



AGENDA

REGULAR CITY COUNCIL MEETING

July 21, 2020 – 7:00 p.m.

Members:

Mayor Gregory B. Lyman

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

Meeting Location:

Via Teleconference

Join Via WebEx:

<https://elcerrito.webex.com/elcerrito/onstage/g.php?MTID=e9dc00db889c317e812676c5f647b6b92>

Event Number: 146 470 8209

Event Password: 4sxQX9YKjZ6

or

Dial In: 1-408-418-9388

Access Code: 146 470 8209

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 can also watch or listen to the meeting as follows:

- Cable T.V. Broadcast on KCRT Channel 28
- Radio Broadcast on FM 88.1 Or 97.7
- Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials

Public comments may be submitted one of three 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. The caller must start the message by stating **public comments – not on the agenda or public comments – agenda item #** followed by their name and place of residence, followed by their comments.
- Via WebEx using the meeting instructions included above. Each period for public comment will be announced, and attendees may use the [“Raise Hand”](#) feature to request to speak.

****Please note** - If a member of the public can join via phone **only**, a request to speak must be submitted via email to cityclerk@ci.el-cerrito.ca.us. The request must contain in the subject line **Request to speak – Agenda Item #** and must include a name and the full phone number that will be used to call in.

The city cannot guarantee that its network and/or the site will be uninterrupted. To ensure that the city council receives your comments prior to taking action, **you are strongly encouraged to submit your comments in writing in advance of the meeting.**

Comments received up until **12:00 p.m. the day of the meeting** will be provided in advance to the City Council, including transcribed voicemails, and posted online with meeting materials.

Comments received **during the meeting and up until the public comment period on the relevant agenda item is closed**, will be read into the record and will be limited to a maximum of 3 minutes.

Members of the public are limited to **one submission** per agenda item. If oral testimony is given AND written comments are submitted during the meeting by the same individual, the written comments *will not be read into the record* but will be included in supplemental materials posted online after the meeting.

Comments that do not conform to the city council's rules of decorum may be summarized rather than read verbatim. As allowed by the Brown Act, the Mayor may limit the total time for public comment to facilitate the completion of business on the agenda.

All comments received by the close of the public comment period will be available after the meeting as supplemental materials and will become part of the official meeting record.

Please note that all information provided in public comments including phone number called with, email addresses and any other personal information written or stated is subject to disclosure on the broadcast of the teleconferenced meeting. Comments posted online will not include personal information.

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. FY 2019-20 Fourth Quarter Cash and Investment Report

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2020.

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

B. Human Relations Commission and Environmental Quality Committee Joint Statement on Environmental, Social, and Racial Justice

Action Proposed: Receive and file a Joint Statement from the Human Relations Commission (HRC) and Environmental Quality Committee (EQC) on Environmental, Social, and Racial Justice.

Contact: Maya Williams, Assistant to the City Manager, City Management; Will Provost, Acting Operations + Environmental Services Division Manager, Public Works

5. PRESENTATIONS

A. City Compensation Policies Overview

Action Proposed: Receive and file a brief presentation on the policies in place related to determination of employee compensation.

Contact: Karen Pinkos, City Manager, City Management

6. PUBLIC HEARINGS

A. Fire Hazard Abatement

Notice published on 7/11/2020

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

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

7. POLICY MATTERS

A. Resolution of the City Council of the City of El Cerrito In Support of Black Lives Matter

Action Proposed: Adopt a resolution in support of Black Lives Matter and to authorize the installation of a public mural on the Ohlone Greenway.

Contact: Maya Williams, Assistant to the City Manager, City Management

B. Amend Proclamation of Local Health Emergency to Approve a Temporary Outdoor Dining and Retail Program in the City of El Cerrito to Enhance Business Recovery During the COVID-19 Pandemic

Action Proposed: Adopt a resolution amending the proclamation of a local health emergency to approve a Temporary Outdoor Dining and Retail Program in the City of El Cerrito to enhance business recovery during the COVID-19 pandemic.

Contact: Melanie Mintz, Community Development Director; Sean Moss, Planning Manager
Aissia Ashoori, Community Development Analyst, Community Development Department; Yvetteh Ortiz, Public Works Director, Public Works Department

C. Adoption of a Memorandum of Understanding between the City of El Cerrito and the El Cerrito Public Safety Management Association - Police Management Unit

Action Proposed: Adopt a resolution approving an agreement between the City of El Cerrito and the El Cerrito. Public Safety Management Association - Police Management Unit (PSMA- Police Management Unit) modifying language on salaries and creating a new Memorandum of Understanding.

Contact: Alexandra Orologas, Assistant City Manager, City Management

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, August 18, 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. 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, 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.



AGENDA BILL

Agenda Item No. 4.A.

Date: July 21, 2020
To: El Cerrito City Council
From: Mark Rasiah, Finance Director/Treasurer, Finance Department
Subject: FY 2019-20 Fourth Quarter Cash and Investment Report

ACTION PROPOSED

Receive and file the City's Quarterly Investment Report for the Quarter ending June 30, 2020.

BACKGROUND

It is the policy of the City of El Cerrito ("City"), to invest public funds in a manner which provides for safety of principal while providing enough liquidity to cover the City's short and long-term needs while generating the appropriate yield. All investment activity will conform to the California Government Code, Sections 53601 through 53659.

ANALYSIS

The Quarterly Investment Report for April 1, 2020 to June 30, 2020 shows that the City's investments had a par value of \$13,428,967 as of June 30, 2020. The City continues to have minimal investments that are not required for debt service reserves and to have limited, if any, interest earnings on restricted funds. Of the total amount invested, \$13,241,209 is invested in the pooled funds with the State Treasurer's Local Agency Investment Funds (LAIF) and \$187,757 is held in money market funds. Cash with Mechanics Bank was \$2,592,161. Total cash and investments were \$16,021,128. Of this amount, \$15,833,371 was available to meet operating expenses for the next six months.

STRATEGIC PLAN CONSIDERATIONS

The purpose of the City's Investment Policy is to provide guidelines for prudent investment of the City's idle funds and ensure policies, procedures and systems represent best practices in financial management (Goal B).

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

During the quarter debt service payments for the Recycling Center, 2017 Sales Tax Revenue Refunding Bond and Solar Equipment Lease Payments were made totaling \$658,352.

LEGAL CONSIDERATIONS

The City's investments comply with the "Authorized Investments" section of the Investment Policy.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

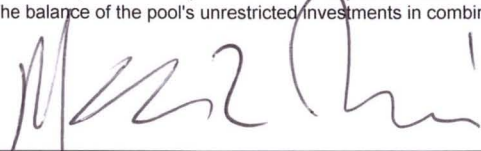
1. FY2019-20 Fourth Quarter Investment Report 4.A.

City of El Cerrito
Quarterly Cash & Investment Report
For the Period Ending June 30, 2020

Attachment 1

FUND	INVESTMENT TYPE	INVESTMENT	TRUSTEE/ BROKER	PAR VALUE	COST	INTEREST OR YIELD	MATURITY DATE	COST/ 100	*MARKET VALUE
Pooled Investments	Pooled Fund	Local Agency Investment Fund(LAIF)	CA State Treasurer	\$13,241,209	\$13,241,209	1.21%	N/A	100.00	\$13,241,209
Swim Center Fund	Blackrock Institutional Money Market	Union Bank/Blackrock Liquidity	Union Bank of CA	\$187,757	\$187,757	0.01%	N/A	100.00	\$187,757
				\$13,428,967	\$13,428,967				\$13,428,967
Cash with Bank (General Checking)	Mechanics Bank	N/A	N/A	\$2,592,161	\$2,592,161	N/A	N/A	N/A	\$2,592,161
Total Cash and Investments				\$16,021,128	\$16,021,128				\$16,021,128

I certify that this report is in compliance with the City of El Cerrito Investment Policy and the California Government Code Section 53646. The City has sufficient cash flow to meet the next six months of estimated expenditures as required by the Code. The balance of the pool's unrestricted investments in combination with anticipated operating cash inflows and the balance in the general checking account, will be used to meet the expenditure requirements for the next six months.



Mark Rasiah, Finance Director/City Treasurer



AGENDA BILL

Agenda Item No. 4.B.

Date: July 21, 2020
To: El Cerrito City Council
From: Maya Williams, Assistant to the City Manager, City Management; Will Provost, Acting Operations + Environmental Services Division Manager, Public Works
Subject: Human Relations Commission and Environmental Quality Committee Joint Statement on Environmental, Social, and Racial Justice

ACTION PROPOSED

Receive and file a Joint Statement from the Human Relations Commission (HRC) and Environmental Quality Committee (EQC) on Environmental, Social, and Racial Justice.

BACKGROUND/ANALYSIS

On Wednesday, July 1, 2020, the EQC and HRC met to discuss their commitment to racial justice and inclusion, environmental justice, and social justice. At the end of the meeting, with a quorum of both bodies in attendance, the EQC and HRC approved of a joint statement to seek out more community input and develop an environmental, social, and racial framework to inform their work in the future.

STRATEGIC PLAN CONSIDERATIONS

The renewed commitment to the missions of the EQC and HRC, respectively, support a number of Citywide Strategic Plan goals, including:

- Goal A – Deliver Exemplary Government Services by ensuring "City programs and services are inclusive of people of diverse backgrounds".
- Goal C – Deepen a Sense of Place and Community Identity, celebrating "the City's diversity by welcoming residents of all ages and cultures and encouraging their civic involvement".
- Goal F – Foster Environmental Sustainability Citywide, promoting "environmental education to facilitate behavioral changes by working with the school district and other community groups".

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

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. EQC HRC Joint Statement 7.1.2020 4.B.



FOR IMMEDIATE RELEASE: 7/2/2020

**The City of El Cerrito Environmental Quality Committee and Human Relations Commission
Met to Issue a Joint Statement on Environmental, Social, and Racial Justice**

El Cerrito, Calif: On Wednesday July 1, 2020, the Environmental Quality Committee and Human Relations Commission met to discuss their commitment to seek out more community input and developing an environmental, social, and racial framework to inform their work in the future. The statement is as follows:

The recent killings of George Floyd, Breonna Taylor, and Ahmaud Arbery have placed the specter of police brutality, racial injustice, and systemic racism into sharp relief. As members of the Environmental Quality Committee (EQC) and Human Relations Commission (HRC), we are deeply pained by tragic and unnecessary deaths of these and many other Black men, women, and children due to police brutality and racism. Together, the EQC and HRC condemn police brutality and systemic racism and oppose the disproportionate use of force against peaceful protesters in California and around the country.

The EQC develops, reviews, and advocates for policies that have the potential to transform the lives of El Cerritans, both current and future, in a positive way. To do so, our activities must be guided by the awareness that our Black, Indigenous, and People of Color (BIPOC) constituency is often the most negatively affected by environmental degradation and is often the least empowered to resist systems of environmental and racial oppression. We pledge to seek out and hear the voices of these communities as we conduct our work, and we commit ourselves to actions that improve the environmental quality of all El Cerritans, but particularly people from underrepresented racial and ethnic backgrounds.

The mission of the HRC is to develop positive human relations through educational, cultural, and community events that encourage a greater respect and understanding between people of different backgrounds. Now more than ever, the HRC's mission is critical. In spite of the current uncertain times in which we find ourselves and the financial challenges ahead, the HRC is resolved to recommit to our mission, to amplify the voices of the underrepresented, and to celebrate the rich diversity of our community. Only through deep listening, sharing, reflection, mutual respect, and action can we grow stronger together.

We are at a watershed moment in our nation's history and the EQC and HRC stand with our fellow El Cerritans in fighting for change. We are strongly committed to seeking out and hearing the voices of our community and developing an environmental, social, and racial framework to inform all of our future actions.

The Environmental Quality Committee (or EQC) is a Council-appointed body of residents and businesses who work to involve the community directly in understanding and reducing our impact on the environment.

The purpose of the Human Relations Commission (HRC) is to initiate educational and cultural programs, promote tolerance and mutual respect between all persons.

CONTACT:

Maya Williams, Interim Staff Liaison, Human
Relations Commission
(510) 215-4318
mwilliams@ci.el-cerrito.ca.us

Will Provost, Staff Liaison, Environmental
Quality Committee
(510) 525-7622
wprovost@ci.el-cerrito.ca.us

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AGENDA BILL

Agenda Item No. 6.A.

Date: July 21, 2020
To: El Cerrito City Council
From: David R. Gibson, Fire Marshal; Michael Pigoni, Fire Chief, Fire Department
Subject: Fire Hazard Abatement

ACTION PROPOSED

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

BACKGROUND

One of the lessons learned from the nearby Oakland/Berkeley Hills Fire in October 1991 was that El Cerrito needed a comprehensive citywide program to reduce hill area fire hazards. The "fire storm" in the Oakland/Berkeley Hills was in fact an urban conflagration, fueled by vegetation among homes and large acreage properties that was driven by seasonally strong dry winds from the east. The fire destroyed over 3,000 dwellings. At the time of the Oakland/Berkeley Hills Fire, El Cerrito faced similar fire hazard conditions in its hill area. The City Council was determined to reduce those fire hazards by all reasonable means.

El Cerrito's comprehensive fire hazard reduction program focused upon reducing fire hazards in four areas: (1) on City property, (2) on property owned by other agencies (3) large landowners, and (4) on residential property. The City began a comprehensive planning process to reduce fire hazards on City property, other agencies' properties and large landholders. These property owners were approached about reducing fire hazards on their properties. Prior efforts at fire hazard reduction on private residential property relied on voluntary compliance by the owners. The City Council concluded that stronger measures were necessary to enforce the laws regarding abatement of fire hazards on residential private property.

The Fire Hazard Abatement Program is designed to reduce fire hazards on a large number of private properties during the spring and early summer months. A process of advance notice and hearings for property owners is coupled with a public education program involving the promulgation of standards for vegetation management in residents' yards and vacant lots.

This program seeks to remove weeds, rubbish, litter or other flammable material from private properties where such flammable material endangers the public safety by

creating a public nuisance and a fire hazard. Most property owners voluntarily abate these hazards without Fire Department involvement. Ideally, 100% of the property owners would do so. We anticipate that a small number of owners are content to have the City do the work and place the costs on their tax bill. For over 20 years, the City's annual Fire Hazard Abatement Program has been very successful in reducing fire hazards throughout the hill neighborhoods of El Cerrito. Indeed, this program has become a model program which other fire jurisdictions have borrowed from.

