

AGENDA

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION
Tuesday, January 17, 2017 – 6:45 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, January 17, 2017 – 7:00 p.m.
City Council Chambers

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

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto
Councilmember Greg Lyman

Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

6:45 p.m. ROLL CALL

CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

ORAL COMMUNICATIONS FROM THE PUBLIC (*Comments limited to two minutes and to items on the Special City Council Closed Session only.*)

ANNOUNCEMENT OF CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph (1) of subdivision (d) of Section 54956.9(d)(1))

Case name unspecified: Disclosure regarding the case would jeopardize existing settlement negotiations

RECESS INTO CLOSED SESSION

POSSIBLE REPORT OUT OF CLOSED SESSION

ADJOURN SPECIAL CITY COUNCIL CLOSED SESSION

7:00 p.m. ROLL CALL

CONVENE REGULAR CITY COUNCIL MEETING

1. **PLEDGE OF ALLEGIANCE TO THE FLAG** – *Mayor Pro Tem Quinto*

2. **COUNCIL / STAFF COMMUNICATIONS/COUNCIL ASSIGNMENT AND LIAISON REPORTS**

3. **PRESENTATIONS** – **Tree Committee Workplan:** *Presentation by Ralph Boniello, Chair, Tree Committee*

4. **ORAL COMMUNICATIONS FROM THE PUBLIC**

This place on the agenda is reserved for comments and inquiries from the public regarding matters on the agenda and matters which do not otherwise appear on the agenda. All persons wishing to speak should sign up with the City Clerk. Remarks are

limited to 3 minutes per person. Please state your name and city of residence for the record. Comments regarding consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item.

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

A. Award Contract for Affordable Housing Strategy

Adopt a resolution authorizing the City Manager to execute a professional services agreement with Strategic Economics, Inc. for an amount not to exceed \$88,300 for preparation of an Affordable Housing Strategy and to authorize change orders in an amount not to exceed \$8,800

B. Destruction of Inactive Police Department Records

Adopt a Resolution authorizing the Chief of Police to destroy records in accordance with the Police Department records retention schedule established by Resolution 2005–23

C. Establish All-Way Stop Signs at Belmont/San Diego and Arlington/Potrero Intersections

Adopt two separate resolutions authorizing the Public Works Director/City Engineer to establish all-way stops at the following two intersections:

1. Belmont Avenue at San Diego Street
2. Arlington Boulevard at Potrero Avenue

D. Relay For Life Co-sponsorship

Adopt a resolution approving City Co-Sponsorship for the American Cancer Society Relay For Life East Shore including waiver of associated fees

E. Reject Bids for Ohlone Greenway BART Station Area Access, Safety, and Placemaking Improvements Project

Adopt a resolution to reject all bids submitted for the Ohlone Greenway BART Station Area Access, Safety, and Placemaking Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025) and authorize City staff to proceed with value engineering measures and re-advertise the project for public bid

F. Agreement with Tyler Technologies to modify the Police Department Records Management Software

Adopt a resolution authorizing the City Manager to amend the agreement with Tyler Technologies to modify the Police Department records management software for an amount not to exceed \$86,470

6. PUBLIC HEARINGS – Massage Establishments

Conduct a public hearing and upon conclusion, approve an ordinance of the City of El Cerrito amending Chapter 8.10 of the El Cerrito Municipal Code - Massage Establishments

7. POLICY MATTERS

REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM

A. Successor Agency Recognized Obligations Payment Schedule (ROPS)

Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 17-18

B. City Council Local and Regional Liaison Assignments

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

8. ADJOURN REGULAR CITY COUNCIL MEETING

The next Regular City Council Meeting will be held on Tuesday, February 7, 2017 at 7:00 p.m.

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website at <http://www.el-cerrito.org/streamingmedia>. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library, and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- The Deadline for agenda items and communications is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cmorse@ci.el-cerrito.ca.us.
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.



El Cerrito Tree Committee

FISCAL YEARS 2016/17 & 2017/18 WORK PLAN

AND

2014/15 & 2015/16 ACCOMPLISHMENTS

*Members: Ralph Boniello Chair, Steve Price Vice-Chair, Cathy Bleier,
Robert Hrubes, Yan Linhart, Mary Torrusio, Michael Srago*

MISSION STATEMENT: *(State mission as identified in enabling legislation and include legislation citation)*

Resolution No. 2007-96:

The Tree Committee serves in an advisory capacity to the City Council, other commissions, and the citizens of the City with regard to the growth, maintenance, and location of trees within the City:

- To recommend programs, policies, and ordinances to implement and promote the City's Master Street Tree Plan and Urban Forest Management Plan and coordinate with Public Works Department staff regarding management and maintenance efforts;
- To promote and foster public awareness, education, interest and support for urban forestry efforts, foster volunteer opportunities for tree planting and irrigation along the city's streets and in residential front yards, and educate El Cerrito residents regarding selecting, planting and maintaining trees; and
- Promote and foster public awareness and education about potential hazards of trees near underground and above ground utilities and the appropriate tree species for avoiding such hazards.

HISTORICAL BACKGROUND: *(Brief discussion regarding when the commission/committee was established and how it has changed over time)*

The Tree Committee was established by Council Resolution 2007-96. The Committee's first five members (Ralph Boniello, Sheauchi Cheng, Janet Hittle, Steve Price and Mike Srago) were appointed to terms starting 9/11/12 through 1/1/2016. Two more members were appointed to serve 1/12/13 to 1/1/2017 (Karen Christian and Shannon Lee-Rutherford; Ms. Lee-Rutherford resigned December 2013). Cathy Bleier and Michael Charlton were appointed to terms through 1/1/2017. Mike Srago served as Chair from 1/2013 to 4/2014, with Janet Hittle as Vice-Chair. Janet Hittle and Cathy Bleier were elected Chair and Vice-chair respectively in April 2014. Chair Hittle resigned from the committee in December 2014 and Cathy Bleier assumed the position of chair. Ms. Bleier was reelected in 2015 and Ralph Boniello was elected as Vice-Chair. Mr. Boniello and Mr. Srago were reappointed to a second term in January 2016. Ralph Boniello and Steve Price were elected Chair and Vice Chair respectively in April 2016.

New members since 2015 include Yan Linhart (8/2015), Robert Hrubes (12/2015), and Mary Torrusio (3/2016). Mr. Charlton and Ms. Christian completed their service on the Tree Committee in December 2016.

