	Countywide Computer Logins	El Cerrito Logons as Percentage of County Logins
Before Adequate Hours	878	36,440	2.42%
After Adequate Hours	1,300	36,593	3.57%

There was a small increase countywide from 36,440 logins per month before adequate hours to 36,593 logons per month after adequate hours. Indeed, without the increased logins provided by our library after adequate hours, there was actually a decrease in average monthly logins countywide after implementation of adequate hours.

Conclusion

The adequate hours authorized by the city council in 2017 and implemented in April of 2018 is a significant success. It has resulted in increased usage by the library as measured by patron visits and computer logons.

Table 1

Month	El Cerrito	County Total
1/17	854	34020
2/17	795	34112
3/17	863	34587
4/17	1028	36488
5/17	973	41243
6/17	790	38806
7/17	866	38761
8/17	909	39756
9/17	976	40761
10/17	827	39731
11/17	856	35275
12/17	793	34909
1/18	767	36191
2/18	1151	34976
3/18	716	26984
4/18	1225	37220
5/18	1278	39914
6/18	1076	32370
7/18	1161	36152
8/18	1418	39981
9/18	1427	38796
10/18	1580	42874
11/18	1137	34198
12/18	1402	36633
1/19	1281	37593
2/19	1314	37804
3/19	1663	43594
4/19	1397	35372
5/19	845	19797

Attachment C

Historical summary of the shared responsibility for library costs between cities and the county.

Attachment C

Historical Summary of the Shared Responsibility for Library Costs Between Cities and the County

The county library was established by the Board of Supervisors in 1913. https://en.wikipedia.org/wiki/Contra_Costa_County_Library. The Richmond City Library was established in 1909. At the time of the establishment of the county library system, Richmond chose to remain separate. There is, apparently, a complex mechanism that would permit the two systems to merge.

When the county library system was established in 1913, the newly appointed county librarian encouraged anyone who wanted to do so to open a library. That call was answered in Rust (as pre-incorporated El Cerrito was known) by a teacher at Fairmount School and our branch library was opened in the Rust Post Office. The branch was patronized by 93 library card holders, was open three afternoons a week, and had 50-100 books. For more of the history of our library including how we came to the present building see the history posted by the El Cerrito Library Foundation at <https://eclibraryfoundation.org/case-for-a-new-library/history/>. Note that the El Cerrito Library predates the city by four years.

Over time, various library buildings were established in the county and the county continued to provide library services. Eventually, the state provided authority to the counties to impose a library tax not to exceed one mill per dollar of assessed valuation. Ultimately, the requests for library buildings eventually exceeded the amount of the one mill tax and in 1956 the Board of Supervisors established a policy that the one mill tax would be used to provide library services and not to fund no facilities. “(L)et it be resolved that the Board of Supervisors announce its continued policy to provide personnel and books and other library materials within the

limitation of the one mill tax ... whenever communities indicate their need and practical interest by providing suitable library quarters.” (See resolution attached.)

Despite the issues raised by Proposition 13, the county continued to fund the library system at the one mill rate. By the time of the 2008 financial crisis, the normal county personnel permitted a location to be open for 28 hours a week. In addition, the facilities management of many of the older libraries (including significant aspects of the El Cerrito branch) was handled by the county, even though the city owned the building. The financial crisis precipitated a study of the continued financing of the county library system and resulted in a long report entitled *Library Facility Ownership and Status Report* which can be found at http://64.166.146.245/docs/2010/BOS/20101102_128/6152%5FFacility%20Ownership%20status%20report%20%2D%20final%20to%20Board%2Epdf. The report recommended transfer of responsibility for library properties including facilities management to the cities in which such facilities existed. It noted that this action “would result in the following benefits:

1. The Library will more equitably allocate its resources throughout the County by avoiding the cost of facilities, which vary significantly among different libraries. There are increasing and significant inequities in how County Library funds are spent for facility related costs.
2. The Library can determine a base level of open hours to be funded at all libraries. Cities can take responsibility for providing and funding facility related costs or the County will use funds allocated to the base level hours to fund facility related costs and these libraries will have reduced hours. All cities would be treated equitably and decisions made by

individual communities will no longer have a negative impact on other community libraries.

3. The Library's 18 different occupancy agreements and leases will be simplified and streamlined with the development of a uniform agreement. Lack of consistency and understanding has resulted in confusion over roles and responsibilities and a number of inefficiencies and duplication of effort. Negotiating separate agreements with individual cities is far less efficient than the cities and the County coming together to agree on a set of uniform roles and responsibilities. This is particularly important given the several new and replacement libraries.
4. The cities can build new or replacement facilities as they deem necessary. The cities will be able to perform facility related work in a way that is most cost effective for each city, possibly for less than current County costs to provide these services.
5. County Library funds will be spent to provide open hours and library resources.
6. Existing practices will be formalized and clarified. For example, the County has not provided custodial and landscaping services at any of the new libraries built in at least the last twenty years.
7. The Library will not need to add staff positions devoted solely to facilities management, and will instead devote these resources to library services.

The net result of this new policy resulted in essentially identical agreements between the county and each of the branch cities, assumption of facilities management by the cities, and increase in county-provided library hours from 28 to 35 hours a week.

ADMINISTRATION**BOARD OF SUPERVISORS' RESOLUTIONS****Statement of Policy with Reference to Providing Personnel, Books and Other Library Materials**

Issued: November 27, 1956
Added to Policy & Procedure Manual: May 2007

In The Board of Supervisors
of
Contra Costa County, State of California

November 27, 1956

In the Matter of
Statement of Policy with reference
to providing personnel, books and
other library materials.

WHEREAS, it has been the policy and practice of the Board of Supervisors of Contra Costa County to provide personnel, books and other library materials for a county library service wherever communities furnished suitable library quarters; and

WHEREAS, in recent years there have been accelerating requests from local areas for enlarged library buildings to be provided by the county; and

WHEREAS, the Board of Supervisors under Section 22163 of the California Education Code may make general rules and regulations regarding the policy of the county free library; and

WHEREAS, under Section 22173 of the California Education Code, the fiscal support of the county library is limited to "a tax not to exceed one mill on the dollar of assessed valuation"; and

WHEREAS, the sum of money raised from county taxes as limited under Section 22173 of the California Education Code is deemed inadequate for the construction of branch library buildings in addition to the operating expenditures of county library service;

THEREFORE, let it be resolved that the Board of Supervisors announce its continued policy to provide personnel and books and other library materials within the limitation of the one mill tax mentioned heretofore wherever communities indicate their need and practical interest by providing suitable library quarters.

Resolution passed this 27th day of November, 1956, by the following vote:

AYES: Supervisors - I. T. GOYAK, RAY S. TAYLOR,
W. G. BOCHANAN, J. FREDRICKSON

NOES: Supervisors - NONE

ABSENT: Supervisors - H. L. CUMMINGS.

I hereby certify that the foregoing is a true and correct copy of an order entered on the minutes of said Board of Supervisors on the date aforesaid.

Witness my hand and the Seal of the Board of Supervisors

officed this 27th day of November, 1956

W. T. PAASCH, Clerk

By W. S. Schubert Deputy Clerk.

Contra Costa County Library Policy and Procedure Manual

50-2.1

Revised from original (Contra Costa County Board of Supervisors) 1956. Added to Policy & Procedure Manual May 2007.

Attachment D

Article on Elimination of Library Fines

Why many libraries are eliminating late fees

[Rachel Kramer Bussel](#)

Library fines are swiftly becoming a thing of the past with the recent trend of libraries eliminating them in favor of other models regarding return of outstanding materials. A library in northeast Ohio is among the latest to eliminate fines, according to [The News-Herald](#). The Geauga County Public Library system, which operates six libraries and a bookmobile, will eliminate fines starting on January 1, 2020, for all items except telescopes, new video games and Blu-Ray DVDs. Those with materials over 21 days overdue won't be able to check out more because their cards will be blocked, which will be reversed once the items are returned.



The Denver Public Library is one of many libraries across the United States that has eliminated late ... [+]

Getty Images

The library [Tweeted](#) on December 27 about going fine-free, writing, "GCPL Administration hopes that going fine-free will reduce barriers to service and move towards a connection with the community that does not involve negative association with fines."

In November, [NPR reported](#) that public libraries in cities such as San Diego, Chicago and Boston had also banished library fines as a way to make libraries more accessible, regardless of financial status. Ramiro Salazar , President of the American Library Association's public library division,

told NPR, "Library users with limited income tend to stay away from libraries because they may be afraid of incurring debt. It stands to reason these same users will also stay away if they have already incurred a fine simply because they don't have the money to pay the fine."

At the 2019 ALA Midwinter meeting, a [resolution](#) by Peter Hepburn, Councilor At-Large, was introduced urging libraries to eliminate monetary fines because they "present an economic barrier to access of library materials and services" and "there is mounting evidence that indicates eliminating fines increases library card adoption and library usage." The resolution also urged "governing bodies of libraries to strengthen funding support for libraries so they are not dependent on monetary fines as a necessary source of revenue."

This trend is growing in both libraries in major cities, such as Los Angeles, which will [get rid of late fees](#) starting in spring 2020, and smaller communities. In December, The Free Library of Philadelphia voted to eliminate fines for overdue items, although lost items will still require payment for replacement. According to [The Philly Voice](#), The Free Library of Philadelphia Board of Trustees Chair Pamela Dembe said in a statement, "We are delighted to be able to join many libraries across the country in removing overdue materials fines as a barrier for customers. We look forward

to welcoming back many customers and long-missing materials in the near future."

Other libraries have been more selective about library fines, with Wisconsin's Wauwatosa Library eliminating fines on children's books in December. According to [WDJT CBS 58](#), "Library staff found that more than 70-percent of blocked Wauwatosa library cards were blocked solely because of overdue fines. These people had actually returned all of their library materials."

Washington state's Timberland Regional Library system voted unanimously this month to stop charging late fees for books. [The Chronicle](#) noted that "The amount of revenue generated by library fines has been trending downward over the last few years due to the use of digital materials." Corby Varness, the Timberland Board of Trustees' Grays Harbor County representative, told the paper, "I work with kids all the time, I hear it all the time: 'I don't go to the library, can't afford it. You have to pay.' But if they have a late fee, they think they can never go back. And these are kids that are sucking up books, but aren't using our library because they can't pay some piddly fine. I think we can take a 1 percent hit if it gives us more users."

Tennessee's Nashville Public Library was an early adopter of these policies in 2017, when they erased any outstanding library fines and stopped collecting them. The library's

Director Kent Oliver told [WKRN](#) at the time, "Accessibility for all in our community is a core value for Nashville Public Library; it's at the center of how we view our library. That's why it makes sense to do away with late fines."

The Denver Post reports that after the Denver Public Library got rid of library fines, residents are [returning to the library](#), with 35 percent of patrons who'd had overdue fines now re-engaging. After Minnesota's St. Paul Public Library System stopped collecting late fees in January 2019, they saw a positive response. Library staffer Mark Vue of Rondo Community Library told the [Star Tribune](#), "People are coming back to the library because they heard about this."

Attachment E

Samples of recent and upcoming El Cerrito Library
program offerings.

The Lizard Lady Reptile Show!

Saturday, March 7th | 2:00 p.m.

El Cerrito Library



Meet exciting snakes and lizards with **The Lizard Lady!**
Children of all ages will learn about endangered
rainforest species from these beautiful reptile
ambassadors.

This free program is made possible by the
Friends of the El Cerrito Library.

El Cerrito Library

6510 Stockton Ave. 94530 | 510.526.7512
Mon 12-8 • Tues 12-8 • Wed 10-6 • Thurs 10-6
Fri 10-5 • Sat 10-5 • Sun 1-5

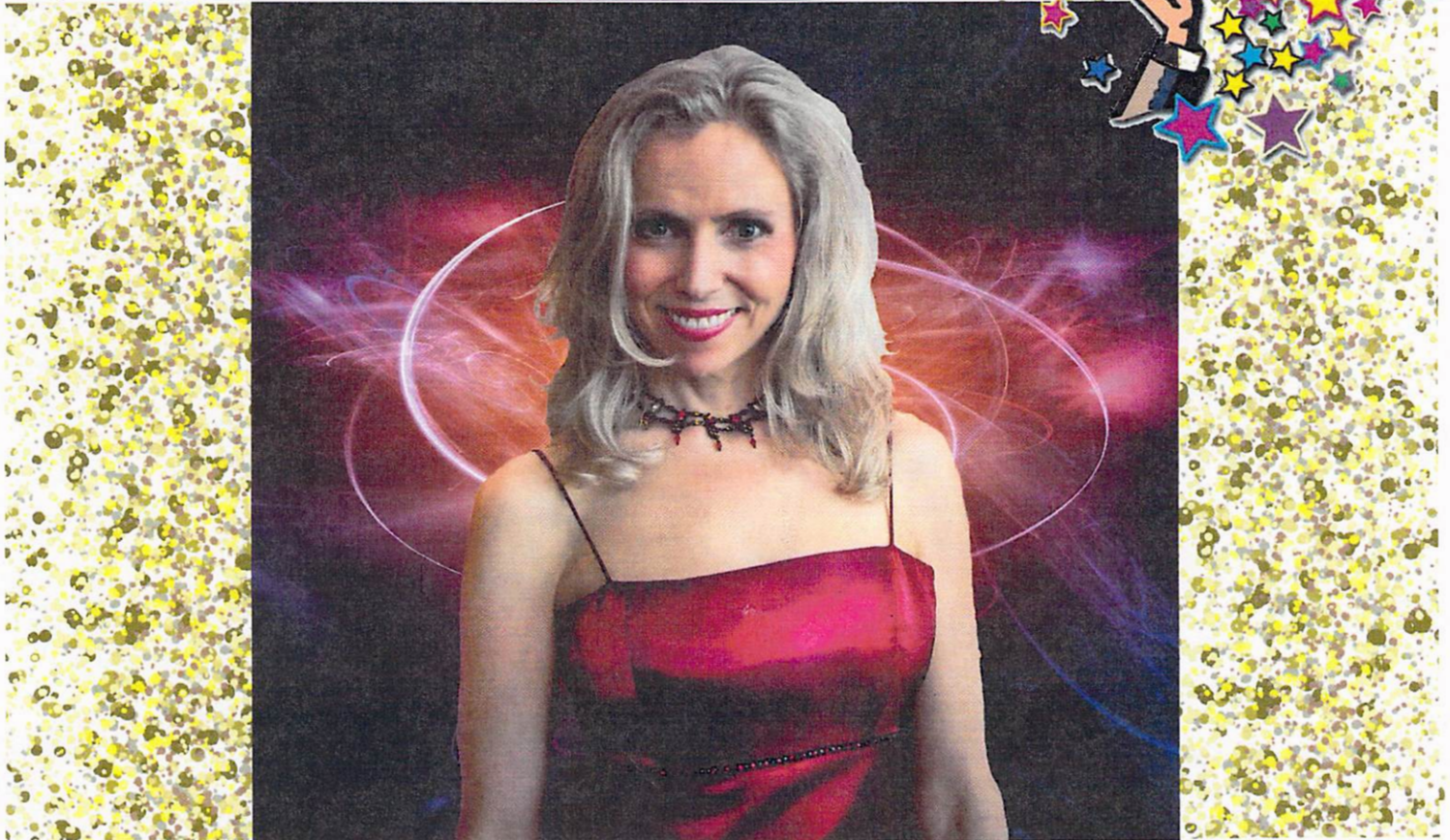
*For special accommodations, please contact the Library with 72 hours notice.



Women in Magic: a Spectacular Magic Show featuring Heather Rogers

Tuesday, March 10th | 6:00 p.m.

El Cerrito Library



Come to El Cerrito Library for a magical, entertaining and educational program for Women in History Month featuring award-winning magician *Heather Rogers*!

Before the show, check out Heather's Four Coin Tutorials to learn a few magic tricks! You never know, you might be asked to come on stage and show them off. www.heathermagic.com/four-coin-tutorials

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Fri 10-5 ▪ Sat 10-5 ▪ Sun 1-5

*For special accommodations, please contact the Library with 72 hours notice.



Recycled Instrument Making Workshop and Drum Circle

Monday, March 16 | 6 p.m.



Come and join us for an instrument making workshop and drum circle hosted by one of our current El Cerrito Creative ReUse artists in residence, Kloe Chan. The workshop is free and all materials will be provided, so just bring yourself and a friend!

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Recycled Paper Puppets!

Thursday, March 19th | 3:00 p.m.
El Cerrito Library



Join ECCRU artist **Risa Dye** in making your own take-home recycled paper puppet. We will make puppets using materials Risa finds at the El Cerrito Recycle center. You'll create your own character, build your puppet and bring it to life! Bring your creativity and imagination.

This free program is made possible by the
Friends of the El Cerrito Library.

El Cerrito Library

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After School Snacks with ECHS' Breakfast Club!

Monday March 23rd | 3:30 p.m.
El Cerrito Library



Photo from www.glitterandbubbles.com

Join El Cerrito High School's *Breakfast Club* for a cooking lesson after school! Learn how to make a simple, delicious dish using minimal tools and maximum flavor.

This month's dish: Ladybug Crackers!

please be aware of your own food allergies and dietary restrictions

El Cerrito High School's Breakfast Club is a student-run organization committed to teaching its members how to cook healthy meals that also taste

This free program is made possible by the
Friends of the El Cerrito Library

El Cerrito Library

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EL CERRITO LIBRARY'S

TWEEN BOOK CLUB

Meets the 2nd Wednesday of the month

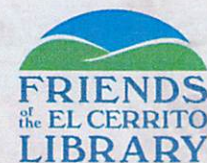
*** 3:30-4:30 pm ***

Teens ages 11-13 are welcome to join.

Snacks will be provided!!

EL CERRITO LIBRARY • 6510 Stockton Ave. • (510) 526-7512

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Tween Book Club 2020

The El Cerrito Library Book Club for students ages 11-13

Meetings are held on the 2nd Wednesday of the month at 3:30pm.

Jan 8: **The Lightning Thief** by Rick Riordan

Feb 12: **Moo** by Sharon Creech

Mar 11: **Harry Potter and the Sorcerer's Stone** by J.K. Rowling

Apr 8: **Wolf Hollow** by Lauren Wolk

May 13: **Wild Robot** by Peter Brown

Jun 10: **Soof** by Sarah Weeks

Jul 8: **Counting by 7s** by Holly Goldberg Sloan

Aug 12: **A Night Divided** by Jennifer A Nielsen

More to come in Fall 2020!

Limited copies of the chosen book will be available to check out at the circulation desk one month prior to the club meeting.



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ESL CONVERSATION GROUP

Come by the library to practice English, meet people, and have fun! The group is led by experienced, certified ESL teachers, is free, and open to everyone with basic conversational English skills. Tuesdays at 4:30pm.

EL CERRITO LIBRARY * 6510 STOCKTON AVE * 510-526-7512

EL CERRITO LIBRARY YARN GROUP



**FIRST MONDAY/MONTH
6:00PM**

Come by and join us!

We have lots of free yarn, knitting needles and crochet hooks.
Work on your own projects or make items for charities.

All skill levels are welcome - we'd be thrilled to show you how
to knit and/or crochet!

meditate

WEDNESDAYS, 10:15AM

**Join us for 45-minutes of guided
meditation, led by volunteers from
East Bay Meditation Center.**



EL CERRITO LIBRARY * 6510 STOCKTON AVE * 510-526-7512
MON/TUES 12-8 * WED/THURS 10-6 * FRI/SAT 10-5 * SUN 1-5



Reading & Writing

Thursday, March 12 | 1:00 p.m.

Talking & Singing

Thursday, March 19 | 1:00 p.m.

Imagination & Motor Skills

Thursday, March 26 | 1:00 p.m.

Explore skills helpful to children entering kindergarten in the Fall.

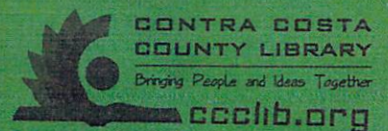
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Sat 10-5 ▪ Sun 1-5

For special accommodations, please contact the Library with 72 hours notice.



From: [Charles Taylor](#)
To: [City Clerk](#)
Subject: Commentary for City Council Meeting for March 17, 2020; Item 5B Library Report
Date: Friday, March 13, 2020 4:30:08 PM

To the El Cerrito City Council:

I am submitting comments on the report of the Library Commissioner, Michael Fischer, Item 5.B. on the Agenda for the Council's March 17, 2020 meeting. In summary I support Commissioner's report and request that the library's budget be sustained

I have been a resident of El Cerrito since 1984 and my wife and raised our two daughters here. Both went to excellent post high school schools, Amherst College and Swarthmore College. My older daughter and her husband and two children live in El Cerrito.

During their younger years my children benefitted greatly from the library as did my wife and I. I have been a strong advocate for the Library and have deeply appreciated the expanded, now adequate, hours that the library has operated in the past year or so. I am an active user of both books, Libby audio books, and Canopy films.

I worked in Finance at UCSF in both the Medical Center as Budget Director and in the Chancellor's budget office negotiating terms of the campus's terms for reimbursement for the overhead costs of the research performed by the faculty and staff. I mention this experience because I understand the importance of wise decision making when confronting how to accommodate budgetary challenges. It is important not to hurt the most valuable parts of the organization and to do as little harm as possible to any part of the organization.

If our city is to thrive and meet its financial goals of building the reserve fund, especially in this time of the impact of the Corona Virus/COVID-19 on our city and county, I believe the El Cerrito Library should be spared from cuts in funding. As Commissioner Fischer clearly demonstrates, El Cerritans have demonstrated their value of the library's services by their dramatic increase in using the facility, by the high quality of the staff, the programs and its expanded hours. I walk under the BART tracks and past the library many days of the week at different times. I always see active utilization of the parking areas and many people of many ages through the windows. I see lines of people checking out books, DVDs, CDs, using the reading areas for newspapers in many languages, participating in programs such as storytelling to small children or dance performances by groups of a given ethnic background. I encounter smiling, helpful staff with helpful suggestions and I see people leaving the circulation desk with satisfied, anticipatory faces, arms full of material.

In light of my experience of almost 40 years in El Cerrito and of using the El Cerrito library, I urge you to sustain the budget of the library as we find our way forward through the challenges ahead.

Sincerely,

Charles M. Taylor
[REDACTED] Street

From: [Al Miller](#)
To: [City Clerk](#)
Subject: Public Comments - Library Hours
Date: Monday, March 30, 2020 11:15:22 AM

Public Comment strongly supporting “*Comments on funding of library hours by Michael A. Fischer, El Cerrito Resident and El Cerrito Designated Member of the Contra Costa County Library Commission*” submitted March 29 at 11:04 pm.

Mayor Lyman, Mayor Pro-Tem Fadelli, and Councilmembers Abelson, Pardue- Okimoto, and Quinto:

My name is Al Miller and I am a resident of El Cerrito.

I am writing in strong support of Michael Fischer’s comments identified above. I would add that regular access to our library and the computers and Internet access it provides to the portion of our community that does not have such access in their home is more important this year because of the change in the method of collecting census data to an on-line process.

Al Miller, President, El Cerrito Library Foundation



AGENDA BILL

Agenda Item No. 4.H.

Date: April 7, 2020
To: El Cerrito City Council
From: Sgt. Ian Wong, Police Department/Crime Prevention Committee Liaison
Subject: Crime Prevention Committee Appointment

ACTION PROPOSED

Approve a Crime Prevention Committee recommendation to appoint George Gager to the Crime Prevention Committee, effective May 7, 2020.

BACKGROUND/ANALYSIS

An application to be appointed to the Crime Prevention Committee (CPC) was recently received from George Gager, who has attended three meetings of the Crime Prevention Committee. During the regular Committee meeting on February 12, 2020 the Committee voted unanimously to recommend to the Council that George Gager be appointed to the Crime Prevention Committee.

George has lived in El Cerrito for the past thirteen years, and brings with him over forty years of experience developing residential, office, manufacturing, retail and medical real estate. If the City Council approves this recommendation, the number of Committee members will be 6. Resolution 2013-66 establishes the maximum committee size at 15.

STRATEGIC PLAN CONSIDERATIONS

This section is not applicable to this agenda item.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

Karen Pinkos, City Manager

Attachments:

Application(s) on file with the City Clerk



AGENDA BILL

Agenda Item No. 4.I.

Date: April 7, 2020
To: El Cerrito City Council
From: Bridget Cooney, Recreation Supervisor, Recreation Department
Subject: Committee on Aging Appointment

ACTION PROPOSED

Approve the Committee on Aging recommendation and appoint David Van Etten to the Committee, effective May 7, 2020.

BACKGROUND AND ANALYSIS

In July 2019, the City received an application from David Van Etten to serve on the Committee on Aging (COA). After submitting his application, David Van Etten attended four regular meetings of the COA – in September and November 2019 and January and February 2020. At their February 19, 2020 meeting, the COA voted unanimously to recommend to the City Council that Mr. Van Etten be appointed to the COA.

Mr. Van Etten is a resident of El Cerrito and is passionate about serving the community in which he lives. He brings a variety of relevant experience to the COA, volunteering with the aging community and caring for aging parents. Mr. Van Etten has been a resident of El Cerrito for three years. Mr. Van Etten is interested in issues affecting the aging population and in inter-generational programs. His experience includes being a published author of twenty poems, an essay, and a law review article as well as working as a writing teacher at UC Berkeley School of Law, an LLP representing startups and investors and experience working for Wells Fargo Bank, N.A. as a manager, negotiator and compliance officer. He has a Juris Doctorate degree from University of California Berkeley, a Master of Art degree from the University of Wisconsin and a Bachelor of Art from Santa Clara University.

He has attended at least three consecutive regular Committee meetings, as required by the enabling resolution (Resolution 2007-96) for the COA. If the City Council approves this recommendation, the number of Committee members will be thirteen out of a possible membership total of fifteen.

STRATEGIC PLAN CONSIDERATIONS

Approval of David Van Etten to the Committee on Aging will help fulfill the City of El Cerrito Strategic Plan Goal C "Deepen a sense of place and community identity" with the identified strategy "Celebrate the City's diversity by welcoming residents of all ages and cultures and encouraging their civic involvement".

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

Application(s) on File with the City Clerk

RESOLUTION 2020-XX

RESOLUTION IN SUPPORT OF A BUS-ONLY LANE ON THE BAY BRIDGE

WHEREAS, Interstate 80 is consistently in the top five of congested freeways in the nation and the Metropolitan Transportation Commission (MTC) consistently ranks the San Francisco-Oakland Bay Bridge Corridor as the most congested corridor in the region; and

WHEREAS, this congestion has caused traffic gridlock in the East Bay which has resulted in delays to work, time lost to personal and family life, and an increase in air pollution from stalled vehicle; and

WHEREAS, California State Senate Bill (SB) 32 - 2016, requires that statewide greenhouse gas (GHG) emissions must be reduced by 40% below the 1990 level by 2030, and

WHEREAS, a major goal of the State is to reduce GHG emissions from the most contributing transportation sector, and

WHEREAS, the MTC's Bay Area Core Capacity Transit Study (2017) found the Bay Bridge Corridor operated at its peak of capacity (105%) in 2015 and with all planned improvements would be operating at 152% of capacity by 2040; and

WHEREAS, a bus-only lane on the Bay Bridge would allow faster and less congested travel and attract additional passengers who might otherwise be driving their vehicles alone, and

WHEREAS, the residents of the City of El Cerrito could use additional options for commuting into San Francisco, with a bus-only lane also freeing up space on BART and local freeways to accommodate additional commuters; and

WHEREAS, a bus only-lane could encourage greater bus purchases and routes which could assist residents in the El Cerrito Hills increasingly challenged for transit options and parking at BART stations; and

WHEREAS, the City Council of the City El Cerrito supports efforts to better utilize regional infrastructure to move people instead of vehicles and improve the region's air quality, and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby calls on the MTC and the California State Transportation Agency to begin the process of considering and planning access infrastructure improvements to accommodate and implement a bus-only lane on the San Francisco-Oakland Bay Bridge.

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

I CERTIFY that at a regular meeting on April 7, 2020 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 April _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



OFFICE OF THE MAYOR

Gregory B. Lyman

Agenda Item No. 4.K.

April 7, 2020

The Honorable Ben Allen
California State Senate
State Capitol Building, Room 4076
Sacramento, CA 95814

**Re: SB 54 (Allen) California Circular Economy and Plastic Pollution Reduction Act.
Notice of SUPPORT (As Amended 9/10/19)**

Dear Senator Allen:

The City of El Cerrito is pleased to **Support** SB 54 (Allen), the California Circular Economy and Plastic Pollution Reduction Act. This bill directs the California Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations before January 1, 2024 that require producers, which includes the people who manufacture single-use packaging or priority single-use products, to achieve a 75 percent reduction of waste generated from single-use packaging and priority single-use plastic products in the California market by 2030. The law would strive to reduce the environmental impacts of single-use packaging, defined as packaging that “is routinely recycled, disposed of, or discarded after its contents have been used...”, and priority single-use products, defined as “food service ware, including plates, bowls, cups, utensils, stirrers, and straws”.

SB 54 also requires CalRecycle, by January 1, 2023 and before the adoption of regulations, to finalize an implementation plan that will be comprised of extensive outreach with stakeholders, including local governments. This will give local governments a voice in the creation of the forthcoming regulations to address potential implementation challenges.

Additionally, the implementation plan includes developing incentives and policies to maximize and encourage in-state manufacturing using recycled material generated in California. Developing these incentives will address the lack of recycling markets in California, as recyclable materials once shipped overseas are now piling up with nowhere to go.

This legislation would help divert a greater share of the approximately 8,000 tons of trash currently generated in El Cerrito each year and aligns with the City's Strategic Plan Goal F to foster environmental sustainability citywide, by fulfilling the strategy to “implement policies to promote waste diversion”. Moreover, as the City of El Cerrito continues to grapple with the increasing costs of recycling and waste diversion, this legislation seeks to reduce the amount of non-recyclable plastic waste generated in the first place.

Cities, like ours, have dedicated significant time and resources to develop and implement their recycling programs and want to ensure city recycling programs continue to be successful. SB 54 will help local governments recycle more materials, throw less waste into landfills, and advance

towards meeting statewide solid waste and recycling goals. The City of El Cerrito is supportive of meeting these goals and applauds your leadership on this issue.

For these reasons, the City of El Cerrito Supports SB 54.

Sincerely,

Gregory B. Lyman, Mayor
City of El Cerrito

cc: Nancy Skinner, California State Senator (SD 9)
Buffy Wicks, California State Assembly Member (AD 15)
Sam Caygill, League Regional Public Affairs Manager (via email: scaygill@cacities.org)
League of California Cities (via email: cityletters@cacities.org)



OFFICE OF THE MAYOR

Gregory B. Lyman

April 7, 2020

The Honorable Lorena Gonzalez
California State Assembly
State Capitol Building, Room 2114
Sacramento, CA 95814

Re: AB 1080 (Gonzalez) California Circular Economy and Plastic Pollution Reduction Act.
Notice of SUPPORT *(As Amended 9/09/19)*

Dear Assembly Member Gonzalez:

The City of El Cerrito is pleased to Support AB 1080 (Gonzalez), the California Circular Economy and Plastic Pollution Reduction Act. This bill directs the California Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations before January 1, 2024 that require producers, which includes the people who manufacture single-use packaging or priority single-use products, to achieve a 75 percent reduction of waste generated from single-use packaging and priority single-use plastic products in the California market by 2030. The law would strive to reduce the environmental impacts of single-use packaging, defined as packaging that “is routinely recycled, disposed of, or discarded after its contents have been used...”, and priority single-use products, defined as “food service ware, including plates, bowls, cups, utensils, stirrers, and straws”.

AB 1080 also requires CalRecycle, by January 1, 2023 and before the adoption of regulations, to finalize an implementation plan that will be comprised of extensive outreach with stakeholders, including local governments. This will give local governments a voice in the creation of the forthcoming regulations to address potential implementation challenges.

Additionally, the implementation plan includes developing incentives and policies to maximize and encourage in-state manufacturing using recycled material generated in California. Developing these incentives will address the lack of recycling markets in California, as recyclable materials once shipped overseas are now piling up with nowhere to go.

This legislation would help divert a greater share of the approximately 8,000 tons of trash currently generated in El Cerrito each year and aligns with the City's Strategic Plan Goal F to foster environmental sustainability citywide, by fulfilling the strategy to “implement policies to promote waste diversion”. Moreover, as the City of El Cerrito continues to grapple with the increasing costs of recycling and waste diversion, this legislation seeks to reduce the amount of non-recyclable plastic waste generated in the first place.

Cities, like ours, have dedicated significant time and resources to develop and implement their recycling programs and want to ensure city recycling programs continue to be successful. AB 1080 will help local governments recycle more materials, throw less waste into landfills, and

advance towards meeting statewide solid waste and recycling goals. The City of El Cerrito is supportive of meeting these goals and applauds your leadership on this issue.

For these reasons, the City of El Cerrito Supports AB 1080.

Sincerely,

Gregory B. Lyman, Mayor
City of El Cerrito

cc: Nancy Skinner, California State Senator (SD 9)
Buffy Wicks, California State Assembly Member (AD 15)
Sam Caygill, League Regional Public Affairs Manager (via email: scaygill@cacities.org)
League of California Cities (via email: cityletters@cacities.org)



OFFICE OF THE MAYOR

Gregory B. Lyman

Agenda Item No. 4.L.

April 7, 2020

The Honorable Gavin Newsom
Office of the Governor
California State Capitol, Sacramento, CA 95814

Re: Support of Solid Waste Emergency Funding Proposal

Dear Governor Newsom:

The City of El Cerrito is writing in strong support of the [Emergency Funding Proposal](#) put forth by the Resource Recovery Coalition of California, which will provide immediate financial relief to our solid waste essential service providers during this State of Emergency.

Our communities are taking the necessary shelter-in-place precautions to fight COVID-19 and protect health and safety. However, the closure of businesses has created an immediate and catastrophic loss of income for our solid waste service providers. We need our service providers to remain financially viable through this emergency and beyond.

This proposal will support our essential solid waste service providers during an unprecedented time, ensuring the continuity of service and the protection of human health and safety. It will also be critical during the inevitable recovery, as we continue to strive to meet California's ambitious diversion targets.

In the here and now, we need to protect our communities during this national emergency and continue to collect waste generated. We urge you to consider the proposal and assist us during this complicated time.

Sincerely,

Gregory B. Lyman, Mayor
City of El Cerrito

cc: Ann O'Leary - Ann.oleary@gov.ca.gov
Anthony Williams - Anthony.williams@gov.ca.gov
Keely Bosler - Keely.bosler@dof.ca.gov
Ana Matosantos - Ana.matosantos@gov.ca.gov
Angie Wei - Angie.wei@gov.ca.gov
Che Salinas - che.salinas@gov.ca.gov
Christine Hironaka - christine.hironaka@gov.ca.gov
Melissa Immel - melissa.immel@gov.ca.gov
Jared Blumenfeld - SectyBlumenfeld@calepa.ca.gov
Caroline Godkin - Caroline.Godkin@calepa.ca.gov
Ken DaRosa - Ken.DaRosa@calrecycle.ca.gov
Zoe Heller - Zoe.Heller@calrecycle.ca.gov
Mindy McIntyre - Mindy.McIntyre@CalRecycle.ca.gov



OFFICE OF THE MAYOR

Gregory B. Lyman

April 7, 2020

The Honorable Anthony Rendon
State Capitol, Room 219
Sacramento, CA 95814
Assemblymember.rendon@assembly.ca.gov

Re: Support of Solid Waste Emergency Funding Proposal

Dear Assembly Speaker Anthony Rendon:

The City of El Cerrito is writing in strong support of the [Emergency Funding Proposal](#) put forth by the Resource Recovery Coalition of California, which will provide immediate financial relief to our solid waste essential service providers during this State of Emergency.

Our communities are taking the necessary shelter-in-place precautions to fight COVID-19 and protect health and safety. However, the closure of businesses has created an immediate and catastrophic loss of income for our solid waste service providers. We need our service providers to remain financially viable through this emergency and beyond.

This proposal will support our essential solid waste service providers during an unprecedented time, ensuring the continuity of service and the protection of human health and safety. It will also be critical during the inevitable recovery, as we continue to strive to meet California's ambitious diversion targets.

In the here and now, we need to protect our communities during this national emergency and continue to collect waste generated. We urge you to consider the proposal and assist us during this complicated time.

Sincerely,

Gregory B. Lyman, Mayor
City of El Cerrito

cc: Carrie Cornwell - Carrie.cornwell@asm.ca.gov
Christian Griffith - Christian.griffith@asm.ca.gov
Katie Kolitsos - Katie.kolitsos@asm.ca.gov
Lawrence Lingbloom - Lawrence.lingbloom@asm.ca.gov
Elizabeth MacMillan - Elizabeth.MacMillan@asm.ca.gov



OFFICE OF THE MAYOR

Gregory B. Lyman

April 7, 2020

The Honorable Toni Atkins
Office of the Pro Tempore
State Capitol, Room 205
Sacramento, CA 95814
senator.atkins@senate.ca.gov

Re: Support of Solid Waste Emergency Funding Proposal

Dear Senate President pro Tempore Toni G. Atkins:

The City of El Cerrito is writing in strong support of the [Emergency Funding Proposal](#) put forth by the Resource Recovery Coalition of California, which will provide immediate financial relief to our solid waste essential service providers during this State of Emergency.

Our communities are taking the necessary shelter-in-place precautions to fight COVID-19 and protect health and safety. However, the closure of businesses has created an immediate and catastrophic loss of income for our solid waste service providers. We need our service providers to remain financially viable through this emergency and beyond.

This proposal will support our essential solid waste service providers during an unprecedented time, ensuring the continuity of service and the protection of human health and safety. It will also be critical during the inevitable recovery, as we continue to strive to meet California's ambitious diversion targets.

In the here and now, we need to protect our communities during this national emergency and continue to collect waste generated. We urge you to consider the proposal and assist us during this complicated time.