ANALYSIS

In May and June of this year, the Fire Department conducted citywide fire hazard inspections of all properties. The inspections began May 26, 2020 and were conducted through June 4th. As a result of the primary inspections, a list of properties containing public nuisances was generated, which continues to be amended as additional properties are identified. On June 8, 2020 the properties determined to be in violation of El Cerrito Municipal Code Chapter 16.26 were notified in writing of the hazards on their property to abate hazardous conditions, and the El Cerrito Vegetation Management Standards Checklist was included with the notification (Attachments 1, 2, & 3). Additionally, these property owners were informed in the Letter from the Fire Marshal (Attachment 1) of the time, date and location of the upcoming City Council meeting where their properties would be declared a public nuisance and abatement would be ordered. Property owners were directed to complete the necessary measures to bring their property into compliance prior to the re-inspection process which began on June 29, 2020. Those properties found to be in compliance at the time of re-inspection were sent a Correction Letter (Attachment 4) which indicated the property had met the El Cerrito Vegetation Management Standards. Only those properties that were not voluntarily abated with the first notice are contained within the Master Abatement List, Exhibit A to the proposed Resolution.

This public hearing is the next step in the process to eliminate hazards on the private properties that were identified as a public nuisance and have not voluntarily abated said violations. In order to achieve full compliance, the City Council is asked to declare the properties to be a public nuisance and direct the City Manager or her designee to abate such public nuisance conditions. Actual City-ordered abatement of fire hazards occurs only after all efforts at providing notice, information, and a public hearing have failed to induce voluntary compliance by the property owner.

The Fire Hazard Abatement process, under the direction of the Fire Department, should proceed according to El Cerrito Municipal Code Chapter 16.26, which specifies the following:

1. The Fire Department determines that hazards must be abated. Pursuant to these code sections, "hazards" are defined as weeds, rubbish, litter, or other flammable materials which create a fire hazard or are otherwise noxious or dangerous and which exist on specific parcels of property within the City.
2. The Fire Department shall post notice on each property or send notice by mail that

the El Cerrito Fire Department has determined the existence of a public nuisance which must be abated and that a hearing will be held to consider any objections prior to the City Council declaring the properties to be a public nuisance and ordering the City Manager or her designee to perform abatement.

3. At the July 21, 2020 City Council meeting, the City Council shall first adopt a resolution Declaring that Weeds, Rubbish, Litter, or Other Flammable Material on Certain Real Property Constitutes a Public Nuisance (Attachment 5).

4. At the same hearing, but after adoption of the first resolution, the City Council shall hear and consider all objections to declaration of public nuisances or the procedures proposed for abatement of the same. After the hearing, the Council shall adopt a resolution Overriding Objections by Property Owners and Ordering the City Manager or Her Designee to Abate Certain Public Nuisances Pursuant to Chapter 16.26 (Attachment 6).

5. At the conclusion of the July 21, 2020 hearing, a second and final notice shall be sent to each property owner prior to abatement (Attachment 7). This notice will order the immediate abatement of nuisance conditions. This notice will clearly state that if nuisance conditions are ignored, the City shall cause abatement and costs for removal will be assessed against the property as a lien and special assessment. It will also indicate that if the conditions are voluntarily abated, the property shall be removed from the process.

6. If the nuisance is not abated between August 24, 2020 and September 25, 2020, prior to the arrival of the hazard abatement crew, the City of El Cerrito shall cause the weeds, rubbish, refuse, and other flammable material to be removed and shall keep an account of the cost of abatement for each parcel of land where such work is performed.

7. At the October 6, 2020 City Council Meeting the City Manager or her designee shall submit to the City Council for confirmation an itemized written report showing the cost of abatement work performed. A copy of this report shall be posted for at least ten (10) days prior to its submission to the City Council. Each property owner upon whose property abatement work was performed shall be sent written notice by mail of a hearing by the City Council to consider the cost of abatement work performed on their property.

8. At the City Council Meeting on October 6, 2020, the City Council shall receive and consider the written staff report on abatement actions taken by the City and shall hear any objections from the property owners liable to be assessed for the abatement. The City Council may modify the staff report if deemed appropriate and then confirm the report by motion or resolution.

9. After City Council confirmation of the report, a certified copy of the report shall be filed with the county auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel.

STRATEGIC PLAN CONSIDERATIONS

This section is not applicable to this agenda item.

ENVIRONMENTAL CONSIDERATIONS

The Fire Hazard Abatement Program is exempt from California Environmental Quality Act (CEQA) pursuant to Sections 15304 and 15308 of the CEQA Guidelines. Therefore, no further CEQA review is required.

FINANCIAL CONSIDERATIONS

The abatement program will be administered by Fire Department staff with minimum costs expended for printing and mailing. Abatement work will be completed by City maintenance staff or private contract labor as appropriate. Program costs will be recovered through the special assessment and lien process.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the process.

Reviewed by:

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

Karen Pinkos, City Manager

Attachments:

1. 6.A. 1st Letter - Fire Marshal (El Cerrito)
2. Abatement Inspection Form
3. Vegetation Management Standards Checklist EC
4. Correction Letter - El Cerrito
5. Resolution (Declaring Public Nuisance)
6. Resolution (Overriding Objections)
7. 2nd Letter - Fire Marshal's Letter of Declared Fire Hazard
8. Vegetation Management Standards El Cerrito
9. Exhibit A to Resolution (Declaring Public Nuisance)



EL CERRITO FIRE DEPARTMENT

10900 San Pablo Avenue • El Cerrito • CA • 94530
(510) 215-4457 • FAX (510) 232-4917 • fpo@ci.el-cerrito.ca.us

June 8, 2020

Parcel Number:
Property Address:
Property Owner:
Property Owner's Address:

Dear El Cerrito Property Owner:

We are approaching the season of our highest fire danger when the grass, weeds, brush, other vegetation and can become highly flammable. To reduce the fire danger on private property, the Fire Department has begun its annual Fire Hazard Reduction Program. We have inspected your property and found that it **does not comply** with the Vegetation Management Standards set forth in the El Cerrito Municipal Code 8.020. You are being contacted now so that you may remove those fire hazard conditions found on your property.

Please find the enclosed copy of the Fire Hazard Reduction Inspection form for the property listed above, the El Cerrito Vegetation Management Guidelines which explains the requirements within the City and a Fire Hazard Reduction Checklist. **Please read these enclosed documents carefully.** Your property is required to be brought into compliance no later than June 28, 2020 as the Fire Department shall begin re-inspections for properties not found to be following the Vegetation Management Guidelines. There is no need to contact us to inform us that your property has been brought into compliance as we will re-inspect all non-compliant properties found prior to the date of this letter. Once your property has been brought into compliance and has received a re-inspection, we will send you a follow up letter to inform you that your property is currently in compliance with the Vegetation Management Guidelines.

On July 21, 2020 at 7:00PM the City Council will hold a public hearing to declare those properties not in compliance with the Vegetation Management Guidelines as a public nuisance. You are required to bring your property into compliance prior to the public hearing or risk your property being declared a public nuisance and subject to further abatement actions. In accordance with the Government Code, you may appear before the City Council at the July 21, 2020 public hearing to dispute your property being declared a public nuisance.

We ask that you please take immediate action to remove those fire hazard conditions found on your property and we thank you for your cooperation helping us make El Cerrito a more fire safe community.

Sincerely,

David R. Gibson

David R. Gibson
Fire Marshal



EL CERRITO FIRE DEPARTMENT

Agenda Item 6.A.

Attachment 2



KENSINGTON FIRE PROTECTION DISTRICT

10900 San Pablo Avenue, El Cerrito, Ca. 94530 (510)215-4450

Fire Hazard Reduction Inspection

Owner/Tenant	Site Address	City	State	Zip Code
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Legal Propety Owner	Mailing Address	City	State	Zip Code
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APN #

YOUR PROPERTY IS NOT IN COMPLIANCE WITH THE FIRE CODE.

YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS:

ZONE 1

Zero to 30 feet from buildings, structures, decks,etc. in all portions within El Cerrito and Kensington

- ☐ 1. Remove all dead plants, grass and weeds.
- ☐ 2. Remove dead or dying leaves and pine needles from your yard, roof and rain gutters.
- ☐ 3. Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- ☐ 4. Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter.
- ☐ 5. On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3 of their height up to 6' above the ground, but in no case less than 18" from the ground.
- ☐ 6. Relocate wood piles to Zone 2 if applicable.
- ☐ 7. Remove or prune flammable plants and shrubs near windows.
- ☐ 8. Remove vegetation and items that could catch fire from around and under decks.
- ☐ 9. Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.
- ☐ 10. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

ZONE 2

Thirty to 100 feet from buildings, structures, decks, etc. for all parcels within the Very High Fire Hazard Severity Zone. Zone 1 requirements shall be followed in addition to Zone 2 requirements.

- ☐ 1. Cut or mow weeds and grass to a maximum height of 6 inches.
- ☐ 2. All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.
- ☐ 3. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line.

COMMENTS:

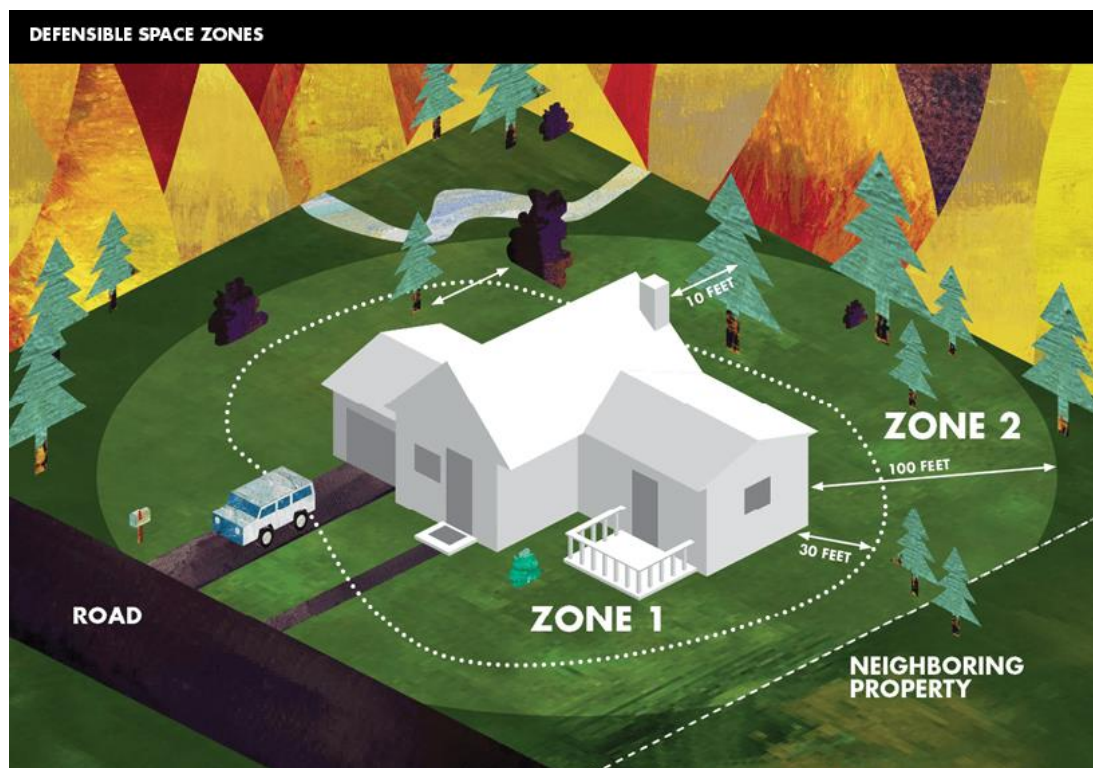
Inspected by

Inspection #

Date

Time

City of El Cerrito Fire Hazard Reduction Guidelines



Zone 1

Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark.
- On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- Relocate wood piles to Zone 2 if applicable.
- Remove or prune flammable plants and shrubs near windows.
- Remove vegetation and items that could catch fire from around and under decks.
- Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.

Zone 2

Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements:

- Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches.
- All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.



Fire Hazard Reduction Checklist



Zone 1 Requirements

Definition: Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones

- ☐ Remove all dead plants, grass and weeds within 30 feet of buildings, structures, decks, etc.
- ☐ Remove dead or dry leaves and pine needles from your yard, roof and rain gutters
- ☐ Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening
- ☐ Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark
- ☐ On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18" from the ground
- ☐ Relocate wood piles to Zone 2 if applicable
- ☐ Remove or prune flammable plants and shrubs near windows
- ☐ Remove vegetation and items that could catch fire from around and under decks
- ☐ Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials
- ☐ Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line

Zone 2 Requirements

Definition: Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements

- ☐ Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches
- ☐ All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground
- ☐ Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line

To find out if your property is located within the Very High Fire Hazard Severity Zone, go to : <https://egis.fire.ca.gov/FHSZ/> On the upper left hand side, click on the bottom icon for Address Search.



EL CERRITO-KENSINGTON FIRE DEPARTMENT

10900 San Pablo Avenue • El Cerrito • CA • 94530
(510) 215-4457 • FAX (510) 232-4917 • fpo@ci.el-cerrito.ca.us



July 7, 2020

Parcel Number: **«APN»**
Property Address: «Site_Address», «Site_City», «Site_State» «Site_Zip»
Property Owner: «OwnerTenant», «Legal_Property_Owner»
Property Owner's Address: «Mailing_Address», «Mailing_City», «Mailing_State»
 «Mailing_Zip»

Dear El Cerrito Property Owner:

A letter dated June 8, 2020 was sent to El Cerrito Property Owners stating that the Fire Department had begun its annual Fire Hazard Reduction Program to eliminate fire hazards in the community and that we had initially found that your property did not comply with the Vegetation Management Guidelines set forth in the City of El Cerrito Vegetation Management Standards. We requested that property be brought into compliance by June 28, 2020 as we would begin re-inspections in the community.

We are pleased to inform you that we have completed re-inspection of your property and your property was found to now be in compliance with the Vegetation Management Guidelines set forth in the Kensington Fire Protection District Vegetation Management Standards. We very much appreciate your efforts in taking immediate action to bring your property into compliance and we thank you for helping us make Kensington a more fire safe community. Your property **shall be removed** from our list of properties that will be sent to the El Cerrito City Council on July 21, 2020 and there will be no further abatement action based on the initial inspection. There is no need or requirement for you to attend the El Cerrito City Council Public Hearing on July 21, 2020 at 7:00PM regarding the June 8, 2020 letter.

We ask that you continue your fire hazard reduction efforts and maintain your property in compliance with the Vegetation Management Guidelines set forth in the City of El Cerrito Vegetation Management Standards as we move further into the fire season. Again, your efforts are very much appreciated by the Fire Department, El Cerrito City Council and the community of El Cerrito for your cooperation in helping us make El Cerrito a more fire safe community.

With Appreciation,

David R. Gibson

David R. Gibson, Fire Marshal

RESOLUTION NO. 2020 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DECLARING THAT WEEDS, RUBBISH, LITTER OR OTHER FLAMMABLE MATERIAL ON CERTAIN REAL PROPERTY CONSTITUTES A PUBLIC NUISANCE

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39560-39588, the City Council shall adopt this resolution declaring that certain real property within the City constitutes a public nuisance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the following properties identified on Exhibit A, attached hereto, are declared to be public nuisances pursuant to El Cerrito Municipal Code Section 16.26.160.