TWO YEAR 2016/17 & 2017/18 WORK PLAN

GOAL/OBJECTIVE	PROPOSED ACTIVITIES	PRIORITY RANKING	TIMELINE FOR COMPLETION
1) Ensure care and survival of recent volunteer tree plantings	1) Plan and schedule watering for Invest From the Ground Up (IFGU) and Arbor Day and Arbor Week Grant trees 2) Implement over 3 yrs or as needed	High	Ongoing through 2019
2) Secure funding and public support for urban forestry activities	1) Evaluate and respond to Caltrans Environmental Enhancement and Mitigation Program (EEMP) and CALFIRE Urban Forestry and Air Resources Board grant application opportunities, when available. 2) Consider establishing volunteer corps 3) Distribute IFGU brochure to all new businesses 4) Prioritize tree planting needs and secure resident support for future grant opportunities.	High	Periodic Ongoing Ongoing Future
3) Input on El Cerrito policies and plans affecting trees including plan review of urban development	Review and comment on City land use and other planning documents as relevant to urban forestry concerns	High	Ongoing
4) Enhance Committee expertise and understanding through educational opportunities	Attend urban forestry related workshops, presentations, conferences, etc.	High	Ongoing
5) Recommend trees for planting in El Cerrito	1) Communicate tree selection principles 2) Distribute and maintain approved City tree list, with public input and stakeholder review.	High	Ongoing
6) Tree Ordinance	1) Communicate the Committee’s survey of effective urban forest and tree care ordinances. 2) Advise City staff on elements of a comprehensive revision to the City Tree Ordinance, including such elements as specific tree care and tree removal	High	2 years

Agenda Item No. 3

GOAL/OBJECTIVE	PROPOSED ACTIVITIES	PRIORITY RANKING	TIMELINE FOR COMPLETION
	responsibilities, protocols and procedures. 3) Help City staffs facilitate, and participate in public process to garner public input on revisions to the El Cerrito Tree Care Ordinance. 4) Advise on tree removal and planting policy for responding to citizen requests to plant or remove city trees.		
7) Participate in community events, as possible	Staffing information tables providing tree care, planting and other activities, for annual and special events, e.g. March Arbor Day, April Earth Day, July 4 th	Medium	Ongoing
8) Become a Tree City USA	Complete process to fulfill (Ordinance) requirements and prepare application to receive the Tree City USA designation.	Medium	Ongoing
9) Develop and refine outreach materials	1) Develop residential notification door-hanger for City contracted tree pruning (<i>completed</i>) 2) Provide / develop info for community events and workshops 3) Develop and make presentations on tree benefits and tree care needs	High	Ongoing
10) Enhance EC Tree Committee web presence	1) Work with staff to add content to EC web site, e.g. Tree Committee mission statement 2) Develop more content, e.g. FAQs, links to arboricultural and urban forest research web sites. 3) Improve public use of tree inventory 4) Develop capacity for a searchable Approved City Tree List including all categories, e.g. pollinator attractant trees.	Medium	Ongoing

Agenda Item No. 3

GOAL/OBJECTIVE	PROPOSED ACTIVITIES	PRIORITY RANKING	TIMELINE FOR COMPLETION
11) Educational workshops for the public	Plan and implement workshops, such as individual pruning and tree care, principals of urban forest management.	Medium-High	Ongoing
12) Collaborate and coordinate with other El Cerrito committees, boards and commissions, as appropriate	1) Review agendas and minutes of other committees, boards and commissions to identify policies and activities relevant to urban forestry and the El Cerrito Tree Committee. 2) Establish contacts/liaisons with each committee, etc. as needed to facilitate future collaboration.	Medium	Ongoing

PRIOR YEARS ACCOMPLISHMENTS

GOAL/OBJECTIVE	ACTIVITIES SUPPORTING GOAL	STATUS
<p><u>Participate in community events:</u></p> <p>Arbor Day tree planting with El Cerrito Garden Club and Korematsu Middle School 7th grade science students from at Cerrito Vista Park on March 12, 2013.</p> <p>Arbor Day tree planting, March 12, 2014 with E.C. Garden Club and Prospect Sierra fifth grade students.</p> <p>Arbor Day, March 11, 2015 & March 9, 2016 with E.C Garden Club and Prospect</p>	<p>Worked with City Arborist, public works staff and students to plant 23 native oaks to replace failing Monterey pines. Event included talk and instruction on tree ecology, planting and care, and use of oaks by Native Americans from Garden Club member. Handed out forestry related buttons and bookmarks.</p> <p>Nearly identical to the 2013 event in every way, except 12 native trees were planted to succeed the older Monterey Pine trees.</p> <p>Nearly identical to the 2014 event in every way except 8 native trees were planted to succeed the older Monterey</p>	<p>98% of the newly planted trees are established and growing, in spite of drought conditions.</p> <p>City Council has proclaimed</p>

Agenda Item No. 3

GOAL/OBJECTIVE	ACTIVITIES SUPPORTING GOAL	STATUS
<p>Sierra fifth grade students.</p> <p>Arbor Week (postponed to Earth Day, April 16, 2016 due to weather)</p>	<p>Pine trees.</p> <p>Community volunteers planted 13 native trees in Arlington Park to replace dead or dying trees that required removal</p>	<p>March 7-14 each year as Arbor Week in El Cerrito</p>
<p><u>Secure support for urban forestry activities:</u></p> <p>1. Invest from the Ground Up (IFGU) grant to plant trees on Feb 15, 2014.</p> <p>2. IFGU grant to educate San Pablo Avenue business community about benefits and care of City street trees (Jan-May 2014).</p> <p>3. CALFIRE urban forestry grant program</p> <p>4. California ReLeaf Arbor Week 2016 grant to plant trees for</p>	<p>1. Worked with City Arborist and residents to plant 24 trees on Avila St, Carlson Blvd and El Dorado Ave, host informational table, and secure commitments to water trees for first 3 years of establishment.</p> <p>2. Worked with Arborist, City staff and IFGU to a) survey EC Chamber of Commerce and business owners' needs and concerns; b) secure in-kind support from local business; c) develop and distribute informational brochure; and d) recognize survey participants.</p> <p>3. Attended workshop (Oakland, CA) on program and related technical webinar on calculating climate benefits.</p> <p>4. Worked with Arborist, City staff to secure and manage grant funds for community tree planting event.</p>	<p>Planted 24 trees.</p> <p>Members provided supplemental monthly watering. 23 Trees are established and growing.</p> <p>Over 40 businesses responded to survey; 200 brochures printed and 68 distributed by hand so far.</p> <p>Community volunteers planted 13 native trees in Arlington Park.</p>
<p><u>Input on EC policies affecting trees:</u></p> <p>Comments on San Pablo Specific Plan and Urban Greening Plan.</p>	<p>Developed comments on role of trees and tree care guidance in form-based code and on specific recommendations about tree placement and size.</p>	<p>Tree Committee Comments incorporated into final plan</p>
<p><u>Educate ECTC on tree health:</u></p> <p>Participate in UC Berkeley's statewide Sudden Oak Death (SOD) Bioblitz survey</p>	<p>Several committee members trained and participated in walking survey of EC Hillside Natural Area to visually</p>	<p>UC lab analysis of collected samples showed no</p>

GOAL/OBJECTIVE	ACTIVITIES SUPPORTING GOAL	STATUS
<p>to detect and track infestations</p> <p>Attended workshops: Annual California Tree Failure Report (Janet and Mike), Trees in All Policies (Ralph and Michael) and Understanding Trees in our Communities (Cathy and Ralph)</p>	<p>identify and collect samples of potential SOD infestation.</p> <p>Improved expertise on arboriculture, urban forestry advocacy and urban tree program management relevant to species selection for EC tree list revision, input to City planning documents, and refinement of tree policies and ordinances.</p>	<p>infestation.</p>

ONGOING PROJECTS

PROJECT	ACTIVITIES
<p>Educational outreach regarding new City pruning program</p>	<p>Finalize door hanger brochure to inform residents about tree benefits, tree pruning goals and practices, and City codes related to trees. <u>Completed</u></p>
<p>Revise El Cerrito approved tree species list.</p>	<ol style="list-style-type: none"> 1) Revise existing tree species list using criteria developed by the Committee earlier this year. <u>Completed</u> 2) Consider suitability of additional species not on current list. <u>Completed</u> 3) Refine information for each tree species, incorporating goals and criteria of other City documents and policies (Urban Forest Mgmt Plan, Urban Greening Plan, San Pablo Specific Plan, etc.) if relevant. <u>Completed</u> 4) Develop an introduction to the tree list that describes the tree list in the context of El Cerrito’s urban forestry goals, and give guidance on how to select the right tree for the right place.
<p>Develop policies and ordinance to protect City trees.</p>	<ol style="list-style-type: none"> 1) Review City plans and policies to clarify tree protection goals and needs. 2) Continue to review ordinances from other jurisdictions for relevant language and approaches. 3) Advise City staff in drafting ordinance and participate in public education and approval process.