Sincerely,

Gregory B. Lyman, Mayor
City of El Cerrito

cc: Nick Hardeman - Nick.hardeman@sen.ca.gov
Kip Lipper - kip.lipper@sen.ca.gov
Chris Woods - Chris.woods@senate.ca.gov
Colin Grinnell - Colin.grinnell@senate.ca.gov
Gabrielle Meindl - Gabrielle.Meindl@sen.ca.gov
Genevieve M. Wong - Genevieve.Wong@sen.ca.gov



EMERGENCY FUNDING PROPOSAL

Introduction

California recognizes that solid waste collection and processing is an essential public health and safety service, and it is imperative that it continue during this COVID-19 pandemic emergency situation. In California, the health and safety requirements related to solid waste management are set by the State, however responsibility for implementing those requirements is passed on to local governments. In most cases, those local governments retain expert solid waste management companies to actually provide the collection, processing, and disposal service in their communities in a manner consistent with statutory mandates. The members of the Resource Recovery Coalition of California (Resource Coalition) are the companies that provide these services.

These companies now face a financial crisis directly caused by the COVID-19 situation. As essential service providers, they continue to provide service up front without a guarantee of payment by the customers. However, the solid waste service providers are now facing a catastrophic loss of income from commercial accounts as businesses are forced to close to comply with the shelter-in-place orders. This jeopardizes the companies' ability to provide these vital essential services, remain a springboard for the economy, and prevent a future public health hazard.

We seek urgently needed support from the State Legislature and the Administration.

The Request

The Resource Coalition requests that the State appropriate funds, whether from the federal emergency aid package, State Reserves or General Fund, special funds, such as the Greenhouse Gas Reduction Fund under the Cap and Trade Program or the Beverage Container Recycling Fund, or a combination of those options to establish a fund which would temporarily support the companies and their employees in an amount sufficient to keep the companies operationally viable.

Our proposal would set the fund at an amount sufficient to reimburse the companies for the cost of labor and benefits for their employees for a period of one year, with retroactive application to March 19, 2020, when the state-wide stay at home order was issued. A state agency, such as CalEPA or the Employment Development Department (EDD), would administer the fund. Companies would apply for grants from the fund, based on need. Local jurisdictions who provide solid waste services with their own municipal resources would also be eligible. Distributions would be made directly to the service provider on a weekly basis and be based on verified payroll records from sources such as the Workers' Compensation Insurance Rating Bureau (WCIRB) and the (EDD). For example, payroll data can be easily compiled through the WCIRB by using the classification codes related to the solid waste industry. These codes include, but may not be limited to, 9403(1) Garbage or Refuse Collecting; 9403(2) Street Sweeping Service Companies; 9424(1) Garbage or Refuse Landfill, Transfer Station, and Material Recovery Facility Operations; 8847 Beverage Container Collection or Redemption; 8742



Salesperson – Outside; 8810 Clerical Office Employees – N.O.C. After the COVID-19 crisis subsides, local jurisdictions can work through their rate setting process to provide an annual payment, over a 20-year period, to reimburse the State for the funding advanced during the crisis.

The Resource Coalition estimates that the fund would require an initial minimum balance of at least \$1.2B to cover state-wide collection payroll and benefit costs for one year. This number is only an estimate and would need to be increased to account for post-collection and recycling labor.

We fully understand the magnitude of this request, but if moneys in this range are not provided, the companies will ultimately start going out of business, and, because this is an industry-wide issue, another service provider cannot simply step in and take over. Even the largest entities, in fact any business, cannot long survive a revenue reduction of as much as 50%, as many of our members are facing. Put another way, the total cost of this proposal would have to be paid by all California taxpayers if there were no solid waste service providers. Indeed, there will be significant General Fund impact or obligations to directly pay for services if the solid waste service providers start disappearing due to financial losses.

The rationale for our proposal appears below.

Revenue Losses Due to the Crisis Are Unsustainable

California's state/local government/service provider structure leaves really only one way for a service provider to seek additional compensation to make up for a *force majeure*-caused revenue loss, as the companies are currently experiencing. Solid waste service providers in California generally operate pursuant to agreements with the municipalities they serve, and their compensation is strictly regulated by those agreements. However, the actual compensation comes from only two principal sources, the residential and commercial ratepayers. So, while the local government sets and controls compensation through their agreements with the service providers, the money actually comes from the residents and businesses of California.

Contracts of all types generally include a provision allowing a party to be excused for failure to perform a contractual obligation due to a *force majeure* event, such as this. That is also the case with these solid waste contracts, however, as vital essential service providers, the Resource Coalition members have no intention of seeking to be excused from providing any essential solid waste service.

In *force majeure* situations like this, the agreements generally provide that the parties negotiate changes to service levels and, as necessary, compensation levels so that the service provider can continue to operate as best it can with sufficient revenues to stay financially viable. The companies are required to cut costs during the event as much as possible to mitigate the compensation increase required, and, as a practical matter, they are already doing so. However, there are many distinct costs of doing business, most of which are fixed, that cannot be reduced significantly enough to make up for a drastic reduction in one main source of revenue. Similarly, debt service cannot be reduced in



this scenario. For example, the bank will still expect principal and interest payments on the loan which was used to purchase commercial trucks, even if the trucks are taken out of service.

While some ancillary services may be suspended, and some costs cut, there will still be a huge shortfall in revenue. The primary focus of these *force majeure* discussions will be how to make up for the lost commercial revenues. Unfortunately, as noted above, the contracts will fail to resolve that problem. Raising residential rates would necessarily be the only place to go. Increasing residential rates 150-200% would be unfair in normal times and unthinkable currently as residents deal with their own COVID-19-related issues.

Financial help derived from the contracts is not practical. Adding significant financial burdens to the residential ratepayers who may already be struggling with the effects of the crisis is not fair or practical. Solid waste companies need immediate, direct relief to continue service and prevent increased public health and safety issues associated with uncollected solid waste.

Employees and Employment

Our members generally live in the communities they serve, and, for decades, they have invested in solid waste and recycling processes and technologies in their communities that have bolstered their local economies and created a significant number of jobs. As substantial local employers, relief is needed to maintain current jobs and increase employment as we recover from this crisis.

The companies are doing their best to avoid layoffs of their valued employees, and if they are going to be able to ramp up service post-crisis, they will need to retain these employees. This proposal will prevent disruption in operations and provide continuity of essential solid waste services through this emergency and during the inevitable recovery, while allowing employees to continue to support their families.

Summary

The Coronavirus pandemic is creating unprecedented challenges for the solid waste and recycling industry. We do not know how long this immediate crisis will continue, whether it will spike again in the fall, as some science has suggested, or whether another global health pandemic will affect us similarly in the future. Putting longer-term questions aside, the companies need the emergency funding proposed.

Thank you for all of your efforts during this State of Emergency and beyond. Feel free to reach out to the Resource Coalition representatives below:

- **Laura J. Ferrante**, Government Affairs Advocate: laura@wastealts.com, 203-209-3302
- **Veronica Pardo**, Regulatory Affairs Director: veronica@resourcecoalition.org, 916-420-3914



AGENDA BILL

Agenda Item No. 4.M.

Date: April 7, 2020
To: El Cerrito City Council
From: Ana Bernardes, Engineering Manager/Senior Engineer
Yvetteh Ortiz, Public Works Director/City Engineer, Public Works
Department
Subject: Parking Restriction on Elm Street south of 1800 Elm Street driveway to
Manor Circle

ACTION PROPOSED

Adopt a resolution authorizing parking to be prohibited between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Friday, except Holidays, on the east side of Elm Street, between the driveway serving 1800 Elm Street (Summit K2 Charter School) and Manor Circle.

BACKGROUND

Summit K2 Charter School began operation at 1800 Elm Street in 2014 with grades 7 and 8 with an enrollment of 347 students in conformance with the use permit that was previously adopted for Windrush School. In 2016, the El Cerrito Planning Commission and City Council approved a Conditional Use Permit and Subsequent Environmental Impact Report (EIR) to allow the addition of grades 9 through 12, one per year, and an expansion of up to 630 students at the existing school site.

As part of the EIR process, the applicant submitted a traffic study and City staff worked with the applicant to include bicycle and pedestrian improvements along Hill Street and at the Hill Street/Elm Street/Key Boulevard intersection to address the increased number of pedestrians and bicyclists that would access the site with the increased student population proposed by the project. These improvements included a new bike lane on Hill Street and a dedicated left turn lane for bicyclists from northbound Elm Street onto northbound Key Boulevard, a new crosswalk across Elm Street at the northern side of Key Boulevard, and a dedicated pedestrian signal phase when this crossing was activated. The intersection improvements also included modifications to the existing signal phasing and timing. All these improvements were installed in the summer of 2017. Since then, City staff have observed the traffic operations of the intersection on several occasions in response to requests from the public and have made minor adjustments to signal timing.

City staff has found that the northbound through lane on Elm Street backs up during peak commute hours and also during school pick-up hours. More specifically, staff observed that, when vehicles are parked on the east side of Elm Street south of the Summit K2 school driveway, the number of northbound through vehicles clearing the intersection during the designated signal phase is significantly reduced. This is not a

problem during the non-peak hours.

ANALYSIS

The current parking restriction on the east side of Elm Street, between the driveway serving 1800 Elm Street (Summit K2 Charter School) and Manor Circle is four-hour permit parking from 7:00 a.m. to 6:00 p.m., Monday through Friday. City staff proposes to instead prohibit parking from 7:00 a.m. to 9:00 a.m. and from 2:00 p.m. to 6:00 p.m., Monday through Friday, except Holidays, which coincides with peak commute hours and school pick-up hours. The proposed parking restriction is shown in the attached Exhibit A. The proposed parking restriction during these times are intended to improve traffic operations at the signalized intersection.

The impact of restricting these parking spaces should be minimal because no homes face Elm Street on the east side of the street and the parking will be available to residents on weekday evenings and weekends, and the homes across the street on the west side have unrestricted on-street parking in front of their properties. Parking and student loading/unloading for Summit K2 School is provided by their on-site parking facilities as required by their project approvals. City staff sent notices regarding this proposed change to property owners and residents fronting this area in the fall of last year and no comments were received except for a nearby resident inquiring about the implementation timeline.

In summary, City staff recommends that the City Council approve replacement of the existing four-hour permit parking restriction with a “No Parking” restriction during peak commute hours and school pick-up hours as shown in Exhibit A.

STRATEGIC PLAN CONSIDERATIONS

Approval of these parking revisions is consistent with the following El Cerrito Strategic Plan Goals:

- Goal A – *Deliver exemplary government services*, by working with the schools, residents and community groups, to improve traffic circulation around schools; and
- Goal E – *Ensure the public’s health and safety* by providing safe and efficient traffic operations.

ENVIRONMENTAL CONSIDERATIONS

The project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a minor alteration of 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 installing the required parking restriction signs is estimated to be approximately \$1,000 and is included in the Public Works, Maintenance operating budget (Measure J Return to Source Fund).

LEGAL CONSIDERATIONS

El Cerrito Municipal Code Section 11.40.230 requires that "No Parking" restrictions during certain hours be approved by City Council resolution.

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

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A

RESOLUTION 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING PARKING TO BE PROHIBITED BETWEEN THE HOURS OF 7:00 A.M. TO 9:00 A.M. AND 2:00 P.M. TO 6:00 P.M, MONDAY THROUGH FRIDAY, EXCEPT HOLIDAYS, ON THE EAST SIDE OF ELM STREET, BETWEEN THE DRIVEWAY SERVING 1800 ELM STREET (SUMMIT K2 CHARTER SCHOOL) AND MANOR CIRCLE

WHEREAS, Summit K2 Charter School began operation at 1800 Elm Street in 2014 with grades 7 and 8 with an enrollment of 347 students in conformance with the use permit that was previously adopted for Windrush School; and

WHEREAS, in 2016, the El Cerrito Planning Commission and City Council approved a Conditional Use Permit and Subsequent Environmental Impact Report (EIR) to allow the addition of grades 9 through 12, one per year, and an expansion, of up to 630 students at the existing school site; and

WHEREAS, traffic improvements were installed in the summer of 2017 at the intersection of Hill Street, Elm Street, and Key Boulevard to address the increased number of pedestrians and bicyclists that would access the site with the increased student population generated by the project; and

WHEREAS, City's staff observed that, when vehicles are parked on the east side of Elm Street south of the Summit K2 Charter School driveway, the number of northbound through vehicles clearing the intersection is significantly reduced during peak commute hours and also during school pick-up hours; and

WHEREAS, the current parking restriction on the east side of Elm Street, between the Summit K2 Charter School driveway and Manor Circle is four-hour permit parking from 7 a.m. to 6.p.m., Monday through Friday; and

WHEREAS, the proposed parking restriction during peak commute hours and school pick-up times is intended to improve traffic operations at the signalized intersection; and

WHEREAS, the impact of restricting these parking spaces should be minimal because no homes face Elm Street on the east side of the street and the parking will be available to residents on weekday evenings and weekends, and the homes across the street on the west side have four-hour permit parking in front of their properties.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes parking be prohibited between the hours of 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 6:00 p.m., Monday through Friday, except Holidays, on the east side of Elm Street, between the driveway serving 1800 Elm Street (Summit K2 Charter School) and Manor Circle.

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

I CERTIFY that at a regular meeting on April 7, 2020 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 April _____, 2020.

Holly M. Charléty, City Clerk

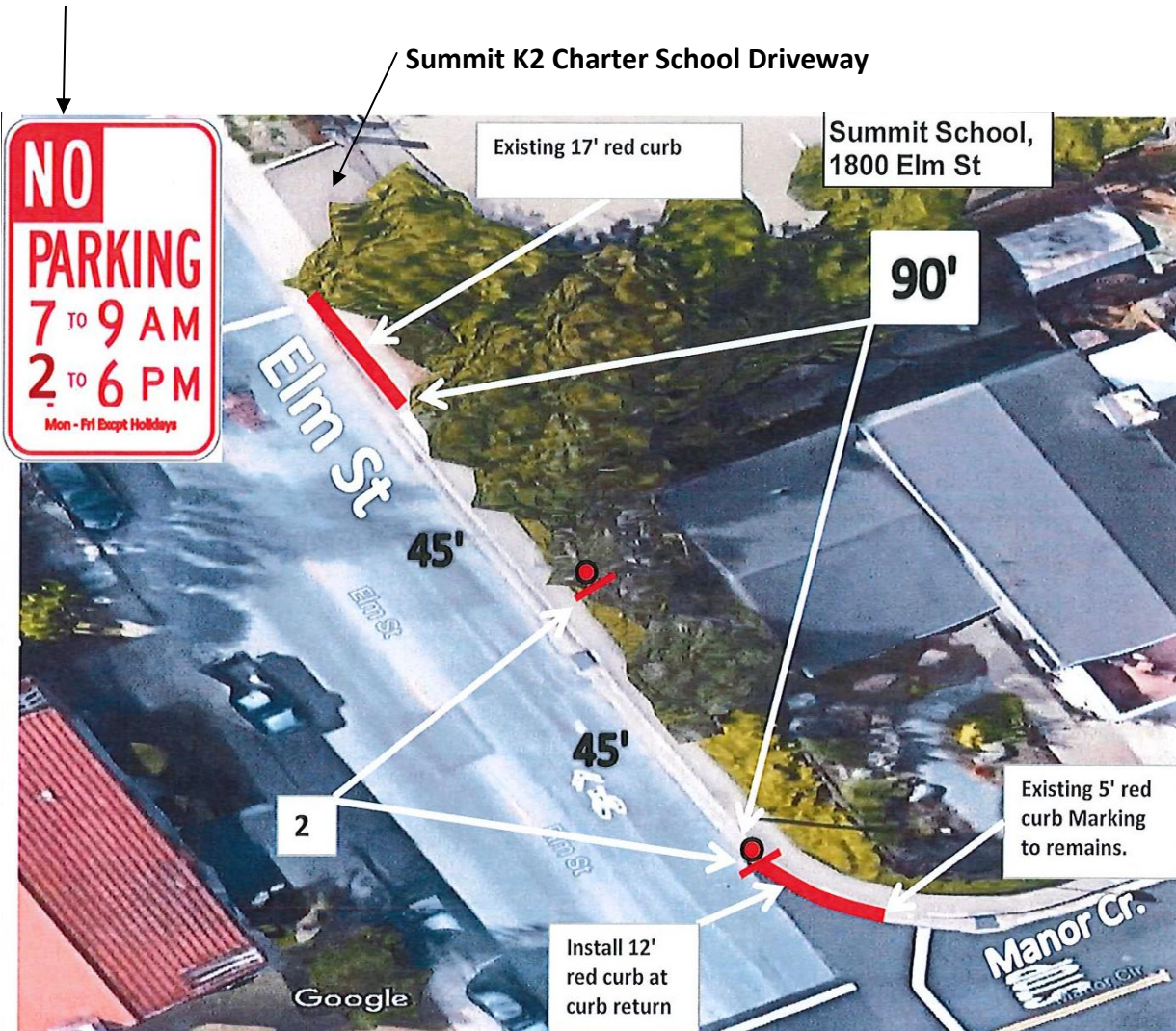
APPROVED:

Gregory B. Lyman, Mayor

Exhibit A

Parking Revisions on the east side of Elm Street, Between
a driveway serving 1800 Elm Street (Summit K2 Charter School) and
Manor Circle

NO PARKING SIGN, Monday - Friday, 7 to 9AM - 2 to 6PM, Except Holidays





AGENDA BILL

Agenda Item No. 4.N.

Date: April 7, 2020
To: El Cerrito City Council
From: Ana Bernardes, Engineering Manager/Senior Engineer
Yvetteh Ortiz, Public Works Director/City Engineer, Public Works
Department
Subject: Consultant Services Agreements for On-Call Construction Management

ACTION PROPOSED

Adopt a resolution authorizing the City Manager to execute consultant services agreements with five firms, Anchor CM, Ghirardelli Associates, Mack 5, Park Engineering and Zoon Engineering, to provide on-call construction management services for three years with an option to extend for an additional two years in an amount not to exceed \$250,000 per fiscal year for each agreement.

BACKGROUND

The City regularly requires the services of consultant firms to assist City staff in providing various types of engineering services and delivering capital projects. This type of work is usually variable in scope and may be short-term assignments, or may be part of larger capital projects. As a result, most cities, big and small, enter into on-call agreements with consultant firms to assign work as needed. In addition, many cities choose to enter into on-call agreements with multiple firms in order to assure that a consultant's workload issues will not get in the way of a city's critical-path needs, and also to allow staff to best fit the expertise of a particular firm with the specific needs of an assignment. For complex projects, a city may ask for task proposals from more than one of their on-call firms to further ensure compatibility.

Back in 2012 and 2013, the City entered into agreements with a total of five consultant firms, BKF, Inc., Harris & Associates, Inc., Harrison Engineering, Inc., Bellecci & Associates, Inc. and Jacobs Engineering, Inc., for on-call construction management services. These agreements expired in 2017 and 2018, respectively.

To meet current and upcoming needs for construction management services, City staff issued a Request for Qualifications (RFQ) asking that consultants submit a Statement of Qualifications (SOQ) demonstrating their ability to perform these services. The general scope of work for these firms includes (but is not limited to) providing administration of the construction contract in accordance with the project documents, Caltrans Local Assistance Procedures Manual, City procedures and the California Public Contract code; administering meetings with the contractor and City representatives; monitoring project schedule and budget; maintaining and submitting organized project files for record tracking and auditing; reporting on project's progress and on any issues requiring City's resolution; assuring that all applicable safety

measures are in place; monitoring labor compliance including prevailing wage requirements; reviewing construction progress invoices for accuracy; administering project close-out process; and general engineering support as assigned.

ANALYSIS

City staff released the RFQ for On-Call Construction Management Services on January 30, 2020. The availability of the RFQ was posted on the City's website and emailed to 30 firms on the City's consultant list. Ten SOQs were submitted by the due date of February 20, 2020. City staff reviewed the SOQs based on the following evaluation criteria as listed in the RFQ:

- Presentation, completeness, clarity, organization, and conformance to the RFQ content and format requirements. (10%)
- Understanding and approach - Describes familiarity and demonstrates understanding of providing on-call construction management services in an effective and timely manner, particularly for other governmental agencies and grant-funded projects; Proposes adequate and appropriate disciplines for consultant team; Some or all of team members have previously worked together; Team structure provides adequate capability to perform both volume and quality of needed work, including smaller projects and urgent situations. (25%)
- Qualifications and experience - Relevant experience, specific qualifications, and technical expertise of the consultant team, based on firm experience and specific experience of the project manager and proposed team, to provide quality construction management services. Demonstrated ability for problem solving, development of solutions, project management, schedule and cost control, and quality control/quality assurance, to successfully manage multiple projects of varying sizes. Proposed team members, as demonstrated by enclosed resumes, have relevant experience for their role on the team. (30%)
- Depth of Staff and Resources - Availability and depth of staff and resources to deliver quality products on schedule, including work on short notice and under time constraints. (20%)
- References - Provide reference required in the RFQ and references confirm experience and qualifications. (15%)

Five of the ten SOQs received high evaluation scores of above 80% of the maximum score. The other five were below 74% of the maximum score. At this time, City staff anticipates that five firms are needed to ensure sufficient coverage due to the number and variety of upcoming projects, such as buildings and facilities repairs, pavement rehabilitation and maintenance, storm drain repairs and improvements, complete street improvements, traffic enhancements and emergency repairs. As such, City staff is recommending that the City enter into agreements with the following five firms that emerged as the most qualified to provide the required services as follows: Anchor CM, Ghirardelli Associates, Mack 5, Park Engineering and Zoon Engineering. All five firms possess several key or all needed areas of expertise, have demonstrated experience handling on-call services for municipalities and are available to commence services

immediately.

The agreements will be based on the City's standard and crafted as master agreements, with specific scope of services, schedule and cost to be determined on a task order basis. The agreements have an initial term of three years with options to extend for up to two additional years. This time frame will allow the City and the respective consultants to efficiently and effectively implement projects to better serve the City's residents, businesses and other stakeholders. The firms have submitted billing rate sheets for the various skill levels and specific team members listed in their SOQs along with other charges such as direct costs and mileage. These have been reviewed by staff and found to be reasonable based on the prior on-call agreements for construction management services.

As needs arise, one or more of the firms will be asked to propose on the scope, schedule and fee for an individual task. Once a proposal is agreed upon, the Public Works Director will issue a task order and work will begin. One of these selected firms is expected to commence services as early as April 2020 for construction management services of the Central Avenue and Carlson Boulevard Pavement Rehabilitation Project, City Project C3077, for which the construction contract is being recommended for award in a separate Agenda Bill on the City Council's March 17, 2020 Meeting Agenda.

STRATEGIC PLAN CONSIDERATIONS

The City's Strategic Plan articulates the mission of the City to serve, lead, and support our diverse and transit-rich community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety, and creating an economically and environmentally sustainable future. Delivering engineering and capital projects in a professional and timely manner is consistent with Strategic Plan *Goal A - Delivering Exemplary Government Services*.

ENVIRONMENTAL CONSIDERATIONS

This proposed action will not result in a project as defined by the California Environmental Quality Act, (CEQA). No further environmental review is needed.

FINANCIAL CONSIDERATIONS

Each on-call agreement will have a not-to-exceed limit of \$250,000 per year. However, an executed agreement does not guarantee any task orders will be issued and a firm will only perform work that has been approved in a task order. Each task order will be subject to funding available for a specific project in the Capital Improvement Program or operational need in the Public Works Department's budget, which are both approved by the City Council as part of the annual budget.

The majority of the projects and operational expenses will be paid for by Special Funds, such as SB 1 Road Maintenance and Rehabilitation, Measure A Street Improvements, and Measure H Parks and Recreation Facilities, or grants. General Fund expenses, if

any, would be subject to City Council approval as described above.

If the cost of any one task exceeds \$250,000 in any one fiscal year or if a series of tasks with one firm exceed \$250,000, staff will present additional information and analyses to the City Manager and/or City Council for final consideration per the City's procurement policy.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed action and found that legal considerations have been addressed. In addition, the City Attorney will review and approve the final consultant services agreements.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2020-XX

RESOLUTION OF THE EL CERRITO CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE CONSULTANT SERVICES AGREEMENTS WITH FIVE CONSULTANT FIRMS, ANCHOR CM, GHIRARDELLI ASSOCIATES, MACK 5, PARK ENGINEERING AND ZOON ENGINEERING TO PROVIDE ON-CALL CONSTRUCTION MANAGEMENT SERVICES

WHEREAS, the City regularly requires the services of consultant firms to assist City staff in providing various types of engineering services and delivering capital projects; and

WHEREAS, it is customary for a city to enter into one or more agreements for these services on an as-needed basis; and

WHEREAS, the City released a Request for Qualifications (RFQ) for On-Call Construction Management Services on January 30, 2020; and

WHEREAS, the availability of the RFQ was posted on the City's website and emailed to 30 firms on the City's consultant list; and

WHEREAS, ten Statement of Qualifications (SOQs) were submitted by the due date of February 20, 2020; and

WHEREAS, City staff evaluated the SOQs based on the criteria listed in the RFQ, and five of the ten SOQs received high evaluation scores; and

WHEREAS, Anchor CM, Ghirardelli Associates, Mack 5, Park Engineering and Zoon Engineering were the selected as the most qualified firms for the required services; and

WHEREAS, all five firms possess several key or all needed areas of expertise, have demonstrated experience handling on-call services for municipalities and are available to commence services immediately; and

WHEREAS, City staff recommends that the City enter into agreements with these five firms due to the high demand of a variety of upcoming projects; and

WHEREAS, as needs arise, one or more of the firms will be asked to propose on the scope, schedule and fee for an individual task and, once a proposal is agreed upon, the Public Works Director will issue a task order and work will begin; and

WHEREAS, the agreed upon proposal for each task order will be subject to funding available for that project or for non-project related expenses will be covered by the Public Works Department's operating budget.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to execute consultant services agreements with five firms: Anchor CM, Ghirardelli Associates, Mack 5, Park Engineering and Zoon Engineering, for on-call construction management services for three years with an option to extend for an additional two years in an amount not to exceed \$250,000 per year for each agreement.

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

I CERTIFY that at a regular meeting on April 7, 2020 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 April _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 4.O.

Date: April 7, 2020
To: El Cerrito City Council
From: Shannon Collins, Finance Supervisor, Finance Department
Subject: Authorize Annual Report for Landscape and Lighting Assessment District for FY 2020-21

ACTION PROPOSED

Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988-1 report for Fiscal Year (FY) 2020-21.

BACKGROUND

In 1988, the City Council established Assessment District No. 1988-1 pursuant to the Landscape and Lighting Act of 1972. This act requires the preparation and filing of an annual report of the assessment district activities.

In November 1996, the voters of El Cerrito approved by a two-thirds majority the continuation of the Landscape and Lighting Assessment. Since the voters approved the assessment prior to the passage of Proposition 218, this assessment is exempt from Proposition 218's additional voter requirements. Therefore, the City follows the same annual approval process as in previous years.

California Street and Highway Code §22622 requires the City Council to authorize by resolution the filing of the annual report of the Landscaping and Lighting Assessment District. The annual report includes the various components required to develop the tax roll related to the assessment district. The Council must adopt this report prior to the time that a decision is made about whether or not the assessment will continue in the next fiscal year.

It is expected that NBS, the designated Engineer of Work, will submit the annual report at the April 21, 2020 City Council meeting. At that meeting, the time and place of the public hearing regarding continuation of the assessment district will be set.

ANALYSIS

Without the adoption of the annual report and authorization of the assessment, the City would lose approximately \$785,500 in FY 2020-21 that would be used for landscaping and lighting purposes.

NBS was selected in February 2009 through a Request for Proposal process and the agreement was extended for NBS to continue to prepare and file the report this year. The cost to prepare and file the report is \$9,689 and is included in the budget for the

Landscape and Lighting Assessment District fund.

STRATEGIC PLAN CONSIDERATIONS

Approving the attached resolution will allow the City to ensure financial sustainability for the Landscape and Lighting Maintenance Program that benefit all residents of the City.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The FY 2020-21 proposed budget would include Landscape and Lighting Assessment revenue of \$785,500 to pay for budgeted expenses in Fund 203. The assessment revenue would cover \$274,031 of personnel costs, \$350,719 of non-personnel costs and \$160,750 for overhead in connection with administering the program.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION NO. 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DESIGNATING NBS LOCAL GOVERNMENT SOLUTIONS AS THE ENGINEER OF WORK FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 1988-1 AND DIRECTING NBS TO PREPARE AND FILE THE ANNUAL REPORT FOR FISCAL YEAR 2020-21.

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

WHEREAS, said Landscape and Lighting Act requires the preparation and filing of an annual report defining the charges to the assessment district for Fiscal Year 2020-21; and

WHEREAS, California Street and Highways Code §22622 requires that the filing of the annual report be authorized by resolution of the City Council; and

WHEREAS, the cost to prepare and file the report is included in the budget for the Lighting and Assessment District fund.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby directs NBS Local Government Solutions, the firm designated by this Council as the Engineer of Work for Assessment District No. 1988-1, to file an annual report in accordance with the provisions of the Landscape and Lighting Act of 1972.

BE IT FURTHER RESOLVED this resolution is adopted pursuant to California Street and Highways Code §22622.

I CERTIFY that at the regular meeting on April 7, 2020, 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 April _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 4.P.

Date: April 7, 2020
To: El Cerrito City Council
From: Ana Bernardes, Engineering Manager/Senior Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Construction Contract Award for the Carlson Boulevard and Central Avenue Pavement Rehabilitation Project, C3077

ACTION PROPOSED

Adopt a resolution approving plans and specifications for the Central Avenue and Carlson Boulevard Pavement Rehabilitation Project, City Project No. C3077, Federal Project No. STPL-5239 (027) (Project); accepting the three bids submitted for the Project; and authorizing the City Manager to execute a contract in the amount of \$436,460 with MCK Services Inc. and to approve change orders in an amount not to exceed \$50,000 for the construction of the Project.

BACKGROUND

Project Description

The Central Avenue and Carlson Boulevard Pavement Rehabilitation Project will rehabilitate the roadway pavement, replace traffic signal loop detectors, and enhance traffic striping. The Project is located on Central Avenue from Santa Clara Avenue to San Pablo Avenue and Carlson Boulevard from the north City Limits to Central Avenue. The Project is the second component of the Central Avenue and Carlson Boulevard Street Improvements Project in the Capital Improvement Program. The first component consisting of curb ramp and sidewalk work was completed as part of the 2018 Curb Ramp and Sidewalk Repair Project last year.

Both roadways carry a significant volume of traffic and are classified as arterial streets. The pavement on these roadways currently has several areas with cracking and potholes due to the amount and type of traffic, including trucks and buses. The Project will benefit the many commuters, transit services, and bicyclists who utilize these roadways on a daily basis.

The project is largely funded by federal One Bay Area Grant (OBAG) Program funds with additional funding from the State's SB 1 Local Partnership Program (LPP) grant and the City's Measure A Street Improvement funds. Additional information on the SB 1 LPP and OBAG grants are contained in the "Financial Considerations" section of this report.

Construction Contract Bidding

The Project was bid in January and February of 2020. The Notice Inviting Bids for the Project was advertised in the West County Times on January 28 and February 3, 2020

and posted on the City's website. Additionally, the notice and complete set of Contract Documents were sent to eight Builder and Construction Exchanges in the Bay Area and Northern California and were available for purchase through the BPXpress website, an online planroom. A mandatory pre-bid conference was held on February 18, 2020. One addendum was issued.

ANALYSIS

Three bids were received on the advertised bid opening date of February 25, 2020 with the following results:

Table 1: Bid Results	
Bidder	Bid Amount
MCK Inc.	\$436,460.00
Vintage Paving Company, Inc.	\$644,875.00
Alaniz Construction, Inc.	\$663,368.00
Engineer's Estimate	\$675,477.00

All bids were below the Engineer's Estimate with the lowest bid from MCK Services, Inc. of \$436,460 being 35 percent lower.

Since the project is largely funded by a federal grant from the OBAG Program, the low bidder is required to make a good faith effort to incorporate the services of Disadvantaged Business Enterprises (DBEs) in their bid for completing the project. Following Caltrans procedures, the City determined a DBE goal of 12% of the total construction cost for this project was obtainable. The low bid by MCK Services, Inc. exceeded the City's DBE goal by including a commitment of 14% of work to be performed by DBEs. MCK Services, Inc. also attended the mandatory pre-bid meeting, which is a federal grant requirement.

City staff recommends that the City Council award a construction contract in the amount of \$436,460 to MCK Services, Inc. as the lowest responsive and responsible bidder.

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 in a state of good repair for all modes of transportation.

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 estimated expenditures for the construction phase of the project total \$579,060 as summarized below in Table 2.

Table 2: Project Expenditures – Construction Phase	
Construction Contract	\$436,460
Construction Contract Contingency	\$50,000
Construction Management	\$72,600
Materials Testing	\$15,000
Miscellaneous (printing, postage, etc.)	\$5,000
Total	\$579,060

The construction of the project is largely funded by a federal OBAG Program grant with additional funding from the State's SB 1 LPP grant and the City's Measure A Street Improvement funds. In July 2017, the City Council adopted Resolution 2017-54 authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission (MTC) for the OBAG Program grant in the amount of \$544,000 and committing any necessary matching funds and stating assurance to complete the project. The grant funds are from the non-competitive, formula-based portion of the Program intended for projects in a local jurisdiction's pavement management program. MTC subsequently programmed the funds in Fiscal Year (FY) 2019-20. The SB 1 LPP grant funds are distinct from the Local Streets and Road Funding Program-Road Maintenance and Rehabilitation Account Fund, 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 received \$100,000 in LPP funds for use in FY 2019-20.

Funding of \$860,000 for the Central Avenue and Carlson Boulevard Street Improvement Project is included in the City's FY 2019-20 Adopted Budget in allocations from the Measure A Street Improvement Fund (\$196,000), the SB 1 Local Streets and Road Funding Program-Road Maintenance and Rehabilitation Account Fund (\$20,000)

and the Capital Improvement Fund (\$644,000) which includes the OBAG and SB 1 LPP grants described above. The Capital Improvement Fund is used for expenditures that will be reimbursed by external sources, which in this case is the OBAG and SB 1 LPP grants. Of this total funding amount, \$41,265 has been expended to complete the design this year and bid the project. The remaining amount is sufficient to cover the construction phase expenditures shown in Table 2.

LEGAL CONSIDERATIONS

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

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS AND SPECIFICATIONS FOR THE CENTRAL AVENUE AND CARLSON BOULEVARD PAVEMENT REHABILITATION PROJECT, CITY PROJECT NO. C3077, FEDERAL PROJECT NO. STPL-5239 (027) (PROJECT); ACCEPTING THE THREE BIDS SUBMITTED FOR THE PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$436,460 WITH MCK SERVICES INC. AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$50,000 FOR THE CONSTRUCTION OF THE PROJECT

WHEREAS, the Central Avenue and Carlson Boulevard Pavement Rehabilitation Project will rehabilitate the roadway pavement, replace traffic signal loop detectors and enhance traffic striping; and

WHEREAS, the Project is located on Central Avenue from Santa Clara Avenue to San Pablo Avenue and Carlson Boulevard from the north City Limits to Central Avenue; and

WHEREAS, the Project is the second component of the Central Avenue and Carlson Boulevard Street Improvements Project in the Capital Improvement Program, and the first component consisting of curb ramp and sidewalk work was completed as part of the 2018 Curb Ramp and Sidewalk Repair Project in 2019; and

WHEREAS, both Central Avenue and Carlson Boulevard carry a significant volume of traffic and are classified as arterial streets, and the Project will benefit the many commuters, transit services and bicyclists who utilize these roadways on a daily basis; and

WHEREAS, the Notice Inviting Bids for the Project was advertised in the West County Times on January 28 and February 3, 2020 and posted on the City's website, and the notice and complete set of Contract Documents were sent to eight Builder and Construction Exchanges and the Contract Documents were made available to contractors through an online planroom; and

WHEREAS, a mandatory pre-bid conference was held on February 18, 2020, and one addendum was issued; and

WHEREAS, three bids were received on the advertised bid opening date of February 25, 2020; and

WHEREAS, MCK Services, Inc. submitted the lowest responsible and responsive bid in the amount of \$436,460, which is 35 percent below the Engineer's Estimate; and

WHEREAS, the estimated expenditures for the construction phase of the Project total \$579,060; and previously approved funding for this phase consists of \$860,000, including \$544,000 from the federal One Bay Area Grant Program, \$200,000 from the SB 1 Local Partnership Program, \$20,000 from the SB 1 Local Streets and Road Funding Program-Road Maintenance and Rehabilitation Account Fund, and \$196,000 from the City's Measure A Street Improvement Fund; and

WHEREAS, there is sufficient funding to cover the construction phase expenditures; and

WHEREAS, the project work is an appropriate use of Measure A Street Improvement funds; and

WHEREAS, the Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing.

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

- 1) Approves plans and specifications for the Central Avenue and Carlson Boulevard Pavement Rehabilitation Project, City Project No. C3077, Federal Project No. STPL-5239 (027) (Project);
- 2) Accepts the three bids submitted for the Project; and
- 3) Authorizes the City Manager to execute a contract in the amount of \$436,460 with MCK Services Inc. and to approve change orders in an amount not to exceed \$50,000 for the construction of the Project.

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

I CERTIFY that at a regular meeting on April 7, 2020 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 April _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 4.Q.

Date: April 7, 2020
To: El Cerrito City Council
From: Will Provost, Acting Operations + Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Annual Parcel Assessment for the National Pollution Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2020-21

ACTION PROPOSED

Adopt a resolution establishing the annual parcel assessment for the National Pollution Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of \$38.00 per Equivalent Runoff Unit (ERU) and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area (SUA) levies based on said amount for Fiscal Year 2020-21.