BE IT FURTHER RESOLVED that on this same date of July 21, 2020 at 7:00 in the City of El Cerrito, the City Council shall hold a hearing at which owners of the real property identified in Exhibit A hereto may object to the designation of their properties as public nuisances and object to the abatement actions proposed by the City.

I CERTIFY that at a regular meeting on July 21, 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 July 21, 2020.

Holly M. Charl  ty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

RESOLUTION NO. 2020 - XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO OVERRIDING OBJECTIONS BY PROPERTY OWNERS AND ORDERING THE CITY MANAGER OR HER DESIGNEE TO ABATE CERTAIN PUBLIC NUISANCES PURSUANT TO CHAPTER 16.26

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides a method by which a local legislative body may abate on private property public nuisance conditions relating to weeds, rubbish, litter or other flammable material that creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous; and

WHEREAS, the City of El Cerrito Fire Marshal has identified certain real property, by street name, lot and block number, on which the presence of weeds, rubbish, litter or other flammable material creates a fire hazard, a menace to the public health or which is otherwise noxious or dangerous as defined in Chapter 16.26 of the El Cerrito Municipal Code and therefore constitutes a public nuisance; and

WHEREAS, on July 21, 2020, pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588, the City Council adopted Resolution 2020-XX declaring that certain real property within the City constitutes a public nuisance; and

WHEREAS, El Cerrito Municipal Code Chapter 16.26 provides that notice shall be sent to owners of the real property declared a nuisance pursuant to Resolution 2020-XX providing those owners with the following: description of the nuisance; explanation of how the nuisance must be abated; explanation that if the nuisance is not abated; the City shall abate the public nuisance and the cost of abatement shall be assessed against the property as a special assessment; and informing the owners that the City Council shall hold a hearing at a certain date, time, and place at which the owners may present objections to the designation of their properties as public nuisances or to the proposed abatement of the nuisance; and

WHEREAS, beginning on June 8, 2020, the City Fire Department sent written notice to those property owners describing the weeds, rubbish, refuse, or other flammable material that presented a fire hazard and public nuisance; explaining that the Fire Department had determined a public nuisance that must be removed; informing the owners that if they did not abate between June 8, 2020 and July 21, 2020, the City Council would hold a hearing on July 21, 2020 at which the owners could present objections to the declaration of the nuisance or the proposed abatement measures and further explained the City could abate the nuisance and collect the costs as an assessment on the property; and

WHEREAS, on July 21, 2020, the City Council adopted Resolution 2020-XX confirming the nuisance declarations of the City Fire Department and declaring a public nuisance on certain real property pursuant to Chapter 16.26; and

WHEREAS, El Cerrito Municipal Code Section 16.26.160 and Government Code Sections 39560-39588 provide that after adoption of a resolution declaring a public nuisance and notice to affected property owners of the Council's hearing of objections, the Council may overrule any objections and order the City Manager or her designee to abate the public nuisances.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it overrides any objections by owners of that certain real property on which public nuisances were declared in Exhibit A to Resolution 2020-XX (adopted on the same date herewith).

BE IT FURTHER RESOLVED that the City Manager or her designee is hereby ordered to abate the public nuisances by having the weeds, rubbish, refuse, dirt, or other fire hazard or noxious or dangerous materials removed.

BE IT FURTHER RESOLVED that pursuant to El Cerrito Municipal Code Section 16.26.160 and Government Code Section 39574, the City Manager or her designee shall keep an account of the cost of abatement for each parcel of land on which work is performed. The City Manager or her designee shall then prepare an itemized written report to be presented to the City Council so that, after the notice and hearing during the City Council meeting of October 6, 2020 these abatement costs can be confirmed as a special assessment against those parcels.

I CERTIFY that at a regular meeting on July 21, 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 July ____, 2020.

Holly M. Charl  ty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



CITY OF EL CERRITO
10900 San Pablo Avenue
El Cerrito, CA 94530
(510) 215-4450
FAX (510) 232-4917

July 23, 2020

To: «OWNER_NAME_1»
«OWNER_ADDRESS» «OWNER_CITY», «OWNER_STATE». «OWNER_ZIP»
Re: «SITE_ADDR» «SITE_CITY», «SITE_STATE». «SITE_ZIP»
Parcel Number: «APN»

**NOTICE TO DESTROY WEEDS AND REMOVE
RUBBISH, REFUSE AND OTHER FLAMMABLE MATERIAL**

On **July 21, 2020** the El Cerrito City Council declared that your property in the City of El Cerrito, designated above by address and parcel number, constitutes a public nuisance because of the presence of weeds, rubbish, litter or other flammable material which creates a fire hazard, a menace to the public health, or is otherwise noxious or dangerous.

A previous notice was sent to you informing you of the July 21, 2020 hearing and further informing you of your obligation to remove the weeds, rubbish, refuse and other flammable material from your property. **If you do not immediately abate these nuisance conditions, the City will do so and the costs for removal of the weeds, rubbish, refuse and other flammable material will be assessed against your property as a lien and special assessment.** These removal costs shall then be collected in the time and in the manner of ordinary municipal taxes.

You will not receive any further notices from the City prior to this removal. The City shall perform this removal either through its own staff or through private contract sometime between the dates of **August 24, 2020 to September 25, 2020**. It is impossible to predict what it will cost the City to remove these nuisance conditions from your property. The costs depend on the severity of those conditions. In past years these abatement costs have sometimes exceeded \$5,000 per parcel for those parcels with severe nuisance conditions

The City Council will conduct a public hearing on **October 6, 2020** to confirm the cost of the abatement work performed on your property. The meeting will be held in the **El Cerrito City Council Chambers at 10890 San Pablo Avenue in El Cerrito at 7:00 p.m.** During this public hearing you will be given the opportunity to voice objections regarding the report and the assessment of the abatement costs for your property. At this hearing you will also be given the opportunity to object, protest and/or present evidence to support your arguments.

If you have any questions, contact the El Cerrito Fire Department at 10900 San Pablo Avenue. The phone number is (510) 215-4450.

David R. Gibson

David R. Gibson
Fire Marshal

City of El Cerrito Fire Hazard Reduction Program

I. INTRODUCTION

A. Purpose of Vegetation Management Standards

California communities have experienced devastating fire loss because of the severity of fires which occur in the wildland interface areas. These areas exist in the community of El Cerrito. In these areas the risk of conflagration is increased further by homeowners who create or do not maintain landscaping on their properties. Homes are threatened by fire every year in California largely because of heavy vegetation fuel load very near structures.

Very High Fire Hazard Severity Zones (VHFHSZ) have been identified within the El Cerrito community by the El Cerrito Fire Department and CAL Fire. As specified by State Law AB 337, property owners within the VHFHSZ must take special precautions with their property, including vegetation management, to reduce the risk of fire. All El Cerrito property owners must comply with the City's Fire Hazard Reduction standards.

The buildup of unmanaged vegetation, whether native or non-native, steep hillsides with canyons, draws, and periods of extremely hot, dry weather all combine to create in El Cerrito the potential for catastrophic fire behavior. Catastrophic fires can destroy large numbers of homes, threaten public safety and severely damage the natural areas which contribute to our high quality of living.

A key goal of El Cerrito's community fire protection planning is to reduce the level of fire hazards throughout the community and particularly in the VHFHSZ. While it is not possible to eliminate all threats of catastrophic wildfire, fire hazards can be reduced to acceptable levels and still allow a "green" community.

Vegetation management planning in the VHFHS Zone focuses on areas where fire poses the greatest risk to life and property. Fires will continue to be a part of California urban living. By implementing vegetation management standards, El Cerrito residents can significantly reduce the potential a small fire will grow into a catastrophic event. An important component of reducing the community's fire risk requires vegetation management to be practiced by all property owners.

No person shall be prosecuted criminally under the provisions of Section 8.30.040 of the El Cerrito Municipal Code until that person has received written notice of how that property violates these standards and until that person has had the reasonable opportunity to meet with City staff concerning the procedures set forth in Chapter 8.34 or Chapter 16.26 of the El Cerrito Municipal Code. Civil procedures for fire hazard abatement include providing the property owner with (1) written notice on how the property violates these guidelines, (2) reasonable opportunity to comply with the guidelines and (3) opportunity to be heard before the City Council.

II. FIRE HAZARD REDUCTION GUIDELINES

Many factors combine to create a fire hazard on any specific property. It is difficult to single out a specific vegetation species or configuration to declare it either fire hazardous or completely fire safe in all situations. The Fire Department has developed guidelines conforming to State Law and National Fire Protection Standards which address most situations found on private property within El Cerrito.

A. Hazard Zones

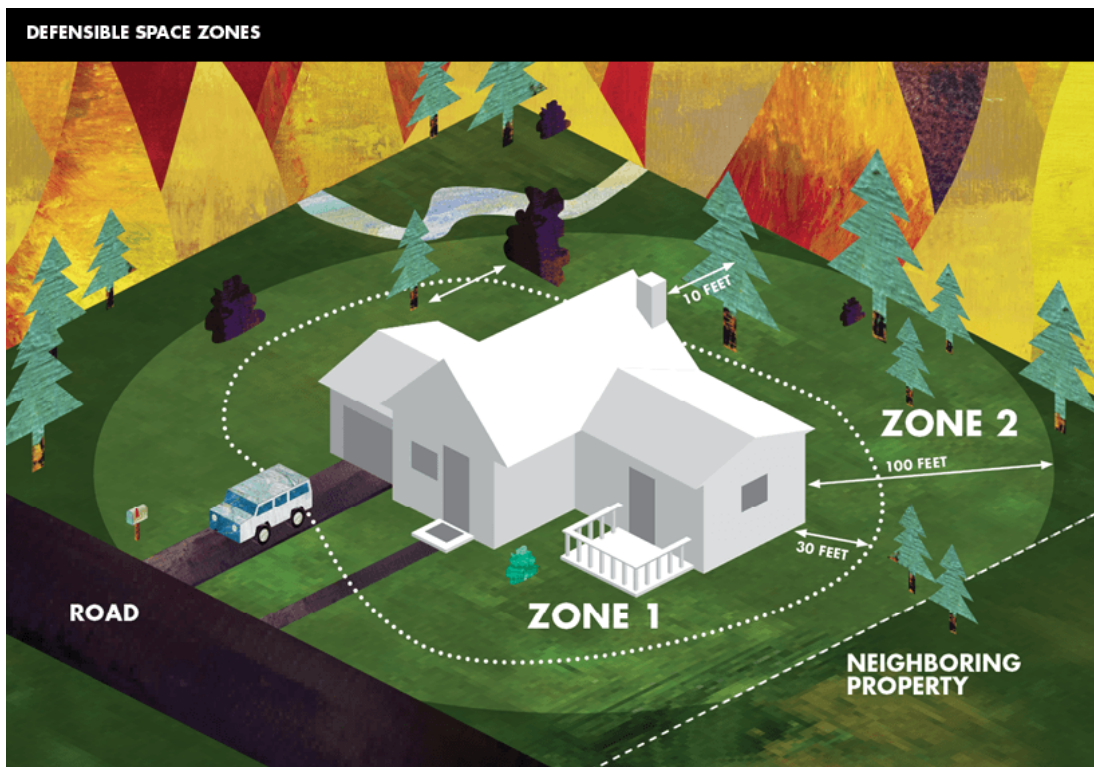
Portions of the City of El Cerrito lie adjacent or near to large wildland areas containing steep slopes and naturally growing vegetation. Every year under certain critical weather conditions, the neighborhoods near these wildland areas are at heightened risk of seasonal wildfire sweeping into the City and burning homes. These areas at heightened risk of wildfire have been designated as Very High Fire Hazard Severity (VHFHS) Zones as designated by CalFire. The rest of the City faces a lesser risk of wildfire. Fire hazard reduction measures common to the entire City are required on both vacant and developed lots.

B. Defensible Space

Defensible space is essential to improve your home's chance of surviving a wildfire. It is the buffer you create between a building on your property and the grass, trees, shrubs, or any wildland area that surround it. This space is needed to slow or stop the spread of wildfire and it helps protect your home from catching fire—either from direct flame contact or radiant heat. Defensible space is also important for the protection of the firefighters defending your home.

Defensible Space Zones

Two zones make up the required 100 feet of defensible space.



Zone 1

Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line.

- Remove all dead plants, grass and weeds (vegetation).
- Remove dead or dry leaves and pine needles from your yard, roof and rain gutters.
- Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening.
- Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark.
- On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18 inches from the ground.
- Relocate wood piles to Zone 2 if applicable.
- Remove or prune flammable plants and shrubs near windows.
- Remove vegetation and items that could catch fire from around and under decks.
- Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials.

Zone 2

Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements:

- Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches.
- All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground.

C. Additional Considerations for Vegetation Management

1. The Fire Hazard Abatement Program is intended to promote community fire safety by reducing the combustible vegetation fuel mass on private properties. Clearing vegetation by heavy construction methods, such as grading, discing, trenching or dozing shall require special permits from the City. **Disposal by burning is not permitted.**
2. Any parcel where slope stability will be threatened by removal of plants may be exempt from treatment requirements or subject to alternate treatments. The property owner must submit a report documenting the probability of slope failure due to vegetation removal, prepared by a licensed civil, geotechnical or soils engineer. The report shall propose alternative treatment methods to address fire hazards. The report will be reviewed by city staff. Review and acceptance by the City of alternative treatment will supersede other requirements.
3. Any parcel or lot which includes plant or animal species that are rare, endangered or of special concern may qualify for alternative plant treatment and spacing requirements. The property owner must submit a report from a qualified resource biologist or landscape architect describing the species, actions required to preserve its environmental value, and proposed alternative measures to address fire hazards. The report will be reviewed by the City. Review and acceptance by the City of alternative treatment will supersede other requirements.

D. Planting Considerations

Any plant will burn if the conditions are right. Some plants are considered to be extremely flammable while other plants are considered to have some resistance to fire. Verifiable tests of fire exposure characteristics for all specific ornamental landscaping plants are not available.

The Vegetation Management Standards for El Cerrito utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

At the base of trees and shrubs, replace flammable vegetation with bark, mulch, rock, gravel or low-growing or more fire-resistant ground covers. This cover reduces the fire danger and minimizes weeds.

Avoid placing medium-sized shrubs beneath trees or taller shrubs. By breaking up the available fuel mass in ornamental landscaping, a fire will be kept at lower intensity, flame lengths will be shorter and fire will be less likely to form a continuous line or front.

E. Structural Fire Safety

The City's roofing and vegetation management standards are designed to reduce the amount of airborne burning material, limiting fire spread. Once a fire starts, it is often accelerated by wind-borne burning material. Burning embers or brands are the main source of fire spread in mixed urban-wildland fires. The roof of a house is most vulnerable to this type of ignition followed by openings such as vents. Spark arresters

with a maximum of ½ inch openings in the mesh are required over the outlet of every chimney. Class A is the top rating for fire resistive roofing, followed by Classes B and C. The City of El Cerrito requires that all roofing be Class B or better, and wood shake shingle roofing materials are prohibited in new construction or replacement of more than 50% of the roof. It is recommended to cover vent openings with ¼ inch openings in the mesh to prevent flying embers from entering the structure.