Agenda Item No. 3

PROJECT	ACTIVITIES
Invest From the Ground Up informational brochure follow-up	<ol style="list-style-type: none">1) Identify businesses and contact businesses that were missed in first distribution effort.2) Consider additional strategic uses for brochure.3) Incorporate brochure distribution into business permit distribution by City, if possible.
Apply for CALFIRE urban forestry grants, if eligible	<ol style="list-style-type: none">1) Monitor CALFIRE and CalEPA program communications for eligibility criteria.2) Attend webinars, eg carbon calculators for estimating GHG benefits for grant proposals



Tree Committee Work Plan
El Cerrito City Council
January 17, 2017

El Cerrito Tree Committee



(L-R) Cathy Bleier, Vice Chair Steve Price, Chair Ralph Boniello, Robert Hrubes, Mary Torrusio, Yan Linhart, Mike Srago

Urban Forest Management Plan

2007

“Urban forests grown without foresight or planning create high maintenance requirements and cost burdens.

A well-managed urban forest, however, can be economically and environmentally sustainable and a highly-visible source of community pride.”



Urban Forest Management Plan

2007

Goal One: Establish and maintain a citywide commitment to a healthy urban forest in the City of El Cerrito.

Completed Actions :

- A) Create an Urban Forestry staff position
- B) Create a Community Tree Committee

Unfinished Actions :

- A) Develop and adopt a heritage tree ordinance

Urban Forest Management Plan 2007

- **Goal 2:** Integrate the principles of the Urban Forest Management Plan in documents in support of El Cerrito's General Plan.
- **Goal 3:** Provide consistent funding for urban forestry efforts that reflect the importance of the urban forest to the public.
- **Goal 4:** Provide excellent professional maintenance for the City's urban forest.

History and Mission

The El Cerrito Tree Committee (ECTC) was created in 2007 by a resolution of the City Council to:

- Serve as an advisory body to City Council with regard to the growth, maintenance, and location of trees in the City.
- Recommend programs, policies, and ordinances to promote the City's Master Street Plan and Urban Forest Management Plan.
- Promote public awareness, education, and support for urban forestry efforts, foster volunteer opportunities for tree planting...
- Foster public awareness and education about potential hazards of trees near utilities and the appropriate tree species for avoiding such hazards.

Accomplishments

Arbor Week proclamation and Arbor Day tree plantings with El Cerrito Garden Club and Prospect Sierra School science students at Cerrito Vista Park annually since 2013



Accomplishments

Grant funded community tree planting:
Completed successful 3-year establishment monthly
volunteer watering of 24 trees planted by the community on
Avila-Carlson-El Dorado Streets in 2014.



Accomplishments

PROVIDE INPUT ON CITY POLICIES

AFFECTING TREES

- Updated the City Approved Street Tree List
- Provided comments on the San Pablo Specific Plan
- Participated in the development of the El Cerrito Urban Greening Plan



Accomplishments

PROVIDE PUBLIC AWARENESS, EDUCATION, AND SUPPORT FOR URBAN FORESTRY

- Surveyed El Cerrito businesses on tree concerns, and developed an outreach brochure to inform local businesses on benefits of street trees.
- Developed educational door hanger notice for City contracted tree pruning



Current Work Plan Goals

- Development a Tree Care Ordinance and fulfill Tree City USA requirements.
- Seek funding for community forestry activities.
- Continue to provide input on El Cerrito policies and plans that affect trees.
- Continue educating Tree Committee members and the public on tree care needs and costs.



Tree City USA (Arbor Day Foundation)



Recognition for meeting the *FOUR CORE STANDARDS* of sound urban forestry management:

1. Establish a Tree Board or Department ✓
2. Tree Care Ordinance - opportunity to set good, legally enforceable policy.
3. Community Forestry Program with annual budget of at least \$2 per capita. ✓
4. Arbor Day Observance and Proclamation. ✓

Current Work Plan Goals

- Development a Tree Care Ordinance and fulfill Tree City USA requirements.
- **Seek funding for community forestry activities.**
- Continue to provide input on El Cerrito policies and plans that affect trees.
- Continue educating Tree Committee members and the public on tree care needs and costs.

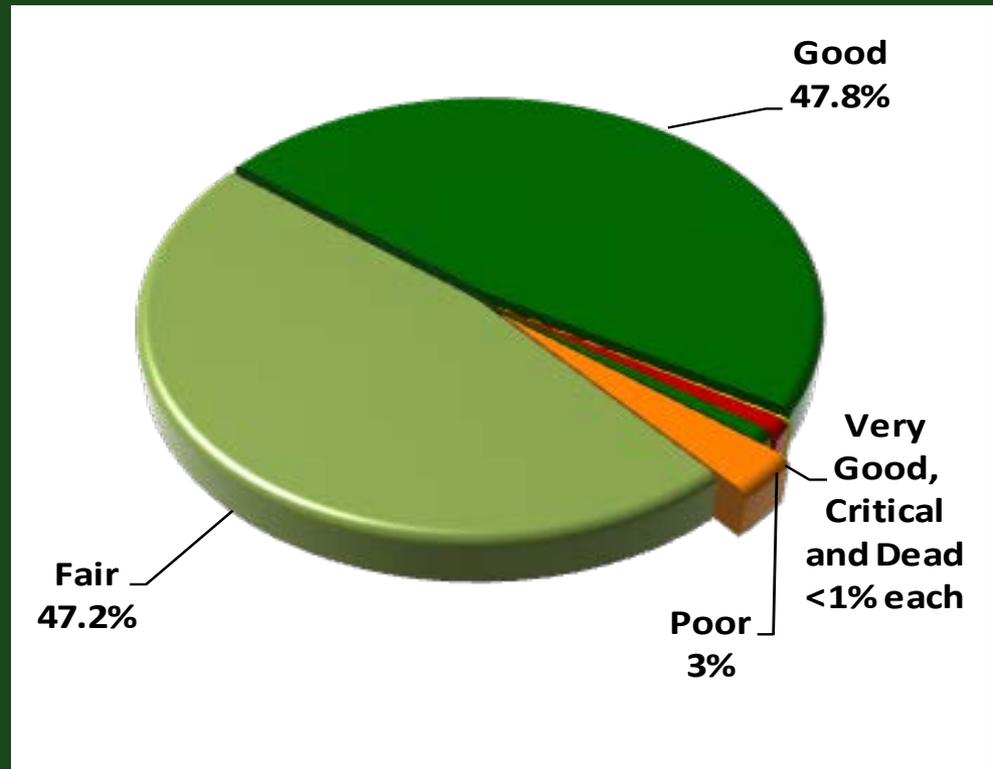


2013 Tree Inventory and Benefit Analysis

- El Cerrito has 10,315 public trees, and 4,011 vacant planting sites.
- El Cerrito's public trees provide annual benefits of \$1.3M. For every \$1 spent on public trees, the residents of El Cerrito receive \$4.28 in benefits.
- El Cerrito's public trees are reducing annual electric energy consumption by 797-megawatt hours and annual natural gas consumption by 16,859 therms. City trees are removing 1.1 tons of pollutants from the air. and are reducing annual storm-water runoff volume by 9 million gallons. They sequester 551 tons of atmospheric CO₂ per year.