BACKGROUND - CLEAN WATER UPDATE

Under the 1987 amendments to the Federal Water Pollution Control Act (Clean Water Act), all jurisdictions in the United States are responsible for ensuring compliance with the National Pollutant Discharge Elimination System (NPDES) program. The State Water Resources Control Board grants regulatory responsibilities for water quality to the Regional Water Quality Control Boards in nine regions throughout California. In the Bay Area, the San Francisco Regional Water Quality Control Board (Water Board) regulates the discharge of stormwater runoff from the municipal separate storm sewer systems (MS4) draining into San Francisco Bay through a Municipal Regional Permit (MRP). The MRP covers Alameda, Contra Costa, Santa Clara and San Mateo counties, as well as the cities of Fairfield, Suisun, and Vallejo. In Contra Costa County, the Contra Costa Clean Water Program (CWP) coordinates compliance and collaborates on programmatic components of the MRP. The CWP is comprised of Contra Costa County, its 19 incorporated cities and towns, and the County Flood Control and Water Conservation District. Working with the member jurisdictions, the CWP provides services designed to protect water quality by keeping trash and other pollutants from entering drainage systems that ultimately make their way into local creeks, reservoirs, lakes, and the Bay.

Municipal Regional Permit

The City's Clean Water Program is governed by the Municipal Regional Permit Order No. R2-2015-0049, which became effective January 1, 2016, superseding the previous MRP (2009). The current permit continues and expands upon the previous permit requirements to conduct specific stormwater management actions regarding trash load reduction, Clean Water Act 303(d) listed pollutants, and other pollutants of concern

(POCs). The current permit will be effective through 2020. It is anticipated that the Water Board will issue a new permit (MRP 3.0), effective 2021, likely including additional compliance requirements for local governments.

The City actively complies with all MRP requirements, including those related to Municipal Operations and Integrated Pest Management, Illicit Discharge Detection and Elimination, Public Outreach and Education, Construction Site Controls, Industrial and Commercial Site Controls, and managing pollutants of concern (e.g. PCBs). Specific Clean Water Program activities are coordinated and carried out primarily by the Public Works Department, with assistance from the Community Development Department. A comprehensive review of the City's activities and annual accomplishments are detailed in an Annual Report prepared each summer for submittal to the Water Board. This past year, in particular, the City's Clean Water Program has recently met the following permit milestones:

- Provision C.3 (New development and Redevelopment) required the City to develop and submit a Green Infrastructure Plan by September 2019. The Green Infrastructure Plan approved by the El Cerrito City Council on September 17, 2019, will serve as a guide for the City to meet future pollutant load reduction milestones through the incorporation of Low Impact Design (LID) systems (such as rain gardens) on public and private land, streets, parking lots, and building roofs. The Plan will also help the City prioritize investments in projects to meet the pollutant load reduction targets specified in the MRP. Ultimately, additional funding will likely be needed from grants and other sources in order to meet the MRP's Green Infrastructure targets. The City is already beginning to partner with developers to build Green Infrastructure projects that were identified as concept designs in the Plan.
- Provision C.10, regarding the reduction of trash entering the storm drain system, mandated an 80% reduction by July 2019 and mandates a 100% reduction by July 2022. Last year, the City was able to claim a 92% trash load reduction, meeting the 2019 mandate, by installing and maintaining 157 Full Trash Capture Devices and LID facilities, conducting weekly litter and illegal dumping removal in public areas by City Maintenance staff and contractors, successfully implementing the City's 2014 plastic bag and polystyrene foodware bans, and by coordinating creek clean-up volunteer events. The City plans to continue these activities, including the installation and maintenance of additional Full Trash Capture Devices, to assure on-going trash load reduction compliance.

In order to receive compliance credits towards these goals, permittees are also required to perform and document on-land visual trash load assessments and monitor receiving waters for trash. The Permit also requires mapping, and increasingly managing, trash litter on impermeable private lands greater than 10,000 square feet (i.e. large parking lots). El Cerrito is ahead of schedule in reaching these compliance goals, however, getting to 100% may be challenging. Moreover, based on early discussions, the next MRP may not include as much

credit for source reduction policies or other efforts.

- Provision C.11 (Mercury Controls) and C.12 (Polychlorinated Biphenyls Controls - PCBs) require numeric weight reductions and tracking of Mercury and PCBs through the management of building demolition activities, installation of Green Infrastructure (per C.3 above) and the identification of properties that contain high and moderate Mercury and PCBs removal opportunities. To achieve reduction targets, the City adopted and implemented a new program outlining procedures to identify and control PCBs in the building demolition process. The City Council approved of the program at the April 16, 2019 meeting (Resolution 2019-24) and the program was implemented before the July 1, 2019 deadline.

ANALYSIS - STORMWATER UTILITY AREA ASSESSMENT

Currently, El Cerrito's NPDES compliance activities are funded by a combination of a countywide Stormwater Utility Area (SUA) assessment funds, the City's Measure J Storm Drain funds, and the General Fund. The SUA is levied by the County in CWP jurisdictions and provides funds for clean water activities in the member jurisdictions, as well as activities at the countywide level. The total annual amount generated countywide by the SUA is approximately \$15.9 million.

Each year the per parcel rate for the SUA must be re-established by the County Board of Supervisors, which acts as the governing body for the Flood Control and Water Conservation District and, thus, the CWP. Each local jurisdiction must first adopt a resolution determining the appropriate assessment for its jurisdiction and then forward that instructing resolution to the Contra Costa County Flood Control and Water Conservation District. The resolution must be adopted by the City no later than April 15 so that the County has sufficient time to place the assessment on the property tax roles for the following fiscal year.

Specific SUA assessments are calculated through determining Equivalent Runoff Units (ERUs). An ERU is a value that reflects the amount of impervious (paved) surface of a given parcel. Impervious surfaces result in stormwater runoff to the storm drain system, which potentially carry pollutants to the Bay and into the groundwater. Parcels that contain large areas of paved surfaces are assigned a greater number of ERUs. Residential lots in El Cerrito between 5,000 to 20,000 square feet in size are assigned one (1) ERU. Industrial or commercial parcels with paved parking or other impervious surfaces are assigned two (2) or more ERUs depending on their size.

In 1993, when the County SUA was established, El Cerrito's assessment was \$14 per ERU. The City's current rate of \$38.00 per ERU was approved by Council in Fiscal Year (FY) 2004-05. Per the County Ordinance which adopted the SUA, \$38 is the maximum rate that can be assessed in El Cerrito.

In FY 2020-21, the County estimates that El Cerrito's rate of \$38.00 will generate \$411,398 for NPDES compliance. Of these revenues, an estimated \$76,497 (18.6%) is allocated for CWP regional compliance activities and \$334,901 (81.4%) is allocated to El Cerrito to fund local compliance activities. The City's share of the CWP's total program costs remains at approximately 2.2%.

After increasing over the course of the Permit term, the City's allocation for the CWP has remained level in FY 2020-21. However, costs of compliance are expected to rise again in the next permit term (MRP 3.0), starting in late 2021. The CWP, with guidance from the Permittees, has been focused on maintaining relatively constant levels of funding from municipalities while balancing the need to maintain its operating reserves, which have been decreasing in recent years. Nonetheless, with increasing Permit requirements, it is anticipated that in the next permit term the amount that is returned to local jurisdictions may decrease.

The CWP uses its portion of the SUA funds to assist local jurisdictions with MRP compliance by performing work that is more cost-effective when done on the countywide level. Examples include regional public outreach campaigns, regional water quality and creeks monitoring, development of a Geographical Information System tracking tool for reporting pollutant load reductions and the C.3 Guidebook for developers and staff, municipal staff training, support in development and submittal of the Annual Report, and other activities that assist member agencies in complying with the MRP. The CWP also pays dues, on behalf of the local jurisdictions, to the Bay Area Stormwater Management Agencies Association, to the San Francisco Bay Regional Monitoring Program for Trace Substances, and to the California Stormwater Quality Association. These groups provide training, monitoring, and research activities that are mandated under the MRP, as well as expertise in representing local interests at the regional and state levels.

STRATEGIC PLAN CONSIDERATIONS

Maintaining existing funding for the City's Clean Water Program activities fulfills Strategic Plan Goal E to "Ensure the public's health and safety" and Goal F to "Foster environmental sustainability citywide." These activities are mandated by both Federal and State regulations to help maintain clean water standards. Implementation of the Clean Water Program not only promotes good water quality, it also protects the health and sustainability of the City's waterways and ecology. Non-compliance with the Municipal Regional NPDES Permit exposes jurisdictions to penalties, fines, and other enforcement actions.

ENVIRONMENTAL CONSIDERATIONS

Establishing the annual amount and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt SUA levies does not constitute a "project" as defined in the California Environmental Quality Act (CEQA) and its Guidelines, under the general rule that CEQA applies only to actions that have the potential to cause a significant effect on the environment. In this case, the City Council is only authorizing

the amount of the annual parcel assessment for the NPDES program. Additionally, pursuant to Section 15273 of the CEQA Guidelines, the establishment of charges for the purpose of meeting operating expenses is categorically exempt. Any potential project funded by the annual assessment will be reviewed under CEQA prior to approval.

FINANCIAL CONSIDERATIONS

Staff is proposing adoption of the maximum rate of \$38.00 per ERU for FY 2020-21, which would generate an estimated \$411,398, of which \$334,901 will be returned to the City and included in the FY 2020-21 budget under the NPDES Fund (202). If adopted by the City Council, the Contra Costa County Board of Supervisors will adopt the annual property assessments for the FY 2020-21 tax rolls.

As part of the FY 2015-16 budget to address an operating deficit in NPDES, some clean water expenses were moved to the General Fund. Transferring of these expenses restored some of the General Fund support to Public Works services, which had been reduced over the prior few years when eligible expenses were shifted to several Special Funds, including NPDES, as a short-term solution. As costs for permit compliance and personnel continue to increase, the relatively flat revenues generated by the fixed ERU rate of \$38.00 will not keep pace with increasing costs. Additional or alternative funding sources will need to be identified in two to three years to continue to meet the requirements of the Municipal Regional NPDES Permit including escalating requirements that are expected in the next permit term.

Statewide Funding Efforts

As the MRP requirements have increased over the years, efforts have been made to increase funding for the compliance activities of local governments. In 2012, the CWP attempted to raise new funds through a county-wide property-owner mail-in ballot election. Although this initiative failed on a county-wide basis, support in El Cerrito was 54 percent, demonstrating local support for the clean water activities. Since that time, a coalition of various agencies have sought legislative solutions to bridge the funding gap between increasing NPDES compliance requirements and the lack of funding sources available to pay for them. In October 2017, Governor Brown signed Senate Bill 231 (Hertzberg) Local Government: Fees and Charges, which provides local governments with greater authority to fund stormwater improvements. (The El Cerrito City Council approved a recommendation authorizing the Mayor to send a letter in support of the bill.) The legislature did this by clarifying, and thereby expanding the definition of “sewer” under Proposition 218, allowing cities to fund stormwater projects in the same manner as other public works utilities, such as water, sanitary sewer, and solid waste. However, local governments are proceeding cautiously in implementing any related fees, as the new law has yet to be tested in the courts.

LEGAL CONSIDERATIONS

The proposed actions are consistent with established processes for City adoption of the annual ERU rate. The City Attorney has reviewed and approved the proposed action.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Contra Costa Clean Water Program Return to Source 2016 – 2021 Percentages
3. Contra Costa Clean Water Program Group Costs Methodology and Allocation
4. Stormwater Utility Area Formation County Engineer Report

RESOLUTION 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ESTABLISHING THE ANNUAL PARCEL ASSESSMENT FOR THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM AND DRAINAGE MAINTENANCE ACTIVITIES AT THE CURRENT RATE OF \$38.00 PER EQUIVALENT RUNOFF UNIT AND AUTHORIZING THE CONTRA COSTA COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT TO ADOPT STORMWATER UTILITY AREA LEVIES BASED ON SAID AMOUNT IN FISCAL YEAR 2020-21.

WHEREAS, under the Federal Water Pollution Control Act, prescribed discharges of stormwater require a permit from the appropriate California Regional Water Quality Board under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, Order No. R2-2015-0049, NPDES Permit No. CAS12008, issuing waste discharge requirements under the San Francisco Bay Municipal Regional Stormwater Permit (MRP) to the Cities, Flood Control Districts and County agencies located in Alameda, Contra Costa, Santa Clara, San Mateo Counties, as well as the cities of Fairfield, Suisun and Vallejo, includes the implementation of selected Best Management Practices to minimize or eliminate pollutants from entering storm waters; and

WHEREAS, at the request of the City of El Cerrito, the Contra Costa County Flood Control and Water Conservation District (District) has completed the process for formation of a Stormwater Utility Area (SUA), including the adoption of the Stormwater Utility Assessment Drainage Ordinance No. 93-47; and

WHEREAS, it is the intent of the City of El Cerrito to utilize funds received from its SUA for implementation of the NPDES program and drainage maintenance activities; and

WHEREAS, the SUA and Program Group Costs Payment Agreement between the City of El Cerrito and the District requires that the City of El Cerrito annually, by April 15, determine the rate to be assessed to a single Equivalent Runoff Unit (ERU) for the forthcoming fiscal year.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito does determine that the rate to be assigned to a single ERU for Fiscal Year 2020-21 shall be set at \$38.00.

BE IT FURTHER RESOLVED, the City Council of the City of El Cerrito does hereby request the District to adopt SUA levies based on said amount.

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

I CERTIFY that at a regular meeting on April 7, 2020 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 April _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

Contra Costa Clean Water Program
Stormwater Utility Assessment (SUA) Revenue, Cost Allocations, and SUA Revenue Return-to-Source (RTS) Percentages
(2/28/2020)

Stormwater Utility Assessment (SUA) Revenue ¹ (FY 2019/20)		Adopted								Proposed	
		FY 16/17 Net Budget \$2,625,516		FY 17/18 Net Budget \$3,053,432		FY 18/19 Budget \$3,085,545		FY 19/20 Budget \$3,499,213		FY 20/21 Budget \$3,473,097	
		Allocation ²	% RTS ⁷	Allocation ³	% RTS ⁷	Allocation ⁴	% RTS ⁷	Allocation ⁵	% RTS ⁷	Allocation ⁶	% RTS ⁷
Antioch	\$ 1,242,401	\$ 257,816	78.1	\$ 307,042	73.9	\$306,747	73.9	\$344,212	72.2	\$342,241	72.5
Brentwood		\$ 134,488		\$ 159,772		\$163,938		\$191,930		\$191,287	
Clayton	\$ 127,691	\$ 26,872	78.7	\$ 30,466	75.9	\$30,299	76.0	\$34,801	72.4	\$35,014	72.6
Concord	\$ 2,107,762	\$ 300,122	85.3	\$ 352,538	82.8	\$344,685	83.2	\$393,222	80.9	\$390,281	81.5
Danville	\$ 571,989	\$ 104,012	81.6	\$ 116,505	79.4	\$116,412	79.4	\$135,163	76.0	\$136,024	76.2
El Cerrito	\$ 411,398	\$ 57,820	85.6	\$ 66,258	83.5	\$66,053	83.6	\$75,926	81.3	\$76,497	81.4
Hercules	\$ 411,398	\$ 58,980	81.8	\$ 67,381	79.5	\$68,940	79.1	\$80,122	75.7	\$78,796	80.8
Lafayette	\$ 471,484	\$ 59,882	86.9	\$ 67,742	85.3	\$67,662	85.3	\$78,106	83.0	\$79,105	83.2
Martinez	\$ 705,671	\$ 88,997	85.8	\$ 100,719	83.9	\$101,115	83.9	\$115,986	82.3	\$115,652	83.6
Moraga	\$ 296,891	\$ 39,199	86.4	\$ 44,882	87.4	\$44,777	87.4	\$51,729	82.2	\$50,897	82.9
Oakley	\$ 506,229	\$ 92,342	81.4	\$ 109,102	78.4	\$110,623	78.1	\$127,083	75.8	\$125,474	75.2
Orinda	\$ 385,736	\$ 44,308	88.4	\$ 50,959	86.7	\$50,842	86.7	\$58,451	84.6	\$58,517	84.8
Pinole	\$ 324,505	\$ 45,103	85.7	\$ 50,932	84.0	\$50,950	84.0	\$58,564	81.7	\$58,586	81.9
Pittsburg	\$ 1,259,431	\$ 160,997	85.5	\$ 184,324	83.5	\$187,468	83.2	\$221,172	81.5	\$217,966	82.7
Pleasant Hill	\$ 500,822	\$ 81,327	83.5	\$ 92,620	81.2	\$93,057	81.1	\$106,764	78.3	\$105,331	79.0
Richmond		\$ 255,550		\$ 300,003		\$300,153		\$337,837		\$331,830	
San Pablo	\$ 433,128	\$ 70,776	83.2	\$ 83,792	80.1	\$83,380	80.2	\$96,184	77.4	\$95,601	77.9
San Ramon	\$ 1,211,735	\$ 187,024	84.2	\$ 212,987	82.3	\$216,284	82.0	\$251,605	78.4	\$252,268	79.2
Walnut Creek	\$ 1,305,805	\$ 159,187	86.6	\$ 190,306	84.0	\$190,571	84.0	\$215,144	82.0	\$210,694	83.9
CC County	\$ 3,659,054	\$ 400,713	88.3	\$ 465,102	87.0	\$465,739	87.0	\$525,212	84.9	\$521,037	85.8

¹. Total Stormwater Utility Assessment (SUA) revenue based on FY 2018/19. SUA revenue may increase annually due to new development activity.

². Allocation of costs based on CA Department of Finance Population Figures - January 1, 2015.

³. Allocation of costs based on CA Department of Finance Population Figures - January 1, 2016.

⁴. Allocation of costs based on CA Department of Finance Population Figures - January 1, 2017.

⁵. Allocation of costs based on CA Department of Finance Population Figures - January 1, 2018.

⁶. Allocation of costs based on CA Department of Finance Population Figures - January 1, 2019.

⁷. Percentage of Stormwater Utility Assessment (SUA) revenue Returned-to-Source (RTS).

= No SUA. Stormwater funding from other sources.

**GROUP COSTS METHODOLOGY & ALLOCATION
FOR FISCAL YEAR 2020/21**

City/County/State	January 1, 2018	January 1, 2019⁽¹⁾	Percent Change	Prorata % of Program ⁽²⁾	Budget ⁽³⁾ Allocation
CONTRA COSTA COUNTY	1,147,879	1,155,879	0.70%		\$ 3,473,097
ANTIOCH	113,266	113,901	0.56%	9.85%	\$ 342,241
BRENTWOOD	62,140	63,662	2.45%	5.51%	\$ 191,287
CLAYTON	11,631	11,653	0.19%	1.01%	\$ 35,014
CONCORD	129,493	129,889	0.31%	11.24%	\$ 390,281
DANVILLE	45,103	45,270	0.37%	3.92%	\$ 136,024
EL CERRITO	25,192	25,459	1.06%	2.20%	\$ 76,497
HERCULES	25,964	26,224	1.00%	2.27%	\$ 78,796
LAFAYETTE	26,077	26,327	0.96%	2.28%	\$ 79,105
MARTINEZ	38,406	38,490	0.22%	3.33%	\$ 115,652
MORAGA	16,886	16,939	0.31%	1.47%	\$ 50,897
OAKLEY	40,949	41,759	1.98%	3.61%	\$ 125,474
ORINDA	19,331	19,475	0.74%	1.68%	\$ 58,517
PINOLE	19,458	19,498	0.21%	1.69%	\$ 58,586
PITTSBURG	72,006	72,541	0.74%	6.28%	\$ 217,966
PLEASANT HILL	34,969	35,055	0.25%	3.03%	\$ 105,331
RICHMOND	110,128	110,436	0.28%	9.55%	\$ 331,830
SAN PABLO	31,737	31,817	0.25%	2.75%	\$ 95,601
SAN RAMON	83,179	83,957	0.94%	7.26%	\$ 252,268
WALNUT CREEK	69,498	70,121	0.90%	6.07%	\$ 210,694
UNINCORP. COUNTY	172,466	173,406	0.55%	15.00%	\$ 521,037
				<u>100.00%</u>	<u>\$ 3,473,097</u>

1. Population estimate based on State of California Department of Finance (E-1) City/County projections- January 1, 2020.
Figures are updated in May of each year.
2. Percentages based on prorata of population.
3. Budget Allocation amount is the Stormwater Utility Assessment (SUA) budget, which includes contingency (net program budget).

H. 1
(2)

TO: BOARD OF SUPERVISORS, AS THE GOVERNING BODY OF CONTRA COSTA
COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

FROM: J. MICHAEL WALFORD, CHIEF ENGINEER

DATE: June 22, 1993

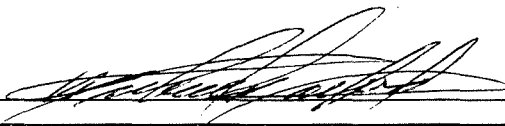
SUBJECT: CHIEF ENGINEER'S REPORT ON FORMATION OF STORMWATER UTILITY AREAS AND
ADOPTION OF ANNUAL ASSESSMENTS

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

I. **Recommended Action:**

1. ACCEPT Chief Engineer's report on the tabulation of the protests against the proposed Stormwater Utility Assessments;
2. FIND that the number of protests received for each Stormwater Utility Area represent less than fifty (50) percent of the area;
3. DETERMINE the formation of the Stormwater Utility Areas is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) Article 5, CEQA Guidelines. DIRECT the Community Development Director to file a notice of Exemption.
4. APPROVE the resolutions establishing the seventeen (17) Stormwater Utility Areas; and
5. ADOPT the Ordinance establishing Stormwater Utility Assessments in the seventeen (17) Stormwater Utility Areas with the stipulation that the Equivalent Runoff Unit (ERU) rate for the unincorporated County area shall be \$16.20 for Fiscal Year 1993-94 (a ten percent reduction from the proposed rate of \$18/ERU.)

Continued on Attachment: X

SIGNATURE: 

☐ RECOMMENDATION OF COUNTY ADMINISTRATOR
☐ RECOMMENDATION OF BOARD COMMITTEE
☐ APPROVE ☐ OTHER

SIGNATURE(S):

ACTION OF BOARD ON JUN 22 1993 APPROVED AS RECOMMENDED X OTHER ☐

VOTE OF SUPERVISORS

X UNANIMOUS (ABSENT ☐)
AYES: ☐ NOES: ☐
ABSENT: ☐ ABSTAIN: ☐

MFK:lv:fp:sj
c:NPDES\22.16

Orig. Div: Public Works (FC)
Contact: Milton Kubicek, 313-2203
cc: County Administrator
County Auditor
County Counsel
PW - Flood Control

I hereby certify that this is a true and correct copy of
an action taken and entered on the minutes of the
Board of Supervisors on the date shown.

ATTESTED: JUN 22 1993
PHIL BATCHELOR, Clerk of the Board
of Supervisors and County Administrator

By Barbara Sidari, Deputy

II. Financial Impact:

The proposed Stormwater Utility Assessments will raise approximately \$8,052,900 to fund the National Pollutant Discharge Elimination System (NPDES) permit activities including drainage system maintenance for the following cities and unincorporated Contra Costa County areas:

Antioch	El Cerrito	Moraga	Pleasant Hill
Clayton	Hercules	Orinda	San Pablo
Concord	Lafayette	Pinole	San Ramon
Danville	Martinez	Pittsburg	Walnut Creek

III. Reasons for Recommendations and Background:

Contra Costa County, its incorporated cities and the Contra Costa County Flood Control and Water Conservation District decided approximately two years ago to collectively apply for a Joint Municipal National Pollutant Discharge Elimination System (NPDES) Permit. This is federally mandated through the Clean Water Act which was amended in 1987 to specifically address stormwater pollution. There are three parts to the Permit. The Part I Application representing reconnaissance level activities by each municipality was submitted to the San Francisco Bay and Central Valley Regional Water Quality Control Boards on May 18, 1992. The Part II Application represented the development of each municipality's Stormwater Management Plan which was submitted to the Regional Boards on May 17, 1993. The Stormwater Management Plan seeks to reduce or radically eliminate pollutants from entering or reaching the storm sewer system. The third phase of the process is the actual promulgation of the Permit.

The Permit is for five years (1993 to 1998) requiring each municipality to implement their approved Stormwater Management Plan. The Regional Boards have indicated the need for a "restricted" funding source to finance implementation costs. Therefore, Contra Costa County proposed legislation providing a financing option for municipalities to use through the Contra Costa County Flood Control and Water Conservation District. The bill, AB 2768 (Campbell), was passed by the legislature and signed by Governor Pete Wilson on August 30, 1992. The legislation specifically allows a municipality to request formation of a Stormwater Utility Area within their incorporated boundaries and establish an assessment to pay for implementation costs.

The Board of Supervisors, acting as the Contra Costa County Flood Control and Water Conservation District, provided public notice to all affected property owners before considering the establishment of the Stormwater Utility Areas and assessments. The Board of Supervisors acting on behalf of Contra Costa County has also taken specific actions establishing the Stormwater Utility Area and assessment for the unincorporated portion of the County. Should there be a fifty percent (50%) protest against the Stormwater Utility Areas formations and assessments, the Board of Supervisors would have to abandon this form of financing. Due to the inability to create any new assessments for the 1993-94 Fiscal Year, the likely alternative funding source would be the General Fund.

Public notices were sent to approximately 238,234 parcel owners. State legislation (SB1977 - Bergeson) requires at least 45 day notice to parcel owners before the governing board considers any new or increased assessments. This requirement was met and informed parcel owners of two public hearings which were held on June 10 and 15, 1993. Approximately 28,170 recorded protests have been received. This represents approximately 11.8% of the total number of parcel owners who received public notices. The recorded protest includes those legally acceptable and those that appear acceptable but presently are questionable. The reason this figure is used is to provide a "worse case" scenario to the Board of Supervisors regarding the amount of protests per stormwater utility area. A copy of all written protests are retained in the office of the Contra Costa County Clerk of the Board located at 651 Pine Street, Martinez, California. A majority protest by the owners of more than 50% in area of the territories to be included in the stormwater utility area would cause the assessment to be abandoned for that particular area. This has not occurred. The following two charts highlight the total "assessable" and "total" area per stormwater utility area:

Tax Rate Area	Area Protested	Total Assessable Area	Percentage*
01 City of Antioch	806	5,542	14.5
02 City of Concord	1,278	8,235	15.5
03 City of El Cerrito	150	1,801	8.3
04 City of Hercules	165	1,380	12.0
05 City of Martinez	703	3,392	20.7
06 City of Pinole	191	1,570	12.2
07 City of Pittsburg	775	3,964	19.5
09 City of Walnut Creek	785	5,979	13.1
11 City of San Pablo	194	1,408	13.8
12 City of Pleasant Hill	419	2,830	14.8
13 City of Clayton	138	1,307	10.5
14 City of Lafayette	587	4,833	12.1
15 Town of Moraga	599	2,386	25.1
16 Town of Danville	501	4,548	11.0
17 City of San Ramon	577	3,677	15.7
18 City of Orinda	361	3,440	10.5
50 Unincorporated County	5,358	31,050	17.2

Tax Rate Area	Area Protested	Total Area	Percentage*
01 City of Antioch	806	18,000	4.4
02 City of Concord	1,278	14,954	8.5
03 City of El Cerrito	150	2,706	5.5
04 City of Hercules	165	4,115	4.0
05 City of Martinez	703	7,196	9.7
06 City of Pinole	191	3,105	6.1
07 City of Pittsburg	775	10,221	7.5
09 City of Walnut Creek	785	14,511	5.4
11 City of San Pablo	194	1,711	11.3
12 City of Pleasant Hill	419	3,708	11.3
13 City of Clayton	138	3,185	4.3
14 City of Lafayette	587	9,583	6.1
15 Town of Moraga	599	9,579	6.2
16 Town of Danville	501	11,037	4.5
17 City of San Ramon	577	9,351	6.1
18 City of Orinda	361	10,521	3.4
50 Unincorporated County	5,358	417,315	1.2

The "total assessable area" provides the worse case scenario for determining if a majority protest exists. Based on these amounts, a majority protest does not exist for any stormwater utility area.

The process used to record protests included a specific database based on the 1992 equalized tax roll indicating parcel ownership, address, notification address, acreage, land use, proposed assessment, etc. Two "hotlines" were established so the general public could have immediate access to information. During the ten weeks between mailing of the public notices and the June 15th public hearing, approximately 500 telephone call were received. Two trained operators were able to handle the majority of the problems. Questions that were encountered were based primarily on the accuracy of the Land Information and the Public Works Automated Mapping Systems. These included problems dealing with parcel ownership, acreage of the parcel and the appropriate land use. Should the Board of Supervisors approve the Stormwater Utility Areas and Assessments than field inspection activities would immediately commence. All known problems will be reviewed and corrections made prior to the promulgation of the assessments for the 1993-94 Fiscal Year. Specific problems pertaining to reclamation districts, the Oakley-Knightsen area and St. Mary's College will be resolved prior to this promulgation.

IV. Consequences of Negative Action:

The Environmental Protection Agency promulgated the National Pollutant Discharge Elimination Discharge System (NPDES) Permit Application Regulations for stormwater discharges on November 16, 1990 (40 CFR Parts 122, 123 and 124). Contra Costa County and the City of Concord were specifically identified in the Federal Register as needing a Municipal NPDES Permit. The legislation also permitted the State of California to make a finding if stormwater discharge was a "... significant contributor of pollutants to the waters of the United States" then these municipalities would also need to obtain a Municipal NPDES Permit. Such a finding was made requiring all municipalities within the San Francisco Bay Regional Water Quality Control Board's jurisdiction in Contra Costa County to obtain Municipal NPDES Permits.

All affected municipalities excluding the City of Richmond have opted to utilize the financing method contained in Assembly Bill 2768 (Campbell). This means each municipality is specifically requesting the formation of a Stormwater Utility Area within their incorporated boundaries, have established an assessment for Fiscal Year 1993-94 and set a maximum rate of assessment. Should the Board of Supervisors acting as the Contra Costa County Flood Control and Water Conservation District fail to proceed with this assessment, then it would create immediate financial chaos. All participating municipalities are expecting the Board of Supervisors to approve the formation of Stormwater Utility Areas and assessments if a majority protest does not materialize. If the AB 2768 financing mechanism is not implemented, then municipalities would need to resort to general revenue financing. This would further exasperate the financial dilemma all municipalities are facing with cut-backs from the State to local governments.

ORDINANCE NO. 93-47

AN ORDINANCE OF THE CONTRA COSTA COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT
IMPOSING STORM WATER UTILITY ASSESSMENTS FOR
STORMWATER UTILITY AREAS:

1-(Antioch), 2-(Clayton), 3-(Concord), 4-(Danville), 5-(El Cerrito),
6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda),
11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14-(San Pablo),
15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County)

The Board of Supervisors of Contra Costa County, acting as the governing board of the Contra Costa County Flood Control and Water Conservation District, ordains as follows:

ARTICLE I

Section 1. Title.

This Ordinance shall be known as the "Stormwater Utility Assessment Ordinance" of the Contra Costa County Flood Control and Water Conservation District.

Section 2. Purpose.

The United States Environmental Protection Agency (the "EPA") has, consistent with Section 402 of the Federal Clean Water Act, as amended, promulgated the National Pollutant Discharge Elimination System Regulations (the "NPDES Regulations") pursuant to which the EPA, through the appropriate California Regional Water Quality Control Board (the "CRWQCB"), has required the Contra Costa County Flood Control and Water Conservation District (the "District") and other affected public entities to secure a National Pollutant Discharge Elimination System Stormwater Permit (the "NPDES Permit") and to develop, implement and manage identified programs dealing with stormwater runoff. The parcels of land within the respective watersheds within the District's jurisdiction for which a NPDES Permit is required will benefit from these programs. Further, the local drainage facilities falling under the NPDES program requires routine maintenance if they are to continue to serve the developed areas for which they were installed. Collectively, these two activities, NPDES and general drainage maintenance, represent the city's and County's stormwater management Programs. The Board of Supervisors of the District has determined, pursuant to the Contra Costa County Flood Control and Water Conservation Act (the "District Act"), which is Chapter 63, Section 12.8, as amended, of the California Water Code Appendix, to form certain Stormwater Utility Areas in which the

District will annually levy assessments to pay the cost of these programs required by the NPDES Permit. The Board of Supervisors of the District, consistent with Sections 11 and 12.8 of the District Act and Section 54954.6 of the Government Code, held noticed public hearings at which time all testimony, oral and written, was considered. At the conclusion of the public hearings, the Board of Supervisors of the District adopted resolutions forming the Stormwater Utility Areas. The provisions of this Ordinance confirming the formation of the Stormwater Utility Areas and providing for the annual levy of a Utility Assessment are consistent with the District Act and the reports prepared by the Chief Engineer of the District and accepted by the Board of Supervisors of the District.

The Board of Supervisors of the District finds that the Utility Assessment to be annually levied shall be based on the proportional amount of impervious surface on each lot or Parcel within the Stormwater Utility Area. Revenues derived from the Utility Assessments shall be applied exclusively to pay the District's administrative costs in collecting the assessments and the respective city or County stormwater management Program costs for the Stormwater Utility Area in which they are collected.

ARTICLE II

DEFINITIONS

Unless otherwise specifically provided or required by the context, certain terms or expressions used herein have the meanings set forth below:

- a. "Board of Supervisors" means the Board of Supervisors of the Contra Costa County Flood Control and Water Conservation District.
- b. "Chief Engineer" means the Chief Engineer of the Contra Costa County Flood Control and Water Conservation District.
- c. "County" means the County of Contra Costa, State of California.
- d. "CRWQCB" means the California Regional Water Quality Control Board for the region in which the Stormwater Utility Area has been formed.
- e. "District" means the Contra Costa County Flood Control and Water Conservation District.
- f. "District Act" means the Contra Costa County Flood Control and Water Conservation District Act, which is codified in West's California Water Code Appendix, Chapter 63, as amended from time to time.

- g. "EPA" means the United States Environmental Protection Agency, which pursuant to the Clean Water Act of 1972, as amended by the Water Quality Act of 1987, has jurisdiction to establish the National Pollutant Discharge Elimination System (NPDES) and promulgate regulations pursuant thereto.
- h. "NPDES Permit" means the permit, issued by the CRWQCB, dealing with stormwater runoff in association with the National Pollutant Discharge Elimination System (NPDES) and the regulations promulgated by the EPA.
- i. "NPDES Regulations" means the final regulations dated November 16, 1990, and any subsequent amendments thereto promulgated by the EPA governing the National Pollutant Discharge Elimination System (NPDES).
- j. "Ordinance" means this Ordinance No. 93-47 of the Contra Costa County Flood Control and Water Conservation District.
- k. "Parcel" means a parcel of property identified by Assessor parcel number as shown on the equalized tax rolls of the County of Contra Costa, State of California.
- l. "Program" means all the activities required under or in connection with the NPDES Permit, including without limitation drainage system maintenance and Program administration.
- m. "Stormwater Utility Area" means a benefit assessment area formed pursuant to Section 12.8 of the District Act by the Board of Supervisors and identified in Article III of this Ordinance.
- n. "Utility Assessment" means the annual assessment to be levied on each Parcel within a Stormwater Utility Area pursuant to Article V of this Ordinance.

ARTICLE III

FORMATION OF STORMWATER UTILITY AREAS

Section 1. Formation of Stormwater Utility Areas.

Pursuant to Sections 11 and 12.8 of the District Act and Section 54954.6 of the Government Code, the Board of Supervisors noticed public hearings to consider the establishment of individual Stormwater Utility Areas for each of the 16 cities and the unincorporated County area to fund Program costs. At the conclusion of the hearings, the Board of Supervisors adopted Resolutions Nos. 93/352, 93/353, 93/354, 93/355, 93/356, 93/357, 93/358, 93/359, 93/360, 93/361, 93/362, 93/363, 93/364, 93/365, 93/366, 93/367, and 93/368, which formed, respectively, Stormwater Utility Areas 1-(Antioch), 2-

(Clayton), 3-(Concord), 4-(Danville), 5-(El Cerrito), 6-(Hercules), 7-(Lafayette), 8-(Martinez), 9-(Moraga), 10-(Orinda), 11-(Pinole), 12-(Pittsburg), 13-(Pleasant Hill), 14-(San Pablo), 15-(San Ramon), 16-(Walnut Creek), and 17-(Unincorporated County). The legal boundary of each Stormwater Utility Area shall be congruent with the legal boundary of the associated city or County entity as of July 1st of each year in which a Utility Assessment is levied.

Section 2. Additional Stormwater Utility Areas.

The District may form additional Stormwater Utility Areas, if requested by resolution of the governing board of the area to be formed. To form an additional Stormwater Utility Area, the District shall comply with provisions of the District Act then governing the formation of a Stormwater Utility Area.

ARTICLE IV

**REPORT OF CHIEF ENGINEER; HEARING THEREON;
CONFIRMATION OF UTILITY ASSESSMENT BY THE
BOARD OF SUPERVISORS**

Section 1. Report.

The Chief Engineer shall cause to be prepared annually a written report indicating, for each Stormwater Utility Area, the Utility Assessment to be levied, as requested by the city or County governing board having jurisdiction over the area defined by the Stormwater Utility Area and shall file the report with the Clerk of the Board of Supervisors.

Section 2. Content of the Report.

The report shall contain the District's estimate of its administrative costs and the Program costs for the respective city or County agency for each of the Stormwater Utility Areas for the ensuing fiscal year. Said estimate of costs shall be apportioned to each Parcel on the basis of proportionate impervious surface assignable to each Parcel to be assessed. Only Parcels not otherwise exempted by this Ordinance or the NPDES Regulations shall have a Utility Assessment levied on them. The report shall identify all Parcels by Assessor parcel number on which a Utility Assessment is to be levied and the amount of the assessment.

Section 3. Resolution Accepting Report and Noticing Public Hearing.