III. GLOSSARY OF TERMS

The following terms are used to describe the vegetation management standards in California State Law and in the City of El Cerrito's Fire Hazard Reduction Program.

Very High Fire Hazard Severity (VHFHS) Zones: Any geographic area designated per Government Code Section 51178 to contain the type and condition of vegetation, topography, weather and structure density to potentially increase the possibility of wildland conflagration fires. As a community adjacent to extensive wildland areas, the City of El Cerrito contains several VHFHS zones. A CAL Fire interactive map of these zones is available at <https://egis.fire.ca.gov/FHSZ/>. Fire hazard reduction standards are more extensive for properties located within VHFHS zones.

Defensible Space: A concept in landscape design for homes which provides a band of managed vegetation around a home that slows movement of fire by reducing or denying fuel and provides a space for firefighters to take a stand to protect the house.

Fire Resistant Plants: A relative term used to describe plants that are "more resistant: or "less resistant" than other plants to fire. Given enough heat, all vegetation will burn. Yet plants in fact differ in how fast they burn, how high a flame they produce and their ability to survive fire. Fire resistance is enhanced by higher amounts of moisture within twigs and foliage. Fire-resistant plants can lose this quality altogether if not properly maintained and irrigated. The Vegetation Management Standards for El Cerrito utilizes available information from the Diablo Firesafe Council at <http://diablofiresafe.org/tolerance.html> under Table 1 Plants with a Favorable Fire performance Rating in 3 or More References.

Fire Hazardous Vegetation: Plants which can burn easily because they generate dry undergrowth, contain flammable oils or produce significant quantities of dead or dying material. Hazardous vegetation is fuel which must be removed or strictly maintained so as not to constitute a fire hazard by igniting easily and then contributing to rapid fire spread. Seasonally dry grass, weeds, brush, and unmaintained and unirrigated trees and ornamental vegetation are examples of fire hazardous vegetation. Properly chipped, mulched and disbursed material does not constitute fire hazardous vegetation. Fire hazardous vegetation is also known as **flammable vegetation and combustible growth.**

Ornamental Landscaping: Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.

Zone 1: Extends 30 feet from buildings, structures, decks, etc.in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones. In Zone 1 vacant lots shall be maintained to be 10 feet wide along the property line.

Zone 2: Extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. In Zone 2 vacant lots shall be maintained to be 30 feet wide along the property line. For properties within Zone 2, all Zone 1 requirements shall be enforced in addition to Zone 2 requirements.



Fire Hazard Reduction Checklist



Zone 1 Requirements

Definition: Zone 1 extends 30 feet from buildings, structures, decks, etc. in all portions within the City of El Cerrito including the designated Very High Fire Hazard Severity (VHFHS) Zones

- ☐ Remove all dead plants, grass and weeds within 30 feet of buildings, structures, decks, etc.
- ☐ Remove dead or dry leaves and pine needles from your yard, roof and rain gutters
- ☐ Trees shall be maintained so that no portion is closer than 10 feet from any chimney opening
- ☐ Trees, shrubs, bushes or other vegetation adjacent to or overhanging any structure shall be maintained free of dead limbs and other combustible matter such as vines and loose papery bark
- ☐ On mature trees, limbs should be removed up to 10' above the ground. Smaller trees should be limbed to 1/3rd of their height up to 6' above the ground, but in no case less than 18" from the ground
- ☐ Relocate wood piles to Zone 2 if applicable
- ☐ Remove or prune flammable plants and shrubs near windows
- ☐ Remove vegetation and items that could catch fire from around and under decks
- ☐ Create a minimum 6-foot separation between trees, shrubs or vegetation and combustible materials
- ☐ Vacant lots in Zone 1 shall be maintained to be 10 feet wide along the property line

Zone 2 Requirements

Definition: Zone 2 extends from 30 feet to 100 feet out from buildings, structures, decks, etc. in only those areas within the City of El Cerrito designated as the Very High Fire Hazard Severity (VHFHS) Zones. NOTE: All Zone 1 requirements shall be followed in addition to the following Zone 2 requirements

- ☐ Cut or mow weeds and grass shall be cleared to a maximum height of 6 inches
- ☐ All fire hazardous vegetation except for weeds and grass shall be cleared and maintained to a height no greater than 18 inches above the ground
- ☐ Vacant lots in Zone 2 shall be maintained to be 30 feet wide along the property line

To find out if your property is located within the Very High Fire Hazard Severity Zone, go to <https://egis.fire.ca.gov/FHSZ/> On the upper left hand side, click on the bottom icon for Address Search.

EXHIBIT A

City of El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
502-112-038-0	1715 Elm Street
505-103-026-9	7770 Earl Court
505-103-027-7	7780 Earl Court
505-303-006-9	840 Arlington Blvd
500-120-017-8	2630 Monte Vista Avenue
500-170-015-1	2616 Tamalpais Avenue
500-190-021-5	6517 Barrett Avenue
500-190-020-7	6523 Barrett Avenue
500-190-015-7	2600 La Honda Avenue
500-190-004-1	2651 Tamalpais Avenue
500-190-005-8	2641 Tamalpais Avenue
500-190-023-1	6501 Barrett Avenue
500-132-018-2	2652 La Honda Avenue
500-190-018-1	2614 La Honda Avenue
500-430-018-1	2340 Alva Avenue
505-033-003-3	1768 Arlington Blvd
505-033-004-1	1764 Arlington Blvd
505-033-005-8	1760 Arlington Blvd
505-033-007-4	1752 Arlington Blvd
505-040-006-7	Fairview Lot
505-033-006-6	1758 Arlington Blvd
501-452-023-2	7018 Cutting Blvd
505-171-005-0	1516 Arlington Blvd
505-422-009-9	1514 Madera Court
505-422-008-1	1518 Madera Court

EXHIBIT A

City of El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
503-233-032-5	Kearney Street
503-233-007-7	Kearney Street
503-255-024-5	832 Everett Street
503-256-015-2	6831 Stockton Avenue
505-243-007-0	7996 Terrace Drive
502-220-008-2	6515 Potrero Avenue
505-061-013-7	1600 Navellier Street
505-050-003-1	1628 Navellier Street
502-140-022-0	1744 Ganges Avenue
503-432-021-7	618 Norvell Street
505-061-044-2	7423 Potrero Avenue
505-062-015-1	7432 Potrero Avenue
505-401-002-9	7509 Potrero Avenue
505-401-001-1	7501 Potrero Avenue
505-401-005-2	7601 Potrero Avenue
505-401-006-0	7605 Potrero Avenue
505-401-007-8	7609 Potrero Avenue
505-401-008-6	7615 Potrero Avenue
505-401-009-4	7617 Potrero Avenue
505-403-002-7	7624 Potrero Avenue
505-401-010-2	7621 Potrero Avenue
505-401-011-0	7625 Potrero Avenue
505-402-004-4	7700 Potrero Avenue
505-401-012-8	7701 Potrero Avenue
505-153-004-5	7815 Potrero Avenue

EXHIBIT A

City of El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
503-421-007-9	609 Norvell Street
503-421-023-6	611 Norvell Street
503-450-016-4	700 Ashbury Avenue
503-362-001-3	7222 Eureka Avenue
503-071-015-5	1200 Norvell Street
505-070-016-9	7308 Gladys Avenue
505-421-008-2	1618 Julian Drive
505-421-014-0	1638 Julian Drive
573-132-023-9	8407 Wildcat Drive
573-132-024-7	8411 Wildcat Drive
573-132-025-4	8415 Wildcat Drive
573-132-026-2	8421 Wildcat Drive
573-132-030-4	8441 Wildcat Drive
503-441-006-3	602 Liberty Street
503-372-018-0	8610 Lambrecht Court
505-382-004-8	1335 Arlington Blvd
505-382-005-5	1329 Arlington Blvd
505-361-057-1	1348 Rifle Range Road
505-361-078-7	1344 Rifle Range Road
505-361-068-8	1340 Rifle Range Road
513-340-059-7	11965 San Pablo Avenue
505-361-053-0	8635 Thors Bay Road
505-303-004-4	8630 Terrace Drive
505-303-003-6	8620 Terrace Drive
505-292-031-0	882 Bates Avenue

EXHIBIT A

City of El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
501-300-001-2	2150 Junction Avenue
501-300-002-0	2146 Junction Avenue
501-300-003-8	2142 Junction Avenue
501-300-004-6	2138 Junction Avenue
501-300-005-3	2134 Junction Avenue
501-350-019-3	Conlon Avenue
510-034-003-2	10167 San Pablo Avenue
510-034-002-4	10135 San Pablo Avenue
510-034-001-6	10163 San Pablo Avenue
509-120-015-3	10919 San Pablo Avenue
504-415-002-6	600 Seaview Drive
504-411-009-5	605 Seaview Drive
504-402-014-6	7712 Ricardo Court
503-322-039-2	705 Seaview Drive
505-332-016-3	8653 Don Carol Drive
503-182-010-2	7463 Seaview Place
503-182-051-6	1034 Navellier Street
501-330-016-4	6461 Hagen Blvd
501-321-014-0	6456 Hagen Blvd
501-390-015-3	6501 Hagen Blvd
501-330-028-9	2043 Harper Street
501-330-027-1	2047 Harper Street
501-330-017-2	6457 Hagen Blvd
501-330-009-9	2051 Harper Street
501-330-018-0	6453 Hagen Blvd

EXHIBIT A

City of El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
501-330-025-5	2109 Harper Street
501-330-024-8	6429 Hagen Blvd
501-330-023-0	6433 Hagen Blvd
501-300-022-8	2110 Harper Street
501-300-023-6	6601 Gatto Avenue
505-244-001-2	7870 Terrace Drive
503-470-018-6	7386 Terrace Drive
503-292-033-1	7376 Stockton Avenue
503-292-028-1	7341 Terrace Drive
504-470-010-3	787 Colusa Avenue
504-393-008-9	605 Balra Drive
504-395-004-6	608 Balra Drive
503-322-062-4	708 Balra Drive
503-330-011-1	725 Balra Drive
502-112-022-4	6605 Blake Street
503-182-015-1	7441 Moeser Lane
503-302-010-7	910 Galvin Drive
503-302-011-5	906 Galvin Drive
503-301-009-0	7549 Stockton Avenue
503-302-042-0	7472 Moeser Lane
505-221-041-5	966 Seaview Drive
505-201-009-6	1224 Contra Costa Drive
505-351-018-5	1101 Arlington Blvd
505-211-006-0	1020 Contra Costa Drive
505-211-009-4	1012 Contra Costa Drive

EXHIBIT A

City of El Cerrito
List of Real Property Constituting Public Nuisances

APN	Street Address
505-293-007-9	982 Contra Costa Drive
505-181-010-8	1370 Contra Costa Drive
505-181-011-6	1364 Contra Costa Drive
505-130-013-4	1570 Regency Court
505-182-003-2	1369 Contra Costa Drive
505-130-015-9	1550 Regency Court
505-182-007-3	1349 Contra Costa Drive
505-182-008-1	1345 Contra Costa Drive
505-182-005-7	1361 Contra Costa Drive
505-332-008-0	8621 Don Carol Drive
505-102-001-3	1143 King Drive
504-012-036-1	10192 San Pablo Avenue
505-062-007-8	7400 Potrero Avenue
504-012-037-9	10192 San Pablo Avenue
501-340-012-1	2076 Harper Street
502-262-045-6	810 Contra Costa Drive
502-020-016-7	6765 Glen Mawr Avenue
505-230-055-4	801 Shevlin Drive
505-230-037-2	8055 Terrace Drive
502-112-044-8	6660 Hill Street
502-112-037-2	1745 Elm Street
513-412-002-0	5226 Ernest Avenue
513-412-003-8	5222 Ernest Avenue
513-412-001-2	5230 Ernest Avenue



AGENDA BILL

Agenda Item No. 7.A.

Date: July 21, 2020
To: El Cerrito City Council
From: Maya Williams, Assistant to the City Manager, City Management
Subject: Resolution of the City Council of the City of El Cerrito In Support of Black Lives Matter

ACTION PROPOSED

Adopt a resolution in support of Black Lives Matter and to authorize the installation of a public mural on the Ohlone Greenway.

BACKGROUND/ANALYSIS

#BlackLivesMatter was founded in 2013 in response to the acquittal of George Zimmerman in Trayvon Martin's death. Since then, the Black Lives Matter movement has become an affirmation of Black humanity, Black contributions to society, and resilience in the face of deadly oppression.

El Cerrito has a history of standing against hate and violence in communities of color. In 2016, the El Cerrito Human Relations Commission held a forum to hear from the community about a hate crime committed against a local family. From that came the "Stop Hate. Together. Not In Our Town." campaign. The recent demonstrations and protests in response to the killings of George Floyd, Breonna Taylor, Ahmaud Arbery, and other Black men, women, and children have brought to light the continued violence against the Black community and other communities of color.

On July 1, 2020, the El Cerrito Police Department held a town hall on policing and received several community recommendations for improving policing in our City. On that same day, the El Cerrito Environmental Quality Committee and Human Relations Commission met jointly to express their commitment to seek community input and develop an environmental, social, and racial framework to inform their work. Additionally, City staff has communicated with a youth organization, including students from El Cerrito High School, who wish to honor the Black Lives Matter movement by installing a public mural on the Ohlone Greenway.

Adoption of this resolution will enable City staff to work with boards and commissions on possible actions related to the Black Lives Matter movement. Adoption of this resolution will also authorize the installation of a public mural message on the Ohlone Greenway as an expression of the City Council to honor the Black Lives Matter movement.

STRATEGIC PLAN CONSIDERATIONS

Adoption of this resolution will assist the City in implementing the following goals of the

Strategic Plan: Goal C: Deepen a sense of place and community identity and Goal E: Ensure the public's health and safety.

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 resolution was prepared in consultation with the City Attorney and 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 7.A.