2013 Tree Inventory and Benefit Analysis

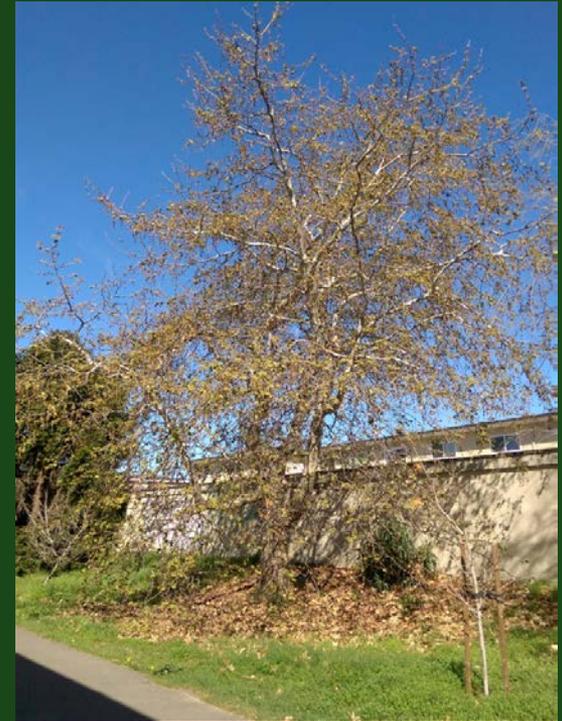
The inventory found 47.2% of El Cerrito's trees in fair condition, which may be an indication of age, inadequate resources or maintenance, and/or a poorly sited species



Condition of El Cerrito's Public Trees

Current Work Plan Goals

- Continue annual Arbor Week celebration and tree planting.
- Participate in EC's centennial celebration.
- Ensure care and survival of recent tree plantings.
- Develop outreach materials that convey the public benefits of trees.
- Enhance EC Tree Committee web presence.



Questions?

- Chair Ralph Boniello
- Vice Chair Steve Price
- Staff Liaison Stephen Prée – spre@ci.el-cerrito.ca.us

EL CERRITO CITY ORDINANCES

El Cerrito Municipal Code includes the following requirements for vegetation in parking strips, public property or public easements:

- Permission from the City Manager for planting trees.
- Trees must be on the City's official tree list.
- Tree and shrubs in parking strips should not be planted where roots will impact public sewers or obstruct vehicular line of sight.
- The City may trim, prune or remove any vegetation.
- It is illegal to abuse, mutilate or destroy public trees or shrubs or to attach anything to them.

- Property owners shall keep sidewalks clean of rubbish, weeds and debris.
- Code violations are misdemeanors and subject to fines.

For more detail, see El Cerrito Municipal Code, Chapter 13.28 (Trees and Shrubs) and Chapter 13.08 (Street Cleanliness, Section.030).

For questions and comments on El Cerrito City street trees and service requests, please contact:

Stephen Prée,
Environmental Programs
Manager/City Arborist

Email: spreec@ci.el-cerrito.ca.us
Phone: 215.4369
Web: www.el-cerrito.org/trees

The Tree Committee was established to advise the City of El Cerrito on tree planting and maintenance, to recommend appropriate implementation programs and policies, and to promote public support for the urban forest.

Its mission is to advocate and educate El Cerrito residents on the planting and care of trees, to demonstrate social, economic and environmental values of trees, and to work through coordinated action and collaborative projects to ensure a healthy, sustainable urban forest for current and future generations.



The City of El Cerrito
Tree Committee (March 2014)



EL CERRITO BUSINESSES & TREES – CREATING A VIBRANT BUSINESS COMMUNITY

Photo simulation courtesy of Urban Advantage showing 3-5 years future growth of existing trees.



California Urban Forests Council is an equal opportunity provider. This publication made possible through grants from CAL FIRE and USDA Forest Service.



INCREASE THE VALUE OF YOUR BUSINESS AND YOUR REVENUE STREAM

Businesses on tree-lined streets show 20% higher income streams.¹

20%

More profitable businesses produce more jobs and leave fewer storefronts vacant, which helps the entire community thrive.²



TREES MEAN BUSINESS

**TREES
ATTRACT
MORE
VALUABLE
AND LOYAL
CUSTOMERS**



**CUSTOMERS
STAY LONGER,
PAY MORE**

The presence of trees encourages consumers to shop more often, stay in stores longer and pay more for goods.³

Stores in shopping districts with trees can charge, on average, 9% higher prices, than those districts without trees.⁴

9%



SHOPPING IN TREE-SCAPED AREAS LEAVES CUSTOMERS MORE SATISFIED WITH THE QUALITY OF YOUR GOODS AND SERVICES

Customers are 30% more satisfied with products that they purchase in shopping districts with trees.⁵



Customers are also 15% more satisfied with the customer service experience in those stores located in shopping districts with trees.⁶

El Cerrito's trees remove 1.1 tons of pollutants from the air, including ozone (O³), nitrogen dioxide (NO²), and particulates (PM¹⁰) at a value of \$25,000 per year.⁷

Detailed analysis of El Cerrito's 2013 public tree population indicates that it provides annual benefits of \$1,313,833 (\$55.79 per capita).

El Cerrito's public trees reduce annual electric energy consumption by 797-megawatt hours, natural gas consumption by 16,859 therms, for a combined value of \$120,883 annually.⁷

Benefits include energy savings, air quality improvements, stormwater interception, atmospheric CO² reduction, and aesthetic contributions to the social and economic health of the community.⁷



Sources:

1. Dan Burden, *Walkable and Livable Communities Institute*
2. Kelly Caffarelli, *Home Depot Foundation*
- 3, 4, 5, 6. Dr. Kathleen Wolf, *University of Washington*
7. *Davey Resource Group/U.S. Forest Service*

Dear El Cerrito Business Owner,

One easy and effective way to create vibrant commercial districts is through caring for trees.

Tree-scaped business areas have been shown to attract more valuable and loyal customers, increase revenue streams, and leave customers more satisfied with the quality of goods and services they have purchased. Investing in trees also leads to investments and stewardship by neighboring businesses, stimulating more economic vitality from which we all benefit.

The City of El Cerrito has made substantial commitments to planting, enhancing and protecting street trees over the last two decades. These include tree protection ordinances, grants for tree planting and inventory, tree pruning, the development and approval of the 2007 El Cerrito Urban Forest Management Plan, and periodic efforts by the El Cerrito Tree Committee to update the approved tree list for planting the right tree in the right place.

In order to launch a conversation between El Cerrito businesses and the City about protecting these investments, we surveyed business owners in the winter of 2014 to identify the benefits and challenges of street trees. We've also created this educational brochure which includes useful information about trees, City responsibilities, business concerns and tree-related ordinances.

For more information about El Cerrito trees including the adopted urban forestry plan and a tree species list, visit www.el-cerrito.org/trees

We know there is more to discuss on this important issue and we invite you to get involved. For questions and comments on El Cerrito City street trees and service call 215-4369 or contact Stephen Prée, Environmental Programs Manager/City Arborist at: spre@ci.el-cerrito.ca.us, or attend a regular meeting of the Tree Committee held at 7:00 p.m. on the 2nd Monday of each month at City Hall, 10890 San Pablo Avenue, El Cerrito, CA 94530.