Upon the report being filed with the Clerk of the Board of Supervisors, the Board of Supervisors is, by resolution, to accept, if appropriate, the report and to set a date, time

and place for a hearing on said report. Notice of the hearing date shall be given as required by applicable law.

Section 4. Hearing.

The Board of Supervisors shall hear the matter on the date and at the time specified in the notice, or as continued for good cause. At the hearing, the Board of Supervisors shall hear and consider all testimony, oral and written, presented, including all written protests. At the conclusion of the hearing, the Board of Supervisors may revise, change, reduce or modify any Utility Assessment and shall determine an appropriate rate for each Stormwater Utility Area identified in the report. Thereafter, by resolution, it shall confirm the assessments. Such confirming resolutions shall be adopted no later than August 10 of each fiscal year in which the Utility Assessment is to be levied and collected.

Section 5. Enrollment.

The District shall provide certified copies of the confirming resolutions and the roll of confirmed Utility Assessments, in an acceptable format, to the Auditor-Controller of the County on or before August 10 of each fiscal year.

ARTICLE V

LEVY OF UTILITY ASSESSMENT

Section 1. Determination of the Amount to Be Assessed.

The District shall estimate, for the fiscal year in which the Utility Assessment is to be levied, the total number of Equivalent Runoff Units and the administrative costs for each Stormwater Utility Area. The administrative costs shall be combined with the costs of implementing the city or County Program for the various Stormwater Utility Areas. This total cost is to be apportioned among the Parcels within each respective Stormwater Utility Area in direct proportion to the number of Equivalent Runoff Units assigned to each Parcel. The Utility Assessment levied and collected within each Stormwater Utility Area may only be applied toward the costs incurred for Program costs for the Stormwater Utility Area. If, at the conclusion of any fiscal year, there remains in the account for a Stormwater Utility Area unexpended funds, the remaining balance shall be applied toward the estimated costs for the next fiscal year. Utility Assessments levied and collected pursuant to this Ordinance may not be applied toward any other costs or expenses of the District or the city or County receiving funds from the Stormwater Utility Area nor may they be applied to the costs of a Stormwater Utility Area other than the Stormwater Utility Area for which they were levied and collected.

Section 2. Determination of Equivalent Runoff Unit and Amount of Utility Assessment to Be Levied.

- a. Equivalent Runoff Unit. The Chief Engineer has submitted a report entitled "Report on Stormwater Utility Assessment" and dated March 1993. The report establishes standard impervious surface amounts for various land uses and Parcel sizes and establishes Equivalent Runoff Units (ERUs) for each type of land use. The report and the standard amounts specified therein are adopted by the Board and are incorporated herein by reference. The standard against which all property is to be measured shall be a single-family residential Parcel of 8,900 square feet in size to which a standard of 3,300 square feet of impervious surface is ascribed and shall be called a Equivalent Runoff Unit (ERU). All other land uses shall be compared to this standard and the number of Equivalent Runoff Units assigned to the Parcel shall be in direct proportion to 3,300 square feet of impervious surface (SFIS). The number of Equivalent Runoff Units per Parcel for each of the classes listed in subsection (b) below are as follows:

Group A	1.0 ERU/unit	Group G	7 ERU/acre
Group B	.7 ERU/unit	Group H	9 ERU/acre
Group C	1.7 ERU/unit	Group I	10 ERU/acre
Group D	.2 ERU/acre	Group J	12 ERU/acre
Group E	1.5 ERU/acre	Group K	1 ERU/3,300 SFIS
Group F	4.5 ERU/acre	Group L	Exempt

- b. Classification of Parcels. All Parcels shall be assigned to one of the following classifications based on land use:

- Group A: Single family residential on a Parcel having an area between 5,000 square feet and 20,000 square feet.
- Group B: Single family residential on a Parcel having an area less than 5,000 square feet and all multiple family residential Parcels.
- Group C: Single family residential on a Parcel having an area greater than 20,000 square feet.
- Group D: Golf courses and cemeteries.
- Group E: Miscellaneous improvements creating less than 25 percent impervious surfaces by Parcel area.
- Group F: Miscellaneous improvements creating between 25 percent and 50 percent impervious surfaces by Parcel area.

Group G: Community centers, churches, schools and cultural facilities.

Group H: Office buildings, medical-dental offices, financial buildings, research and development offices, miscellaneous industrial improvements, convalescent hospitals and rest homes, mortuaries, fraternal and service organization buildings, retirement housing complex.

Group I: Hotels, motels, and mobile home parks.

Group J: Mini warehouses, industrial parks, light industrial parks, heavy industry, utility properties (corporation yards), bowling alleys, theaters, restaurants, car lots, hospitals, convenience markets, supermarkets, shopping centers, drive-in restaurants, parking facilities, service stations and car washes.

Group K: Boat marinas, partially developed properties.

Group L: Vacant land, agricultural land, and government-owned properties used for public purposes.

c. Exempted Land Uses. All land uses expressly exempted by the NPDES Regulations will be exempted from the levy of a Utility Assessment pursuant to this Ordinance. Those land uses exempted are:

- (1) Agricultural uses, including dairies, poultry, livestock, groves, orchards, row crops, field crops, vines or dry farming.
- (2) Vacant, undeveloped Parcels.
- (3) Publicly-owned Parcels which are Parcels owned by a federal, state or local public entity or agency and used for public purposes.

d. Determination of Equivalent Runoff Units Per Parcel. Once a Parcel is classified and its acreage or number of units is determined, the appropriate standard Equivalent Runoff Unit amount for the classification will be multiplied by the acreage or the number of units to determine the total Equivalent Runoff Units for the Parcel.

e. Determination of Utility Assessment to Be Levied Per Equivalent Runoff Unit. The aggregate number of Equivalent Runoff Units within a Stormwater Utility Area will be divided into the estimated Program costs for the Stormwater Utility Area to determine the amount of Utility Assessment to be levied per Equivalent Runoff Unit. The Utility Assessment to be levied on a Parcel is determined by the number of Equivalent Runoff Units ascribed to the Parcel and the assessment value of each unit.

- f. Maximum Utility Assessment to Be Levied Per Equivalent Runoff Unit. The Board hereby adopts the following maximum amounts of annual Utility Assessment per Equivalent Runoff Unit that can be levied without further individual Parcel owner notification for each of the following Stormwater Utility Areas:

1-(Antioch)	\$25.00	10-(Orinda)	\$35.00
2-(Clayton)	\$29.00	11-(Pinole)	\$35.00
3-(Concord)	\$35.00	12-(Pittsburg)	\$30.00
4-(Danville)	\$30.00	13-(Pleasant Hill)	\$30.00
5-(El Cerrito)	\$38.00	14-(San Pablo)	\$45.00
6-(Hercules)	\$35.00	15-(San Ramon)	\$35.00
7-(Lafayette)	\$35.00	16-(Walnut Creek)	\$35.00
8-(Martinez)	\$30.00	17-(Unincorporated County)	\$30.00
9-(Moraga)	\$35.00		

- g. Utility Assessment to Be Levied for Fiscal Year 1993-94. The Utility Assessment to be levied per Parcel in Fiscal Year 1993-94 in the various Stormwater Utility Areas shall be based on the assigned dollar amount for a single Equivalent Runoff Unit as indicated below:

1-(Antioch)	\$20.00	10-(Orinda)	\$23.00
2-(Clayton)	\$23.00	11-(Pinole)	\$29.40
3-(Concord)	\$26.00	12-(Pittsburg)	\$24.00
4-(Danville)	\$22.00	13-(Pleasant Hill)	\$25.00
5-(El Cerrito)	\$14.00	14-(San Pablo)	\$33.00
6-(Hercules)	\$26.00	15-(San Ramon)	\$23.00
7-(Lafayette)	\$15.00	16-(Walnut Creek)	\$27.50
8-(Martinez)	\$20.00	17-(Unincorporated County)	\$16.20
9-(Moraga)	\$25.00		

ARTICLE VI

COLLECTION OF UTILITY ASSESSMENT

Section 1. Collection by Treasurer/Tax Collector.

The confirmed Utility Assessment for each Parcel shall appear as a separate item on the tax bill issued by the Treasurer/Tax Collector of the County. The Utility Assessment shall be levied and collected at the same time and in the same manner as the general ad valorem property taxes and shall be subject to the same penalties and the same procedures for sale in case of delinquency. If, for the first year the Utility Assessment is levied, the property on which the Utility Assessment is levied has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for

value has been created and attached thereon, prior to the date on which the first installment of ad valorem property taxes would become delinquent, the Utility Assessment shall not result in a lien against the real property but shall be transferred to the unsecured roll.

Section 2. Applicable Law.

All laws applicable to the levy, collection and enforcement of ad valorem property taxes shall be applicable to Utility Assessments, except as otherwise provided herein.

Section 3. Validity of Utility Assessment Not Affected by Time Limits.

Failure to meet the time limits set forth in this Ordinance for whatever reason shall not invalidate any Utility Assessment levied hereunder.

ARTICLE VII

CORRECTION OR CHANGE TO THE TAX ROLL

Section 1. Initiation of the Correction or Change.

A correction or change to the tax roll with respect to a Utility Assessment may be made by the Chief Engineer, either on his/her own initiative, or on application by a property owner (the "Assessee").

Section 2. Initiation by Flood Control Engineer.

The Chief Engineer may initiate a correction or change to the tax roll at any time within two (2) years of the date of the resolution or ordinance of the Board of Supervisors confirming Utility Assessments placed upon the tax roll.

Section 3. Initiation by the Assessee.

The Assessee may initiate a correction or change to the tax roll by filing a written application with the Chief Engineer within sixty (60) days following his/her receipt of the tax bill reflecting the Utility Assessment. The application shall contain or include the following information, together with such additional information deemed relevant by the Assessee or requested by the Chief Engineer:

- a. Assessor parcel number.
 - b. Gross acreage.
 - c. Use of property as of the preceding March 1.
 - d. Copy of the tax bill containing the benefit assessment.
- 1610 date*

- e. Basis for requested correction or change.

Section 4. Categories of Corrections or Changes.

Upon approval of the Chief Engineer, corrections or changes shall be made with respect to:

- a. Ownership of a Parcel;
- b. Address of an owner of a Parcel;
- c. Subdivision of an existing Parcel;
- d. Land use category of all or part of a Parcel;
- e. Computation of the area of a Parcel;
- f. Erroneous computation of the Utility Assessment.

Corrections to the tax roll shall not be valid unless and until approved by the Board of Supervisors. All corrections or changes must be reported by the Chief Engineer to the Auditor-Controller of the County, who shall (1) refund the amount of the assessment overcharge by check without amendment of the bill if the amount of overcharge is less than one hundred dollars, or (2) prepare an amended billing to correct the overcharge, as the case may be. The Chief Engineer shall give written notice to the Assessee of the action taken on the application.

If the Assessee disagrees with the Chief Engineer's determination, he/she may file an appeal with the Stormwater Utility Assessment Appeal Board within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written letter submitted to the Stormwater Utility Assessment Appeal Board, c/o the Chief Engineer for refund of all or part of the Stormwater Utility Assessment. The Stormwater Utility Assessment Appeal Board shall contain at least three members and shall be appointed by the Board of Supervisors.

If the Assessee disagrees with the Stormwater Utility Assessment Appeal Board's determination, he/she may file an appeal with the Board of Supervisors within thirty (30) days after receipt of the written notice. The appeal shall be initiated by a written application filed with the Clerk of the Board of Supervisors for refund of all or part of the Utility Assessment. The application shall include payment of a one hundred dollar appeal fee which shall be returned if the Assessee's appeal is upheld by the Board. The decision of the Board of Supervisors shall be final and shall complete the administrative process. Any further action by the Assessee for recovery of any part of the Utility Assessment shall be by complaint for refund filed in the Superior Court.

ARTICLE VIII

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall become effective thirty (30) days after passage, and within fifteen (15) days of passage, shall be published once with the names of the Supervisors voting for and against it in the Contra Costa Times, a newspaper of general circulation published in this County.

PASSED and ADOPTED on June 22, 1993 by the following vote:

AYES:	Supervisors Powers, Smith, Bishop, McPeak and Torlakson
NOES:	None
ABSENT:	None
ABSTAIN:	None

Attest: Phil Batchelor, Clerk of the Board
of Supervisors and County Administrator

By: Barbara Sidasi
Deputy

Tom Torlakson
Board Chair

MFK:lv:drg
a:npdes\ordinance
(June 22, 1993)



AGENDA BILL

Agenda Item No. 7.A.

Date: April 7, 2020
To: El Cerrito City Council
From: Karen Pinkos, City Manager, City Management; Mark Rasiah, Finance Director/City Treasurer, Finance Department
Subject: General Fund Budget Reductions Update and Fiscal Impacts of COVID-19

ACTION PROPOSED

Conduct study session and receive an update on the City's General Fund Budget reductions; provide staff with direction on further budget reductions for the FY 20-22 biennial budget.

BACKGROUND

The City Council has been closely monitoring the City's budget and financial position over the past several months in light of the results of the FY 2018-19 financial audit and the review initiated by the California State Auditor. The City Council and City staff initiated a strategic planning process by engaging the consulting firm Management Partners to assist in informing the Council of the priorities of the community for the upcoming FY 2020-21 and FY 2021-22 biennial budget process. At the January 21, 2020 City Council meeting, the City Council received an update on the City's financial position, overview of the upcoming strategic plan, and biennial budget process. The Council held a community town hall budget meeting on February 1 to review the City's financial position, answer questions, and hear feedback. At the February 4, 2020 City Council meeting, the City Council discussed the General Fund Forecast following several modifications that had significantly altered the forecast. Following this review, the Council directed staff to provide to the City Council a reduction of \$2 million, approximately 5% of the General Fund, as they develop the upcoming biennial budget.

On February 12, the City held a Strategic Plan open house, following a series of focus group meetings held in January and an online survey that collected feedback from residents, businesses, employees, and community groups. At the February 18, 2020 City Council meeting, the Council received an update on City revenues and expenditures for the first six months of the fiscal year through December 31, 2019 and adopted a resolution authorizing amendments to the FY 2019-20 budget, including \$600,000 in expense reductions, and approving new spending limits. The City Council also discussed whether or not to continue various City events. Following that, the intention was to hold a Strategic Plan workshop with the City Council on March 14 in order to discuss the results of the community feedback, review the priorities, and provide direction on strategic goals that would be used in developing the biennial budget. The Council was also set to review the City Council's budget at the March 17 City Council meeting, and receive the staff's proposed budget cuts in response to the Council's request for a 5% reduction on April 7, 2020.

Since that time, however, the COVID-19 Coronavirus pandemic has resulted in a public health crisis that has interfered with the planned course of business. On March 10, 2020 the Contra Costa County Board of Supervisors declared a local emergency within Contra Costa County through April 7, 2020. On March 12, 2020, the West Contra Costa Unified School District (WCCUSD) closed schools through April 6, 2020. On March 13, 2020 the City Council declared a local emergency in an emergency meeting. This resulted in the closure of all City facilities to the public and cancellation of all public meetings, events, programs, and classes. On March 16, 2020, along with six other Bay Area jurisdictions, Contra Costa County issued an order requiring all individuals currently living within Contra Costa County to shelter at their place of residence. On March 18, 2020, Governor Gavin Newsom issued a statewide stay-at-home order. On March 25, 2020, the City extended the closure of City facilities through May 1, 2020, and cancelled events and non-essential meetings through May 31. Additionally, that same day, WCCUSD extended the closure of their schools through May 1. On March 31, 2020, Contra Costa County extended its public health order to May 3, 2020.

Both the state and county public health orders not only require residents to shelter at home, it also requires non-essential businesses to be closed to the public. Businesses that are open are subject to strict social distancing guidelines. Similar orders and guidelines have been issued all over the United States. These are critical interventions to reduce harm from the spread of the Coronavirus in our community.

However, as a result of these orders and guidelines the U.S. economy has been impacted significantly. This has prompted local governments all over the U.S. to consider the impacts of this public health crisis on their budgets. In El Cerrito, the immediate impacts are revenue losses due to decreased sales taxes, real property transfer tax, and from the cancellation of Recreation programs and classes. Staff estimates this loss could be in the area of at least \$2-3 million dollars in revenue. This means that the previous budget adjustments, projections, and proposed reductions must all be reviewed again in light of this unprecedented economic downturn.

ANALYSIS

City staff has been in consultation with Management Partners and other financial consultants over the past few weeks to discuss recommendations and strategic priorities in light of the new budget reality that cities are faced with because of the COVID-19 public health crisis. Management Partners will provide the City Council with an update on the information gathered in the strategic planning process and outline their recommendations for the financial priorities for the upcoming biennial budget.

As requested, City staff has prepared an overall 5% reduction for the FY 2020-21 and FY 2021-22 biennial budget. The amended General Fund budget is \$40,555,794, therefore the reduction target is \$2,027,790. Each department director worked to identify reductions through a combination of vacant positions, reducing programs and contracts, and shifting costs to special funds (including the recently passed Measure H)

where possible. These reductions will result in \$1,631,848 in savings. Furthermore, the overall reduction also includes an assumption that employees will forgo their planned Cost of Living Adjustments (COLAs) for FY 2020-21. Staff are currently negotiating with all bargaining units to achieve this and are optimistic that most, if not all, bargaining units will agree to this request. Currently, a savings of at least \$400,000 is anticipated; if all bargaining units agree, this amount will increase to approximately \$750,000. At this point, including the anticipated savings of \$400,000, the overall reduction would be \$2,031,848.

Attachment 1 outlines the proposed reductions by department. These reductions include the following:

- Holding open vacant positions; freeze on hiring
- Eliminating one School Resource Officer position in the Police Department due to reduction from WCCUSD
- Suspending or reducing various programs
 - Neighborhood Traffic Management Program
 - New Streetlight Program
 - Street Banner program
 - Reducing number of public workshops, events, and classes, especially those that require staff overtime
- Reductions in various categories of expenditures:
 - Professional Services: reducing consulting contracts
 - Travel and Training: only essential training required by law or to maintain license or credential
 - Events and Field Trips: reducing budgets for Boards, Commissions, and Committees; canceling most events for calendar year
 - Public information: reduce number of printed materials and newsletters
 - Supplies, Equipment, Vehicles: essential only, suspend major purchases
- Expenditures related to park maintenance, landscaping, vegetation management: move eligible expenses to Measure H

Immediate actions City staff have taken to date in response to the COVID-19 emergency includes an unpaid furlough of 90 part-time staff members, reduction in discretionary benefits for management and confidential staff, a freeze on hiring, and a freeze on non-essential spending.

However, in light of the current fiscal situation, City staff recognizes that this 5% reduction will not be a sufficient response to mitigate revenue shortfalls due to COVID-19. Staff is presenting these proposed General Fund reductions in order to set a new Budget baseline for the City Council to consider, knowing that we face incredible uncertainty as to how the budget will eventually be developed because it is impossible to know how long this crisis, and therefore the resulting public health orders, will last.

As a result, City staff is considering further proposed reductions in expenses, that will result in further decreased services, programs, and staff. These could include, but are not limited to: elimination of vacant positions, reduce hours paid to Contra Costa County for library services, cancellation of major City events, restructuring City operations, restructuring Recreation programs, restructuring employment terms for management and confidential staff, reducing management and staff positions, and contracting out administrative and other specialized functions.

Following the discussion by Management Partners on the strategic priorities and baseline reductions by City staff, the City Council will be asked to consider providing direction to staff on additional reductions and discuss the potential impacts to City services. The City Council is expected to continue to review the current and upcoming budget as conditions continue to change throughout this public health crisis.

STRATEGIC PLAN CONSIDERATIONS

This fiscal update is consistent with Strategic Plan Goal A: Deliver exemplary government services and Goal B: Achieve long-term financial sustainability.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

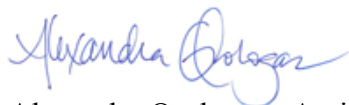
FINANCIAL CONSIDERATIONS

While the impacts on the economy due to the COVID-19 public health crisis continue to evolve, staff currently projects that the City is facing at least a \$2-3 million dollar loss in revenue. The proposed reductions developed by City staff per the City Council's request total \$2,031,848. Staff is considering this reduction the new baseline from which we must work as we develop further cuts to the General Fund in the upcoming biennial budget.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:



Alexandra Orologas , Assistant City Manager

Attachments:

1. General Fund Reductions April 2020

GENERAL FUND REDUCTIONS BY DEPARTMENT

DEPARTMENT	EXPENSE ITEM	ACCOUNT CODE	FY 2019-20 Budget	Proposed Reduction	COMMENTS
City Clerk	Professional Services	101-1040-52190	\$5,150	\$4,150	Reduce records consultant services
City Clerk	Telephone Expenses	101-1040-54210	\$824	\$344	Based on actual charges
City Clerk	Mobile/Wireless Expenses	101-1040-54220	\$1,339	\$619	Based on actual charges
City Clerk	Publications required by state/local regulations	101-1040-54310	\$8,240	\$3,240	Required publications; based on average charges
City Clerk	Travel & Training	101-1040-54610	\$3,605	\$1,105	Reduce travel/conferences
City Clerk	Administrative Services	101-1040-54990	\$86,050	\$19,700	Elections: based on projected election costs
City Clerk	Events/Field Trips	101-1040-54920	\$1,030	\$1,030	Reduce expenses
City Clerk	Office Supplies	101-1040-55110	\$1,030	\$530	Minute/Resolution Books and Paper
City Clerk	Postage & Delivery	101-1040-55120	\$3,000	\$1,260	Passport postage; based on average charges
City Clerk	Office Equipment <10K	101-1040-56410	\$1,030	\$830	Based on actual charges
City Management	Technical Services	101-1020-52230	\$61,800	\$8,000	Reduce production of News & Views Newsletter
City Management	Mobile/Wireless Expenses	101-1020-54220	\$4,120	\$1,960	Reduce expenses
City Management	Travel & Training	101-1020-54610	\$15,450	\$7,725	Reduce travel and conferences
City Management	Events/Field Trips	101-1020-54920	\$7,210	\$7,210	Reduce ACC budget
City Management	Street Banner Program			\$8,695	Eliminate Street Banner Program
City Management	Professional Services	101-1020-52190	\$61,800	\$40,000	Reduce public info, consultants
Citywide	Eliminate Events through end of calendar year			\$30,000	Does not include July 4
Community Development	Personnel	101-4030-51110		\$50,000	Vacant Assistant Planner position
Community Development	Professional Services	101-4010-52190	\$51,500	\$26,500	Reduce consulting expenses
Community Development	Technical Services	101-4030-52190	\$46,350	\$20,000	Reduce expenses
Community Development	Legal and Financial	101-4010-52120	\$10,300	\$5,000	Reduced use of legal services for successor agency
Community Development	Travel & Training	101-4010-54610	\$7,725	\$2,725	Reduce travel, local trainings only
Community Development	Events/field trips	101-4010-54920	\$8,240	\$3,240	Reduce EDC budget, events, meetings
Community Development	Training	101-4030-54610	\$7,210	\$2,210	Reduce travel, local trainings only
Community Development	Professional Services	101-4040-52190	\$72,000	\$25,000	Contract building project services
Community Development	Dues/Subscriptions	101-4030-54910	\$2,266	\$500	Reduce subscriptions
Community Development	Dues/Subscriptions	101-4040-54910	\$2,060	\$1,000	Non Code Year
Community Development	Vehicles	101-4040-53250+		\$5,000	Reduced expense
Finance	Purchased Professional & Technical Services	101-10-50-5200	\$285,800	\$40,000	Reduce consulting, tech services
Finance	Other Financing Uses	101-10-50-5900	\$705,660	\$40,000	Pensions/Debt Service
Fire	Transfer Out -I/SP (itemize)	101-2510-59990	\$27,668	\$27,668	Delete payment to vehicle replacement fund
Fire	Solid Waste (medical waste)	101-2510-53910	\$8,240	\$2,000	Renegotiated contract with Stericycle
Fire	Events/Programs			\$50,000	Eliminate CPR classes, 2 CERT classes, 1 CERT boot camp
Human Resources	Settlements & Judgments	101-1060-54120	\$41,200	\$10,300	Anticipated costs
Human Resources	Travel & Training	101-1060-54610	\$5,150	\$1,030	Reduce travel, conferences

GENERAL FUND REDUCTIONS BY DEPARTMENT

DEPARTMENT	EXPENSE ITEM	ACCOUNT CODE	FY 2019-20 Budget	Proposed Reduction	COMMENTS
Human Resources	Dues & Subscriptions	101-1060-54910	\$2,060	\$1,030	Reduce subscriptions
Human Resources	Events/Field Trips	101-1060-54920	\$7,210	\$721	Reduce HRC budget, events
Human Resources	Postage & Delivery	101-1060-55120	\$1,030	\$515	Reduce postage expenses
Human Resources	Photocopying Charges	101-1060-55130	\$1,030	\$257	Reduce expenses
Human Resources	Collect & Admin Services	101-1060-52110	\$20,600	\$5,150	Expected reduction in expenses
Info Technology	Collect & Admin Services	101-1070-52110	\$15,450	\$15,450	Based on current expenses
Info Technology	Other Technical Services	101-1070-52230	\$65,000	\$28,236	Reduce expenses
Police	Personnel	101-2012-51110+		\$377,493	Vacant 3 sworn Police Officer positions (salary & benefits)
Police	Personnel	101-2012-51110+		\$160,265	Vacant Community Liaison Officer (salary & benefits)
Police	Personnel	101-2012-51110+		\$150,000	Permanent Elimination of 1 School Resource Officer
Police	Personnel	101-2011-51110+		\$113,660	Vacant 1 Senior Records Specialist (salary & benefits)
Police	VEHICLES	101-2012-56520		\$15,000	Reduced replacement cost due to reduced staff in SRO and Traffic
Public Works	Professional Services	101-3020-52190	\$50,000	\$20,000	Reduce consultant services
Public Works	Landscape/Park Maint Svcs	101-3030-53240	\$480,000	\$130,000	Reduce Landscape Maint and HNA budget; transfer to Measure H
Public Works	Events/Field Trips	101-3030-54920	\$5,000	\$2,500	Reduce EQC budget
Recreation	Professional Services	101-5030-52190	\$41,200	\$41,200	Swim Center Maintenance to Measure H
Recreation	Professional Services	101-5010-52190	\$35,000	\$10,000	Reduce rECguide expenses
Recreation	Instructor Services	101-5050-52250		\$10,800	Contract Field Coordinator--transfer function to staff
Recreation	Building Maintenance	101-5010-53230	\$15,540	\$15,540	To Measure H
Recreation	Building Maintenance	101-5020-53230	\$1,545	\$1,545	Recreation
Recreation	Building Maintenance	101-5030-53230	\$10,000	\$10,000	To Measure H
Recreation	Building Maintenance	101-5040-53230	\$10,300	\$10,300	To Measure H
Recreation	Building Maintenance	101-5050-53230	\$10,300	\$5,300	To Measure H
Recreation	Building Maintenance	101-5070-53230	\$15,000	\$5,105	To Measure H
Recreation	Events/Field Trips	101-5010-54920	\$103,000	\$20,000	Public Arts Fund & July 4 reductions
Recreation	Finance Charges	101-5010-58920	\$135,000	\$10,000	Secured better rates
Recreation	Travel & Training	101-5010-54610	\$5,150	\$2,500	Reduce travel, local trainings only
Recreation	Travel & Training	101-5020-54610	\$5,150	\$3,000	Reduce travel, local trainings only
Recreation	Travel & Training	101-5030-54610	\$4,120	\$2,000	Reduce travel, local trainings only
Recreation	Travel & Training	101-5040-54610	\$2,060	\$1,000	Reduce travel, local trainings only
Recreation	Travel & Training	101-5050-54610	\$1,545	\$500	Reduce travel, local trainings only
Recreation	Other Equipment <\$10K	101-5010-56710	\$5,270	\$2,270	Reduce and delay equipment replacement
Recreation	Other Equipment <\$10K	101-5020-56710	\$7,940	\$2,940	Reduce and delay equipment replacement
Recreation	Other Equipment <\$10K	101-5040-56710	\$4,500	\$2,500	Reduce and delay equipment replacement
Recreation	Other Equipment <\$10K	101-5050-56710	\$6,000	\$2,000	Reduce and delay equipment replacement

GENERAL FUND REDUCTIONS BY DEPARTMENT

DEPARTMENT	EXPENSE ITEM	ACCOUNT CODE	FY 2019-20 Budget	Proposed Reduction	COMMENTS
Recreation	Other Operating Supplies	101-5020-55290	\$75,000	\$1,500	Reduce supplies
Recreation	Other Operating Supplies	101-5030-55290	\$20,600	\$1,500	Reduce supplies
Recreation	Other Operating Supplies	101-5050-55290	\$5,150	\$1,500	Reduce supplies
			TOTAL	\$1,631,848	

SUPPLEMENTAL AGENDA MATERIALS
(Revised 4/8/2020)

CITY COUNCIL MEETING
April 7, 2020

PUBLIC COMMENT INDEX

1. Public Comments received by 12:00 p.m. April 7, 2020
2. **Public Comments Read into the Record**

**AGENDA ITEM 4.P. Construction Contract Award for the Carlson Boulevard
and Central Avenue Pavement Rehabilitation Project, C3077**

1. Revised Resolution

**AGENDA ITEM 7.A. General Fund Budget Reductions Update and Fiscal
Impacts of COVID-19**

1. PowerPoint Presentation

PUBLIC COMMENT INDEX
CITY COUNCIL MEETING
April 7, 2020

The following Public Comments were **received by 12:00 p.m. 4/7/2020**, were provided directly to City Councilmembers in advance of the meeting, and were posted online as supplemental materials at www.el-cerrito.org/CouncilMeetingMaterials.

Public Comments – Not on the Agenda:

1. Marlene George
2. Nick Zamorano

Public Comments – on Policy Items:

7A

1. Michael Fischer
2. Al Miller
3. Rose Stamm
4. Daniel Schulman
5. Marlene George
6. Susan Duncan
7. Paul Duncan

From: [Marlene George](#)
To: [City Clerk](#)
Subject: Non Agenda Item for Public Comment
Date: Monday, April 6, 2020 7:27:45 PM

The audit study assessed El Cerrito's fiscal health to be the 7th worst in the state with significant risk factors of poor cash flow, no reserves and substantial unfunded pension liabilities. The residents of El Cerrito were informed of the cash strapped status of their city through an article published in the San Francisco Chronicle. At no time have city staff or city council engaged in any meaningful discussion regarding the audit concerns related to fire department overtime and the cost effectiveness of the contract for Kensington Fire Protection. Instead the council wants to wait until the full audit is completed and no one seems to know when this will happen. The city manager estimates city revenue will take about a \$2-3 million hit as a result of the economic impact of the public health crisis and El Cerrito has no emergency reserve fund. After raising taxes on El Cerrito residents several times in the last few years, failing to recognize the downward trend of revenue and the increase in expenditures throughout the 2019 and making necessary budget adjustments, the mayor at the last special council meeting referenced Alameda County raising taxes suggesting this as an option for El Cerrito. In contrast, the mayor of SF is convening a business revitalization round table and rethinking how to modernize and streamline city government.

Marlene George
Resident of El Cerrito

From: [nick zamorano](#)
To: [City Clerk](#)
Subject: Public Comment Non Agenda Item for April 7, 2020 Council Meeting
Date: Tuesday, April 7, 2020 10:30:00 AM

El Cerrito does not charge for emergency medical services or bill health insurance plans. El Cerrito over the past five years has seen a 9% increase in calls and this trend is likely to continue. Neighboring cities Albany and Berkeley charge residents a reasonable fee and use a third party vendor to charge residents or bill insurance. Residents are never sent for collections. Many residents are paying for this service twice, through health coverage and local taxes. Cities charge at a rate established by emergency services in their respective counties usually \$300 per hour and each city structures their fees differently. Fees are automatically billed to insurance companies or residents, but no one is sent to collections. Neither Albany or Berkeley has seen a decline in 911 calls and in fact have seen an increase like El Cerrito. There is minimal to no impact to the residents of El Cerrito, either Medicare or insurances are billed and those who cannot pay, don't. Charging EMS fees is an immediate source of revenue for El Cerrito and unlike community development efforts that will take years to yield results. El Cerrito needs revenue now to offset the cuts that are coming and help fund the priorities established through the strategic planning process.

Nick Zamorano
El Cerrito Resident

Public Comment on funding of library hours (Agenda Item 7-A) by Michael A. Fischer, El Cerrito Resident and El Cerrito Designated Member and Vice-Chair of the Contra Costa County Library Commission

Mayor Lyman, Mayor Pro-Tem Fadelli, and Councilmembers Abelson, Pardue-Okimoto, and Quinto:

In the past I have said I speak for our library. But the truth is that our library itself is both an inanimate object and a concept, not a living, breathing organism. Instead, I speak for our library community, those who use our library and its many important services. I am also speaking for the neediest members of our library community whose need for a library open to them is even greater than others. Finally, I am speaking for all El Cerritans – because a library is so important to sense as a community and meeting the needs of the most vulnerable is one of most important core-values.

I speak for the continuation of our library's crucial and critical role in our community in light of the global coronavirus pandemic. Attachment 1 are the remarks I was to submit to the city council for the March 25 meeting had that meeting not been cancelled. I submit them even though they are now somewhat out-of-date in view of the rapidly changing environment we live in. The points made in those remarks are still just as valid, if not more so.

I call the council's attention to the resolution that I hope you will have adopted by the time this item comes before you, namely item 4-B proclaiming National Library Week. The resolution states just a few of the many important roles our library plays in our community. I ask that you give meaning to those words by protecting the functioning of our library, even in the very hard economic times we're facing. I also note that the Environmental Quality Committee Work Plan, which is also before you as item 4-F, shows that committee's valuable resource in providing fixit clinics for the city. As the picture of that activity shows, it is the library that provides the physical space for that activity.

Our library is, quite frankly, already operating at about the most basic level it can and still meet the very real needs of our community that all libraries should supply. By now you're probably all sick of hearing from me about the need for an adequate and appropriate library for our community instead of the out-of-date,

unsafe, too-small, and inadequate building we currently have. And, while it is true that this council increased library hours from 35 to 50 a week a few years ago, that action was long overdue. A library building that is closed to patrons several days a week is not serving our community and is wasting the important resource that a library should represent.

I would be remiss if I did not call the council's attention to the even-greater need for our library to be open as many hours as possible once we are again able to congregate outside our homes. We need greater access to our library in order to prevent what happens far too often in times of public financial crisis – the services cut are those that are most valuable to our most vulnerable. We must not solve our city's financial problems on the backs of the poor. Too many governments do that. I am proud that my city will not do this.

It is clear that the poor will be impacted exponentially greater than others by a reduction in library hours. Let me give just a couple of examples:

1. The poor rely on the library's computers and network to access the internet. In normal times this is so very important. In today's world it is critical, perhaps even vital. We know that during the shutting of the schools, instruction has been carried out online. This results in effectively cutting out those students who have neither a computer nor internet access. We cannot fix that problem so long as we have a shelter-in-place requirement. But we don't need to pile on in this regard by reducing the access from 50 hours a week to just 35 hours, which would result from a cutting of library hours. And I will remind the council that before the COVID-19 pandemic hit we had already seen a 50% increase in computer usage in our library since the commencement of the increased hours. Those people on the needy side of the digital divide must have the library to be open to take advantage of it. Those of us fortunately enough to have computers and an internet connection have other options.
2. Libraries serve as a refuge for those experiencing homelessness. Some have referred to libraries as "De Facto Homeless Shelters" although, in the words of Ryan Dowd, executive director of Hesed House, a homeless shelter in Aurora, Illinois, and author of *The Librarian's Guide to Homelessness*, "Libraries are everything that homeless shelters are not. They're not as crowded, not as loud. ...[A] homeless shelter ... [is] not a great place to be, particularly if you're

struggling with autism or mental health issues. So libraries can be a refuge from the chaos of homelessness. It's not just the [climate], it's not just the fact you can charge your cellphone there – but an opportunity to get away from homelessness for a little while.” This is from an article dated April 10, 2019 from Mother Jones magazine entitled “Libraries Have Become De Facto Homeless Shelters,” (attachment 2) which features Mr. Dowd in an interview with Emilio Estevez.

I recognize that my position causes a great problem to the city COVID-19 has exacerbated an already existing financial problem facing our city to one that is much more serious. Yet in this atmosphere of a global pandemic, the role of our library – a source of reliable information open to all – is magnified even in conjunction with the irony that to protect our community's health it has been necessary to temporarily close access to our library.

We need to be clear that the public health requirement of temporarily closing our library is minor when compared to the drastic and disastrous effect that would result from reducing library hours by 30% just to save our residents less than 50 cents per person per month. Yes, the city is facing a budgetary crisis, a crisis that has been horribly exacerbated by the pandemic, and we need to look at all means of saving money. Yet it is also important that we take every step possible to ensure that the necessary budget reductions not fall on the poor.

We also need to ensure that as few jobs as possible are lost by council actions. It is technically true that no city jobs would be lost by cutting the funding for library hours. But we live in an inter-connected society – and the cutting of the funding would result in the loss of the jobs of those county library staff who have been hired to serve our community during the increased library hours. These dedicated employees are just as valuable and hard-working to our community as our valuable and hard-working city staff. They deserve similar consideration.

I want to emphasize that it is not just the neediest who benefit from the current adequate 50 hours a week our library is open. Every El Cerritan benefits from these hours. Our library is there for all of us and we need to make sure it is accessible.

I would urge the council to consider requesting, in conjunction with other cities in our county, that the County Board of Supervisors recognize the critical need our libraries provide to the most vulnerable among us, and the burden on the cities of providing these extra hours following the economic consequences of the global pandemic. I would urge the council, in conjunction with the League of California Cities, the California Library Association, and the American Library Association, to ensure some of the funding for library relief and recovery be used for increased library hours and to seek further federal and state assistance for library hours. (See attachments 3 and 4.) Use of funding in this way would also help the economic recovery needed by providing much needed employment. But in any case, I would urge the city to keep our library open as much as possible as one of the most important services our city can provide today.