RESOLUTION 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO IN SUPPORT
OF BLACK LIVES MATTER

WHEREAS, The City Council of the City of El Cerrito joins our residents and neighbors in affirming that Black Lives Matter. The City is appalled by the unjust death of George Floyd and other Black men, women, and children at the hands of law enforcement and recognize our duty to take action locally; and

WHEREAS, the killing of Black men and women, including queer and trans persons of color, is an unacceptable violation of the human rights due to all people; and

WHEREAS, in 2016, the City of El Cerrito, through the Human Relations Commission, adopted the “Stop Hate. Together. Not In Our Town” campaign in response to a hate crime was committed against a family in our city; and

WHEREAS, on July 1, 2020, the El Cerrito Police Department held a town hall on policing and received several recommendations for improving policing in our city; and

WHEREAS, on July 1, 2020, the El Cerrito Environmental Quality Committee and Human Relations Commission met jointly to express their commitment to seek community input and develop an environmental, social, and racial framework to inform their work in the future; and

WHEREAS, Councilmembers have participated in, and fully support, all of the moving protest events that have taken place in our community over the last few weeks. The City appreciates the significance and impact of the large attendance at these peaceful events; and

WHEREAS, El Cerrito residents have historically supported working towards a diverse, inclusive, and welcoming community for people of all racial and socioeconomic backgrounds, including all those who live, work, attend school and visit El Cerrito. The City Council acknowledges and thanks community members for sharing their thoughts, input, and ideas to help develop both immediate and longer-term action plans to achieve this more inclusive vision. This resolution is only the first steps in our commitment to achieving this vision; and

WHEREAS, a youth organization, including students from El Cerrito High School, approached the City to honor the Black Lives Matter movement and the City Council desires to authorize the installation of a public mural on the Ohlone Greenway as an expression of the City.

NOW THEREFORE, BE IT RESOLVED by the City of El Cerrito City Council that racism, discrimination, and police violence will never be tolerated in El Cerrito. The City Council commits to act and encourage community action towards eliminating racial

disparities, both inside government and in the community. The City recognizes that there is ongoing work to be done and are committed for the long-term.

BE IT FURTHER RESOLVED that the Human Relations Commission shall consider various community opportunities for listening and working with the community to further the Black Lives Matter movement.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the installation of a public mural message on the Ohlone Greenway as an expression of the City Council support to honor the Black Lives Matter movement.

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

I CERTIFY that at a regular meeting on July 21, 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 July _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 7.B.

Date: July 21, 2020
To: El Cerrito City Council
From: Melanie Mintz, Community Development Director; Sean Moss, Planning Manager
Aissia Ashoori, Community Development Analyst, Community Development Department; Yvetteh Ortiz, Public Works Director, Public Works Department
Subject: Amend Proclamation of Local Health Emergency to Approve a Temporary Outdoor Dining and Retail Program in the City of El Cerrito to Enhance Business Recovery During the COVID-19 Pandemic

ACTION PROPOSED

Adopt a resolution amending the proclamation of a local health emergency to approve a Temporary Outdoor Dining and Retail Program in the City of El Cerrito to enhance business recovery during the COVID-19 pandemic.

BACKGROUND

The City of El Cerrito proclaimed the existence of a Local Emergency related to the Novel Coronavirus (COVID-19) on March 13, 2020 via Resolution No. 2020-12. On March 16, 2020, six Bay Area counties, including Contra Costa County, took a unified step to slow the spread of COVID-19 and preserve critical health care capacity across the region by issuing a legal order directing their respective residents to shelter at home and limiting activity, travel and business functions to only the most essential needs for three weeks, beginning March 17, 2020. On March 19, 2020, Governor Gavin Newsom issued a statewide order ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors. The City, as part of Contra Costa County, has been under a Shelter in Place public health order due to COVID-19 since March 17, 2020 and multi-month closure of many of the County's local businesses is putting a huge financial strain on all industries.

Local businesses have been severely impacted by the COVID-19 pandemic as public health directives have ordered many businesses to either shut down or operate with social distancing protocols in place. While these directives are essential to protect public health, businesses have struggled to varying degrees to maintain viability during this time. Businesses provide numerous benefits to the residents of the City by providing essential services, amenities, jobs, a sense of place, and revenues. Sales tax is projected to be down by 10% during FY 2020-21, which is indicative of the reduced revenue collected by businesses through normal operations. Expenses, in general, have not always been able to be similarly reduced.

The City has taken several measures to assist businesses during this time, including:

Legislation: On March 25, 2020, the City Council adopted an Urgency Ordinance enacting a temporary moratorium to halt evictions for both residential and commercial tenants financially impacted by COVID-19. The Ordinance is set to expire upon the expiration of the local emergency or the Governor's proclamation of a state of emergency, whichever is later.

Education and Support: On April 14, the City hosted a webinar with the Contra Costa Small Business Development Center (SBDC) to discuss SBDC services and how to access the federal Coronavirus Aid, Relief and Economic Security Act (CARES); Paycheck Protection Program; and the Economic Injury Disaster Loan program. The webinar was attended by approximately 50 businesses.

The City also maintains a robust webpage for Local Businesses & Employers with numerous resources and access to information related to business assistance and operations during this unprecedented time. It can be accessed at <http://el-cerrito.org/1422/COVID-19-Resources-for-Local-Businesses>

Business License Deferral: Businesses whose revenues have been impacted by COVID-19 have been provided an additional three months (through September 1, 2020) to pay their business license fee, in accordance with El Cerrito Municipal Code Chapter 4.32.

On June 16, 2020, the Contra Costa County Health Officer announced revised orders to align with State Health Orders to ease some restrictions to allow additional businesses to resume or begin operating, subject to conditions set forth in applicable industry guidelines issued by the State. In conjunction with the revised County Health Orders, many jurisdictions are considering, or have implemented, an outdoor dining and retail program.

ANALYSIS

When the County order was revised to allow outdoor dining, City staff sent out a survey to businesses for whom we have business licenses to inquire of their plans and needs in order to support reopening. Staff received 14 responses, mostly from professional services businesses who did not, in fact, express a need for additional space.

Additionally, staff has reached out to and received calls from restaurants inquiring about outdoor seating, and some have already begun to use their private parking lots for outdoor seating or place chairs on public sidewalks. El Cerrito Plaza management and City staff have also been in communication, and several dining establishments have asked to utilize outdoor areas, including some parking spaces, for outdoor dining.

County and State public health orders are currently in flux. However, even once the orders are lifted, social distancing practices are expected to remain in place for some time. Allowing additional space for restaurants, bars, and other businesses to operate will be critical to helping facilitate these businesses to maintain sustainable business

levels.

The proposed Temporary Outdoor Dining and Retail Program aims to provide guidelines (standards and conditions) and a permit for businesses to be able to expand their footprint in order to abide by the social distancing protocols while trying to maintain customer capacity and provide a safe and appealing experience for both customers and staff.

The proposed program aims to provide flexibility by waiving existing requirements that limit the use of outdoor space, and provide a one-stop, no-cost platform to apply for and obtain a permit. Current provisions in the Municipal Code regulate outdoor dining and retail, temporary uses, parking requirements, signage and encroachments into the public right of way, including streets and sidewalks. The proposed permit waives the processes and requirements in lieu of the proposed Temporary Outdoor Dining and Retail Permit. Several categories of spaces are included in the proposed program, including use of public sidewalks, use of public parking spaces, use of outdoor private space, and use of private parking lots. Additionally, the program allows for additional signage.

The program would allow interested businesses within the City to utilize outdoor spaces for expanded dining, retail, and services and require that the businesses comply with City, County, and State standards for operation of any specific business. The program aims to be as streamlined and automated as possible and will consist of a webpage where guidelines for operating will be posted, and an online form through which businesses will agree to operate under best practices and follow the guidelines. The online form will provide a platform for businesses to upload their plans for operations, share their social distancing protocols, and, under certain circumstances, to provide evidence of indemnification and insurance. In most cases, the permit will be issued automatically, once the required submittals are uploaded and the applicant agrees to operate under established guidelines as well as the County and State public health order and laws. The program waives some municipal requirements but does not relieve a business from other obligations with landlords, adjacent property owners, and State law. However, agencies including the State Department of Alcohol and Beverage Control (ABC) as well as many landlords are providing additional flexibility in order to allow businesses to operate during this time. The guidelines would require businesses not to interfere with American with Disabilities Act access or parking spaces.

The Temporary Outdoor Dining and Retail permit would be revocable if a business does not adhere to the standards and guidelines of the City, County or State. All temporary suspension of regulations, policies, and requirements of the El Cerrito Municipal Code and San Pablo Avenue Specific Plan, as well as all temporary delegations of authority provided for by this Program, will remain in effect for the duration of the current Local Emergency Proclamation and will expire upon the termination of the Emergency Proclamation by the City Council.

STRATEGIC PLAN CONSIDERATIONS

The proposed program would support the City's Strategic Plan vision by establishing more flexible regulations to support a City with thriving businesses and vibrant public places. The program would support Goal B: Achieve long-term financial sustainability by maximizing opportunities for existing and expanding businesses and exploring opportunities for public/private partnerships and Goal C: Deepen a sense of place and community identity.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The proposed program waives fees for encroachment permits, temporary use permits and Administrative Use Permits for activities that support the purpose of the program. In order to reduce the cost of administering the program, the online platform aims to automate the process as much as possible. The program will be administered by existing staff and technology. There are no additional funds required to develop or implement the program.

LEGAL CONSIDERATIONS

The proposed program and resolution were prepared in collaboration and consultation with the City Attorney and 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 7.B.

RESOLUTION 2020-XX

A RESOLUTION AMENDING THE PROCLAMATION OF A LOCAL HEALTH
EMERGENCY TO APPROVE A TEMPORARY OUTDOOR DINING AND RETAIL
PROGRAM IN THE CITY OF EL CERRITO TO ENHANCE BUSINESS RECOVERY
DURING THE COVID-19 PANDEMIC

WHEREAS, Section 8630, Article 14, of the California Emergency Services Act empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City of El Cerrito ("City") is affected or likely to be affected by a public calamity; and

WHEREAS, Chapter 2.28 of the El Cerrito Municipal Code ("ECMC") similarly authorizes the City Manager, serving as the Director of Emergency Services to declare and proclaim, or to request the City Council to declare and proclaim, the existence or threatened existence of a "local emergency"; and

WHEREAS, the City of El Cerrito proclaimed the existence of a Local Emergency related to the Novel Coronavirus (COVID-19) on March 13, 2020 via Resolution No. 2020-12 (the "Emergency Proclamation"); and

WHEREAS, on March 16, 2020, seven health officers within six Bay Area counties, including Contra Costa County ("County"), took a unified step to slow the spread of COVID-19 and preserve critical health care capacity across the region by issuing a legal order directing their respective residents to shelter at home and limiting activity, travel and business functions to only the most essential needs for three weeks, beginning March 17, 2020; and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued a statewide order ordering all individuals living in the State of California ("State") to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors; and

WHEREAS, the County has been under a Shelter in Place public health order ("SIP Order") due to COVID-19 since March 17, 2020 and multi-month closure of many of the County's local businesses is putting a huge financial strain on all industries; and

WHEREAS, on June 16, 2020, the County of Contra Costa Health Officer announced revised orders to align with State Health Orders to ease some restrictions to allow additional businesses to resume or begin operating, subject to conditions set forth in applicable industry guidelines issued by the State; and

WHEREAS, in conjunction with the revised County Health Orders, many jurisdictions are considering, or have implemented, an outdoor dining and retail program; and

WHEREAS, the City has an important governmental interest in maintaining a healthy, active, and thriving business community and protecting the health, safety, and economic welfare of its citizens and businesses; and

WHEREAS, to protect the health and safety of the City, while fostering economic wellbeing of the City's citizens and businesses, the City wishes to assist both essential and non-essential businesses in remaining open, or re-opening when lawfully permitted to do so; and

WHEREAS, to achieve this purpose, the City wishes to implement a Temporary Outdoor Dining and Retail Program (the "Program"), which would allow interested restaurants and businesses within the City to, by complying with standards established by the City, County and State and subject to review and approval by the City, utilize public right-of-way spaces, including certain public parking spaces, private outdoor spaces and certain private parking spaces (the "Outdoor Spaces"), for an expanded dining or retail area; and

WHEREAS, existing provisions of State law, the El Cerrito Municipal Code ("ECMC") and the San Pablo Avenue Specific Plan ("SPASP") regulate outdoor dining and retail, temporary uses, parking requirements, and encroachments onto the public streets and sidewalks, signage requirements; and

WHEREAS, for the City's business community to survive the challenge presented by the COVID-19 pandemic and the resulting business closures, the City Council finds that temporary emergency modifications to existing policies and regulations are needed to help implement the Program; and

WHEREAS, under the current emergency circumstances, the City Council finds that it is in the best interest of public health, safety and welfare to permit the temporary use of the Outdoor Spaces by restaurants and businesses, with appropriate conditions to preserve the public safety and necessary public access to those resources, and finds that City staff should be given broad discretion to modify existing City policies, procedures and regulations in order to effectively assist the City's local businesses in their reopening efforts; and

WHEREAS, except as amended herein, the City Council desires to continue to enforce the other provisions of the Emergency Proclamation.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the above recitals are true and correct and incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Temporary Outdoor Dining and Retail Program is hereby approved and the City Manager is authorized to implement the Program, including the temporary authority to allow the utilization of, or to approve use and occupancy of, the Outdoor Spaces by businesses, eating and drinking

establishments, and retailers, consistent with the provisions of this Emergency Proclamation. Any authorization granted pursuant to the authority provided herein shall be consistent with the requirements set forth in any applicable SIP Order applicable within Contra Costa County.

BE IT FURTHER RESOLVED that the following temporary changes are made to the El Cerrito Municipal Code ("ECMC") and the San Pablo Avenue Specific Plan ("SPASP") to facilitate the implementation of the Outdoor Dining and Retail Program in the City:

1. Notwithstanding applicable regulations of Title 13, Chapter 13.12 relating to Encroachments, the City's Encroachment Permit application requirements, conditions, and fees may be waived for all applications that further purposes of the Program.
2. The City Manager is temporarily vested with the authority to approve the use of modified Encroachment Permit Applications, and/or other permit applications for all requests submitted to the City pursuant to this resolution. The City Manager is temporarily vested with the authority to: (a) approve applications submitted to the City pursuant to this resolution, and/or (b) require that participating restaurants and businesses adhere to specific standards and conditions for approval of any application submitted pursuant to this resolution, and/or (c) require that any necessary supporting documentation be submitted for approval of any application submitted pursuant to this resolution.
3. Notwithstanding applicable regulations of Title 19, Chapter 19.15, and Sections 19.20.150, and 19.20.160 of the ECMC, and applicable regulations of Section 2.02.03 of the SPASP, the City Council hereby temporarily suspends regulations pertaining to outdoor dining uses in the public right-of-way and outdoor retail sales to the extent necessary to further purposes of the Program.
4. Notwithstanding applicable regulations of Title 11, Chapters 11.40 and Title 19, Chapters 19.15 and 19.24 of the ECMC and applicable regulations of Section 2.05.08 of the SPASP, the City Council hereby temporarily suspends the application of on-site parking requirements, including any parking requirements related to the computation of spaces per ratio of gross floor area or customer seating area, for Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales in the City, to the extent necessary to further purposes of the Program. The City Manager is hereby authorized to impose conditions of approval upon any proposal to temporarily repurpose or convert existing parking spaces to accommodate outdoor dining, Food and Beverage Retail Sales, and Retail Sales in the City, to the extent necessary to implement the Program.