Thank you for helping us create a thriving El Cerrito!

Sincerely,

The City of El Cerrito, the El Cerrito Chamber of Commerce,
the El Cerrito Garden Club and Invest From the Ground Up

OVERCOMING TREE CONCERNS FOR BUSINESSES

The City of El Cerrito strives to maximize the environmental and economic benefits of trees for the whole community, including to work towards the success of local businesses. At the same time, there is much business owners can do to support and benefit from trees. Treescaped commercial areas attract more customers, so it's worth looking at potential means to turn tree concerns into opportunities for business growth.



SIGNAGE. Early pruning by the City will minimize impacts to the visibility of business signs. To reduce obstruction from young trees, business owners should work with the City to possibly add window signs, awning signs or blade signs in addition to wall signs.

Signs need to comply with City ordinances and should complement planning goals and strategies.

The City Planning Department can provide guidance. Contact them at 510-215-4360 or visit www.el-cerrito.org/planning.

SIDEWALK ISSUES. The City takes care to plant the right type of tree in the right place to avoid problems caused by tree roots to the sidewalk and underground infrastructure by City street trees.

If you have sidewalk concerns please contact: Public Works at www.el-cerrito.org/publicworks or 510-215-4369.

FALLING LEAVES, FLOWERS & FRUIT. Trees provide many environmental and economic benefits, but they are

living organisms that can drop leaves, flowers, seeds and fruit. While regular City street sweeping will clean up curbside materials, business owners are responsible for keeping sidewalks in front of their property clean of leaves and debris. (El Cerrito Municipal Code Section 13.08.030).

TRASH ACCUMULATION IN TREE WELLS.

City ordinances prohibit littering, however tree wells may collect rubbish. Business owners, like homeowners, are responsible for keeping sidewalks in front of their properties clean of weeds, trash and other debris.

"The economic prosperity of a community is a product of many factors; one of which is the vitality of its natural landscape."

JIMI SCHEID
URBAN
FORESTER,
CAL FIRE



DON'T TOP TREES

Topping creates problems by stimulating multiple weak branches; it disorganizes the natural branching system and form of the tree. A topped tree appears disfigured and mutilated. A tree that has been topped can never fully regain its natural form.



These trees were mutilated by topping cuts...notice how the main trunks have been cut off, resulting in bushy, weak branches.

TREE CARE. The City is responsible for the management and pruning of public trees. This includes a new pruning strategy and schedule designed to evaluate and prune all City street trees every five to seven years.

Please do not prune City trees. If you have a City tree concern contact the City Arborist. For more information go to Public Works at www.el-cerrito.org/trees or call 510-215-4369.

WHAT IS PRUNING A TREE?

Pruning is the most common form of tree maintenance. Usually trees are pruned to eliminate hazards, improve structure and to increase light and air penetration. Since each cut to a tree effects the health of the tree and its future growth, it is important that trees are pruned according to the standards of the International Society of Arboriculture under the direction of a Certified Arborist. Generally, no more than 25% of the tree's crown should be removed at once, and less removed on mature trees.

WHAT IS TOPPING A TREE?

Topping is the indiscriminate cutting of tree branches to stubs and it is extremely harmful to trees. It usually aims to reduce the size of a tree or to eliminate hazards; however it actually makes a tree more hazardous in the long term and is harmful to the overall health of a tree.

By removing most or all the leaves, the tree is left with little means for food through photosynthesis. If branches do sprout out of a topped tree trunk, they are weak and prone to breaking.

Topping is expensive and increases tree maintenance costs; the indiscriminant growth that occurs after topping requires increased maintenance to control. Healthy, well-maintained trees increase property value, while disfigured, topped trees are an impending expense.

**Invest From the Ground Up
Growing trees make great
neighborhoods!**



TREE MAINTENANCE NOTICE

West Coast Arborists, Inc. has been contracted by the City of El Cerrito to prune City trees. The contractor will be pruning trees in the public right of way near your property within the next few days. Between the hours of 7:00 am and 5:00 pm there will be No Parking signs posted in order to facilitate safety. **Please do not park on the street until after the trees have been pruned and the area has been cleared of debris.** Additionally, due to the potential hazard of falling limbs, please remove cars, furniture and other valuables from the area surrounding the City trees during the pruning operation. The tree operations are being performed by skilled pruning crews certified by the International Society of Arboriculture, under City supervision, as part of the City's continuing program to provide the best possible service to its residents. **Your cooperation in this effort is very much appreciated.**

WHO WE ARE

West Coast Arborist's (WCA) vision is to deliver the best Urban Forestry Management Program in California. We achieve our vision by making total quality our way of doing business, by relentless pursuit of full customer satisfaction in every respect, by empowering our trained people, by leading the industry in state-of-the-art urban tree care services, and by performing superior & safe operations on a 7 day a week, 24 hour a day basis. As a corporate citizen, WCA's responsibility and accountability are to the communities where we do business. We hold ourselves to the highest standards of ethical conduct and environmental responsibility, communicating openly with our customers and the communities in which we work.

WCA SAN JOSE (408) 855-8660

El Cerrito City Tree Care

Benefits of City Trees

El Cerrito City trees contribute to the social, environmental and economic health of the city. They absorb air pollutants and sequester carbon. They intercept stormwater runoff and reduce water pollution. Trees increase property values by 10% to 20% & the total annual economic benefits of El Cerrito City trees are estimated at \$1.3 million (or \$56 per person).

El Cerrito's Street Tree Pruning Program

The City is responsible for the protection and management of trees in parking strips, medians and public open space. The City's new street tree care program is designed to evaluate and prune all street trees every 5 to 7 years. Pruning is performed by ISA Certified Arborists to improve tree health, remove branches that are dead, broken, rubbing, diseased, or weak, to remove water sprouts and to maintain clearance. Limbs are cut precisely at the branch collar to facilitate wound closure.

We do not top trees

Topping trees is a harmful practice that causes trees to grow more aggressively in order to restore their ability to photo-synthesize and make food. The resulting new shoots are weakly attached to the stems and grow to become hazardous. The tree can never regain its natural form. Topped trees are permanently disfigured and future pruning costs are increased.

Harming street trees is illegal

City Codes protect street trees and ensure public safety.

- City authorization is required for planting trees or shrubs in parking strips, public property or public easements. Trees must be on the City's official tree list.
- Trees and shrubs in parking strips should not be planted where roots will impact sewer or water lines.
- The City may trim, prune or remove trees. Trees or shrubs that create safety hazards by obstructing visibility of vehicles or pedestrians shall be trimmed or removed.
- It is illegal to abuse, mutilate or destroy trees or shrubs or to attach anything to them.

Code violations are misdemeanors and subject to fines.

For more information

Visit the City's webpage on trees:

<http://www.el-cerrito.org/trees>

or contact the City Arborist at 559-7685 or spree@ci.el-cerrito.ca.us

Tree Care Professionals Serving Communities Who Care About Trees





AGENDA BILL

Agenda Item No. 5(A)

Date: January 17, 2017
To: El Cerrito City Council
From: Katherine Ahlquist, Community Development Analyst
Melanie Mintz, Community Development Director
Subject: Affordable Housing Strategy Consultant Award

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to execute a professional services agreement with Strategic Economics, Inc. for an amount not to exceed \$88,300 for preparation of an Affordable Housing Strategy and to authorize change orders in an amount not to exceed \$8,800.