I do not envy the council's difficult decisions they must make as they face putting our financial house in better order against the economic chaos engendered by the COVID-19 pandemic. I stand ready to assist in any way I can in this regard. But I urge you to at least keep the current level of library hours because it is the right thing to do.

Attachment 1

Public Comment on Agenda Item 7-A for cancelled March 24, 2020 Council Meeting by Michael A. Fischer, El Cerrito Resident and El Cerrito Designated Member of the Contra Costa County Library Commission

Mayor Lyman, Mayor Pro-Tem Fadelli, and Councilmembers Abelson, Pardue-Okimoto, and Quinto:

I will not be able to attend tonight's meeting in person as I am socially distancing myself to the greatest extent possible as our City Manager urged in her update last Friday to you. I trust that my remarks in written format will be received equally to those delivered orally.

I speak tonight for our library, which is both the burden and privilege you gave me when you selected me as your Library Commissioner. I speak for the continuation of our library's crucial and critical role in our community with the background of the global coronavirus pandemic. I cite COVID-19 in part because the role of our library – a source of reliable information open to all – is magnified in times like this, even in conjunction with the irony that to protect our community's health it might become necessary to close in-person access to our library.

We need to be clear that the public health requirement of temporarily closing our library is minor when compared to the drastic and disastrous effect that would result from reducing library hours by 30% just to save our residents less than 50 cents per person per month. Yes, the city is facing a budgetary crisis and we need to look at all means of saving money. Our library has already suffered greatly in this financial crisis. We have had to put off for the foreseeable future the desperately-needed replacement of our completely inadequate library building. And, under normal conditions, I would be advocating for an increase in library hours from our "adequate" 50 hours a week to at least 60 hours or even more given the demonstrated need and benefit to our community from our library hours.

Parts 1 to 5 of the report I've submitted under Agenda item 5-B, together with the attachments, should be considered as part of my remarks here. As shown there, the city's funding for adequate library hours is one of the biggest bargains in our city's budget. This expenditure should be placed in the budget as an on-going expenditure, which is where it should have been since it was first adopted. Why the expenditure was placed in the City Council division budget, where it is at greater risk of removal, is a mystery. The council should demonstrate its strong support for a robust, viable library by directing staff to change the placement of the hours funding in the budget.

As I noted, the adequate hours funding is one of the biggest bargains in our city's budget. Let's see what we get for this expenditure:

- 1) A demonstrated commitment to supporting a municipal institution that is considered one of the most beloved, most important and busiest of our public buildings;

- 2) El Cerritos continue to demonstrate that we all want a vibrant, viable, and accessible library;
- 3) 48,000 additional patron visits during the 15 additional hours the library is open;
- 4) Computer access across the digital divide for our most needy patrons with more than a 50% increase over the usage before the additional hours, a number that is likely to skyrocket even higher since the addition of the newly available laptops;
- 5) Over 50% additional library programs resulting from the increased hours;
- 6) Over 9,000 additional attendees at library programs, an increase of over 120%;
- 7) Increased funding from the Friends of the El Cerrito Library for library programs at over 170% (over \$6,800 a year); and
- 8) Increased donations to the El Cerrito Library Foundation of over 200 new households per year and an increase in donations to the Permanent Endowment Fund from \$1,000 to nearly \$25,000, with many of the donors citing the increased hours as a motivating factor.

Considered from just a pure return on investment basis, “investment in public libraries is a sound use of public funds: for every dollar invested in libraries, \$2-\$10 are returned, with an average of between \$3 and \$6.” This quote is from the California State Librarian’s webpage entitled “The Value of California’s Public Libraries” at <https://library.ca.gov/services/to-libraries/value-of-libraries/>. This is merely financial return, not the inestimable social, cultural, historical, and community value returned.

Our library represents a tremendous investment of city and council capital. Every hour that it is not open is an hour that this resource is wasted. A libraries costs more than an umbrella, but like an umbrella, it truly works when open.

In conclusion, I urge you to continue the important investment in our community that is the funding of adequate hours for our library and move that item to the regular city budget. It is one of the most important, most rewarding, and most effective use of city funds.

"Libraries Have Become De Facto Homeless Shelters": Emilio Estevez on His New Movie, "The Public"

The filmmaker discusses the timely drama and ethical battle lines drawn at libraries nationwide during a special screening and panel with Mother Jones editor-in-chief Clara Jeffery

For indispensable reporting on the coronavirus crisis and more, [subscribe to Mother Jones' newsletters](#).

The last time audiences saw actor Emilio Estevez in a library was in 1985 for a dance sequence in the brat pack classic *The Breakfast Club*.

Thirty-four years later in his new movie, *The Public*, Estevez is playing the librarian, caught in the middle of a police standoff with library patrons, most of whom are homeless, during a life-threatening cold snap in Cincinnati. Estevez wrote, produced, and directed the feel-good drama, which came out in limited release on April 5, also starring Alec

Baldwin and Gabrielle Union.

Mother Jones editor-in-chief Clara Jeffery sat down with Estevez earlier this month during a special screening at Laemmle Music Hall in Los Angeles to spotlight the issues of homelessness. He was joined by Joel Roberts, CEO of [People Assisting the Homeless](#), a nonprofit in Los Angeles that helps low-income and homeless people find a place to live, and Ryan Dowd, executive director of [Hesed House](#), a homeless shelter in Aurora, Illinois, and author of *The Librarian's Guide to Homelessness*.

Listen to a short excerpt of the interview at the end of this week's episode of the *Mother Jones Podcast* below, or read on for an edited version of the conversation:

Clara Jeffery: The last time moviegoers saw you in a library, you were vaulting through the stacks at Shermer High. I have one semi-frivolous question, which is, what did you think of Alexandria Ocasio-Cortez's rendition of *The Breakfast Club* dancing?

Emilio Estevez: She definitely has moves. I thought it was cool. I don't think it's something she should have been punished for. It's something she should have been celebrated for and she was.

CJ: What compelled you to make a movie about the

homeless in a library?

EE: This began 12 years ago, on April 1, 2007. The *LA Times* landed on my door, and I opened it up and there was an article by a retiring Salt Lake City librarian named Chip Ward called *Written Off*. It was later published online under another title, *What They Didn't Teach Us In Library School* on [*Tom Dispatch*](#).

It was essentially about how libraries have become de facto homeless shelters and how librarians have become de facto social workers and first responders. He said this was not isolated to Salt Lake, but happening in every library across the country. I was moved by the piece. I went back down to the downtown branch of the LA public library and started digging back into library world, and it was, in fact, every bit the crisis that he described. So, I began to imagine a story of what would it look like if the patrons on a particularly cold night decided not to leave. How would the media spin it? How would politicians spin it? How would law enforcement react? And that was the beginning of it. A year later I had an unwieldy 155-page monster script but nevertheless, we got some funding for it. I was casting, putting a crew together. And then the economic crisis hit. We lost our funding. And in many ways, I'm grateful because I think the film is far more relevant now than it would have been if we made it 10 years ago.

"Librarians have become de facto social workers and first responders."

CJ: How did events that transpired between the first script and cast influence this version of the film?

EE: There was a big shift. It went from a very diabolical, very dark ending to one that was an ending that celebrates nonviolent civil disobedience. I had to think about how I was going to physically disarm the police. Then I thought, no better way than to fully expose ourselves, because what better way to disarm a fellow human being with a weapon than to present yourself in all of your glory and let your freak flag fly?

CJ: Your last film, *The Way*, was about an existential crisis or a crisis of faith, and this is really more about a larger societal breakdown. Do you see those two things as being related?

EE: I'm interested in films that explore our humanity and in movies that are about people. I make movies about things that I know about: the human condition, how we relate to each other, and the intersectionality of all of us in this moment in time. That is what [The Way](#) was about, that's what [Bobby](#) was about, and certainly that's what this picture is about.

CJ: Now, Ryan and Joel, you both run homeless NGOs. And Ryan you've written a book about how the homeless avail themselves to the library. I'm wondering, besides seeking shelter, what is it about the library that draws homeless people to it?

Ryan Dowd: Libraries are everything that homeless shelters are not. They're not as crowded, not as loud. I run a homeless shelter, but they're not a great place to be, particularly if you're struggling with autism or mental health issues. So libraries can be a refuge from the chaos of homelessness. It's not just the heat, it's not just the fact you can charge your cellphone there—but an opportunity to get away from homelessness for a little while.

CJ: There's a question I've always wondered about: When homeless people are suffering from mental illness, is that the likely cause of why they ended up on the street, or is ending up on the street causing people to have mental breakdowns? I mean, it's so traumatic.

Joel Roberts: All kinds of people end up being homeless—from a woman who's fleeing domestic violence, to veterans, to people struggling with alcoholism or drugs or mental health issues. But frankly, if I were living on the streets, it would really freak me out, and I might turn to alcohol to self-medicate or just to survive. The reality is people are going to libraries because there's nothing else out there. And for the

last 20 or 30 years, we have not built the infrastructure of housing to get these people off the streets. As we know here in Los Angeles, they're living in the parks, they're living in vehicles, and they're going anywhere they can, including libraries, and it's just a sad state of our society today.

CJ: Ryan, in Chicago, is there a "must shelter" or a right-to-shelter rule?

RD: No.

CJ: So even in a place as cold as Chicago, there's no mandate to provide shelter?

RD: No. But Chicago did a fairly good job when the polar vortexes made it hit negative-60 windchill about a month ago, and everybody mobilized. But other than that...

JR: In New York City, if you are homeless you have a right to shelter. So the city actually has to have enough shelter beds for every single person on the streets. We don't have that here in Los Angeles.

RD: New York state, Massachusetts, and DC are the only three that have right to shelter laws.

CJ: Emilio, you've been going to cities all over the country. Are you seeing cities embrace a housing-first philosophy?

"I don't think you could have a conversation even about universal health care until you get a roof over somebody's head."

EE: We were just in Salt Lake City last week, and it has pretty much eliminated chronic homelessness by providing housing. But again, this is an epidemic. Every urban area in the country is experiencing it. And to your point, it is about housing first. I don't think you could have a conversation even about universal health care until you get a roof over somebody's

head because when you start looking at the emergency assistance to treat somebody who is on the street in Los Angeles, it costs \$68,000 a year to take care of a person. That's emergency room visits, police response. You put a roof over that same person's head and it goes down to \$15,000 a year. So we're all paying that number, whether it's 68 or 15. We all do better when we all do better. We've got to get to universal housing to be able to tap into universal health care because you can't get well if you're on the street.

CJ: Here comes my shameless plug: We actually did a big feature [story](#) on the housing-first policy in Salt Lake City and also in Santa Clara County, and if you guys are interested in learning more about it, you can find that online at *MotherJones.com*. Here in LA, what are the barriers to

getting more of that housing? Is the voucher system no longer sufficient?

JR: Obviously, it's really expensive to buy land and to build or to even rent or own here in LA. So the big barriers are: The cost to build it, the cost to provide services, and for neighborhoods to say, "Yes, in my backyard!"

CJ: Ryan, how have the drivers of homelessness changed over the years? What's the difference, if any, in the kind of makeup of the population?

RD: When our shelter opened, it was almost exclusively unemployed single males. There were no women, there were no children. First time we had a child in our shelter it made the front page of the newspaper. And now we average 50 kids a night, and 20 percent of the population is female. Seventy-five percent of the population has some sort of income. The demographics are broadening and, not only is it expanding the number of people, but the demographics of who's affected is broadening dramatically.

CJ: At least in San Francisco, a lot of people assume that because of the weather and San Francisco's kind of permissiveness, folks come from elsewhere to be homeless in our city. Actually that's not really true. And I'm wondering, Joel, were most homeless in San Francisco previously housed in San Francisco?

JR: I think that's the case in most cities. Even Los Angeles, if you're homeless in Long Beach or Venice, you probably came from Long Beach or Venice because you're not going to want to be homeless in another neighborhood that you're not familiar with. It's the same thing all over the country.

EE: Just working with Ryan for the last year, we talk about the fact that homelessness is a relatively new issue. It's a new problem. It began when HUD was gutted by 77 percent in 1980. But we're often asked when we do these Q&As, can it be solved? And I believe it can.

RD: Homelessness absolutely can be solved. If we can create homelessness in 40 years, certainly we can uncreate it in 10, 20, 40 max. But in order for that to happen, we have to be having the right conversations. And I think we have an absolutely fantastic tool to have those right conversations, so thank you, Emilio, for that. But in order to have those conversations and have this tool, we need to get people seeing this movie.

CJ: And by the way, the movie opens in theaters on April 5. So everyone tell your friends to go see it and pay to see it yourselves again. I've now seen it twice. It's even better the second time around. I'm sure you all have experienced, either yourselves or in your fields, the question of how to deal with compassion fatigue. How do we get the public over their compassion fatigue? Do you guys experience that

among your workers and volunteers? How do you handle the stress?

JR: I share with our staff that we have to keep our eye on the ball. For us, the ball is moving somebody off the street and into an apartment. And when they move into an apartment, we celebrate with them. We have signs and pictures and everything saying that they made it home, and that's what keeps us going.

CJ: Emilio, what are some of the biggest misconceptions that you wanted to confront in this movie?

"To solve this problem we've got to look to each other and we've got to look to ourselves and we have to dig in because it is solvable."

EE: Well, certainly the library is not an antiquated institution. In fact, librarians were the first Google and they are woefully underfunded. Most of the money goes to law enforcement and fire, paramedics, parks and rec. Libraries are ninth or tenth in terms of funding, if you're lucky. The author Anne Lamott said, "Communities without libraries are like radios without batteries." So it's my hope

that people will go and rediscover their libraries. Also, that people will check their bias at the door when encountering folks on the street. There's no other place for any of us to

go. We're all in this together. To solve this problem we've got to look to each other and we've got to look to ourselves and we have to dig in because it is solvable.

CJ: I would just like each of you to leave us with one thing that you would like us to know about homelessness and what we can do to help mitigate and combat it.

JR: If people are so desperate to look for housing that they're going to our libraries, our society has a big problem, and the problem is we just don't have enough housing that's affordable for everybody.

RD: The thing we can do right now is get this movie out there because this movie does something that Hollywood never gets right. Hollywood usually takes homelessness and informs a caricature of every stereotype or a caricature of the "noble poor person" who's perfect and blameless and has never done anything wrong and never cusses, and smells perfect. None of that is real, and this movie actually is the first movie in a long, long time that actually captures the humanity of homelessness. So the biggest thing we can do right now is get people out to see this movie.

EE: We talked about "not in my backyard." I think we all have to sort of step back and say, okay, if not me, then who? If not now, when? And I think we have to find that place in our heart to say, "Yes, you are my brother, you are my sister,

and I accept you as my neighbor," and invite development in your neighborhood, and that is a big giant step because it comes with a lot of unknowns, but isn't that part of the great mystery of life?

FACT:

Mother Jones was founded as a nonprofit in 1976 because we knew corporations and the wealthy wouldn't fund the type of hard-hitting journalism we set out to do.

Today, reader support makes up about two-thirds of our budget, allows us to dig deep on stories that matter, and lets us keep our reporting free for everyone. If you value what you get from *Mother Jones*, [please join us with a tax-deductible donation today](#) so we can keep on doing the type of journalism 2020 demands.

From: <https://www.motherjones.com/media/2019/04/emilio-estevez-public-movie-libraries-homelessness/>

Federal Relief Package Supports Libraries

Attachement 3 - From
[https://
americanlibrariesmagazine
.org/blogs/the-scoop/
cares-act-federal-relief-
package-supports-
libraries/](https://americanlibrariesmagazine.org/blogs/the-scoop/cares-act-federal-relief-package-supports-libraries/)

ALA asks advocates to remain engaged



Libraries were included in the largest economic stimulus package in history, which passed March 27. The \$2 trillion Coronavirus Aid, Relief, and Economic Security Act (CARES) Act includes \$50 million for the Institute of Museum and Library Services (IMLS) for digital inclusion projects and more than \$30 billion in relief for schools and colleges, plus billions more for state and local governments and nonprofit organizations. The stimulus package also includes libraries

—on Main Street, in schools, and on campuses—as part of a massive, long-overdue effort to ensure digital equity in America. ([Read a summary of CARES Act provisions](#) for libraries, education, and cultural heritage institutions.)

In addition to supporting funding for libraries, the American Library Association (ALA) supported relief provisions for nonprofit organizations that will allow ALA and other library associations to continue to serve our professions during a crisis that has severely impacted revenue streams, such as conferences. The significant aid for workers across the country through stimulus checks, unemployment benefits, and other provisions will provide relief for thousands of library workers and the communities they serve.

The infusion of \$50 million to IMLS for digital inclusion projects could help bring immediate support to libraries that have had to pivot quickly in their services. The scourge of COVID-19 may have closed library doors, but it has revealed the indomitable spirit of the profession. Here are a few inspiring stories:

- Waunakee (Wisc.) Public Library is one of many libraries across the country [hosting](#) virtual storytimes.
- Though its 28 branches are closed to the public, San Francisco Public Library has [transformed](#) into emergency youth care centers for children of health care workers and low-income families.

- Live Oak Public Libraries and the Savannah-Chatham School District in Georgia are [partnering](#) to give every student free access to millions of digital resources.
- University libraries that had stocked up on N95 masks and other personal protective equipment for their preservation work, have been [donating](#) their supplies to local health care providers.

ALA is confident that IMLS, under the leadership of Director Crosby Kemper III and in coordination with state library agencies, will deliver the stimulus funding and provide guidance for libraries to deploy the infusion of resources.

To echo [the statement from ALA President Wanda Kay Brown](#), this allocation of emergency funding underscores what we know to be true: Libraries are poised to lead during this unprecedented time of increased reliance on digital connectivity and when communities begin to recover. That said, significant declines in state and local budgets will put the financial stability of libraries at risk. ALA will continue to advocate for support for libraries, library workers, and library organizations to recover from the impacts of COVID-19 and support economic recovery in their communities. ALA's Public Policy and Advocacy Office is in close contact with the Hill, and we are preparing to push for libraries in the next congressional relief package as it takes shape.

These are challenging times for library workers. As you

adjust and continue to care for yourself and your communities, please know that ALA has an active presence in Washington, D.C., and we are here for you. Moving forward, ALA asks that advocates remain engaged and to sustain the momentum, especially as the next stimulus package takes shape. Visit ala.org/advocacy/contact-congress to sign up as a library advocate.



LIBRARY RECOVERY FUNDING SUMMARY

Coronavirus Aid, Relief, and Economic Security Act (CARES) Act Phase 3 Package - Libraries, Education, and Cultural Heritage

The \$2 trillion dollar CARES Act includes \$50 million for IMLS to support digital inclusion projects, more than \$30 billion in relief for schools and colleges, and billions more for state and local governments and nonprofit organizations. Resources highlighted below are directly related to libraries.

INSTITUTE OF MUSEUM AND LIBRARY SERVICES: \$50 MILLION

To prevent, prepare for, and respond to coronavirus, including grants to States, territories and tribes to expand digital network access, purchase internet accessible devices, and provide technical support services.

NATIONAL ENDOWMENT FOR THE HUMANITIES: \$75 MILLION

For grants, including funding for state humanities councils and other partners in an effort to help local, state, and regional communities provide continued access to cultural organizations and institutions of learning.

NATIONAL ENDOWMENT FOR THE ARTS: \$75 MILLION

For grants, including funding to state arts agencies and other partners in an effort to help local, state, and regional communities provide continued access to cultural organizations and institutions of learning.

DEPARTMENT OF EDUCATION: \$30.8 BILLION

- \$13.5 billion for the Education Stabilization Fund dedicated to elementary and secondary education; distributed as formula grants to states.
- \$14.25 billion for Education Stabilization Fund dedicated to higher education emergency relief for institutions and at least 50% for emergency financial aid to students for expenses related to disruption.
- \$3 billion for Education Stabilization Fund for governors to be used for K-12 or higher education.

FEDERAL LIBRARIES: \$18.8 MILLION

- \$10 million for the National Library of Medicine to prevent, prepare for, and respond to coronavirus, domestically or internationally.
- \$700,000 for the Library of Congress to pay the workers in its Little Scholars Child Development Center who have been ordered to cease working due to measures taken in the Capitol complex.
- \$8.1 million for the National Archives and Records Administration to increase remote work capacity.

Attachment 4 - From <http://www.ala.org/advocacy/sites/ala.org/advocacy/files/content/libfunding/fed/CARESActSummary.pdf>

ALA American
Library
Association

Holly Charléty

From: Al Miller [REDACTED]
Sent: Friday, April 3, 2020 4:20 PM
To: City Clerk
Subject: Public Comment Agenda Item 7.A

Public Comment as part of Agenda Item 7.A on City Council Meeting April 7, 2020, strongly supporting *Comments on funding of library hours by Michael A. Fischer*, El Cerrito Resident and El Cerrito Designated Member of the Contra Costa County Library Commission" submitted April 3 at 3:51 pm.

Mayor Lyman, Mayor Pro-Tem Fadelli, and Councilmembers Abelson, Pardue- Okimoto, and Quinto:

My name is Al Miller and I am a resident of El Cerrito.

I am writing in strong support of Michael Fischer's comments identified above. I especially believe that his comments about regular access to our library, and the "bridge over the digital divide" the computers and Internet access it provides to the portion of our community that does not have such access in their home, is more important this year because of the change in the method of collecting census data to an on-line process. The fact that many of these members of our community are also part of the "difficult to count" category of our community only increases the vital importance of adequate hours library access.

Thank you.

Al Miller, President, El Cerrito Library Foundation

From: [rose stamm](#)
To: [City Clerk](#)
Subject: Public comments Agenda item #7A
Date: Monday, April 6, 2020 3:49:32 PM

Dr. Walter S. Linsley, Rose Stamm, El Cerrito residents for 26 years

The track record for city upper management staff regarding budgetary issues is bad, demonstrating gross mismanagement and incompetence. Despite two warnings by the FAB, two warnings by the independent auditor and a warning by the state auditor, they gave themselves pay raises in Jan. 2020! When looking at surrounding cities upper management staffing, even cities with substantially greater population, the city of El Cerrito upper management staff is overpaid by 16.9%. When it comes time for the \$2-3 + million cuts this should be the first place to cut. The citizens of El Cerrito are overtaxed and did not create this financial crisis. Leave the library hours alone!

From: [Dan Schulman](#)
To: [City Clerk](#)
Subject: Public comments - agenda item 7A
Date: Monday, April 6, 2020 8:54:42 PM

Public comments agenda item 7A
From: Daniel Schulman, El Cerrito

Thank you for putting forth the proposed general fund reductions and working to address the situation we face as a city. I would encourage the council and city leadership to:

- 1) Please protect the recreation programs El Cerrito families rely on, specifically after school programs, summer camps, and swim center programming.
- 2) Please evaluate if the fire department can maintain its high level of service more efficiently, via reductions in overtime and/or lower cost resources for vegetation inspections.
- 3) Assist in any way possible to keep the momentum with the proposed and approved new developments on San Pablo Ave which will add exciting new benefits to our city and help with the revenue side of our budget.

Thank you.

Dan

Get [Outlook for iOS](#)

From: [Marlene George](#)
To: [City Clerk](#)
Subject: Agenda Item No. 7 A on the April 7, 2020 City Council Agenda
Date: Tuesday, April 7, 2020 8:29:45 AM

The city ended last fiscal year in the red and now with the economic impact of the public health crisis and no emergency reserves, El Cerrito is facing a multi-million dollar debt and may be on the verge of bankruptcy. The city council needs to take leadership of the financial crisis and make immediate deep and serious cuts of at least 10% . It is not enough to freeze vacant positions and salaries and reduce by a mere 10% travel, training, field trips and professional subscriptions. The council needs to make at least 10% reductions immediately and not wait until the full audit later in the year. \$1,000,000 could be saved by reducing the city manager's office to FY 15/16 levels. The state audit has flagged fire department overtime in the amount of \$1.2 million and no one is discussing the restructuring that needs to take place. Although El Cerrito pays higher than median salaries to attract the best and brightest employees the city hires numerous consultants. El Cerrito pays \$3.6 million to purchase professional and technical services on top of its salaried personnel. These are the reductions that need to be made before the council touches services such as the library, recreation, and seniors. Cut and streamline bureaucracy and no one goes to training or on a field trip until this mess is cleaned up.

Marlene George
El Cerrito Resident

From: [Sue Duncan](#)
To: [City Clerk](#)
Subject: Public Comment Agenda Item 7A
Date: Tuesday, April 7, 2020 11:17:24 AM

Good evening. Sue Duncan, El Cerrito.

First, thank you to all of the first responders for continuing to put their health on the line as they perform their duties. May they all stay negative.

Reading the Strategic Plan goals as listed by consultant Management Partners, putting Exemplary Service as #1 is ridiculous! Cut consultant fluff and just say the important things! It is understood that service should be exemplary, that is your job. If you don't automatically do this, then you should be fired. #1 should be Long-term Fiscal Responsibility and Sustainability. #2 Wildfire Prevention and Safety.

The council is going to have to make extremely hard decisions that will change the city for a long time. The cuts that are listed on the chart in the epacket are tough but they are just the start. The next round of cuts will have to be at least equal in amounts to these.

I ask that you put the fire and police departments at the top of the list to be preserved. Please keep in mind that almost half of EC geographically is in the VHFHSZ and that to date, we have had barely 1/2 of our average rainfall for season ending June 30. It will be a dry, dangerous spring and fall when the Diablo Winds blow. The city can not afford to cut the fire budget. Thank you.
Sent from my iPad

From: [Paul](#)
To: [City Clerk](#)
Subject: Public comment on agenda #7A
Date: Tuesday, April 7, 2020 11:28:32 AM

Public comment on agenda item #7A

I'm Paul Duncan, a resident of El Cerrito

I have heard reports of the city's use of multi million dollar short term loans to manage cash flow. Is this routine? Will our future net revenue be adequate to repay these loans or are we on the verge of needing bigger and bigger new loans to pay off old loans?

Answers to these questions need immediate public answers. Financial transparency is necessary.

In order to present a balanced budget and begin funding an adequate reserve, the city needs to make some very hard decisions. I know that many citizens feel like I do that Police and Fire protection is top priority and should not be cut. The global pandemic has had a drastic effect on all of us. Our sense of security is certainly less than it was just a few months ago. Huge parts of the city lie in the very high fire hazard severity zone. A big wildfire, especially now, would be more than devastating. Please don't cut El Cerrito's vital public safety and security services at this critical time.

PUBLIC COMMENT INDEX
CITY COUNCIL MEETING
April 7, 2020

The following Public Comments were received and read into the record during the meeting.

Public Comments – Not on the Agenda:

1. Aylin Beyce and Steven Bryan
2. Nick Zamorano

Public Comments – on Policy Items:

7A

1. Mike Cunningham
2. Elizabeth Thorsnes
3. Cathy Hanville
4. Sherry Drobner
5. Howdy Goudey

From: [Aylin Beyce](#)
To: [City Clerk](#)
Subject: public comments – not on the agenda
Date: Tuesday, April 7, 2020 5:31:41 PM

Dear Council Members,

It saddens me that it has taken so much time for the city leaders to make meaningful changes to our city's budget. I wonder if any changes would have been made had the auditors report not highlighted our financial issues. An incredible group of dedicated citizens has provided oversight and collected evidence of the city mismanagement. I am grateful to them but I can't help but think that their talents could have been used towards growing the city, not just trying to save it from total insolvency,

I eagerly await the meaningful cuts that need to happen. As others have mentioned, new taxes is not the way forward. That is the old way of doing things and it is no longer acceptable. Thanks for residents' generosity, the city spent freely while providing residents with General Fund services that are average at best—only our library hours, festivals, and senior services rise about the minimal level of city services.

The city needs to look inward first, before cutting services to residents or raising taxes yet again. Start by rolling back senior management salaries that have grown without regard to the city's broken and disregarded median compensation policy*, and that, in any case, the city cannot afford to pay. Eliminate overtime pay for FLSA-exempt managers. Reduce the Fire Department's unreimbursed overtime, over-reliance on uniformed personnel for non-response activities, and top-heavy staffing. Eliminate contracting for all professional services that can be performed by staff. Reduce the cost of providing senior services, while preserving their most important functions. And once past the immediate crisis, plan to fully restructure fire safety, negotiate sustainable pensions, and undertake economic development efforts.

We need the entire city to know what is going on. Remember all the glossy mailings used for every new tax or for the Library bond? You didn't fool around then, when you *wanted* people to know certain things. We need some truth here, and some guts. It is time that all our council members step up, something that our staff does not seem able or willing to do. Please remember that your choices affect everyone in El Cerrito. Please remember why you got into public service in the first place and make a positive difference in peoples lives.

Thank you,

Aylin Beyce and Steven Bryan

El Cerrito Residents

According to the city managers update dated 1-23-2020, the El Cerrito full service fire dept. conducted 3,643 service calls in 2019. This number reflects a record year of service calls and over a 5 yr. period there has been a 9% increase. Out of these 3,643 calls, 1,200 were for emergency medical services and rescues. This increase is likely to continue in 2020 and 2021. Current city practice is not to charge residents for these services or to bill health insurance plans. Other cities either charge a reasonable rate for EMS calls and/or obtain reimbursement from health insurance plans. For example, the city of Albany first responder rates are \$300 per hour (\$100 for engine and \$100 each for firefighter/paramedic). The city of Berkeley bills for EMS first responders at the Alameda approved rate for ambulance services (\$300 flat fee). Both cities implement direct billing through a third party billing agency (Wittman Enterprises, LLC) and report a seamless process for charging residents and obtaining reimbursement from health insurance providers.

In addition to charging for emergency medical calls, Albany and Berkeley contract with Alameda Co Emergency Services Agency for ambulance services at the base rate of \$2,181 which was a 6.18% increase from 2017. In FY 2018, the ambulance billing revenue collected for Berkeley was \$4.34 million. Based on an estimated 8,000 transports per year, the newly fee increase is projected to increase Berkeley's revenue by approximately \$75,000 a year. Should El Cerrito choose to do the same it would be with Contra Costa Co LEMSA . The Contra Costa Co Board of Directors set the ambulance base rates for 2019 at \$2, 312. Contra Costa Co Fire Protection District has established a Compassionate Care Program for residents who don't have health insurance plans such as Medicare, MediCal or private insurance. The CCP was established for financial hardships and can discount up to 100% of a patient's ambulance services bill. Patients must meet program criteria to be eligible.

Nick Zamorano

Make El Cerrito Fire Safe

From: [Mike Cunningham](#)
To: [City Clerk](#)
Subject: Public comment - agenda item 7A (April 7, 2020 City Council meeting)
Date: Tuesday, April 7, 2020 3:37:02 PM

It is surprising how little pain seems to be required for the city to cut \$2 million from its budget. One wonders why the city did not pursue such belt-tightening immediately upon the State Auditor's warning, or during the three years of "going concern" warnings, or during the ten years in which the city repeatedly felt it necessary and appropriate to ask residents to dig into their pockets to support the city with four new General Fund taxes.

Because city leaders failed to competently and responsibly manage the budget over many years and failed to build and maintain even a modest reserve, the cuts ahead of us will require pain. Keep in mind, residents are already bearing their share of pain. Thanks to those four new taxes, El Cerrito residents now shoulder the highest local tax rates in the entire state of California. As thanks for residents' generosity, the city spent freely to the brink of insolvency, while providing residents with General Fund services that are average at best—only our library hours, festivals, and senior services rise about the minimal level of must-do activities of a city.

This time, the city needs to look inward first, before cutting services to residents or raising taxes yet again. Start by rolling back senior management salaries that have grown without regard to the city's broken and disregarded median compensation policy*, and that, in any case, the city cannot afford to pay. Eliminate overtime pay for FLSA-exempt managers. Reduce the Fire Department's unreimbursed overtime, over-reliance on uniformed personnel for non-response activities, and top-heavy staffing. Eliminate contracting for all professional services that can be performed by staff. Reduce the cost of providing senior services, while preserving their most important functions. And once past the immediate crisis, plan to fully restructure fire safety, negotiate sustainable pensions, and undertake economic development efforts.

It's the city's habit to blame others for its fiscal difficulties, but if the city had been willing to maintain a budget without structural imbalances and with even a modest 10% reserve, it would not be facing immediate fiscal catastrophe from coronavirus, or from any recession. That's the whole point of a reserve, and it's why the State Auditor raised the red flag that the city tried so hard to wave away.

Make sure, by the way, to discuss tonight whether the city will be able to secure a new cashflow loan in July, and what are the city's options and plans if it cannot.

(*Median Compensation Policy fail: El Cerrito has not done a comparison with other cities since 2014, and even then it appears that it used the median of the top of the ranges at comparison cities to set the middle of El Cerrito's ranges, which would automatically make

El Cerrito's salaries substantially higher than comparison cities.)

Mike Cunningham

El Cerrito resident

From: [Elizabeth Thorsnes](#)
To: [City Clerk](#)
Subject: Agenda Item 7-A (Policy Matters)
Date: Tuesday, April 7, 2020 4:11:07 PM

(To be read into the minutes of El Cerrito City Council minutes, April 7, 2020)

To Our City Council Members,

There is no question that El Cerrito is in dire financial straits, despite the blasé attitude of the city's finance director, the persistent non-mention of the issue by the city manager, and the hopes of residents and council members alike. The state auditor, our independent auditor, and Standard and Poor's analyst cannot all be wrong. We are in trouble, and let us not pretend otherwise.

In my opinion, top city staff has been grossly incompetent in handling city finances and in advising and informing the city council. But council members did not question things, making you abettors in the botchery, because you in effect allowed, and are still allowing, staff to continue the flim flam. However, we now rely on you, not on the staff that forwarded the machinations, to lead us out of this mess.

You already know all the numbers and actions that contributed to our situation. If you don't know these numbers, you are not paying attention, because key residents have found and posted every detail—something staff *should* have done for you. A few residents know this information, but most do not, because they have not been overtly informed about the situation (and little surveys about desired improvements or a narrowly-advertised town hall will not do). We don't have a newspaper that reports anything that might disturb El Cerrito staff and/or council. We have no way to get the word out to the bulk of city residents. The city is in trouble and most of the residents have no idea! I suspect the city council could float a ballot measure for a new library right now and most residents would naively vote "yes."

This all needs to stop! You, our city council, need to step up. We need serious cuts to salaries and personnel, for starters. I have tenants who are working full time from home while their salaries have been cut in half. What about OUR staff? Are any of them feeling that same pain?

Finally, we need the entire city to know what is going on. Remember the consultants and all the glossy mailings used for every new tax or for the Library bond? You didn't fool around then, when you *wanted* people to know certain things. We need some truth here, and some guts. It is time that all our council members step up, something that our staff does not seem able or willing to do.

BJ Thorsnes (Elizabeth)

From: [Cathy Hanville](#)
To: [City Clerk](#)
Subject: April 7th meeting agenda item 7A-I had typo so please read this one
Date: Tuesday, April 7, 2020 6:35:49 PM

Sorry I had a typo so if you can read these instead. thanks
Cathy

Remarks by Cathy Hanville

El Cerrito resident

Agenda Item 7A

First I want it read into public record that we are at this point of financial devastation due to major incompetence by staff allowed by the City Council. FAB has been pushing for increased reserves for at least several years. Instead big raises were given to staff employees and nothing was put into reserve and we ended last year with a deficit. And while these current cuts are a good START they should have been done in October after the State Auditor raised the alarm. Instead of listening to the red flags made by the state auditor staff and council have resisted making any but the most minimal in cuts and now you are getting a slide set, produced by expensive consultants saying El Cerrito needs to act now. And that a recession is coming in the next three years and bringing up the idea of bankruptcy. Right now we must address making cuts to see if that can be avoided. But a VERY SERIOUS look at the incompetence and lack of action that brought us here needs to also happen ASAP. How can we trust the people who brought us to the current brink of bankruptcy to save us from the same?

While these cuts make a start more substantive cuts need to be made.

My Suggestions

Roll back wages to 2016 rates. This in and of itself could solve most of our problems.

Cut the 4th of July for 2020 and use that 60k to keep the library open the additional hours. The 4th of July will now be a health and safety issue so the question of it is mute. This packet showed many reasons why the additional library hours are needed and with unemployment soaring there will be even more need.

Reduce the use of ALL consultants unless there is a council decision that they are needed.

Address the gross inefficiencies of the fire department. Looking at overtime costs versus staffing, charging for EMT, and the structure of the department, along with the Kensington

contact. There is no reason that department cannot keep us fire safe within the budget they have.

All travel and training must be cut unless specifically approved by Council

These are a few suggestions and I hope you will quickly to make the necessary cuts.

Thank you.

From: [Sherry Drobner](#)
To: [City Clerk](#)
Subject: Public Comment Agenda Item: 7. A Policy Matters - Budget
Date: Tuesday, April 7, 2020 7:04:04 PM

Dear Mayor, City Council Members and City Manager,

The 5% target for budget reductions is no longer a baseline if we address the loss of revenue to our City due to the pandemic. I would hope that the City Finance Department with the City Manager offer the City Council several alternative scenarios by the next meeting. It's obvious that the 10% reduction, also discussed at a previous meeting, which in a good time would help us build the required reserves, is now more likely the minimum reduction required. I realize there a lot of moving parts, that perhaps there may be some relief for cities, etc., but please offer a range of options that encapsulates the best and the worst case so that we are all prepared. It feels that we are still playing catch-up, discussing a 5% reduction. As we look at the cuts, we can also be thinking about revenue and how we might mitigate those cuts. Now's the time to go full throttle ahead and look at many options and scenarios.