5. Notwithstanding applicable regulations of Title 19, Chapter 19.15 and Sections 19.26.030, 19.26.050, 19.26.070, 19.26.090, and 19.26.100 of the ECMC, applicable regulations of Sections 2.05.09 and 2.05.10 of the SPASP, and applicable regulations of any adopted master sign programs, the City Council hereby temporarily suspends regulations and permit requirements applicable to temporary signs as applicable to Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales in the City, to the extent necessary to further purposes of the Program. The City Manager is temporarily vested with the authority to regulate these signs, review and approve signage plans, set installation and display requirements, and approve proposals to erect temporary commercial signs and window signs, consistent with other applicable provisions of the El Cerrito Municipal Code and subject to approval by the Zoning Administrator.
6. Notwithstanding application regulations of Section 10.20.010 of the ECMC, to the extent necessary to effectuate the Program, the City Council hereby temporarily suspends municipal regulations pertaining to alcohol consumption in public places, including but not limited to streets, sidewalks, parking lots, as applicable to Eating and Drinking Establishments, Food and Beverage Retail Sales, and Retail Sales the City, and the City Manager is temporary authorized to permit outdoor consumption of alcohol as part of the Program. Other regulations applicable to alcohol consumption and sales, including regulations administered by the Department of Alcoholic Beverage Control (ABC) still apply.

BE IT FURTHER RESOLVED that in addition to the specific authorizations granted above, the City Manager is temporarily vested with the authority to streamline, suspend, waive or modify all other City of El Cerrito regulations, policies and/or fees to the extent that: (1) such regulations or policies would otherwise prohibit businesses from engaging in their business activities outdoor or curbside; (2) is necessary to further the purpose of the Program; and (3) such suspension, waiver or modification does not result in an increase in general intensity of use beyond what is otherwise allowed, as applicable.

BE IT FURTHER RESOLVED that in exercising the temporary authority pursuant to this resolution to allow the utilization of, or to approve use and occupancy of, the Outdoor Spaces, the City Manager shall also require businesses, eating and drinking establishments and retailers to comply with applicable building code, fire code and American with Disabilities Act standards and the City's insurance and indemnification requirements.

BE IT FURTHER RESOLVED that the authority temporarily vested in the City Manager pursuant to this resolution may be delegated by the City Manager to her designee through written delegation of authority signed by the City Manager.

BE IT FURTHER RESOLVED that nothing in this resolution shall relieve a business from any the following:

1. The requirement to comply with all applicable standards and conditions described herein, including any application or other documentation approved by or required by the City Manager pursuant to this resolution.
2. Any obligations or laws requiring consent of adjacent property owners for use of private property. Businesses seeking to operate outdoors shall obtain consent of any private property owners whose property will be used for outdoor operations.
3. Any obligations or laws requiring consent from or approval by CalTrans for use of any public right-of-way subject to CalTrans' authority.
4. The requirement to provide accessible parking spaces pursuant to the Americans with Disabilities Act.
5. The requirement to obtain a building permit for outdoor activities if a building permit would otherwise be required, and compliance with all provisions of the Building Code, including but not limited to, maximum occupancy requirements.
6. The requirement to undergo design review for exterior alterations if such design review is otherwise required, except that temporary installations, including but not limited to tents, fencing, barriers, enclosures, and platforms and ramps, may be authorized by the City Manager to facilitate proposed outdoor activities consistent with the provisions of this resolution.
7. The requirement to obtain any and all County and State permits regarding the provision of food and dining services, including alcoholic beverages, including but not limited to the COVID-19 Temporary Catering Authorization required by the State Department of Alcoholic Beverage Control.

BE IT FURTHER RESOLVED that all temporary suspension of regulations, policies, and requirements of the El Cerrito Municipal Code and San Pablo Avenue Specific Plan, and all temporary delegations of authority provided for in this resolution shall remain in effect for the duration of the Emergency Proclamation, as adopted by Resolution No. 2020-12, and shall expire upon the termination of the Emergency Proclamation by the City Council.

BE IT FURTHER RESOLVED that except as specifically amended herein, Resolution No. 2020-12, as previously amended and updated, shall remain in full force and effect.

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

I CERTIFY that at a regular meeting on July 21, 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 July _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



AGENDA BILL

Agenda Item No. 7.C.

Date: July 21, 2020
To: El Cerrito City Council
From: Alexandra Orologas, Assistant City Manager, City Management
Subject: Adoption of a Memorandum of Understanding between the City of El Cerrito and the El Cerrito Public Safety Management Association - Police Management Unit

ACTION PROPOSED

Adopt a resolution approving an agreement between the City of El Cerrito and the El Cerrito. Public Safety Management Association - Police Management Unit (PSMA-Police Management Unit) modifying language on salaries and creating a new Memorandum of Understanding.

BACKGROUND/ANALYSIS

On April 17, 2018, the City Council approved a two year agreement with the PSMA - Police Management Unit through Resolution 2018-32 by modifying salaries and creating a Memorandum of Understanding (MOU) effective January 1, 2018 through December 31, 2019. The PSMA - Police Management Unit represents three (3) Lieutenants and one (1) Captain.

The PSMA - Police Management Unit has recognized the City's fragile financial position that has been further exacerbated by COVID-19. As such, the PSMA - Police Management Unit has agreed to forgo any cost of living adjustments (COLA) for 2020 and 2021.

The following is a summary of the agreement with the PSMA - Police Management Unit:

The agreement will be effective January 1, 2020 through June 30, 2022. Effective January 2020, all members of the bargaining unit shall not receive a salary increase. Effective January 2021, all members of the bargaining unit shall not receive a salary increase. Effective the first full pay period of July 2021, all members of the bargaining unit shall receive a 3% increase. The "cash in-lieu" benefit provided to bargaining unit members that have medical coverage through another health plan will be adjusted to \$350 per month for a) employees hired after December 31, 2020; or b) existing employees who discontinue the City's medical coverage and opt for "cash in-lieu" of medical coverage at a later date. Additionally, the "cash in-lieu" benefit will be capped at the current City contribution rate of \$793.18 per month. Changes were made to the PSMA - Police Management Unit's career incentive, effective the first full pay period in May 2020 - employees who have a BA/BS degree from an accredited college or university shall now receive a differential of 4.5% (from 4.0%). Employees who have

a MS/MA degree from an accredited college or university shall now receive a differential of 5.5% (from 5%). Sworn employees can only receive one of these incentives (including those already existing for other educational achievements). The City would like to thank the PSMA - Police Management Unit for the leadership they have shown during this challenging time by agreeing to employee concessions. The City looks forward to continuing the strong collaborative relationship with the PSMA - Police Management Unit.

STRATEGIC PLAN CONSIDERATIONS

Adopting the Resolution for the PSMA - Police Management Unit fulfills Goal A, Deliver Exemplary Government Services, including the strategies of "Recruiting and retaining a talented and effective workforce" and "Maintain emphasis on providing excellent customer service"; and, Goal B, "Achieve long-term financial sustainability."

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The total cost savings of PSMA - Police Management Unit forgoing a COLA for January 2020 is \$40,217. This cost savings was realized in the FY 2019-20 budget. The total cost savings of PSMA - Police Management Unit forgoing a COLA for January 2021 is \$40,217. This cost savings will be realized in the current FY 2020-21 budget.

The total cost of a 3% increase for the PSMA - Police Management Unit for July 2021 is \$42,024. This cost would be realized in FY 2021-22 budget. The increased education incentives will cost \$3,608 annually (based on current salaries).

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:



Karen Pinkos, City Manager

Attachments:

1. Resolution 7.C.
2. PSMA Police MOU

RESOLUTION 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO TO APPROVING AN AGREEMENT BETWEEN THE CITY OF EL CERRITO AND THE EL CERRITO PUBLIC SAFETY MANAGEMENT ASSOCIATION – POLICE MANAGEMENT UNIT (PSMA – POLICE MANAGEMENT UNIT) MODIFYING LANGUAGE ON SALARIES AND CREATING A NEW MEMORANDUM OF UNDERSTANDING

WHEREAS, the Meyers-Milias-Brown Act allows employee units within the City to represent themselves on matters concerning salaries, hours and working conditions; and

WHEREAS, the Employer-Employee Relations Ordinance of the City of El Cerrito provides the methods and procedures for meeting and conferring in good faith; and

WHEREAS, the City has recognized four bargaining units within the Public Safety Management Association as follows: Police Management, Police Chief, Battalion Chief, and Fire Chief.

WHEREAS, representatives of the City of El Cerrito and the El Cerrito Public Safety Association – Police Management Unit, have met and conferred in good faith; and

WHEREAS, the City of El Cerrito and the El Cerrito Public Safety Association – Police Management Unit representatives have reached agreement regarding matters within the scope of representation, including wages, hours and other terms and conditions of employment; and

WHEREAS, upon approval of this agreement, the parties will finalize an updated MOU which incorporates all previous side letters between the City and El Cerrito Public Safety Association – Police Management Unit; and

NOW, THEREFORE, BE IT RESOLVED, that the El Cerrito City Council hereby adopts the Agreement, attached hereto and incorporated by reference as Exhibit A, between the City of El Cerrito and the El Cerrito Public Safety Association – Police Management Unit, modifying salaries; directs the parties to finalize an updated Memorandum of Understanding (MOU); and directs the City Manager to execute the agreement.

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

I CERTIFY that at a regular meeting on July 21, 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 July _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor

TENTATIVE AGREEMENT
BEWTEEN
CITY OF EL CERRITO
AND
PUBLIC SAFETY MANAGEMENT ASSOCIATION – POLICE MANAGEMENT

June 22, 2020

Term

This Memorandum of Understanding shall be presented to the City Council as a joint recommendation of the undersigned for salary, fringe benefits and other working conditions for the period January 1, 20~~2017~~ through June 30, 20~~2219~~, and shall be in full force and effect at such date as herein prescribed, upon ratification by both the City Council and affected members of the Public Safety Management Association – **Police Management**.

2.1 Salary

- ~~Effective July 1, 2017 all Fire Battalion Chiefs shall receive a 4.0% salary increase.~~
- ~~Effective the first full pay period in July 2018 all Fire Battalion Chiefs shall receive a 2.0% salary increase.~~
- Effective January 2020 all members of the bargaining unit shall not receive a salary increase.
- Effective January 2021 all members of the bargaining unit shall not receive a salary increase.
- Effective the first full pay period in July 2021 all members of the bargaining unit shall receive a 3.0% salary increase.

2.5 Flexible Benefits Plan

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

- A. With the exception of the employee who chooses the “no medical plan” option, the City will contribute an amount equivalent to the lowest cost (currently Kaiser) medical plan rate according to dependent status regardless of which

medical plan is chosen. "According to dependent status" means that if an employee is single the employee shall receive the equivalent to the lowest cost (currently Kaiser) single premium in employee's flexible spending account. If the employee and a dependent are enrolled in a City medical plan, the employee shall receive the equivalent to the lowest cost (currently Kaiser) two-party premium in employee's flexible spending account. If the employee and more than one dependent are enrolled in a City medical plan, the employee shall receive the equivalent to the lowest cost (currently Kaiser) family premium in employee's flexible spending account.

- B. The employee may select one of the following medical plans within their individual Flexible Benefits Plan:
- HMO Kaiser (S)
 - Alternative HMO

- C. In the event that the employee selects a medical plan which exceeds the City's premium contribution, the employee is responsible to pay the difference through payroll deduction.

D. In the event that an employee has alternate comprehensive group medical coverage through a spouse's medical plan or some other group medical plan, the employee may select elect to receive "cash in-lieu" of medical coverage after they provide proof of such medical coverage to the Human Resources Department. a "no medical plan" option. (Proof of alternate coverage is required.) In this event, the City shall contribute the Seven Hundred and Ninety-three dollars and Eighteen Cents (\$793.18) per month, equivalent to the lowest medical plan (Kaiser) single premium to their Flexible Benefit Plan and the employee may receive this amount in cash, in which case the amount is treated as taxable income, or the employee may reallocate it toward the purchase of other benefits in the Plan, or a combination of both. The "cash in-lieu benefit amount shall be \$350 per month for: a) Employees hired after December 31, 2020; or b) existing employees who discontinue the City's medical coverage and opt for "cash in lieu" of medical coverage at a later date as long as they meet the requirements as described above.

~~D. In the event that the employee has alternate comprehensive group medical coverage through a spouse's medical plan or some other group medical plan, the employee may select a "no medical plan" option. (Proof of alternate coverage is required.) In this event, the City shall contribute the equivalent to the single lowest cost (currently Kaiser) medical premium to their Flexible Benefit Plan and the employee may receive this amount in cash, in which case the amount is treated as taxable income, or the employee may reallocate it toward the purchase of other benefits in the Plan, or a combination of both.~~

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

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

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

- F. The health benefit programs recognize the participation of domestic partners of the eligible employee. Please refer to the City's Citiflex document for details.
- G. During the term of the contract, the City may establish a City-wide task force for the purpose of exploring alternate health plans, including PERS Health, for both active and retired employees. The City or Police Chief agrees to reopen negotiations for the sole purpose of implementing alternative medical coverage.

Education Incentive – Effective the first full pay period in May 2020

- An employee who has a BA/BS degree from an accredited college or university shall receive a differential of four and one half percent (4.5 %) of base pay.
- An employee who as a MS/MA degree from an accredited college or university shall receive a differential of five and one half percent (5.5%) of base pay.

FOR THE CITY

FOR THE ASSOCIATION



SUPPLEMENTAL AGENDA MATERIALS **(Revised 7/22/2020)**

CITY COUNCIL MEETING **July 21, 2020**

PUBLIC COMMENT INDEX

1. Public Comments received by 12:00 p.m. June 21, 2020
2. **Public Comments Read into the Record**

AGENDA ITEM NO. 5.A.

1. Presentation

AGENDA ITEM NO. 6.A.

1. Revised Exhibit A to Resolution (Declaring Identified Properties)

AGENDA ITEM NO. 7.A.

1. Revised Resolution

AGENDA ITEM NO. 7.B.

1. Presentation



**PUBLIC COMMENT INDEX
CITY COUNCIL MEETING
July 21, 2020**

The following Public Comments were **received by 12:00 p.m. 7/21/2020**, 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. Cordell Hindler
2. Leslie DiBenedetto Adams

Agenda Item 6A - Fire Hazard Abatement

1. Sue and Paul Duncan

Agenda Item 7A - Resolution of the City Council of the City of El Cerrito In Support of Black Lives Matter

1. Rhea Ewing

From: [Cordell Hindler](#)
To: [Holly Charléty](#)
Subject: ORAL COMMUNICATIONS FROM THE PUBLIC
Date: Thursday, July 16, 2020 8:59:28 PM

hello Holly, i have a couple of comments to go into the Record

1. i would like to have Andy Katz to come and Provide an update on the needs of a full fledged hospital in West County
2. also i think that the Residents of EL Cerrito should be able to come back to the council meetings because they need to hear the community in regarding the budget.

sincerely
Cordell

From: [leslie dibenedetto](#)
To: [City Clerk](#)
Subject: July 21, 2020 Public Comments - not on the agenda
Date: Monday, July 20, 2020 11:30:35 AM

Dear El Cerrito City Council and City Manager Pinkos,

I am writing to remind the council of the demands many El Cerrito residents and local community members put forth. I want real and meaningful public safety changes (not reform) that will affect our part of the bay area, aligning with the surrounding counties as well as many parts of the state and country. I would like to see our precious resources focused on positive support for everyone such as programming for our young people, and elders, enhancing open space and healthy (whole person) activities, as well as meeting the needs of those in crisis along with prevention actions and plans.