BACKGROUND

The City of El Cerrito has undertaken various planning efforts, including the San Pablo Avenue Specific Plan (SPASP) and updated Housing Element (2015-2023), to position El Cerrito towards encouraging new development and providing a range of housing opportunities for the community. The City's SPASP and new Form-Based Code (FBC) were adopted by the City Council on September 22, 2014. The FBC is intended to guide the physical environment and character of the City's San Pablo Avenue Priority Development Area (PDA), supporting the vision to create a vibrant, walkable, sustainable, and transit-oriented corridor, and attract new development and investment. In order to achieve the goals of the Specific Plan, one of the strategies identified included "increased the supply, diversity and affordability of housing in proximity to existing or planned transportation investments." (Goal E: Catalyze Mode Shift, Strategy 7). A Programmatic Environmental Impact Report was also adopted for the Specific Plan that analyzed the potential environmental impacts of the first 1,706 residential units in the Specific Plan area.

Shortly after the SPASP's adoption, the El Cerrito Housing Element was adopted by City Council on April 21, 2015 based on five strategic goals that have been developed by the community over time:

- 1) Conserve and improve El Cerrito's existing housing supply
- 2) Facilitate and encourage the development of housing to meet regional housing needs allocations established by the Association of Bay Area Governments (ABAG)
- 3) Expand housing opportunities for the elderly, the disabled, households with very-low to moderate-income, and for persons with special housing needs
- 4) Promote housing opportunities for all persons regardless of race, age, marital status, ancestry, national origin, or color

- 5) Promote energy efficiency in the location, construction, renovation and maintenance of housing units

In part, due to the adopted SPASP’s updated development standards, interest in and proposed new development in El Cerrito, and specifically the PDA, has been increasing. Additionally, with recently constructed, under construction, and approved projects, the City’s 2014-2022 Regional Housing Needs Allocation (RHNA) is close to being met (see Table 1 below). Although the City is already well on its way to achieving RHNA goals, continuing to pursue the goals of the Specific Plan and creating ongoing opportunities for affordable housing continues to be a priority. An Affordable Housing Strategy is needed to define City goals, and identify a range of implementation tools, to further the overall Housing Element goals.

Table 1: El Cerrito Remaining 2014-2022 RHNA Need Based on Units Built/Under Construction/Approved in El Cerrito Since 2014

Income Category	2014-2022 RHNA	Units Built, Under Construction or Approved Since 2014*	Units Proposed**	Remaining Need ***
Very Low (0-50% of AMI)	100	86	21	14/(-7)
Low (51-80% of AMI)	63	38	47	25/(-22)
Moderate (81-120% of AMI)	69	13	0	56/56
Above Moderate (over 120% of AMI/"Market Rate")	166	140	364	26/(-380)
Total Units	398	277	432	121/(-311)

* Affordable units built, under construction or approved since 2014 include 56 very low income and special needs units at Ohlone Gardens, 6 low and 13 moderate income units at Creekside Walk, and 30 very low and 32 low income senior affordable units at Hana Gardens.

** Units proposed include projects the City has received applications for that have not yet completed the entitlement process including the Mayfair site for which the City’s Successor Agency is currently in an ENRA with Bridge Housing and Holliday Development to provide 68 affordable units including 21 very low, 47 low and 166 above moderate or market rate units. Units proposed also include several market rate projects for which the City has received applications. These projects would bring the total remaining RHNA need to zero in the very low and low income category for the current RHNA cycle. Remaining need would still exist in the moderate income (81-120% of AMI) category. These figures do not include other projects for which several applications are pending submittal, which are anticipated to include some percentage of affordable housing through utilization of the State Density bonus laws and the FBC.

***The first number is the number of remaining units needed if only the units built, under construction or approved since 2014 are built. The second number is the remaining need if proposed projects are completed.

In 2014 the City applied for and was awarded \$302,500 from Surface Transportation Program (STP) funds allocated to the Metropolitan Transportation Commission (MTC) by the Federal Highway Administration, for San Pablo Avenue PDA Planning Implementation Assistance. In July, 2016, Amendment No. 1 to the funding agreement was approved by MTC, extending the grant completion deadline to June 30th, 2017 and modifying the Project Budget and Schedule. As part of this grant, multiple sub-projects were approved by MTC in the Scope of Work including \$60,000 for an Affordable Housing Strategy for the San Pablo PDA. The other sub-projects include a Transportation Impact Fee Nexus Study, Sanitary Master Plan (Phase II) and a Parking Demand and Management Strategy for the Del Norte area (south to Potrero). Although the PDA provides the largest opportunity for expanding the housing supply, there is also need for further analysis on a citywide level and a citywide Affordable Housing Strategy would allow El Cerrito to identify potential affordable housing programs and policies outside of the PDA for preserving and expanding housing opportunities for households with very low to moderate incomes and for persons with special housing needs.

ANALYSIS

On November 1, 2016, the Community Development Department released an Affordable Housing Strategy Request for Proposals (RFP) seeking experienced development teams to develop an Affordable Housing Strategy for the City's San Pablo Avenue PDA and Specific Plan area, with an alternate task to expand the strategy citywide. The RFP was broadly distributed and three qualified consultant teams submitted complete proposals and were interviewed by Community Development staff. The proposal review and interview format was designed to help City Community Development staff ascertain which team had the clearest, most appropriate vision for what an Affordable Housing Strategy could be for El Cerrito; which team could work most collaboratively with staff, a Technical Advisory Group and the public; and for staff to learn more about each team's proposed work plan and project approach. Interviews took place December 14, 2016 and the interview committee consisted of the Community Development Director, Development Services Manager, Community Development Analyst and Senior Planner. Strategic Economics, Inc. was selected by the committee as the firm most qualified to complete the Affordable Housing Strategy. Strategic Economics brings extensive experience in preparing studies that assist local governments in preserving and developing affordable housing in the Bay Area. Their staff has expertise in urban planning, economics, public policy, finance, and real estate development. Strategic Economics' presentation and approach best fit the City's affordable housing goals and the firm was selected due to its qualifications, thorough understanding of the project, project goals, and response to the challenge and opportunities of affordable housing in El Cerrito.

Development of the City's Affordable Housing Strategy will include two community workshops and convening a Technical Advisory Group, likely to be comprised of non-profit affordable housing developers, market rate developers, affordable housing advocates, Contra Costa County Public Health, and others. A full community engagement strategy will be developed with the proposed consultant early in the process. The proposed award includes an amount not to exceed \$60,000 for the PDA-

wide Affordable Housing Strategy and an amount not to exceed \$28,300 for a citywide Strategy, which was requested as an alternate task item in the RFP. The Scope of Work for the project (Attachment 2) incorporates tasks identified in the grant agreement with MTC and the alternate citywide task. The timeframe for the development of the Strategy is approximately 5 months and will begin immediately after City Council award of the contract. The final Strategy will be brought to the Planning Commission for recommendation and to City Council for adoption.