Sincerely
Sherry Drobner



El Cerrito

From: [Howdy Goudey](#)
To: [City Clerk](#)
Subject: Public comment - Agenda item 7A
Date: Tuesday, April 7, 2020 7:27:29 PM
Attachments: [image.png](#)

Dear Mayor Lyman and Council members,

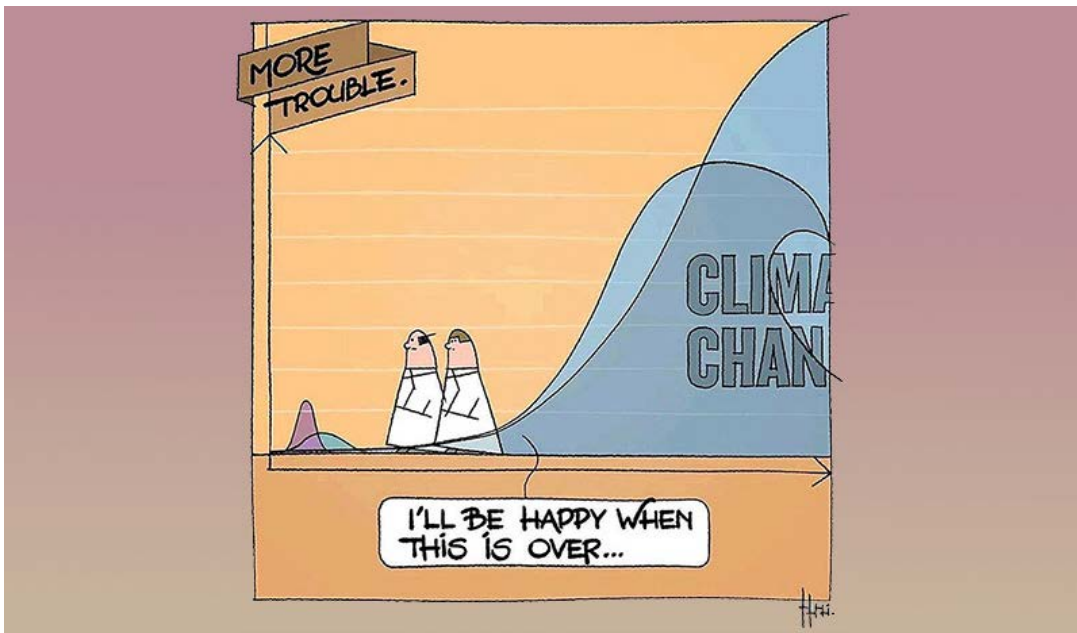
I sympathize with the unenviable position you are facing with tough cuts necessary to stabilize the city budget, particularly with the new layer of upheaval caused by the COVID-19 health and economic crisis.

Amidst the current context, it is critically important to remember the Climate Emergency declaration that the City made at the end of 2019. The Climate Emergency is still with us and frankly is much bigger and long lasting than COVID-19. The current pandemic is a strong reminder of the importance of preparation and action toward known challenges we must confront, like climate change. Please do not lose sight of the importance to continue meaningful action on reducing climate impacts, even as we weather the current hardships.

The presentation for this study session is light on options for raising new revenue for the city budget, perhaps because of the imminent economic contraction and the perceived resistance to new/raised taxes under the circumstances. I am actually not opposed to new taxes that are thoughtfully designed to avoid regressive impacts. Even if a general fund tax is currently unpopular, it would be interesting to consider the potential for a targeted tax to fund climate action (such as restructuring the Utility User Tax UUT to incentivize the reduction of natural gas usage by having a higher tax on natural gas compared to electricity with far lower carbon emissions). Without a dedicated stream of resources for climate action, the near-term city budget will not be able to support much climate action. Hopefully there is a great deal of public support to raise funding for climate action, particularly if the programs help residents make meaningful transitions. Fostering local action will also serve as an important job creation center in a challenging time.

Likewise, on other topics, I urge you to have a forward thinking basis of action regarding the budget cuts under these difficult circumstances. As an example, it is short sighted to choose to save money by reducing library hours, a public service that promotes so many positive public benefits that will sorely impact our future if they are neglected.

Below is a cartoon depicting the COVID-19 curve flattening (left) to the necessary climate change curve flattening (right). source: <https://climatesafety.info/links-between-corona-and-climate/>



RESOLUTION 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS AND SPECIFICATIONS FOR THE CENTRAL AVENUE AND CARLSON BOULEVARD PAVEMENT REHABILITATION PROJECT, CITY PROJECT NO. C3077, FEDERAL PROJECT NO. STPL-5239 (027) (PROJECT); ACCEPTING THE THREE BIDS SUBMITTED FOR THE PROJECT; AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$436,460 WITH MCK SERVICES INC. AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$50,000 FOR THE CONSTRUCTION OF THE PROJECT

WHEREAS, the Central Avenue and Carlson Boulevard Pavement Rehabilitation Project will rehabilitate the roadway pavement, replace traffic signal loop detectors and enhance traffic striping; and

WHEREAS, the Project is located on Central Avenue from Santa Clara Avenue to San Pablo Avenue and Carlson Boulevard from the north City Limits to Central Avenue; and

WHEREAS, the Project is the second component of the Central Avenue and Carlson Boulevard Street Improvements Project in the Capital Improvement Program, and the first component consisting of curb ramp and sidewalk work was completed as part of the 2018 Curb Ramp and Sidewalk Repair Project in 2019; and

WHEREAS, both Central Avenue and Carlson Boulevard carry a significant volume of traffic and are classified as arterial streets, and the Project will benefit the many commuters, transit services and bicyclists who utilize these roadways on a daily basis; and

WHEREAS, the Notice Inviting Bids for the Project was advertised in the West County Times on January 28 and February 3, 2020 and posted on the City's website, and the notice and complete set of Contract Documents were sent to eight Builder and Construction Exchanges and the Contract Documents were made available to contractors through an online planroom; and

WHEREAS, a mandatory pre-bid conference was held on February 18, 2020, and one addendum was issued; and

WHEREAS, three bids were received on the advertised bid opening date of February 25, 2020; and

WHEREAS, MCK Services, Inc. submitted the lowest responsible and responsive bid in the amount of \$436,460, which is 35 percent below the Engineer's Estimate; and

WHEREAS, the estimated expenditures for the construction phase of the Project total \$579,060; and previously approved funding for this phase consists of \$860,000, including \$544,000 from the federal One Bay Area Grant Program, \$200,000 from the SB 1 Local Partnership Program, \$20,000 from the SB 1 Local Streets and Road Funding Program-Road Maintenance and Rehabilitation Account Fund, and \$196,000 from the City's Measure A Street Improvement Fund; and

WHEREAS, there is sufficient funding to cover the construction phase expenditures; and

WHEREAS, the project work is an appropriate use of Measure A Street Improvement funds; and

WHEREAS, on March 31, 2020, the Contra Costa County Health Officer issued Order No. HO-COVID19-03 (the "Order"), directing that all individuals stay home or shelter in place, with several defined exemptions for essential business, essential infrastructure and essential governmental functions; and

WHEREAS, the Order allows individuals to leave their residences to perform any work necessary to the operation and maintenance of "Essential Infrastructure" including roads and highways (Section 13.c), and further defines "Essential Business" to include Construction for projects immediately necessary for maintenance, operation or repair of Essential Infrastructure (Section 13.f.v.1); and

WHEREAS, the Order also exempts individuals performing "Essential Governmental Functions" as determined by the governmental entity performing those functions (Section 13.d), and further defines "Essential Business" to include Construction for public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency (Section 13.f.v.4); and

WHEREAS, per the Order, Sections 13.c and 13.f.v.1, the Project is repair of Essential Infrastructure and, because construction is anticipated to be completed within approximately six months, the Project is considered Essential Business that is permitted to continue at this time; and

WHEREAS, per the Order, Sections 13.d and 13.f.v.4, the Project is a public works project designated as an Essential Governmental Function by the City Manager because it is repair of pavement on arterial roads that serve as key transportation routes for essential services, and is therefore permitted to continue at this time; and

WHEREAS, because construction is anticipated to break ground toward the end of May 2020, which is after the current termination date of the Order, the City will continue to monitor and comply with any orders of the Contra Costa County Health Officer, who is continuing to assess the quickly evolving situation and may modify or extend this current order, or issue additional orders, related to COVID-19, as changing circumstances dictate; and

WHEREAS, the Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing.

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

- 1) Approves plans and specifications for the Central Avenue and Carlson Boulevard Pavement Rehabilitation Project, City Project No. C3077, Federal Project No. STPL-5239 (027) (Project);
- 2) Accepts the three bids submitted for the Project; and
- 3) Authorizes the City Manager to execute a contract in the amount of \$436,460 with MCK Services Inc. and to approve change orders in an amount not to exceed \$50,000 for the construction of the Project.

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

I CERTIFY that at a regular meeting on April 7, 2020 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 April _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



City of El Cerrito

Strategic Plan Update and Fiscal Implications from the COVID-19 Pandemic

Steve Toler, Nancy Hetrick
April 7, 2020

Presentation Overview

Review Strategic Plan Engagement Results

Review input obtained through engagement activities

Understand Fiscal Impacts of COVID-19

Hear an update on the City's current financial situation, actions taken and planned, and the new recessionary impacts of the pandemic

Determine Top Priorities for the Next year

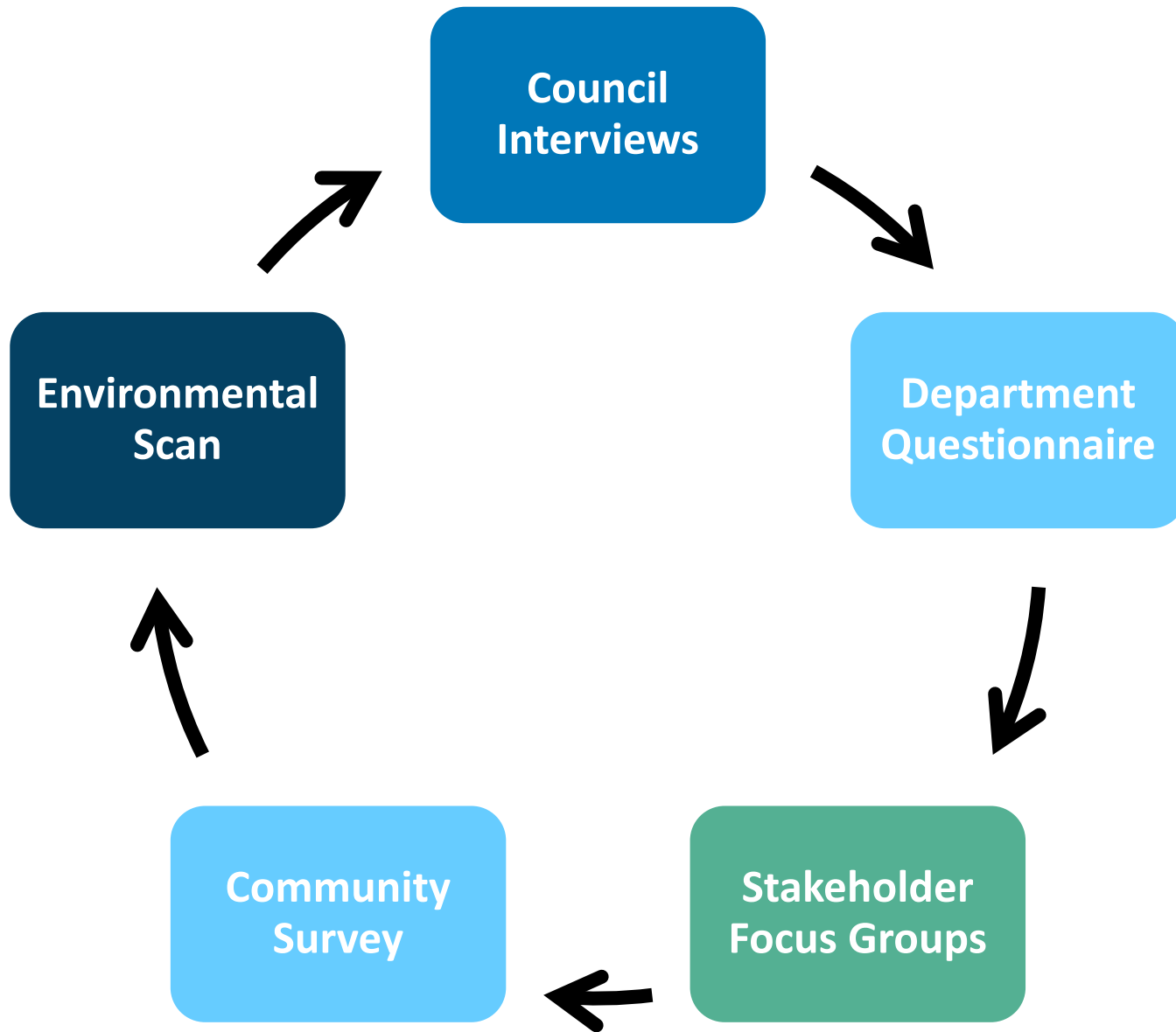
Discuss and build consensus on the top priorities/actions for the coming year.

Next Steps

Revisit the elements of the strategic plan and establish vision, mission, values, goals and strategies for the next five years

Update on City's Strategic Planning Process





Overview Of The Process

Five Types of Input

Notable Themes



Notable Themes

- Central location
- Safe and Clean
- Diversity
- Accessible staff & officials
- Recreation programs
- Parks and Open Space
- Commitment to the Environment and Sustainability

Strengths

Challenges

Opportunities

Threats

Notable Themes



- High Service Expectations
- Budget/Staffing Limitations
- Lack of Infrastructure Funding
- Safety at BART stations
- Succession Planning
- Small Size Limits Economies of Scale

Notable Themes



- Engagement (Budget)
- Economic Development
- Revenue Generation
- Re-Establish Reserves
- Identify Efficiencies
- Utilize Technology
- Transit-Oriented Development

Notable Themes



- Economic Downturn/ Recession
- Climate Change
- Natural Disasters
- Development Outpaces Capacity
- Loss of Employees
- Loss of Trust from the Public

Takeaways from Community Surveys and Focus Groups

El Cerrito is a desirable place to live.

9 in 10 residents recommend living in El Cerrito

The Natural Environment is a community asset.

Residents participate in recycling and water conservation at higher rates than the national average.

Economy is an area of opportunity for El Cerrito.

Only 1/3 of residents gave high-marks to economic development in El Cerrito.

Safety of City buildings of special interest.

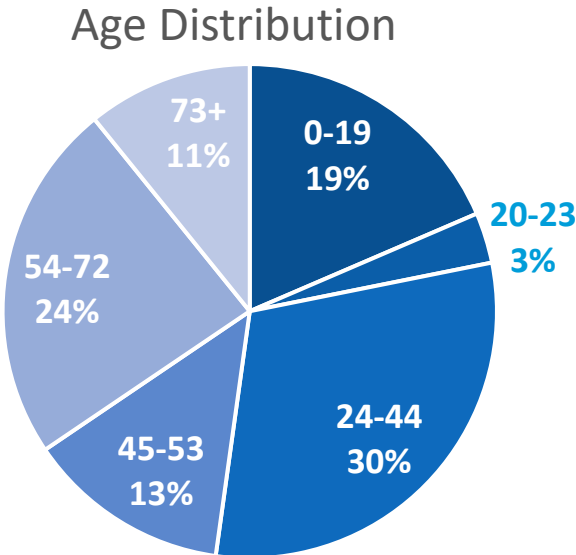
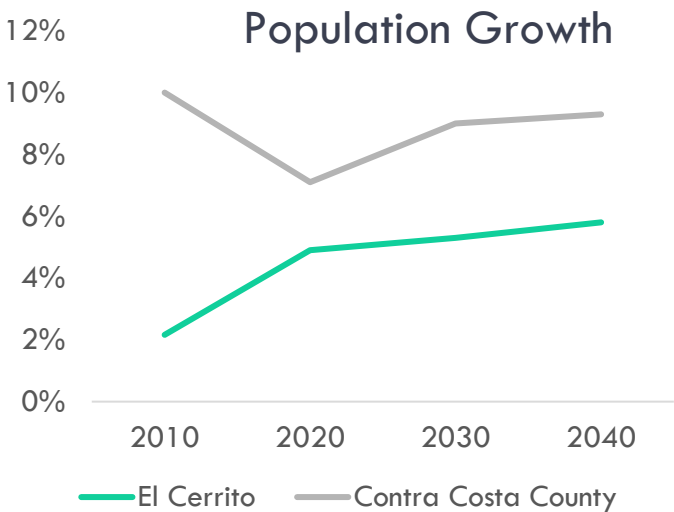
Our Residents' Top 5 Priorities

1. [Schools and education]
2. **Longer-term financial health of the City**
3. Public safety
4. Emergency preparedness
5. Economic development

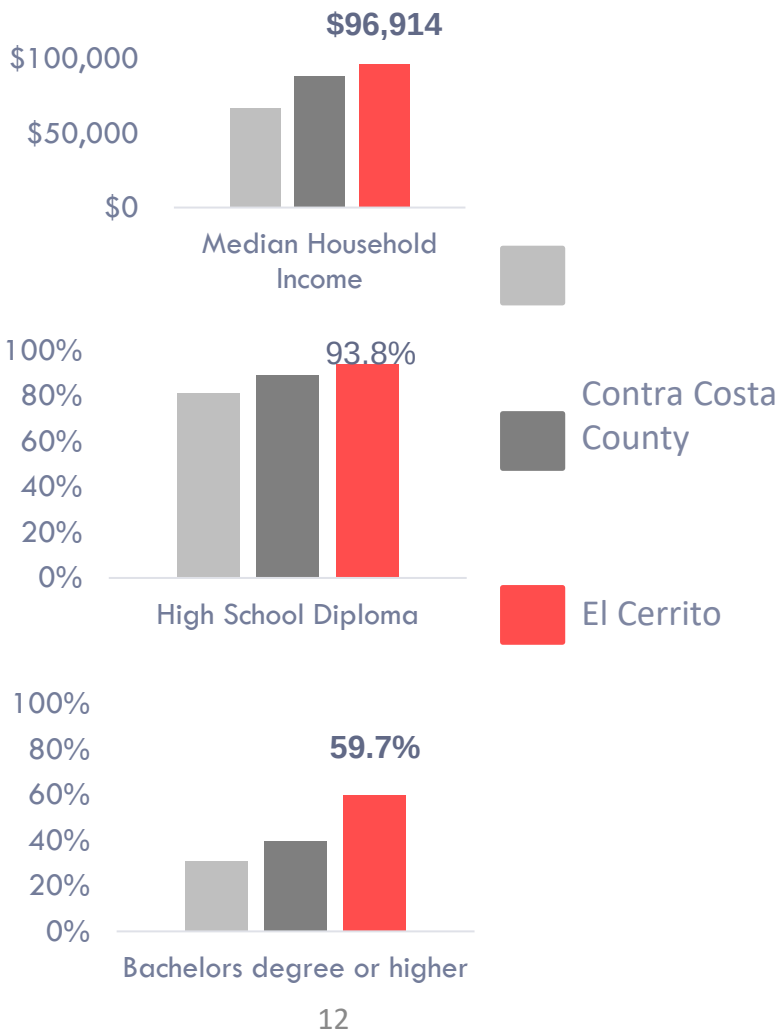


El Cerrito City Profile

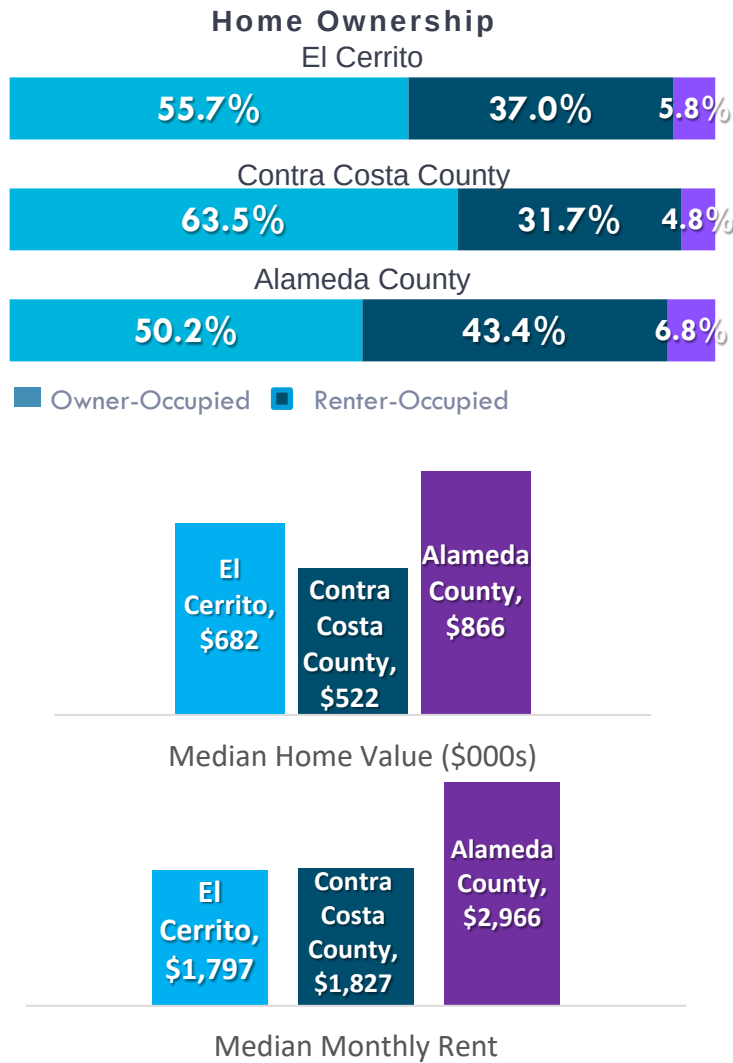
Population: Slow-Growing and Aging



Higher Income/Education Levels



Home Ownership Higher; Rents Lower



El Cerrito Top Employers

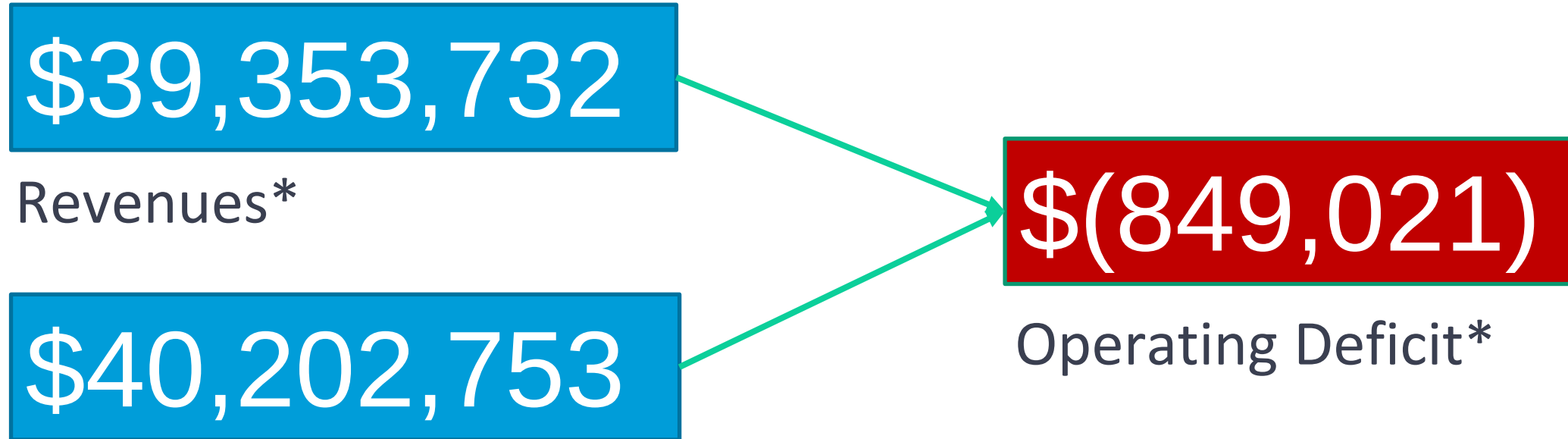
Barnes and Noble	Fat Apple's Restaurant	Romano's Macaroni Grill
Bed Bath & Beyond	Home Depot	Safeway
Berkeley Country Club	Honda of El Cerrito	Shields Nursing Center
City of El Cerrito	Lucky's	Trader Joe's
CVS Pharmacy	Nation's	US Post Office
El Cerrito Royale	Pastime ACE Hardware	West Contra Costa Unified School District

Source: City of El Cerrito CAFR.





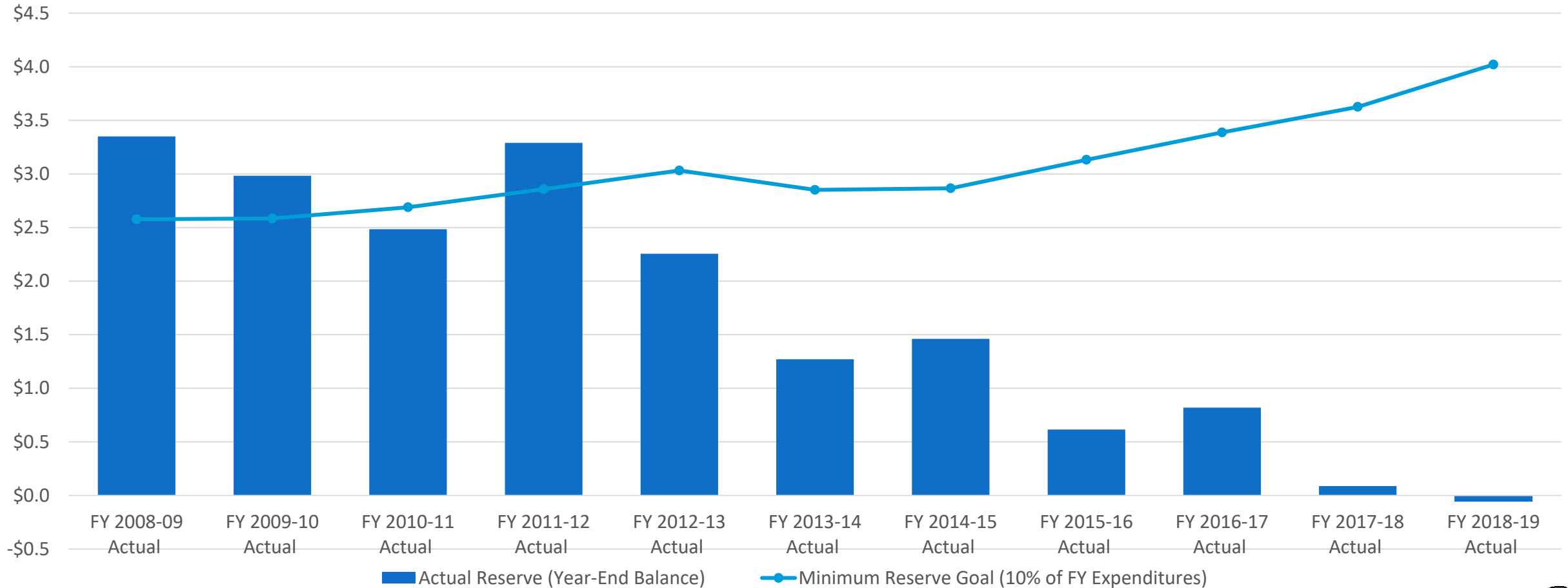
FY 2018-19 General Fund Operating Deficit



*Actuals from FY 2019 CAFR

General Fund Reserves Have Been Declining

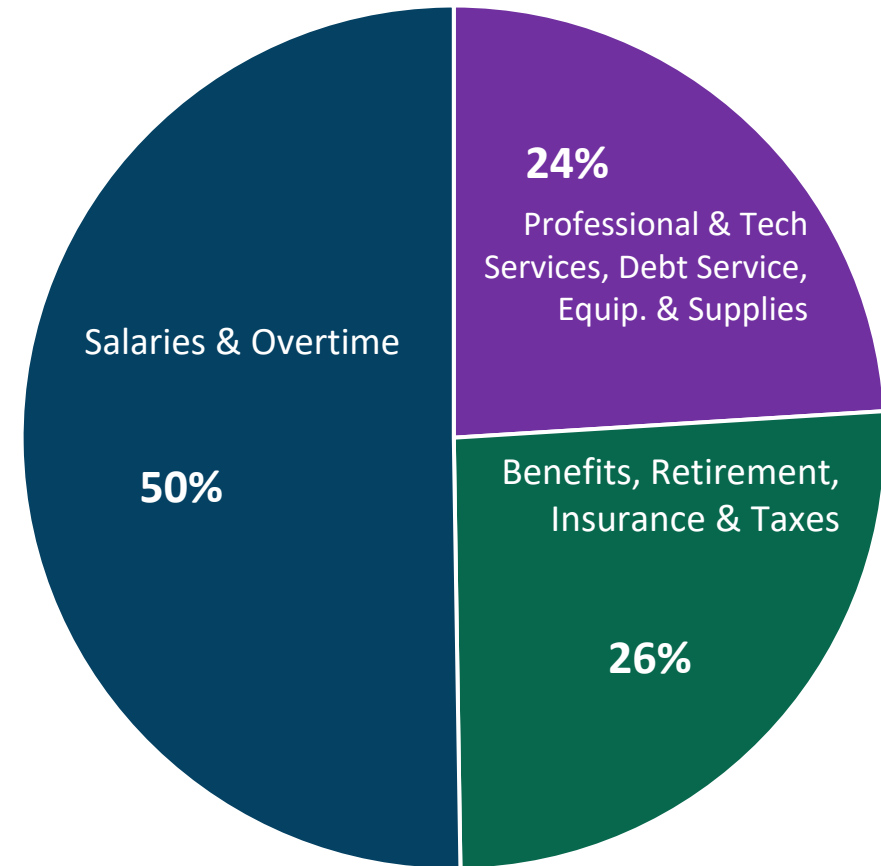
General Fund Reserve VS. 10% Reserve Goal



FY 2019-20 Budgeted General Fund Expenditures

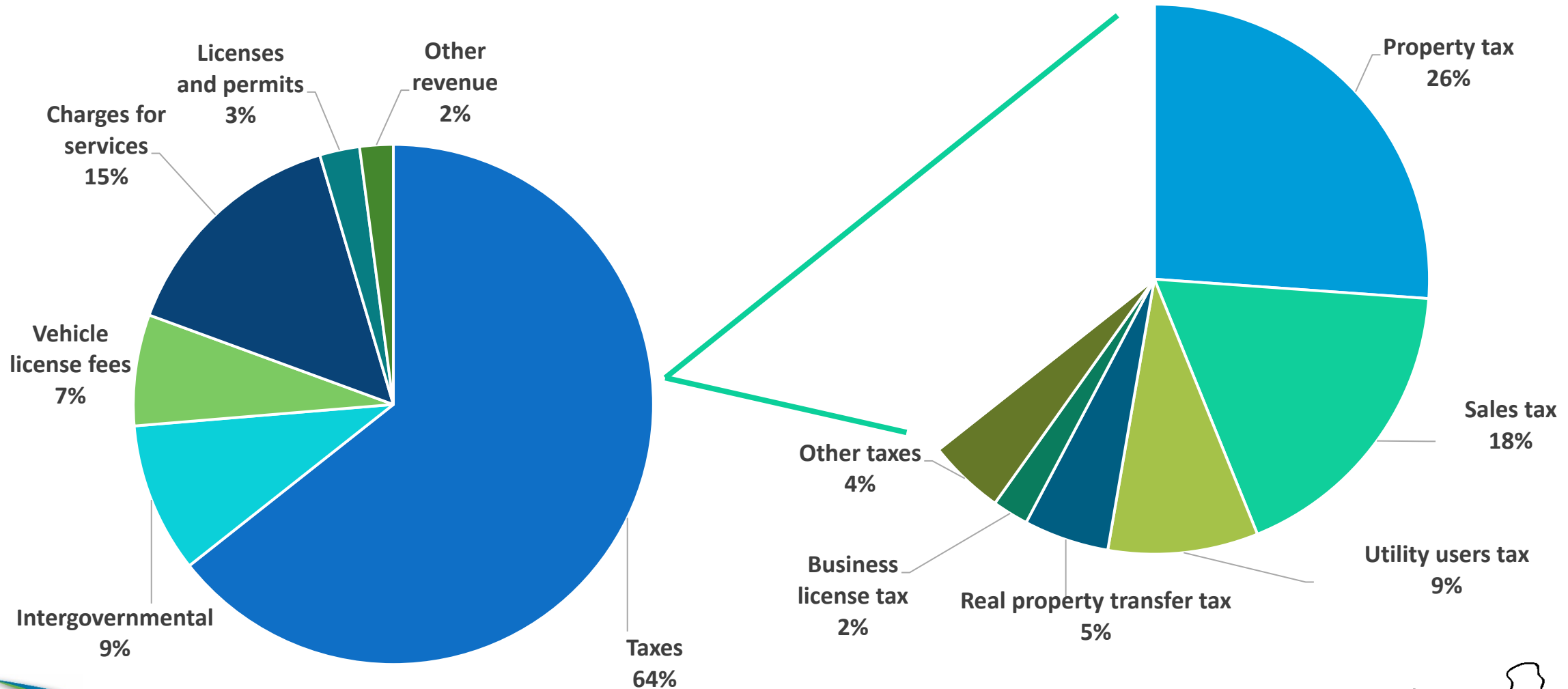
\$40.0M

of General Fund expenditures in FY 2019-20 are budgeted to go towards **employee compensation**. This is consistent with other cities in California.