This is the time, actually long overdue - though voices and groups have always called for change. Residents are to guide and frame the principals, policies and procedures of this city, and many have been loud and clear. El Cerrito should always be a place everyone feels welcome when passing through, visiting, studying, working in and as residents. We are more than our residents and owe it to the greater community to be active change makers.

Below find the demands of the EC Progressives as a touch point. Thank you for leadership. Leslie DiBenedetto Adams

We, residents of El Cerrito, demand that the City Council take immediate action on police reform. It is essential to re-imagine how the police force supports safety in El Cerrito. The following 8 demands reflect the nationwide call for justice for George Floyd and all other victims of violence at the hands of police. Every community is different, but these demands speak to the specific issues of policing in El Cerrito.

1. Increase El Cerrito police transparency and accountability.

Sign up for the California Police Scoreboard (which includes reporting on arrests, and police use of force.

Make police misconduct records easily accessible by the public.

Require City Council approval for police department purchase of any military style equipment.

2. Establish an effective civilian oversight board with investigative and subpoena powers.

Create and publicize easily accessible methods for civilians to submit, view, and discuss complaints.

Ensure civilian oversight board has the power to interrogate officers, access crime scenes, subpoena witnesses and files with penalties for non-compliance, make disciplinary and policy recommendations to the police chief and prosecuting attorney, and compel the police chief and prosecuting attorney to explain why they have not followed a recommendation.

Ensure that the civilian oversight board excludes current or retired law enforcement from membership.

3. Respond to mental health crises and non-violent social issues with healthcare and social work, not policing responses.

Establish non-police interventions to crises involving homelessness, intoxication, disorientation, substance abuse, and mental health.

4. Invest in healthy communities not policing.

Decrease police department budgets, at minimum, proportionally to other City budget cuts.

Actively explore alternative solutions for funding education, healthcare, jobs, and housing for the parts of El Cerrito hardest hit by crime, police violence, and over-incarceration, with quarterly reporting to El Cerrito City Council.

In addition to funding and actively advocating for education, healthcare, jobs and housing for those most impacted, commit funding other programs that truly contribute to community health, such as climate justice for all.

5. Strengthen police use-of-force policies to protect human life and rights.

Limit the use of deadly force to situations where there is an imminent threat of death or serious injury and require officers to exhaust all other measures before resorting to deadly force.

Implement a civilian board review of all use of force reports to ensure compliance.

Ban no-knock warrants, and pass an El Cerrito Breonna's Law.

Prohibit or limit the use of military style equipment & surveillance equipment (including armored carriers, guns, tasers, flash bangs, sound cannons, drones, etc).

Change police regulations to require de-escalation to be tried first.

Make not reporting an observed excessive use of force or other serious violation of departmental policy a fireable offense for police officers.

6. End 'broken windows' policing and stop unnecessary prosecution of low-level offenses.

Decrease rates of arrest and incarceration by decriminalizing activities that pose no threat to public safety including, but not limited to, disorderly conduct, trespassing, loitering, marijuana possession, disturbing the peace, petty theft, fare evasion, and other misdemeanor offenses.

Take action to prevent racial profiling and police interventions solely based on "suspicion" of one's Blackness or other aspects of identity.

7. Do away with unfair protections for officers in police union contracts and Law Enforcement Officers' 'Bills of Rights.'

Remove provisions that create barriers to effective misconduct investigations and civilian oversight of police activity, including officers' disciplinary history.

Remove provisions that require or allow officers who kill or seriously injure people to continue to be paid while they are under investigation or on suspension.

(I would add: Do not allow fired officers or officers accused of misconduct to change jurisdictions - national database needed)

8. End the profit motive in policing.

Clarify and strengthen civil and criminal forfeiture restrictions to prohibit police from seizing money and property from individuals unless they are convicted of a crime and there is clear and convincing evidence that the property is related to the crime.

Prohibit police from keeping any property that has legally been forfeited (instead, this property should go to a general fund).

Require police departments to bear the cost of misconduct by requiring settlements to be paid out of the police department budget rather than the city's general fund.

From: [Sue Duncan](#)
To: [City Clerk](#)
Subject: Agenda item 6A
Date: Tuesday, July 21, 2020 11:31:53 AM

Susan and Paul Duncan, El Cerrito

We support the job that the ECFD is doing to make El Cerrito less fire prone by enforcing the vegetation management code. Please adopt both resolutions in Item 6A that will force noncompliant property owners to either abate the property on their own or have it done for them.

We hope that more properties that are seriously out of compliance will be added to the abatement list. One glaring example is the mess at Camp Herms.

Thank you to the ECFD for continuing this important work

Sue and Paul Duncan
Make El Cerrito Fire Safe

From: [Rhea Ewing](#)
To: [City Clerk](#)
Subject: Public Comment on Item 7.a on the Agenda
Date: Monday, July 20, 2020 1:47:34 PM

I would like to comment in favor of the proposed Black Lives Matter Resolution. This is an exciting resolution. I would also like to reiterate my support for this as a "first step" as stated in the resolution, and urge the council to take bold actions to imagine new solutions to public safety, equality, and justice in our community.

Thank you,
Rhea Ewing
[REDACTED] El Cerrito, CA 94530

--

Rhea Ewing
they/them/theirs
[REDACTED]



**PUBLIC COMMENT INDEX
CITY COUNCIL MEETING
June 21, 2020**

The following Public Comments were received and read into the record during the meeting.

Public Comments – Not on the Agenda:

1. Daniel Schulman
2. Cathy Hanville
3. Nathaniel Walker
4. Jessica Rodriguez
5. Kara Powell

Agenda Item 5A - City Compensation Policies Overview

1. Cathy Hanville

Agenda Item 6A - Fire Hazard Abatement

1. Kay Starkweather

Agenda Item 7A - Resolution of the City Council of the City of El Cerrito In Support of Black Lives Matter

1. Cathy Hanville

From: [Dan Schulman](#)
To: [City Clerk](#)
Subject: Public Comments - Not on the agenda
Date: Tuesday, July 21, 2020 3:03:25 PM

Dear City Council,

One side effect of the shelter in place has been the public's ability to participate in public meetings via written public comment right until the meeting gets to the agenda item, and in some cases virtual/video public comment as well.

I personally think this has been a positive development and something I would like to become permanent, even when the city council and other meetings resume taking place at City Hall. I feel that meetings have been made more accessible and reduced some of the bias in who is able to participate.

Meetings that are only in-person amplify the privileged and silence the disadvantaged. Those who can physically attend hours-long city council meetings in order to comment have the luxuries of time, good health, mobility, transportation, and child / dependent care.

I hope the city will consider making this new protocol for public comment permanent.

Thank you,
Daniel Schulman
El Cerrito, CA

Sent from [Outlook](#)

From: [Cathy Hanville](#)
To: [City Clerk](#)
Subject: Public Comment not on the agenda
Date: Tuesday, July 21, 2020 3:04:41 PM

I almost did not write this public comment. But I think those of us who have some privilege are obligated to speak against bullying. I am writing this letter representing myself and not any groups I am affiliated with.

I am writing because Council Person Quinto attacked me online. I responded to a post of his in a public group to encourage him to look more at the issues behind the Defund the police movement.

When he responded it immediately became personal. On social media I use a variation of my name. As a therapist in the community it is a way of keeping some boundaries in public spaces where my clients may also be. In his response he both spelled out my real last name and mentioned the street where I live. This made me feel unsafe and as a woman I felt bullied. I asked him to remove that information. He refused and then continued to attack me and named the street several more times. He stated that I had cost the city 100k for the speed humps i had advocated for on my street.

I again stated that I felt personally attacked and asked him to remove or edit the posts with my street name. He again denied attacking me and refused to acknowledge my requests.

Fortunately I was able to delete the thread. A thread that I would have rather left up since i think it shows the Trumpian tactics that he takes when he is challenged. I believe the public should see this behavior.

I have written many letters and had many conversations and disagreements with council people over the past few years. Never has any other council member attacked me. Because the rest of you understand part of your job is to be challenged. That being a public official means you are held to a higher standard.

I am fine with any member of the Council expressing their disagreements with me. We live in a society where we should be able to disagree in a reasonable manner. But I fear that the politics of fear and intimidation on the federal level are trickling down into the local level. I want to believe El Cerrito is better than this.

I would love to see a Code of Conduct developed for council member similar to the one you have for appointed officials.

Cathy Hanville
El Cerrito

From: [Nathaniel Walker](#)
To: [City Clerk](#)
Subject: Public Comment- not on agenda [REDACTED]
Date: Tuesday, July 21, 2020 7:17:35 PM

Hello,

I hope that the city of El Cerrito considers reducing the budget of the police department and spending that money on other agencies that are better trained to aid folks who are experiencing things like houseless was, substance abuse, intoxication, and mental health conditions. In addition, the police department should stop unnecessary prosecution of low level offenses.

Best,
Nathaniel Walker

From: [Google Voice](#)
To: [EC PCV](#)
Subject: New voicemail from [REDACTED]
Date: Tuesday, July 21, 2020 7:29:43 PM



Public comment not on the agenda suppose, although somewhat related. My name is Jessica Rodriguez, and I'm a resident of El Cerrito. I want to speak on behalf of Well, not on behalf of anyone except me, but just about the issue of policing in El Cerrito and the effect it has had on people living wage and I just want to say like we we really need to change the conversation into something else. Cuz right now it seems like it's dead. It's very concerned around how diverse El Cerrito is and you know, how how can we make this city more inclusive when it rains should be look we we are in a financial hole as a city through a mixture of mismanagement and all she had luck admittedly bad luck. But the reality is we're in that hole and Honestly, the defunding movement is should be a gift from like the sky in terms of like next steps to do because look how long we are that like investing entirely too much into the police force when frankly do not live in a city with high crime. Like it doesn't even make sense right like life and not to mention the effects of being a city in the middle of you know, the Bay Area and having to deal with people of other class back like that's the effect of our police force, right? So instead of you know investing from the police we decide to cut the very few Community Services. We already have and wait The conversation really has to be different. We do have to systematically divest from the police force and you have to start listening to citizens of El Cerrito who are calling for this month. Thank you.

PLAY MESSAGE

[YOUR ACCOUNT](#) [HELP CENTER](#) [HELP FORUM](#)

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Google LLC
1600 Amphitheatre Pkwy
Mountain View CA 94043 USA

From: [Kara Powell](#)
To: [City Clerk](#)
Subject: Public Comment-not on agenda [REDACTED]
Date: Tuesday, July 21, 2020 7:12:19 PM

Hello,

I would like the city of El Cerrito to decrease police department budgets and spread the responsibilities of police (such as addressing houseless folks, intoxication, substance abuse, and mental health) to other government agencies that are better trained to positively affect people in these communities.

Best,
Kara Powell

From: [Cathy Hanville](#)
To: [City Clerk](#)
Subject: Public comment agenda item 5a
Date: Tuesday, July 21, 2020 3:05:07 PM

I am glad to see discussion of the issue of staff compensation on the agenda. We all want talented people to work in our community. However, those of us that have done research on this have found that the compensation in El Cerrito is higher than in similarly sized communities. We also recently found out that 26 managers had been receiving a car benefit of \$300 a month regardless of need to drive for their job. A perk many in the community (and perhaps council) were unaware of.

Cuts need to be made and everything needs to be on the table including layoffs and compensation cuts. The consultants focused on cuts to our lowest paid staff. Any cuts should be balanced between management and line staff.

I also hope that you are continuing to follow up on the budget Issues and that the budget meeting on August 1st is a substantive look at the issues the financial issues the city faces Including the public safety budget. I understand there are many big issues in the city right now but if the city goes bankrupt every other issue becomes mute.

Cathy Hanville
El Cerrito

From: [Kay Polivka STARKWEATHER](#)
To: [City Clerk](#)
Subject: Agenda item 6A
Date: Tuesday, July 21, 2020 6:59:16 PM

Thank you to the City Council, City Manager, Fire Chief and ECFD for the work being done on abatement of severe fire hazard vegetation and enforcement of the vegetation management code. I have reviewed the list of non-compliant properties and find that the Berkeley Country Club at 7901 Cutting Blvd is not on the list.

There is a dense outcrop of eucalyptus trees on the east side of the property at Club View and Vista Roads that is wildly overgrown, unthinned and has major fire duff in the forest. A fire in this area would be an inferno for the El Cerrito residents east of the golf course who would be trapped in the canyon should the diablo winds blow a fire over from the Kensington area.

After two yers of inspections and abatement I have not seen progress on the golf course area. I would appreciate its attention along with the continued serious enforcement on Wildcat Drive and the streets bordering the canyon.

Thank you,

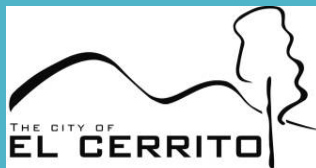
Kay Starkweather
El Cerrito Resident
Make El Cerrito Fire Safe

From: [Cathy Hanville](#)
To: [City Clerk](#)
Subject: Public comment agenda item 7a
Date: Tuesday, July 21, 2020 3:05:07 PM

I support the mural. But thus far since the George Floyd murder I have not seen council or staff do anything substantive regarding racism in our community or regarding issues with the police department. While a town hall with the Police Chief is a small step there are many larger systemic issues that are being missed here. What about a town hall on systemic racism? El Cerrito seems to be great at making statements months after an event but not so great at taking any action. We need substance not statements. I hope some council members take leadership on this issue and direct staff to put items on the agenda for discussion and real action. Artwork is great but change is what is needed.

Cathy Hanville
El Cerrito

City Compensation Policies Overview



Karen Pinkos, City Manager
City Council Meeting
July 21, 2020

1

Personnel Overview

- The City's Personnel is governed by:
 - State law
 - ECMC: Civil Service System
 - Personnel Rules and Regulations
 - Memorandums of Understanding/Contracts
 - Resolutions
- City Manager oversees all personnel and serves as Personnel Officer
- Civil Service Commission serves as appeal body; City Council approves all regulations, compensation, classification plan, and has final word on appeals
- Civil Service System covers most employees except those executive positions considered "at-will"; Personnel Rules apply to Civil Service employees ensuring due process and seniority



2

Compensation Overview

- The City established benchmark agencies as the result of a compensation and classification study, and determined through negotiation using set criteria, which included but are not limited to the following:
 - Close geographic proximity
 - Similar with regard to the number and nature of the services provided
 - Similar in employer size/population size
 - Similar in cost of living
 - Other similar employers in the immediate area
- The City Council has had a long-standing policy of providing median compensation relative to the City's benchmark agencies.
 - Rank and file employees serve on step system, Management/Confidential employees serve on control point system
 - Compensation includes all benefits: pension, health, dental, life insurance, extra pays
- The City's compensation levels were developed to be in line with our labor market and establish and maintain a reputation as a competitive, fair, and equitable employer as well as a good steward of public funds.