FINANCIAL CONSIDERATIONS

The recommended consultant award not to exceed \$60,000 for the PDA-wide Strategy is fully funded by the PDA Planning grant agreement with MTC. A 12% City match of in-kind is required by MTC and is included in the City's current FY 2016-17 Adopted budget. The recommended consultant award not to exceed \$28,300 for the citywide Strategy and up to \$8,800 for change orders will be funded also through the FY 2016-17 Adopted budget and no new appropriations are required.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Strategic Economics' Proposal & Scope of Work

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH STRATEGIC ECONOMICS, INC. FOR PREPARATION OF AN AFFORDABLE HOUSING STRATEGY

WHEREAS, the City of El Cerrito (City) was awarded a \$302,500 grant in 2014 from Surface Transportation Program (STP) funds allocated to the Metropolitan Transportation Commission (MTC) by the Federal Highway Administration, for San Pablo Avenue PDA Planning Implementation Assistance; and

WHEREAS, in July, 2016, Amendment No. 1 to the funding agreement was approved by MTC, extending the grant completion deadline to June 30, 2017 and modifying the Project Budget and Schedule; and

WHEREAS, preparation of an Affordable Housing Strategy is one of the sub-projects identified for completion through the MTC PDA Planning Implementation grant; and

WHEREAS, an Affordable Housing Strategy is needed to define City goals, and identify a range of implementation tools, to further the overall Housing Element goals and preserve and expand housing opportunities for households with very low to moderate incomes and for persons with special housing needs; and

WHEREAS, the City issued a Request for Proposals for consultants to develop a comprehensive, Affordable Housing Strategy for the City's San Pablo Avenue PDA and Specific Plan area, and an alternate task to expand the strategy citywide; and

WHEREAS, the City received three complete proposals, convened an interview committee consisting of Community Development Department staff and interviewed all three consultant teams on December 14, 2016; and

WHEREAS, Strategic Economics, Inc. was selected by the interview committee as the firm most qualified to complete the PDA and citywide Affordable Housing Strategy; and

WHEREAS, no new funding appropriations are needed as the cost of the proposed Affordable Housing Strategy will be covered by grant funds and the City's current adopted budget.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the City Manager to execute a professional services agreement with Strategic Economics, Inc. for an amount not to exceed \$88,300 for preparation of an Affordable Housing Strategy and to authorize change orders in an amount not to exceed \$8,800.

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

Agenda Item No. 5A

Attachment 1

I CERTIFY that at a regular meeting on January 17, 2017 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 January 17, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

Agenda Item No. 5A
Attachment 2

COST PROPOSAL: Affordable Housing Strategy

Revised 12/23/16

Tasks	Staff Person Title Billing Rate	STRATEGIC ECONOMICS				TOTAL PROJECT BUDGET
		Srivastava	Belzer	Nemirow	Heard	
		Principal	President	Sr. Associate	Associate	
		\$205	\$250	\$170	\$120	
		Hours	Hours	Hours	Hours	
Task 1	Project Kick-Off	6	0	6	6	\$ 2,970
Task 2	Identify Needs and Affordable Housing Resources	10	1	14	40	\$ 9,480
Task 3	Community Engagement					
3a	Community Engagement Strategy	10	2	8	0	\$ 3,910
3b	TAG Meetings (2)	6	0	10	7.5	\$ 3,830
3c	Community Workshop #1	9	3	15	4	\$ 5,625
3d	Community Workshop #2	9	3	15	4	\$ 5,625
Task 4	Implementation Strategy					
4a	Conserve and improve existing housing	2	1	8	10	\$ 3,220
4b	New housing development	4	1	8	10	\$ 3,630
4c	Other strategies	4	0	8	10	\$ 3,380
Task 5	PDA Market Analysis	8	1	8	18	\$ 5,410
Task 6	Draft Strategy	8	0	10	20	\$ 5,740
Task 7	Final Strategy and Presentations	10	0	16	20	\$ 7,170
Subtotal PDA Tasks		86	12	126	150	\$ 59,990
Task 8	Alternate Task					
	Workshop #1	9	3	15	4	\$ 5,625
	Workshop #2	9	3	15	4	\$ 5,625
	Citywide Implementation Strategy	10	0	16	12	\$ 6,210
	Draft Citywide Strategy	6	0	12	16	\$ 5,190
	Final Citywide Strategy and Presentation	8	0	10	6	\$ 4,060
Subtotal Alternate Citywide Tasks		42	6	68	42	\$ 26,710
Expenses Alternate Tasks						\$ 1,500



AGENDA BILL

Agenda Item No. 5(B)

Date: January 17, 2017
To: El Cerrito City Council
From: Paul Keith, Chief of Police
Subject: Destruction of Inactive Police Department Records

ACTION REQUESTED

Adopt a Resolution authorizing the Chief of Police to destroy records listed in Exhibit "A" to the attached resolution in accordance with the Police department records retention schedule established by Resolution 2005-23.

BACKGROUND/ANALYSIS

On June 6, 2005, the City Council adopted Resolution 2005-23 which established revised Records Retention Schedules for the Police Department. The Records Retention Schedule for the Police Department is specific to the Department's needs and separate from the Records Retention Schedule adopted for the City.

The Department has conducted its annual review of departmental files and records and has determined that inactive records listed on Exhibit A are eligible for destruction and no longer serve any legal, administrative, or operational need of the Police Department.

FINANCIAL CONSIDERATIONS

Storing outdated documents requires expenditures for storage devices and storage space. Excess retained records make retrieval of needed information more difficult. Timely destruction will reduce storage and retrieval expenses.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved the attached record retention schedule.

Reviewed by:

Scott Hanin, City Manager

Attachments:

1. Resolution
2. Exhibit A – Police Records Destruction List

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CHIEF OF POLICE TO DESTROY POLICE DEPARTMENT RECORDS ELIGIBLE FOR DESTRUCTION IN ACCORDANCE WITH GUIDELINES ESTABLISHED BY RESOLUTION 2005-23

WHEREAS, the El Cerrito Police Department has an obligation to create and maintain documents in accordance with government laws and regulations and accepted records management practices; and

WHEREAS, on June 6, 2005, the City Council adopted Resolution 2005-23 which contained a Records Retention Schedule for the Police Department; and

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any City record which has served its purpose and is no longer required may be destroyed; and

WHEREAS, the Chief of Police determined that records described in Exhibit "A" are no longer required; and the City Attorney has reviewed the list of records described in Exhibit "A" and has consented to the destruction of those records as required by Government Code Section 34090.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby authorizes the Chief of Police to destroy the records identified in Exhibit "A", subject to the written authorization of the City Attorney.