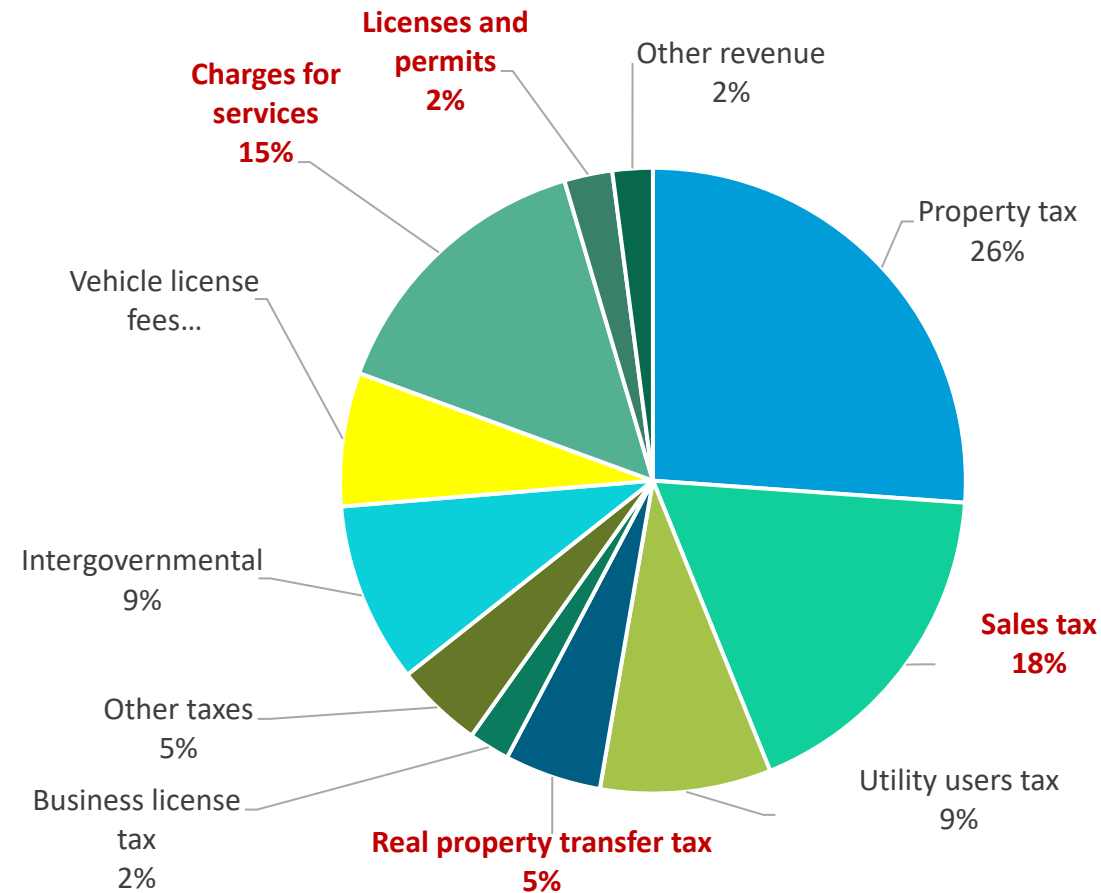


FY 2019-20 Projected General Fund Revenue

\$39.9 million



General Fund Revenue Diversification



- ▶ Stable revenue sources comprise 60% of General Fund
 - ▶ Property and utility users taxes provide a strong base of revenues for a City (not as prone to economic volatility)
- ▶ **Volatile revenue sources** comprise 40% of General Fund
 - ▶ Sales taxes and development revenues are highly volatile
 - ▶ Recessions can reduce these revenues sources by 10-25% depending upon severity

Cities with less than 65% or more in stable revenue sources are less able to withstand economic downturns and need greater level of minimum reserves to weather economic storms

Providing Context to El Cerrito's Financial Realities – Summary Observations

El Cerrito's Strengths

- Strong property tax apportionment rate
- Addition of real property transfer tax provides diversified revenue source
- Legislative relief that allows 0.5% local sales tax for road improvements to not count against the 2% cap for overlapping local sales taxes
- Relatively low debt obligations
- Fiscally responsible provisions in labor agreements

El Cerrito's Challenges

- Reserves have been depleted over the years
- Opportunities to implement new revenue sources are limited
- City will likely need to “right-size” service delivery based on existing revenue sources

Additional Challenges

Stormwater Assessment Fees

- Current cost is greater than assessment fees

Utility User Tax Revenue

- Cord-cutting will reduce telecom taxes

Landscape and Lighting District Tax

- Current cost is greater than tax revenue

Personnel Costs

- Maintaining competitiveness
- Managing increase pension and health costs

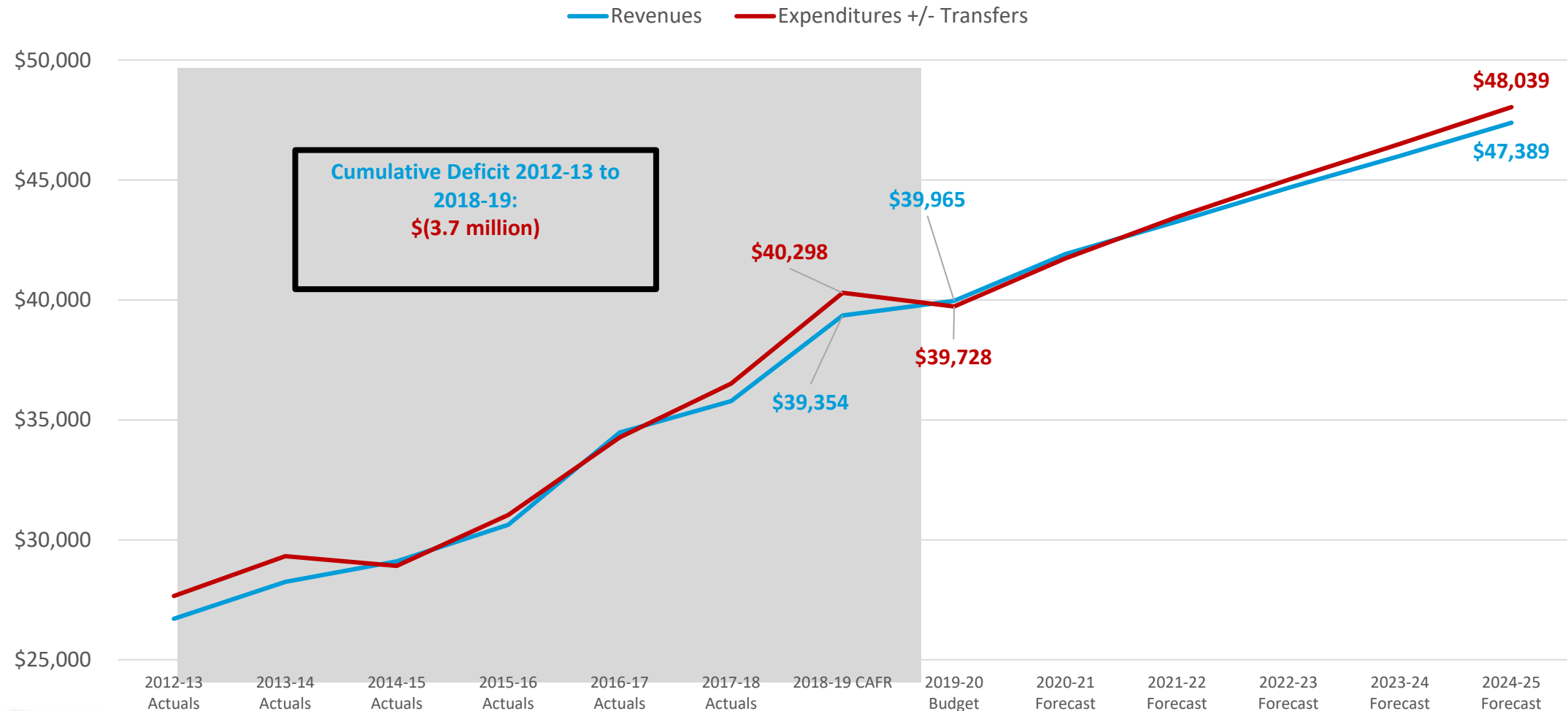
Underfunded Infrastructure Improvements

- Parks Master Plan (2019)
- Pavement Management Study (2017)

Five-Year Forecast

(Baseline forecast including real property transfer tax revenues from Measure V)

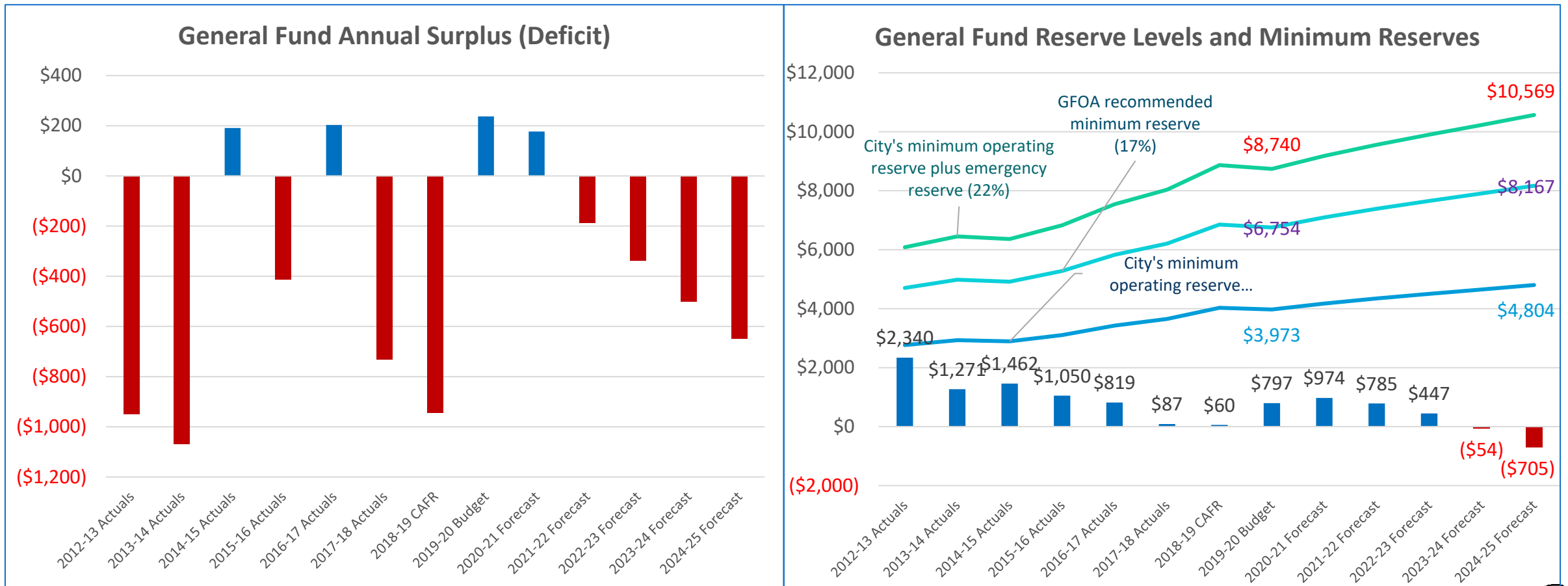
General Fund Annual Surplus (Deficit)



Pre-COVID 19 Five-Year Forecast

(Baseline forecast including real property transfer tax revenues from Measure V)

Baseline Forecast



Cumulative Deficit 2012-13 to 2018-19:

(\$2.7 million)

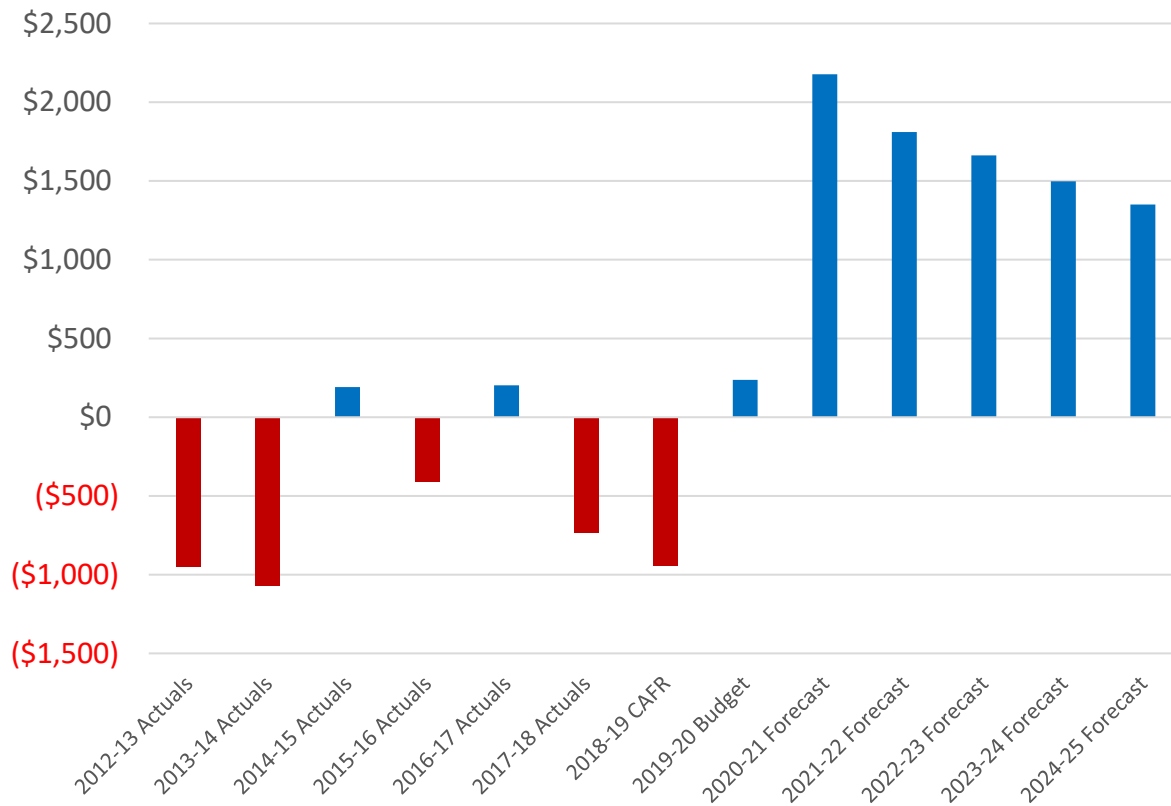
Agenda Packet Page 9 of 129

Pre-COVID 19 Five-Year Forecast

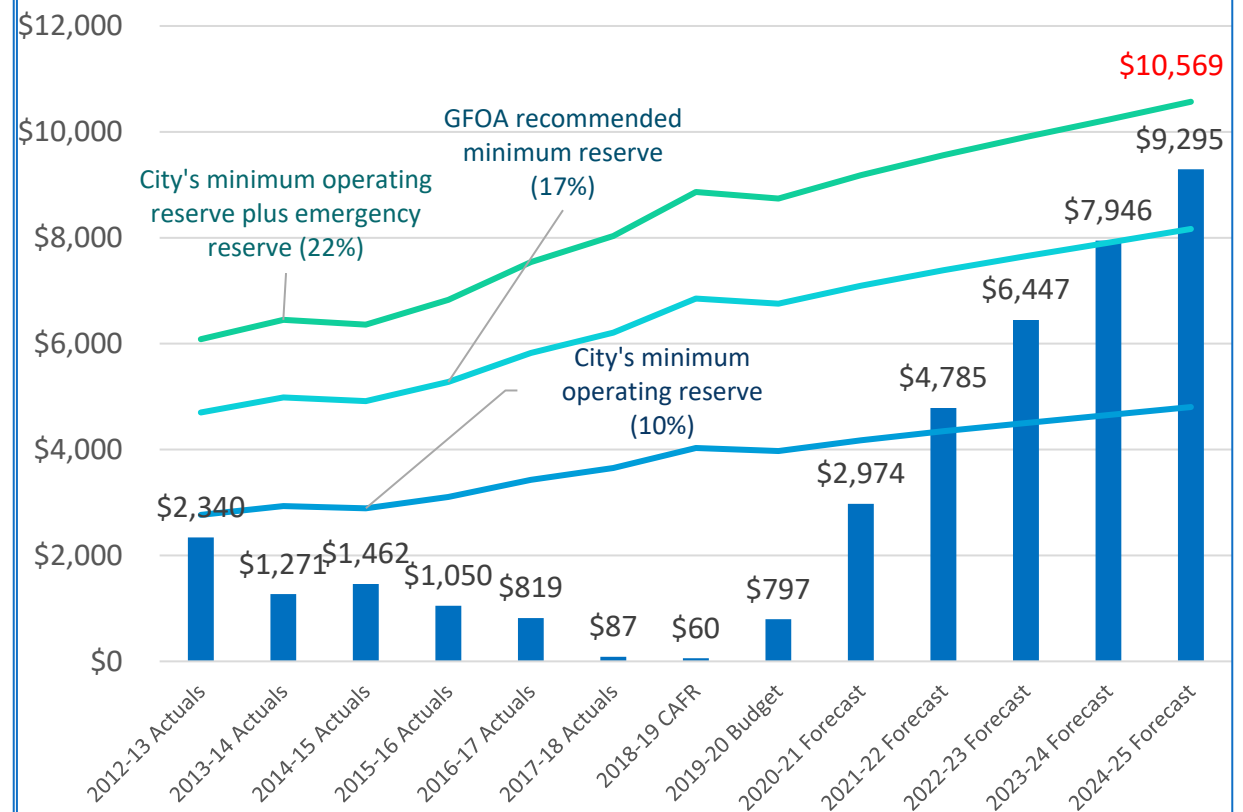
(Baseline forecast including real property transfer tax revenues from Measure V)

Revised Forecast (\$2 million cost reductions)

General Fund Annual Surplus (Deficit)



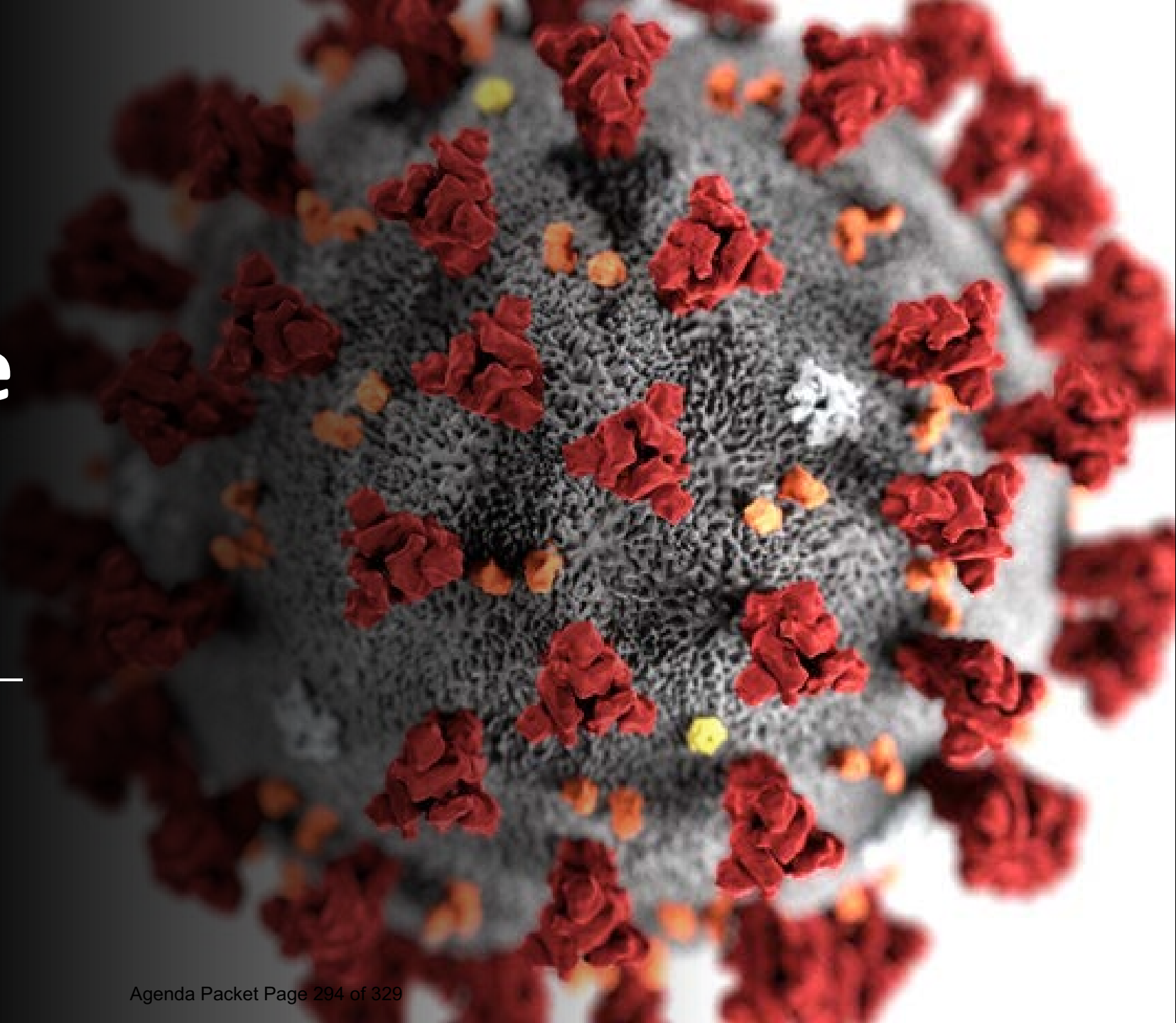
General Fund Reserve Levels and Minimum Reserves



Summary Observations – Prior to COVID-19

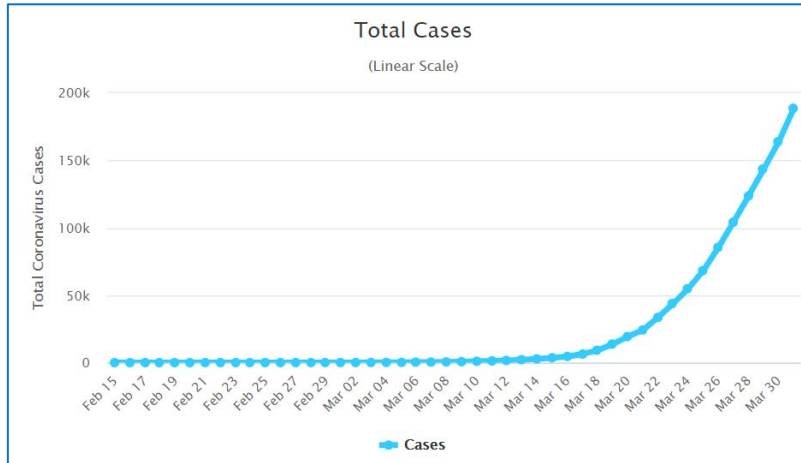
- ✓ Amended to integrate an **assumption for a recession** within the next 3 years, and
- ✓ **Extended to 10 years** to understand the impacts of the loss of the 1% local sales tax rate in 2027 if not renewed/extended by voters

Latest Update on COVID-19 Pandemic



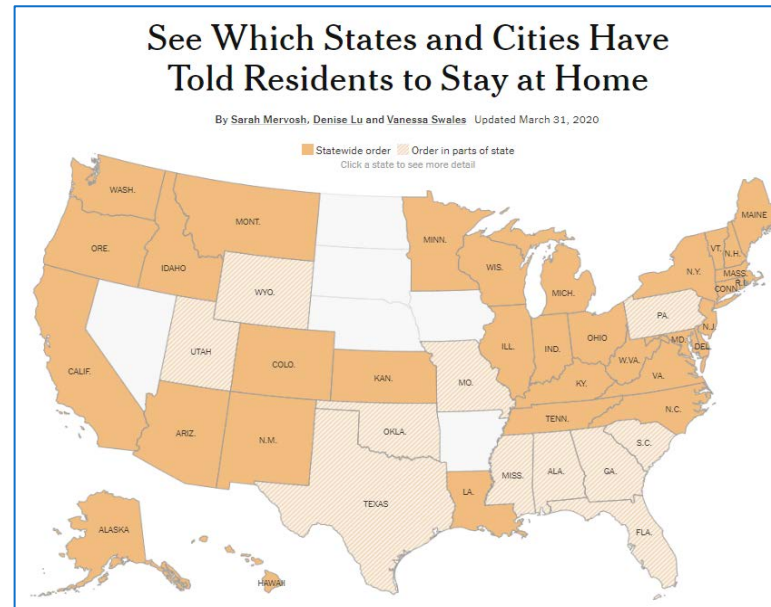
Snapshot of COVID-19 Pandemic Today

National Pandemic with No End in Sight



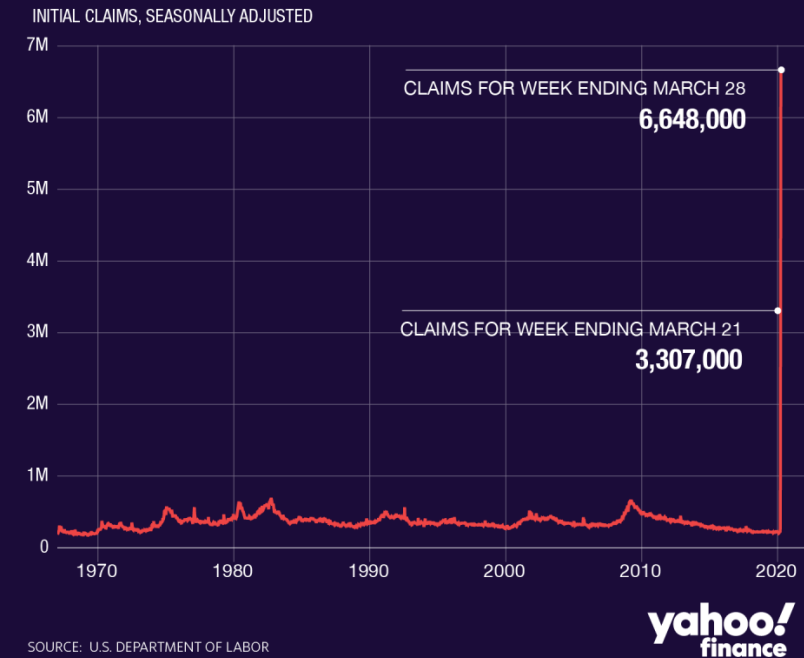
Sources: Centers for Disease Control (CDC); Worldometers.info (graphic)

America Sheltered In Place



Rampant Unemployment

U.S. JOBLESS CLAIMS SKYROCKET AMID CORONAVIRUS OUTBREAK



Source: Yahoo! Finance

“During the Great Recession, employment of the population dropped 4.6 percentage points from December 2007 to December 2009. That took two years. The deterioration of the labor market in the past two weeks almost defies belief.... The labor market is in a historic freefall.”

- Nick Bunker, Indeed Hiring Lab's director of economic research

CARES (Coronavirus Aid, Relief, and Economic Security) Federal Stimulus Package

Assistance for Individuals



Stimulus Checks

- \$1,200 payment to individual taxpayers, \$2,400 for married couples
- Additional \$500 per qualifying child under 17
- Income limits apply



Unemployment Insurance

- Additional \$600 per week up to four months
- Eligibility expanded to 39 weeks
- “Gig economy” workers now included
- Furloughed employees eligible



Paid Family/Sick Leave

- Expansion of eligibility
- Pay up to \$1,000 per week
- Employers reimbursed through IRS



Debt Relief

- FNMA/ FHLMC loans eligible for 6 months forbearance
- Federal student loan payment and interest halted from April 1 to September 30, 2020



Retirement Plans

- Withdrawals before 59 ½ up to \$100,000 avoid 10% penalty
- Retirement plan loans increased to \$100,000

California Impacts from COVID-19 Pandemic

*Shelter in place since mid-March through April at least
Governor decides what businesses are allowed to remain open*

Per Governor's Order

What's Open

- Takeout/delivery food service*
- Gas stations
- Pharmacies
- Grocery stores
- Banks
- Laundromats
- Essential government functions

What's Closed

- Dine-in restaurants
- Bars/nightclubs
- Entertainment venues
- Gyms and fitness studios
- Public events/gatherings
- Convention centers
- Hair/nail salons

Our Experience

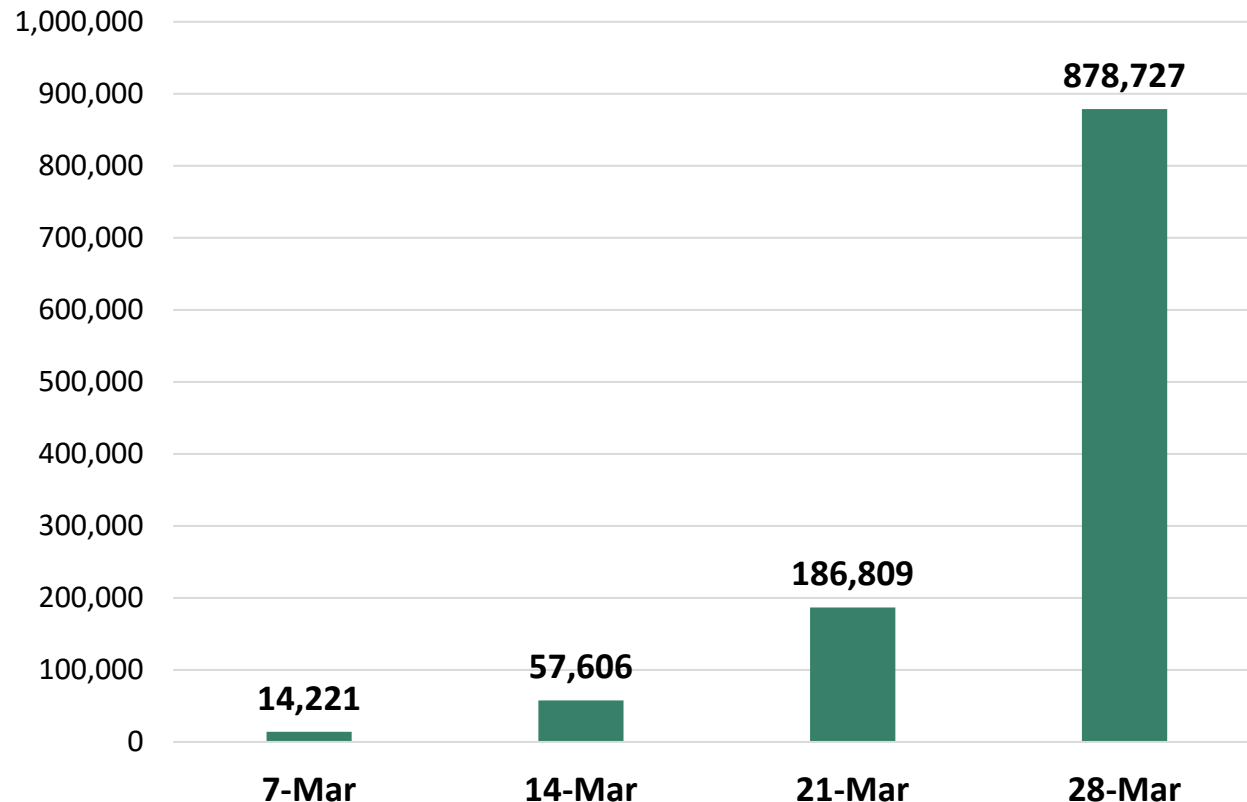
What's Really Closed

- Shopping centers
- Non-grocery retail
- Auto dealerships
- Several small, non-chain restaurants
- Services
- Non-essential government functions

**Takeout is non-taxable*

California Impacts from COVID-19 Pandemic

Unemployment in California

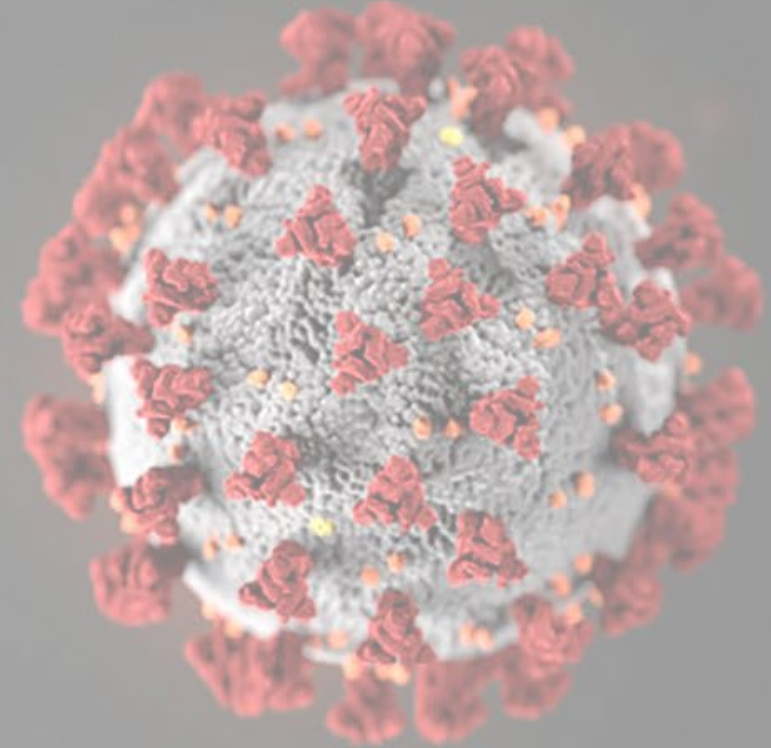


Source: US Department of Labor News Release, 4/2/2020

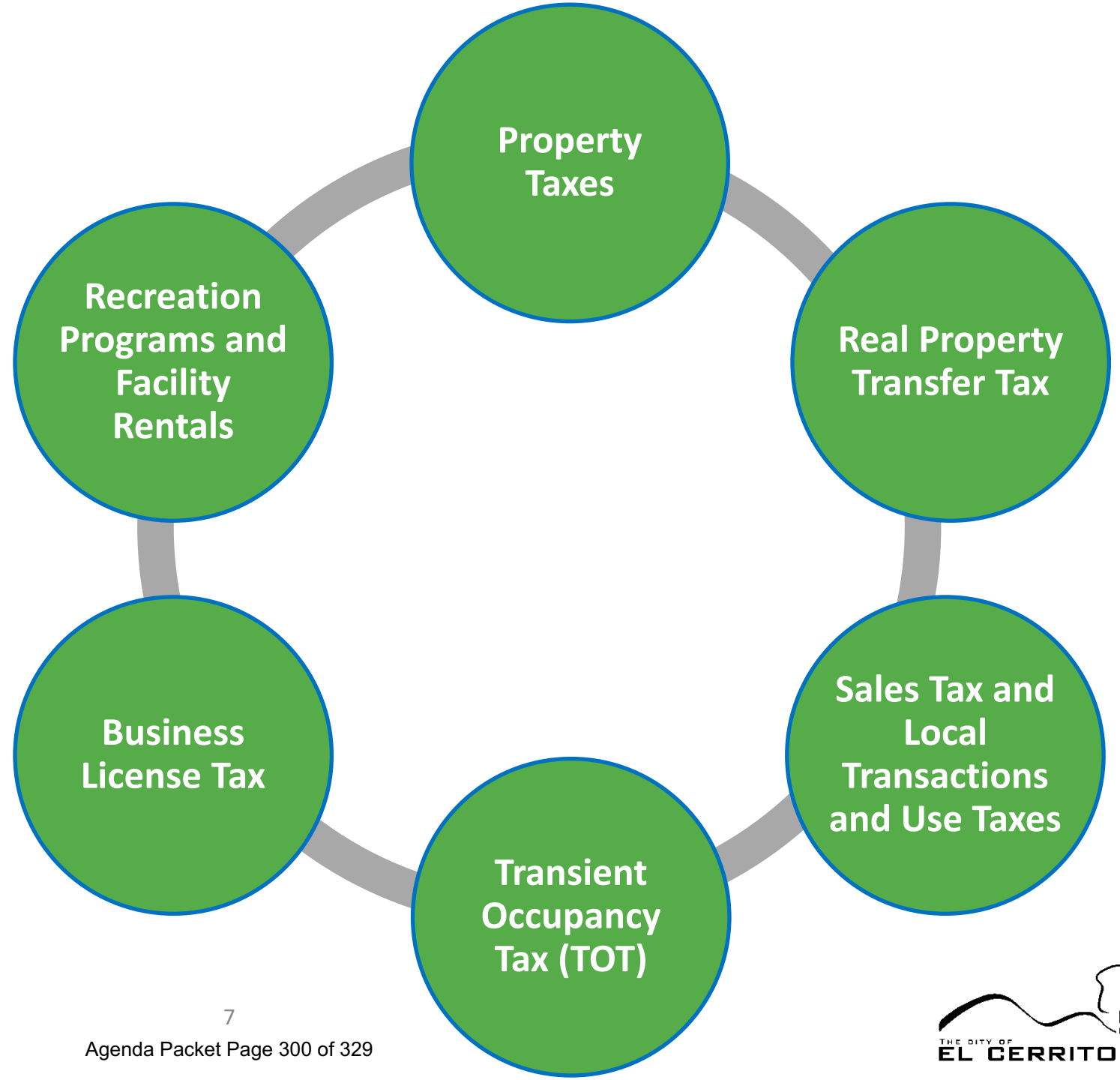
Economists have warned that when people have to make extreme choices in spending limited money, like skipping restaurant outings to pay for groceries, the knock-on effects could turn an acute economic crisis into a long recession. If laid-off workers can't pay their bills, there could be a cascade of further layoffs and business failures. The greater the damage, the less chance of a quick economic rebound once the health crisis eases.