3

Survey Agencies

- Police: Alameda, Albany, Antioch, Concord, Hayward, Hercules, Pittsburg, Pleasanton, Livermore, Martinez, Pleasant Hill, Pinole, Richmond, San Pablo, Walnut Creek
- Fire: Alameda, Albany, Hayward, Livermore, Pinole, Pleasanton, and Richmond; Contra Costa County Fire Protection District, Rodeo-Hercules Fire Protection District, San Ramon Valley Fire Protection District
- Non-sworn: Alameda, Albany, Antioch, Concord, Danville, Hayward, Hercules, Lafayette, Livermore, Martinez, Pinole, Pittsburg, Pleasant Hill, Pleasanton, Richmond, San Pablo, San Ramon, Walnut Creek



4

Bargaining Units/Employee Groups

- Aquatics (Unrepresented): Aquatics personnel – 60 employees
- Local 1230: Firefighters – 27 employees
- SEIU Local 1021: Service Workers – 64 employees
- Management/Confidential (Unrepresented): Department Directors, Division Managers, Analysts, Supervisors, and Confidential employees – 31 employees
- Police Employees Association: Police Officers – 41 employees
- Public Safety Management Association—4 Units: Police Chief, Fire Chief, Police Management, Battalion Chiefs – 10 employees



5

Compensation Comparison: Directors

- For Fiscal Response Plan, Management Partners conducted “spot check” of current Department Director positions based on their database (2019)
- Survey cities used: Alameda, Albany, Concord, Hercules, Livermore, Pinole, Pittsburg, Pleasanton, Richmond, San Pablo, San Ramon; Fire Chief also included Contra Costa County Fire District, San Ramon Valley Fire Protection District, Rodeo Hercules Fire District

Position	EC Monthly Compensation	Median Agency Monthly Compensation	Percent Over (Under) Median
City Manager	\$22,453	\$23,686	(5.2%)
Assistant City Manager	\$20,050	\$21,575	(7.1%)
Community Development Director	\$17,841	\$18,908	(5.6%)
Finance Director	\$17,841	\$19,278	(7.5%)
Fire Chief	\$20,783	\$21,877	(5.0%)
Police Chief	\$19,025	\$22,360	(14.9%)
Public Works Director	\$18,005	\$19,487	(7.6%)
Recreation Director	\$17,705	\$17,938	(1.3%)
Average	\$19,213	\$20,639	(6.9%)



6

Personnel Reductions FY 2020-21

Bargaining Unit	Action	Cost Savings
Local 1230 Firefighters	Deferred COLA	\$177,684
Public Safety Management Association - Battalion Chiefs:	Deferred COLA	\$38,523
SEIU Local 1201	Deferred COLA, furloughs*	\$740,104
Police Employees Association	Deferred COLA	\$213,597
Public Safety Management Association - Police Management	Deferred COLA*	\$40,217
Public Safety Management Association - Police Chief	Deferred COLA*	\$12,445
Management/Confidential; City Manager	No COLA, no auto allowance, increased contribution to CalPERS, furloughs	\$1,189,480
Total		\$2,412,050



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EXHIBIT A

AMENDED LIST 7/21/2020

City of El Cerrito
List of Real Property Constituting Public Nuisances

502-112-038-0	1715 Elm Street
505-303-006-9	840 Arlington Blvd
500-120-017-8	2630 Monte Vista Avenue
500-170-015-1	2616 Tamalpais Avenue
500-190-021-5	6517 Barrett Avenue
500-190-020-7	6523 Barrett Avenue
505-040-006-7	Fairview Lot
505-422-009-9	1514 Madera Court
505-422-008-1	1518 Madera Court
503-255-024-5	832 Everett Street
503-256-015-2	6831 Stockton Avenue
505-243-007-0	7996 Terrace Drive
502-220-008-2	6515 Potrero Avenue
505-401-002-9	7509 Potrero Avenue
505-401-001-1	7501 Potrero Avenue
505-401-005-2	7601 Potrero Avenue
505-401-009-4	7617 Potrero Avenue
505-403-002-7	7624 Potrero Avenue
503-421-007-9	609 Norvell Street
503-421-023-6	611 Norvell Street
503-450-016-4	700 Ashbury Avenue
503-071-015-5	1200 Norvell Street
505-421-008-2	1618 Julian Drive
505-421-014-0	1638 Julian Drive

EXHIBIT A

AMENDED LIST 7/21/2020

City of El Cerrito
List of Real Property Constituting Public Nuisances

573-132-023-9	8407 Wildcat Drive
573-132-024-7	8411 Wildcat Drive
573-132-025-4	8415 Wildcat Drive
573-132-026-2	8421 Wildcat Drive
573-132-030-4	8441 Wildcat Drive
503-441-006-3	602 Liberty Street
503-372-018-0	8610 Lambrecht Court
505-382-004-8	1335 Arlington Blvd
505-361-057-1	1348 Rifle Range Road
505-361-078-7	1344 Rifle Range Road
505-361-068-8	1340 Rifle Range Road
513-340-059-7	11965 San Pablo Avenue
505-361-053-0	8635 Thors Bay Road
510-034-003-2	10167 San Pablo Avenue
510-034-002-4	10135 San Pablo Avenue
510-034-001-6	10163 San Pablo Avenue
509-120-015-3	10919 San Pablo Avenue
504-415-002-6	600 Seaview Drive
504-411-009-5	605 Seaview Drive
504-402-014-6	7712 Ricardo Court
503-322-039-2	705 Seaview Drive
505-332-016-3	8653 Don Carol Drive
503-182-051-6	1034 Navellier Street
501-330-027-1	2047 Harper Street

EXHIBIT A

AMENDED LIST 7/21/2020

City of El Cerrito
List of Real Property Constituting Public Nuisances

501-330-017-2	6457 Hagen Blvd
501-330-009-9	2051 Harper Street
501-330-024-8	6429 Hagen Blvd
505-244-001-2	7870 Terrace Drive
503-470-018-6	7386 Terrace Drive
503-292-033-1	7376 Stockton Avenue
504-470-010-3	787 Colusa Avenue
504-393-008-9	605 Balra Drive
503-322-062-4	708 Balra Drive
503-330-011-1	725 Balra Drive
502-112-022-4	6605 Blake Street
503-302-010-7	910 Galvin Drive
503-302-011-5	906 Galvin Drive
505-221-041-5	966 Seaview Drive
505-201-009-6	1224 Contra Costa Drive
505-351-018-5	1101 Arlington Blvd
505-211-006-0	1020 Contra Costa Drive
505-211-009-4	1012 Contra Costa Drive
505-293-007-9	982 Contra Costa Drive
505-130-013-4	1570 Regency Court
505-182-003-2	1369 Contra Costa Drive
505-182-005-7	1361 Contra Costa Drive
505-332-008-0	8621 Don Carol Drive
505-102-001-3	1143 King Drive

EXHIBIT A

AMENDED LIST 7/21/2020

City of El Cerrito
List of Real Property Constituting Public Nuisances

504-012-036-1	10192 San Pablo Avenue
504-012-037-9	10192 San Pablo Avenue
502-262-045-6	810 Contra Costa Drive
505-230-055-4	801 Shevlin Drive
505-230-037-2	8055 Terrace Drive

RESOLUTION 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO IN SUPPORT
OF BLACK LIVES MATTER

WHEREAS, The City Council of the City of El Cerrito joins our residents and neighbors in affirming that Black Lives Matter. The City is appalled by the unjust death of George Floyd and other Black men, women, and children at the hands of law enforcement and recognize our duty to take action locally; and

WHEREAS, the killing of Black men and women, including queer and trans persons of color, is an unacceptable violation of the human rights due to all people; and

WHEREAS, in 2016, the City of El Cerrito, through the Human Relations Commission, adopted the "Stop Hate. Together. Not In Our Town" campaign in response to a hate crime was committed against a family in our city; and

WHEREAS, in 2018 the City of El Cerrito joined the Bay Area United Against Hate movement by calling for local civic action by people in every Bay Area community to stop the hate and implicit biases that are a dangerous threat to the safety and civility of our neighborhoods, towns, and cities; and has recognized United Against Hate week in El Cerrito each November as well as providing signs for our residents to display stating El Cerrito Stands United Against Hate; and

WHEREAS, on July 1, 2020, the El Cerrito Police Department held a town hall on policing and received several recommendations for improving policing in our city; and

WHEREAS, on July 1, 2020, the El Cerrito Environmental Quality Committee and Human Relations Commission met jointly to express their commitment to seek community input and develop an environmental, social, and racial framework to inform their work in the future; and

WHEREAS, Councilmembers have participated in, and fully support, all of the moving protest events that have taken place in our community over the last few weeks. The City appreciates the significance and impact of the large attendance at these peaceful events; and

WHEREAS, El Cerrito residents have historically supported working towards a diverse, inclusive, and welcoming community for people of all racial and socioeconomic backgrounds, including all those who live, work, attend school and visit El Cerrito. The City Council acknowledges and thanks community members for sharing their thoughts, input, and ideas to help develop both immediate and longer-term action plans to achieve this more inclusive vision. This resolution is only the first steps in our commitment to achieving this vision; and

WHEREAS, a youth organization, including students from El Cerrito High School, approached the City to honor the Black Lives Matter movement and the City Council desires to authorize the installation of a public mural on the Ohlone Greenway as an expression of the City.

NOW THEREFORE, BE IT RESOLVED by the City of El Cerrito City Council that racism, discrimination, and police violence will never be tolerated in El Cerrito. The City Council commits to act and encourage community action towards eliminating racial disparities, both inside government and in the community. The City recognizes that there is ongoing work to be done and are committed for the long-term.

BE IT FURTHER RESOLVED that the Human Relations Commission shall consider various community opportunities for listening and working with the community to further the Black Lives Matter movement.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the installation of a public mural message on the Ohlone Greenway as an expression of the City Council support to honor the Black Lives Matter movement.

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

I CERTIFY that at a regular meeting on July 21, 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 July _____, 2020.

Holly M. Charléty, City Clerk

APPROVED:

Gregory B. Lyman, Mayor



Temporary Outdoor Dining & Retail Permit

July 21, 2020

1

Purpose

- Support and facilitate businesses to operate and provide goods and services during Local (COVID-19) Emergency
- Remove City restrictions on, and establish standards and conditions for, operating outdoors to allow businesses to adapt to Social Distancing requirements
- Ease (automate) process for obtaining a permit to operate outdoors
- Restate that businesses must operate under existing State and County regulations, standards, permits and guidelines and private obligations

2

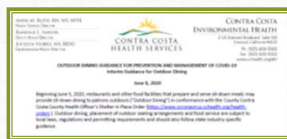
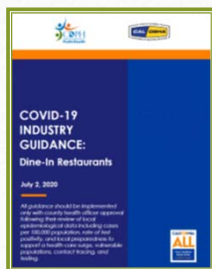
Updated Health Orders and Amendments

- June 5/16th: Revised Public Health Order adding (non-essential) businesses allowed to operate with restrictions
- Additional Businesses: Retail Stores and Retail Supply Chains, Limited Services That Do Not Require Close Customer Contact, Outdoor Activities, including Outdoor Dining
 - ✓ Outdoor Dining Basis for Addition: Outdoor dining provides access to freshly prepared meals at relatively low risk of transmission (p. 9, Appendix C-1)

1. June 8, Outdoor Dining Guidance for Prevention and Management of COVID-10, (Contra Costa Health Services)
 2. July 11, Amendments to the Social Distancing Order to Increase Restrictions on Certain High-Risk Businesses and Activities...(Contra Costa Health Services)

3

COVID-19 Safety Requirements



- Businesses must follow orders and guidelines set by the Contra Costa County Health Officer and State of California
 - ✓ [kwsv=2Z z z 1frugdy1kviffkhdok1ruj2khdok0rughv](#)
 - ✓ [kwsv=22ffkhdok1ruj2hk2irrg2sgj2F RYIG 4 < R xwgru0G bjbj0 Jxbdqfhsqi](#)
 - ✓ [kwsv=22fryb4 < 1fdtjry2sgj2jxbdqf h0gbh0h0hvwxbudqw'sg:##](#)
- Permit is Revocable

4

Temporary Outdoor Dining & Retail Program

- **Resolution** provides the City Manager with the temporary authority to allow utilization of public and private outdoor spaces by businesses as allowed by State and County orders and regulations
- **Waives** existing requirements (Administrative Use Permits, Encroachment Permits, Signage requirements etc.) for Outdoor Uses
- Sets up **simplified** (1-stop) online permit system (information, requirements, standards, conditions, automated permit)

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Outdoor Spaces

- Private property (i.e. private sidewalks, private parking spaces or lots located in shopping center or other private property)
- Public Sidewalks
- Public Parking Spaces
 - ✓ That are not on the Caltrans State Right of Way
- Public Parking for Curbside Pick Up
 - ✓ Signage and limited time zone

6

Program Features



1. Establishes online portal
 - ✓ Standards, conditions and submittal requirements
 - ✓ Application
 - ✓ Resources
2. No Fee
3. Revocable Permit
4. May support through other materials, e.g. social distancing A-frame signs, promotion etc.

7

Selected Standards, Conditions & Requirements

Standards

- ADA Compliance/Adequate Clearance
- Hours of Operation (same as businesses)
- Site Maintenance requirements
- Temporary Furnishings
- Comply with all Fire and Building Code

Submittal Requirements

- Property Owner Information
- ABC Approval (if applicable)
- Social Distancing Protocol (by industry)
- Site Plan (if using public parking spaces)
- Certificates of Insurance/Indemnification

8

Other Regulations

The Resolution DOES temporarily establish alternative procedure and waive the requirements for:

- Signage permits for signs directly related to the purpose of this resolution
- Encroachment Permits
- Administrative or Temporary Use Permits
- Parking Requirements

The Resolution specifically DOES NOT relieve a business from complying with other obligations or regulations

- Americans With Disabilities Act
- Alcoholic Beverage Control (ABC)
- City/State Building Code or Fire Code
- Contracts with property owners, adjacent businesses etc.

9



Questions?

www.el-cerrito.org/CommDev

<https://el-cerrito.org/1422/COVID-19-Resources-for-Local-Businesses>

www.el-cerrito.org/outdoorseating (Under development)

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