- New York Times article, 4/2/2020

What Other Cities are Experiencing During the Pandemic, and What They are Doing About It



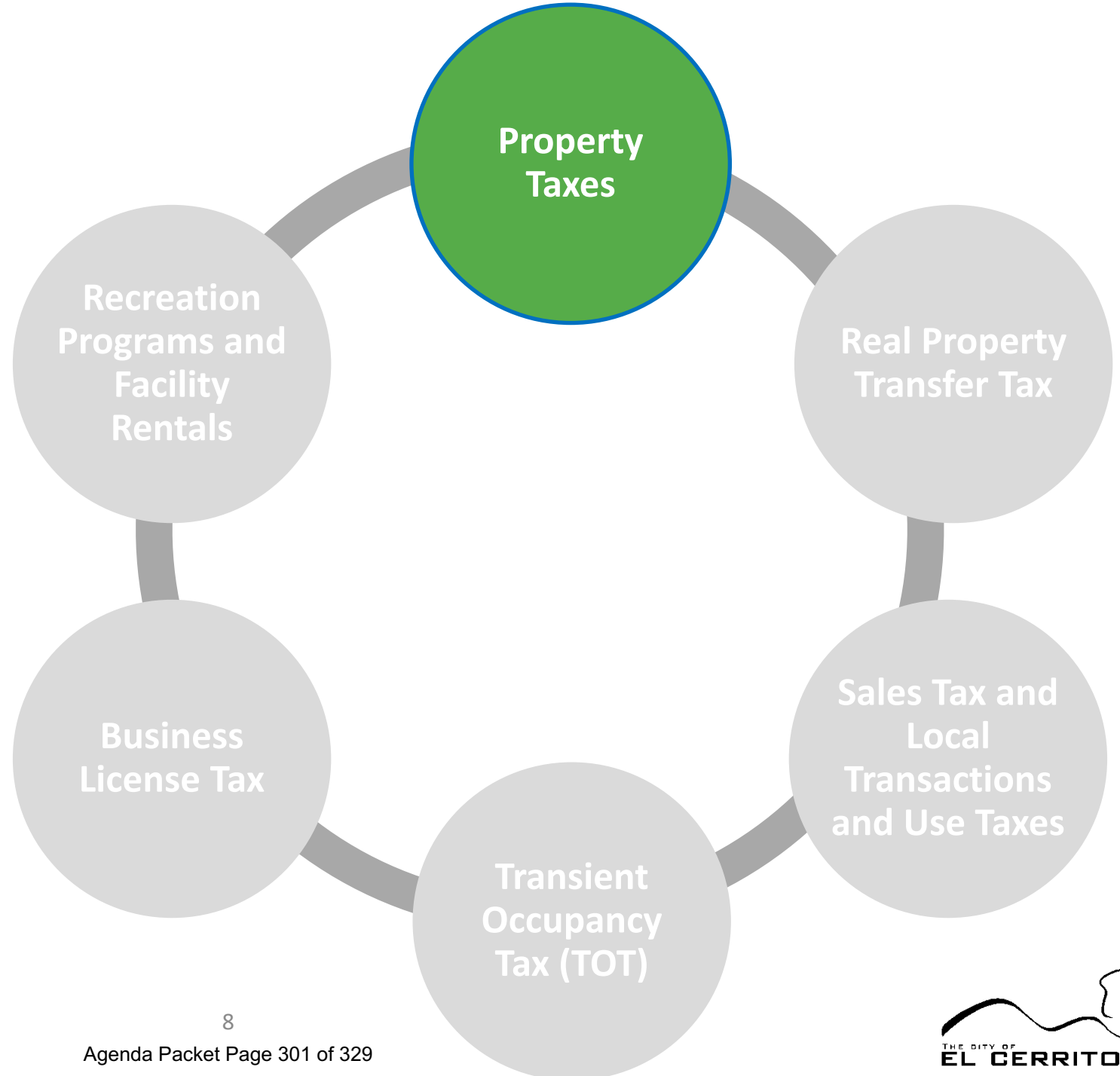
Impacts to City Revenues



Impacts to City Revenues

Property Taxes

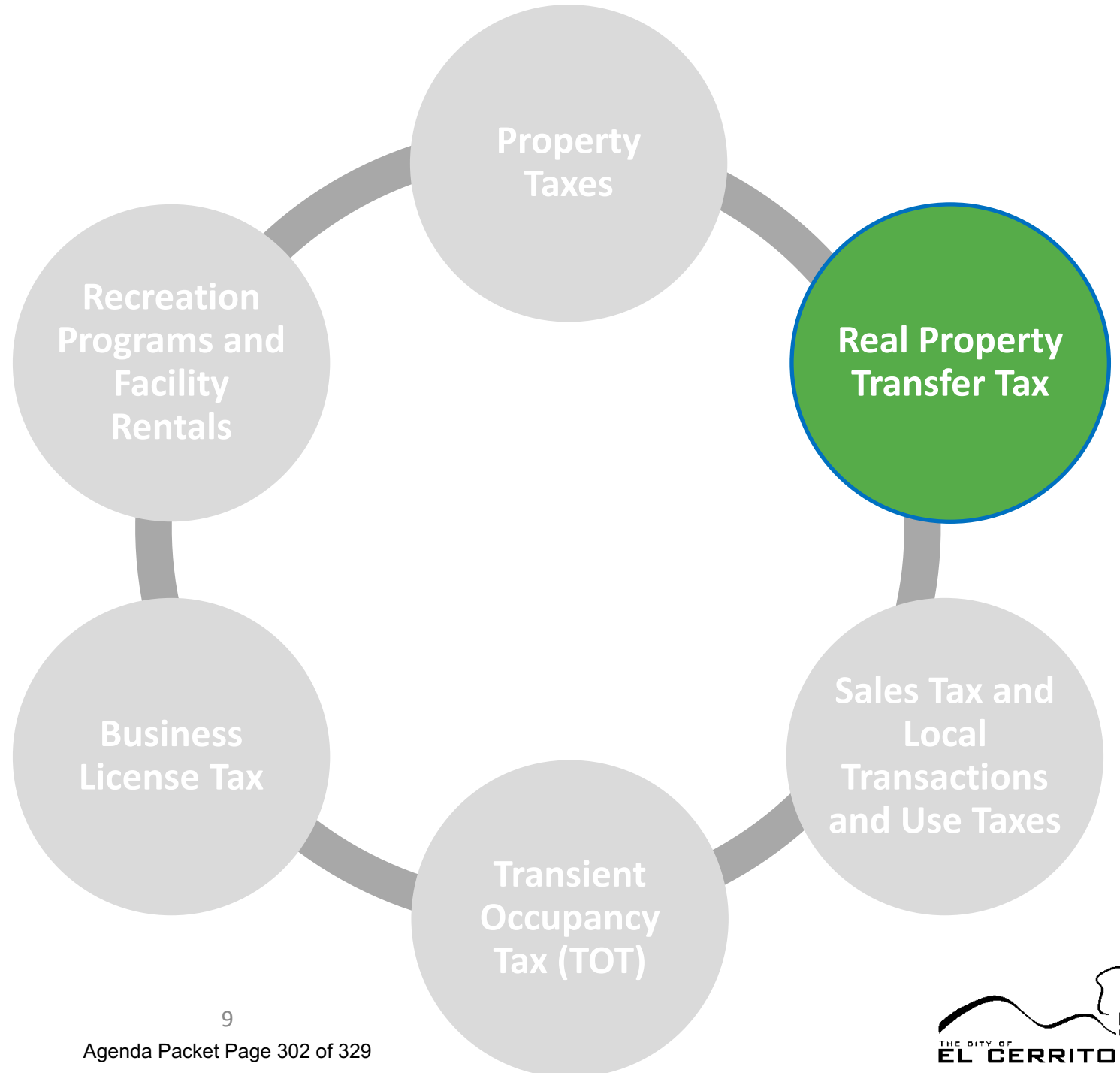
- Lower new construction and home sales will hit supplemental roll payments
- Longer-term impact depends on home sale prices, and whether reassessments under Proposition 8 are triggered



Impacts to City Revenues

Real Property Transfer Tax

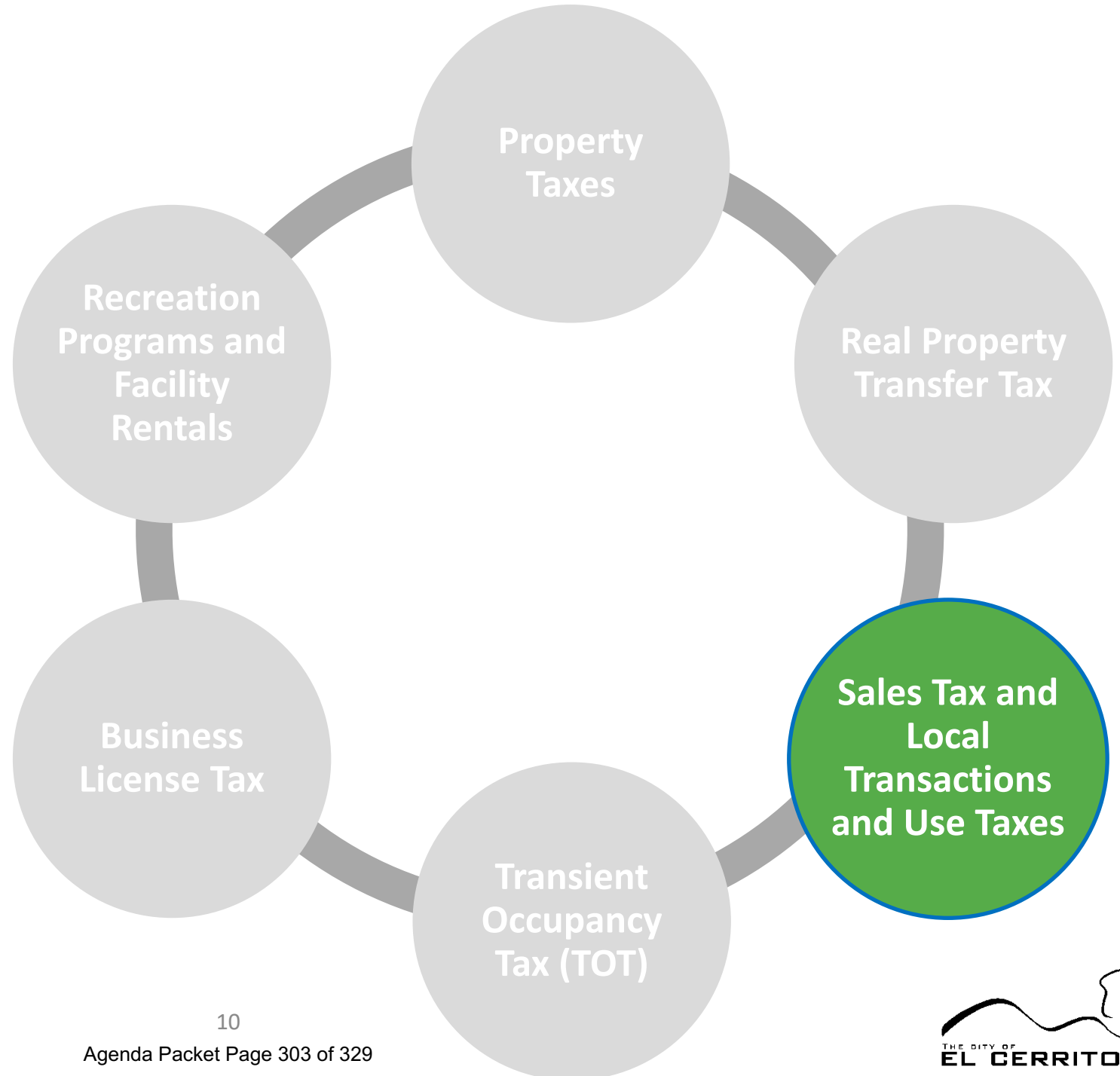
- Property sales slowing; transfer tax hit hard
- Paid to city monthly



Impacts to City Revenues

Sales Tax and Local Transactions and Use Taxes

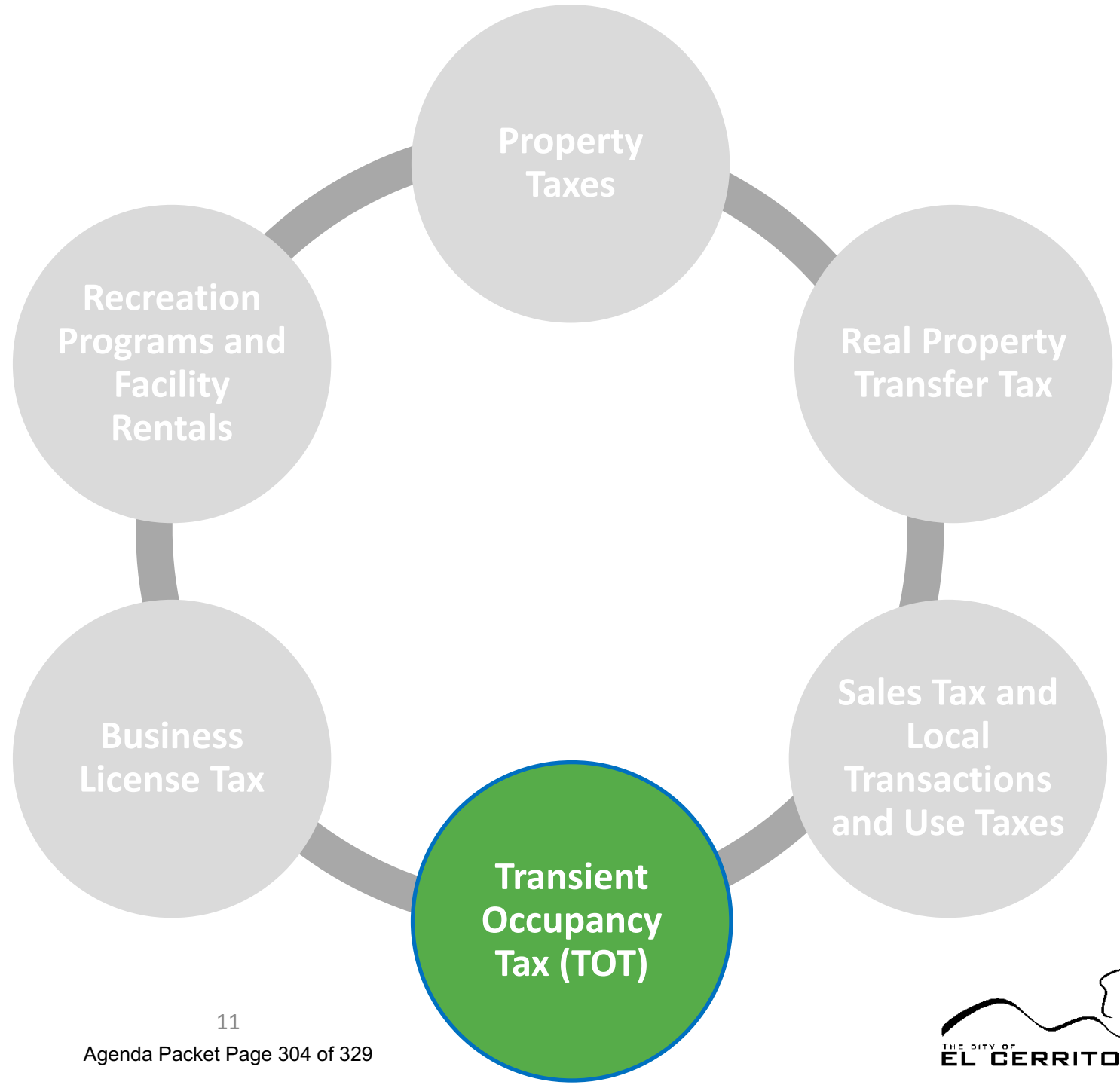
- Settlement is quarterly, but state may scale back monthly advances
- Length of “stay at home” the key; new buying habits may impact future revenues



Impacts to City Revenues

Transient Occupancy Tax (TOT)

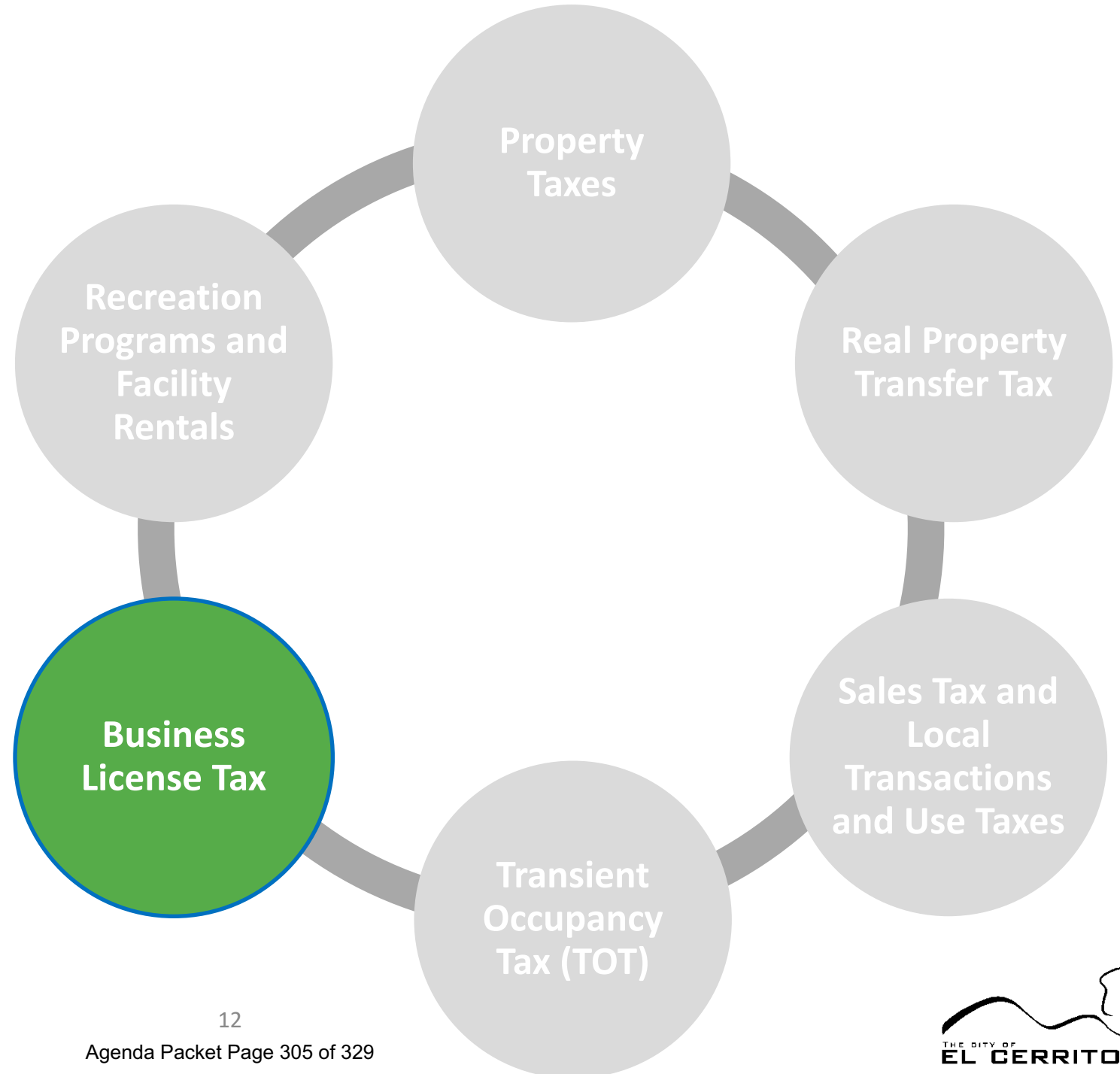
- Hit in FY 2020 depends on payment schedule; full impact reflected when second quarter 2020 tax payments are received
- Significant business travel reductions may have long-lasting implications for TOT revenues



Impacts to City Revenues

Business License Tax

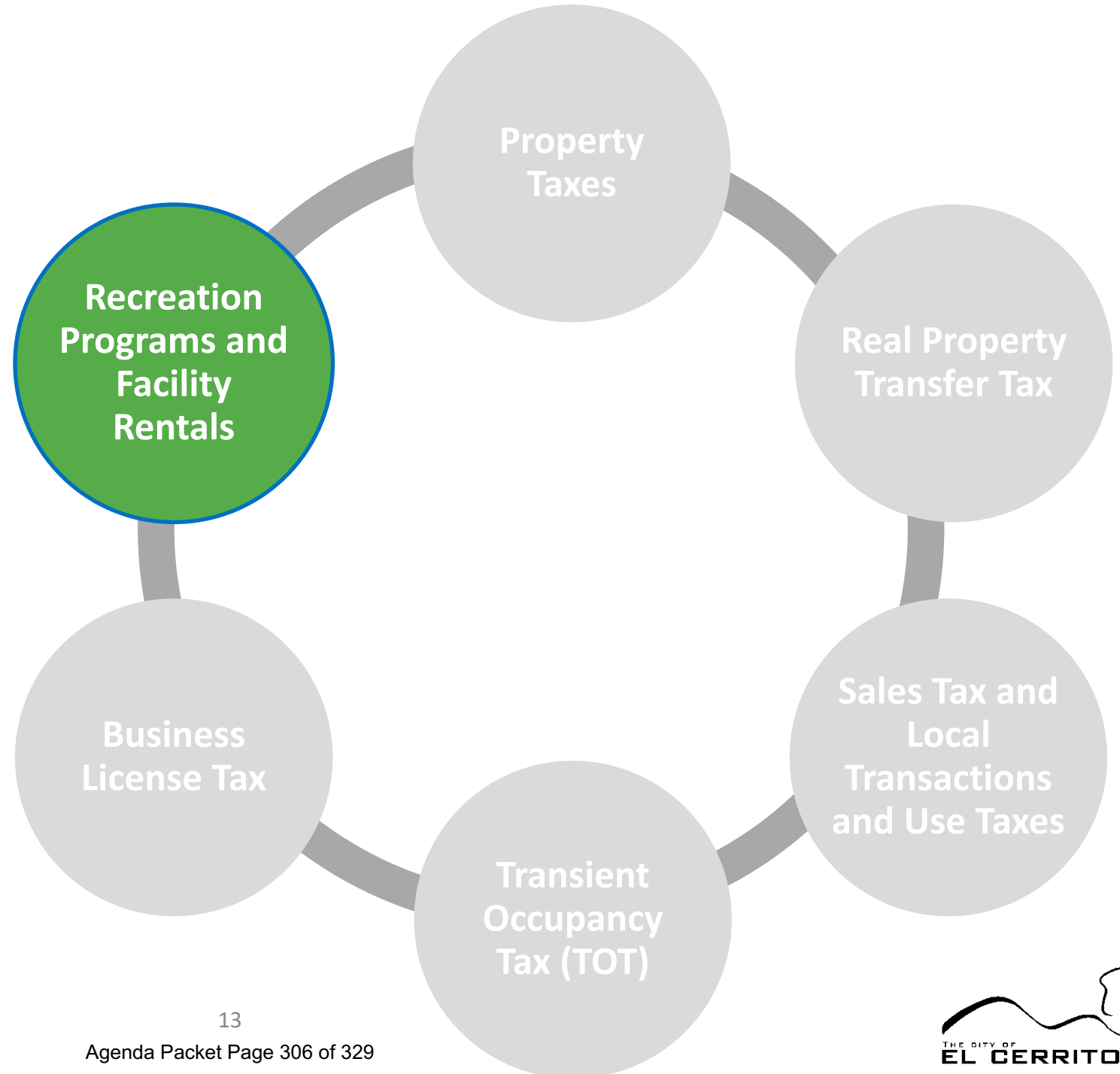
- Mostly paid for FY 2019-20
- FY 2020-21 will reflect businesses that temporarily or permanently closed and/or have lower gross receipts
- Long-term impacts on composition of businesses may negatively impact revenues



Impacts to City Revenues

Recreation Programs and Facility Rentals

- Recreation and other fee-supported programs are largely stalled due to "stay at home" order



Impacts on California Cities



Public safety overtime

- Fire/EMS response
- Police support



Emergency shelters

- Medical aid
- Homeless
- Other



Operational and Technology costs

- Remote workforce
- Workflow changes



Paid Time Off

- Increased admin leave
- Loss in productivity

Cost Increases

CARES (Coronavirus Aid, Relief, and Economic Security) Federal Stimulus Package

Assistance for Local Government

Aid Relevant to Local
Governments...

But What Will
Actually Materialize?

- Coronavirus Relief Fund*
- Business, City and State Loan Fund
- Disaster Relief Fund
- CDBG Programs for Economic and Housing Impacts
- Transit System Grants
- Election Security Grants

For more details, search “NCSL COVID-19
Stimulus Bill”

* \$15.3B for California, 45% of that (\$6.9B) for cities over 500,000
population

How California Cities are Addressing Negative Fiscal Impacts from COVID-19



Federal Reimbursement

- Purchasing policies consistent with FEMA requirements
- Tracking incremental costs associated with COVID-19 response



Budget/Accounting Actions

- Reassessing internal service fund allocations
- Reassessing cost allocation formulae



Capital Assets

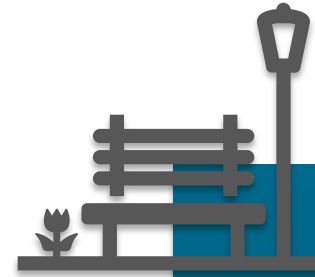
- Reducing scope/deferring of capital infrastructure improvements
- Deferring replacement or significant maintenance

How California Cities are Addressing Negative Fiscal Impacts from COVID-19



Workforce Reductions

- Allowing/encouraging voluntary part-time status
- Instituting hiring freezes
- Eliminating vacant positions
- Implementing temporary furloughs/layoffs
- Reopening discussions with employee bargaining groups



Operational Reductions

- Cancelling spring/summer recreation programs
- Shutting all non-essential facilities, including parks, public restrooms, etc
- Reducing/halting planning and building activities
- Reducing administrative staff workweek (e.g., 20% reduction in hours)

Fiscal Impacts to El Cerrito from the COVID-19 Pandemic



Providing Context to El Cerrito's Financial Realities – Summary Observations

El Cerrito's Strengths

- Strong property tax apportionment rate
- Addition of real property transfer tax provides diversified revenue source
- Legislative relief that allows 0.5% local sales tax for road improvements to not count against the 2% cap for overlapping local sales taxes
- Relatively low debt obligations
- Fiscally responsible provisions in labor agreements

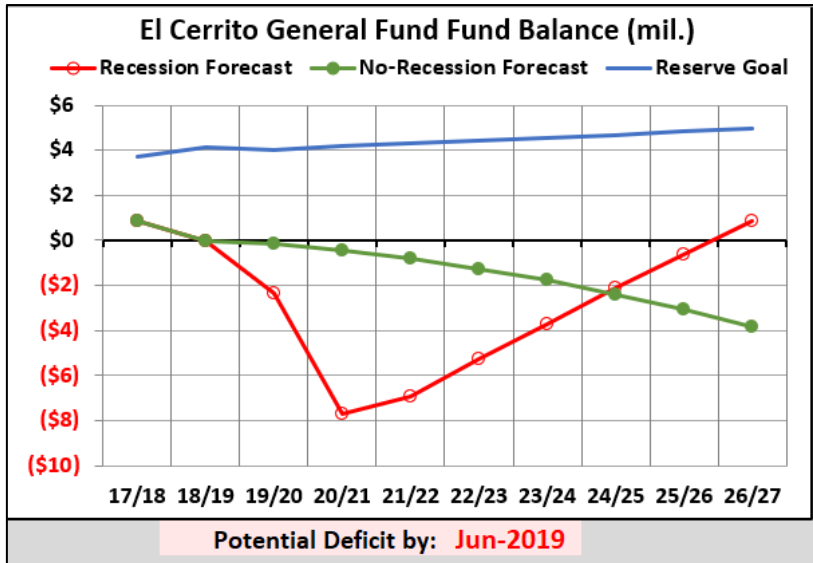
El Cerrito's Challenges

- Reserves have been depleted over the years
- Opportunities to implement new revenue sources are limited
- City will likely need to “right-size” service delivery based on existing revenue sources

Impact of COVID-19 on El Cerrito's General Fund Revenue Sources

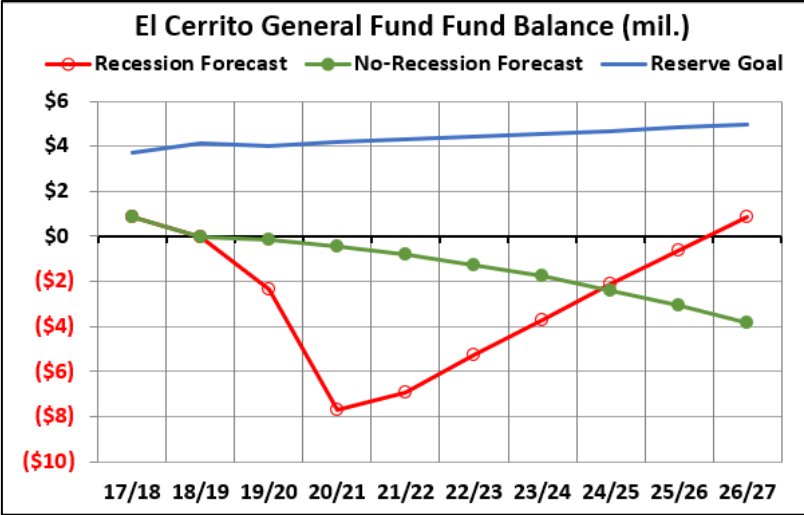
Revenue Source	FY 19-20 Projection	Description of Potential Impacts
Property tax	\$10.4M	Delayed receipt of property taxes; market decline leading to AV reductions
Sales tax	\$7.1M	Up to 25% reduction in sales tax receipts due to closed businesses and lower gas prices; Governor's order on March 31 allows for delayed payment of sales tax to July 2020 for small businesses
Real property transfer tax (Measure V)	\$2.0M	Significant slow down in real estate transactions
Charges for services	\$5.9M	Elimination of recreation programs; slow down in property improvements and development
Utility users taxes	\$3.5M	Likely little impact as residents are more reliant on gas, electricity and telecommunications during "stay at home" order; commercial revenues could fall, however, as businesses are closed

Dashboard Shows Impact of Revenue Loss Scenario

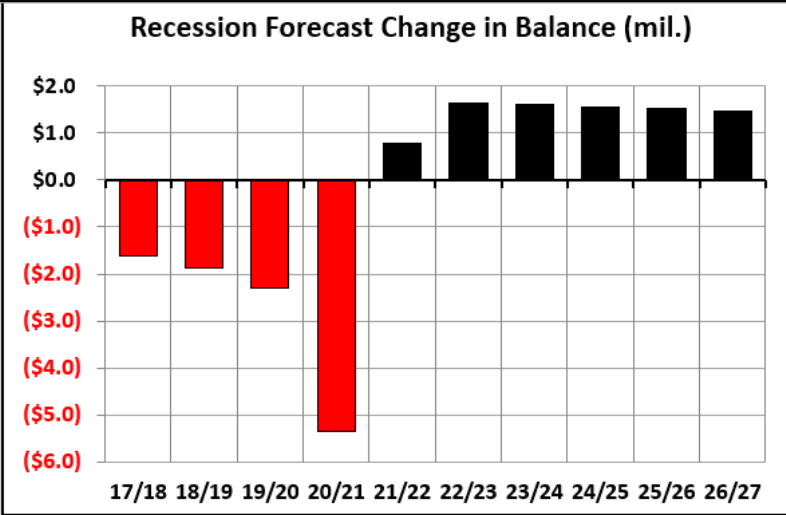


- El Cerrito was already facing a decline in fund balance even before this economic collapse
- Revenue impacts will only worsen the situation
- Assumes the City implements \$2 million in cuts in FY 2021

Dashboard Shows Impact of Revenue Loss Scenario



Potential Deficit by: **Jun-2019**

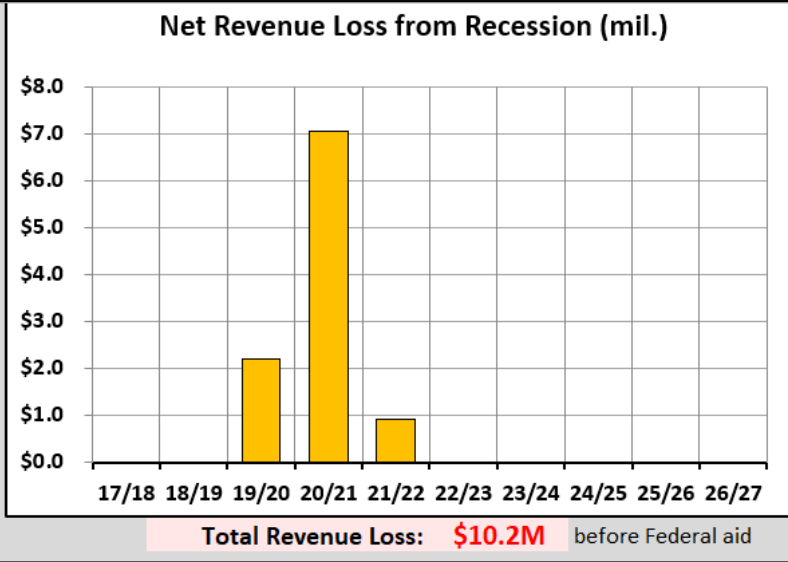
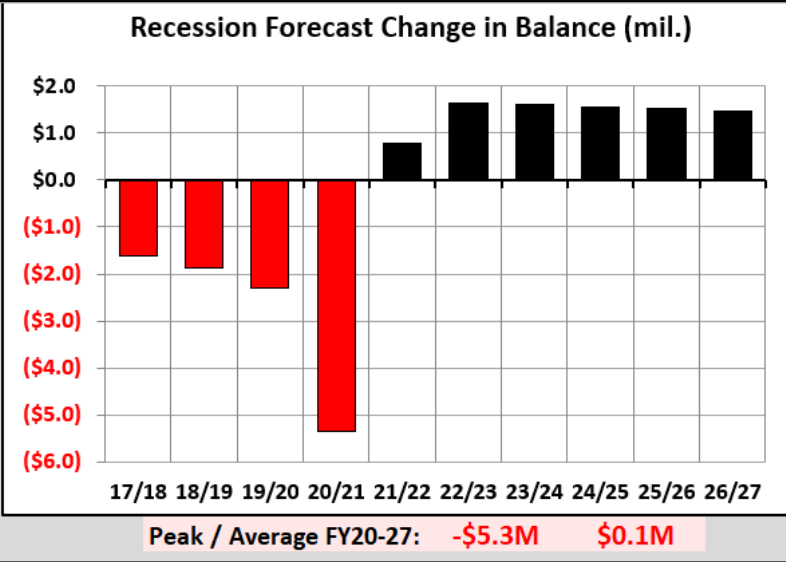
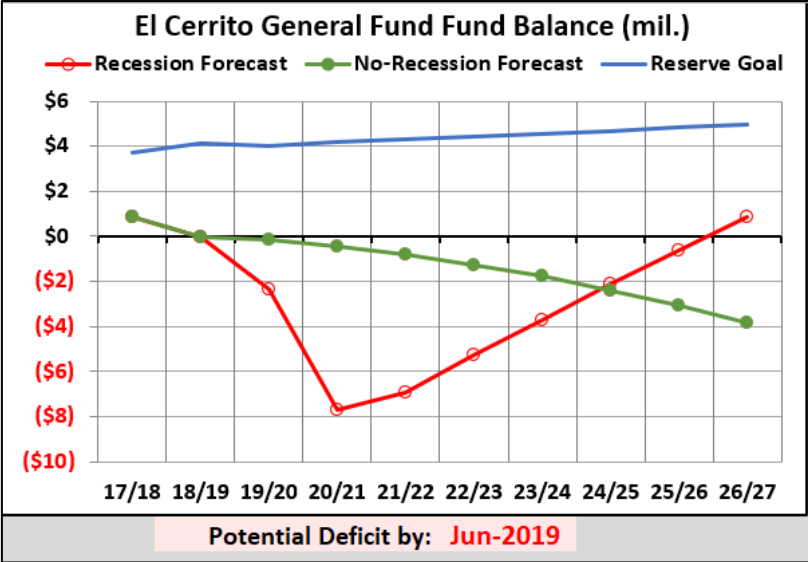


Peak / Average FY20-27: **-\$5.3M** **\$0.1M**

- El Cerrito was already facing a decline in fund balance even before this economic collapse
- Revenue impacts will only worsen the situation
- Assumes the City implements \$2 million in cuts in FY 2021

- Change in fund balance chart shows annual surplus or shortfall based on parameters of economic downturn
- Again, this assumes the City implements \$2 million in cuts in FY 2021

Dashboard Shows Impact of Revenue Loss Scenario



- El Cerrito was already facing a decline in fund balance even before this economic collapse
- Revenue impacts will only worsen the situation
- Assumes the City implements \$2 million in cuts in FY 2021

- Change in fund balance chart shows annual surplus or shortfall based on parameters of economic downturn
- Again, this assumes the City implements \$2 million in cuts in FY 2021

- This chart shows change in revenue compared to “no recession” revenues and expenditure levels
- City should reasonably expect about a \$10 million revenue loss through FY 2022

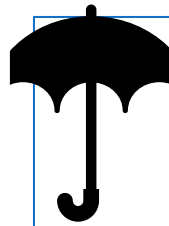
Actions El Cerrito Has Taken to Date



Actions El Cerrito Has Taken to Date



Planned expenditure reductions of \$2 million (5% of annual operating expenditures) starting in FY 2020-21



Restructuring benefits for management group



Temporary unpaid furlough of part-time unrepresented and represented staff



Instituted a hiring freeze



Exploring tax revenue anticipation notes (TRAN) to address potential cash flow needs



Negotiating with all bargaining units to suspend cost-of-living adjustments in current MOUs



Freezing travel and other non-essential activities

Best Practices and Next Steps for the City to Take



Best Practices Relevant to El Cerrito

Short-Term

- Prepare for **short-term revenue** loss
- Address **cash flow** needs to remain solvent
- Get the **General Fund** back in the black

Long-Term

- Fiscal **sustainability** planning
- **Priority based** budgeting

Short-Term Action Steps

Preparing for Near-Term Revenue Loss

Quick action by the City will be necessary to address what we see as major problems as early as fall 2020

Develop budget scenarios based on the solutions chosen for implementation

- ✓ Make sure you have everything in place to meet FEMA requirements
- ✓ Reassess internal service fund and cost allocation formulas
- ✓ Reduce the scope of capital asset investments
- ✓ Allow voluntary part-time status
- ✓ Institute a hiring freeze
- ✓ Eliminate vacant positions
- ✓ Short-term borrowing
- ✓ Reopen discussions with employee bargaining groups

Long-term Actions

1

Develop and implement a fiscal sustainability plan

2

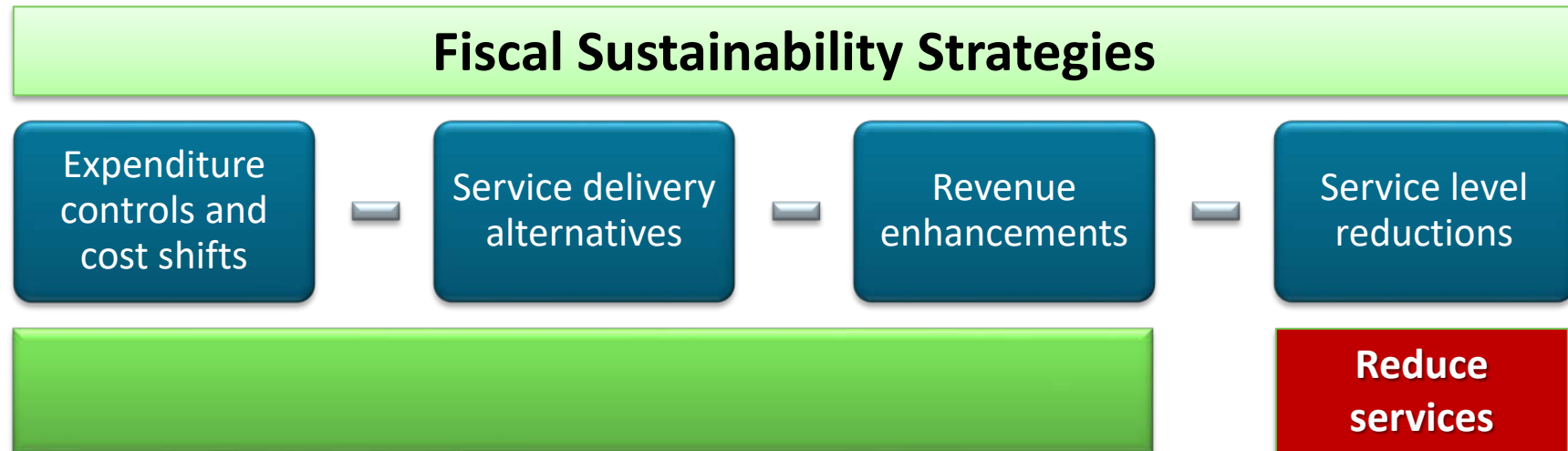
Implement Smart Budgeting (priority-based budgeting) principles

Fiscal Sustainability Planning

- Comprehensive set of fiscal policies and action steps to provide services in the long term without threat of insolvency or default of promised expenditures or liabilities
- Customized to the requirements and priorities of the City
- In-depth analysis of fiscal strategies

- Fiscal impact

- Feasibility



Critical Decisions for El Cerrito

Get a grip on the problem

- Differentiate short-term from long-term factors

Set priorities of service delivery

- Which services do residents value most?

Determine appropriate spending levels

- How much can the City spend for priorities based on available resources?

Implement the priorities

- Determine how best to deliver the priorities for available funding

Overview on Insolvency Analysis in California

AB 506 (2011) – Bankruptcy protection under Chapter 9 for California agencies

Allows agencies to retain control of addressing creditors and liquidity

Two key provisions:

- 1) Municipality's financial condition would jeopardize the health, safety or well-being of residents
- 2) Municipality is or will be **unable to pay its obligations within the next 60 days**

Overview of Local Government Insolvency Analysis

Precautionary Measures for El Cerrito

Update citywide cash flow model assuming high economic recession as a result of COVID-19 by mid-April

Check availability of short-term borrowing (e.g., tax revenue anticipation notes) opportunities by mid-April

Determine that the City has the cashflow to meet creditor obligations for the next 6-18 months

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Key point

- If El Cerrito has sufficient cashflow to meet its obligations over the next 60 days, the City does not need to implement AB506
- The City Council and staff must take proactive steps now to avert insolvency

Conclusion



Our financial world is uncertain.



Cities like El Cerrito are starting now to plan ahead.



The City must update its cashflow model in light of the COVID-19 pandemic to ensure it has the solvency to maintain operations.



City Council and staff must take action now to assure the City can meet the community's needs through this pandemic and the future.



Discussion/Questions