I CERTIFY that at a regular meeting on January 17, 2017 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 January XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

CITY:
DEPARTMENT:
Page 1 of 7

El Cerrito
Police

Resolution # 2017-xx
Exhibit "A"

RECORDS DESTRUCTION LIST

Approved: _____ Date: _____
 Department Head – Paul Keith
 _____ Date: _____
 City Attorney – Sky Woodruff

Record Series	Retention Policy	Inclusive Date Range
Accounting – Cash/Check Receipts and/or Deposit Reconciliation	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Administrative Files	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Administrative Investigations: Both Sustained and Not Sustained (No Action)	CL + 5 or December 31, 2016	January 1, 2005 through December 31, 2010 *
Administrative/Internal Investigations: Both Sustained and Not Sustained (No Action)	CL + 5 or December 31, 2016	January 1, 2005 through December 31, 2010 *
Alarm License, Permit, Application, Billing, Records	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Alcohol Beverage Control (ABC) License Application Files	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Arrest/Conviction H&S Section 11357(b), (c), (d), (e) or H&S Section 11360(b) violations (Occurring after January 1, 1976)	CY + 2 or December 31, 2016 (Mandatory destruction from date of conviction or date of arrest with no conviction)	January 1, 2011 through December 31, 2013
Background Investigations	CL + 3 or December 31, 2016	January 1, 2009 through December 31, 2012 *
Background Investigations - Volunteers and Reservists	T + 3 or December 31, 2016	January 1, 2009 through December 31, 2012 **
Case Files - Asset Forfeiture - Notifications	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Case Files - Asset Forfeiture; Investigations, Proceedings	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Case Files - Assignment	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Chemical Emissions	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013

Records Destruction List - Police Department

Record Series	Retention Policy	Inclusive Date Range
Citations – H&S 11357(b); H&S 11357 (c); H&S 11360(b); H&S violations	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Citations - California Vehicle Code Infractions (Duplicates)	CY + 4 or December 31, 2016	January 1, 2007 through December 31, 2011
Citations - Cite and Release	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Citations - Parking/ Traffic (Duplicates)	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Citations - Transmittals	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Citations – H&S 11357(e), Juvenile	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Claim Files	CL + 5 or December 31, 2016	January 1, 2005 through December 31, 2010 *
Collision Review Board Files/ Pursuit Review Files/ Use of Force Review Files	CY + 5 or December 31, 2016	January 1, 2005 through December 31, 2010
Concealed Weapons Permits (CCW)	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Correspondence – Routine (e.g., Administrative, Chronological, General Files, Letters, Memoranda, Miscellaneous Reports, Reading, Working Files, Staff Meeting Agendas & Rosters etc.)	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Crime / Miscellaneous Reports: Misdemeanors, Infractions, Traffic Collisions/Non-Fatal Accidents, Incidents, Marijuana Less Than 28.5 Grams	CL + 3 or December 31, 2016	January 1, 2009 through December 31, 2012 *
Crime Reports: “Detention Only” Retainable Arrest	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Crime Reports: Domestic Violence & Abuse of Elder or a Dependent Adult.	CY + 10 or December 31, 2016	January 1, 1995 through December 31, 2005
Crime Reports: Felonies – Except Homicide, Juvenile, Child Abuse, Sexual Assault (Inconclusive)	CY + 10 or December 31, 2016	January 1, 1995 through December 31, 2005
Crime Reports: Felony Crimes With or Without Arrests	CY + 6 or December 31, 2016	January 1, 2003 through December 31, 2009
Crime Reports: Stolen Vehicles, No Convictions	CY + 3 or December 31, 2016	January 1, 2009 through December 31, 2012
Crime Reports: Unsolved Rape, And Fatal Accidents	CY + 10 or December 31, 2016	January 1, 1995 through December 31, 2005
Crimes - Misdemeanor or Infraction	CL + 4 or December 31, 2016	January 1, 2007 through December 31, 2011 *
Daily Activity	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Department of Justice Purge Notifications	When no longer required	
Department of Justice Validation Lists	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Disposition of Arrest/Court Action		Retention determined by action taken; i.e., recordable arrest of detention (released no arrest)

Records Destruction List - Police Department

Record Series	Retention Policy	Inclusive Date Range
Dissemination Records (Computerized or Written): List of Agencies That Have Received Information	CY + 3 or December 31, 2016	January 1, 2009 through December 31, 2012
DMV Orders of Suspension/Revocation	CY + 4 or December 31, 2016	January 1, 2007 through December 31, 2011
DMV Pull Notices	CY + 2 or Until superseded	January 1, 2011 through December 31, 2013
Duplicate (Pink), Secondhand Dealer, Pawn Brokers	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Emergency Management, Mutual Aid, Strategic	S + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 ***
Employee's Personnel Records	T + 30 or December 31, 2016	January 1, 1955 through December 31, 1985 **
Equipment - Communication	T + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 **
Equipment - Inventory	S + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 ***
Equipment Inventory/ Sign-out Cards	T + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 **
Equipment Radio Logs (Communication)	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Event Files	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
False Alarm Reports	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Field Interview Cards	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Fingerprint - Applicant Files	T + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 **
Fingerprint -- Suspect Inked/Palm Cards	AC + 20 or December 31, 2016	January 1, 1975 through December 31, 1995
Fingerprint - Records Latent Finger/Palm prints		1) Retain for applicable case statute of limitation; 2) Or until evidence in case is destroyed; hard copy and digitized.
Fingerprint - Suspect, Adult/Juvenile	CL (Closed/ Completion)	Adults/juveniles suspected of a crime, taken for comparison. Destroy after original purpose achieved. *
Grants – Successful (Applications, Reports, and Financial Information)	CL + 4 or December 31, 2016	January 1, 2007 through December 31, 2011 *
Grants – Unsuccessful (Applications, Correspondence)	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Grievance Files	CL + 5 or December 31, 2016	January 1, 2005 through December 31, 2010 *
Guns - Dealers	CY + 6 or December 31, 2016	January 1, 2003 through December 31, 2009
Informant Files	T + 10 or December 31, 2016	January 1, 1995 through December 31, 2005 **
Internal Investigations: Officer Involved Shootings / Shooting Review	CL + 5 or December 31, 2016	January 1, 2005 through December 31, 2010 *
Jail - Inspection Files	CL + 6 or December 31, 2016	January 1, 2003 through December 31, 2009 *
Jail Daily Logs	CY + 6 or December 31, 2016	January 1, 2003 through December 31, 2009

Records Destruction List - Police Department

Record Series	Retention Policy	Inclusive Date Range
Juvenile Detention Log	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Licenses - Business Administrative files	T + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 **
Licenses - Bingo, Mace	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Licenses - Bicycle	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Logs - Auto Theft	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Miscellaneous Reports: Bodies – Natural Death	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Miscellaneous Reports: Mental Cases (Except Multiple Entry and Last Entry is Less Than 2 years	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Miscellaneous Reports: Mental Cases (With 72-Hour Holds)	CY + 5 or December 31, 2016	January 1, 2005 through December 31, 2010
Miscellaneous Reports: Missing Person & Runaway Juvenile Reports (Cleared)	CY + 2 or December 31, 2016	January 1, 20011 through December 31, 2013
Miscellaneous Reports: Missing Person & Runaway Juvenile Reports (Unsolved)	Until Located	
Miscellaneous Reports: Vehicles, Stored or Impounded	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Non- Criminal Occurrences Unless Specified Elsewhere in this Schedule	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Parades & Special Events File	CL + 4 or December 31, 2016	January 1, 2007 through December 31, 2011 *
Patrol Requests (Correspondence)	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Pawn Slips/Tickets (Pawn Broker/ Secondhand dealer)	CY + 3 or December 31, 2016	January 1, 2009 through December 31, 2012
Photographs	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Photographs – Inmates (Negatives/Images)	CY + 20 or December 31, 2016	January 1, 1975 through December 31, 1995
Photographs - Negatives	T	Assigned DR number, retained as form of evidence, destroyed at same time evidence for associated case is destroyed. **
Press Releases	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Press, Video Programs	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Property Control	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Property Original	Until case adjudicated/disposition determined	Copy retained in records case file; Refer to Managing Property in Law Enforcement Agencies (by POST).
Property/Receipt/ Evidence/Disposition Sheets	Original Report Retention	Attach to Property Report; file with original report (OR) in Records Division.
Radar Calibration Records	T+ 2 or December 31, 2016	January 1, 2005 through December 31, 2013 **
Range Inventory	S + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 ***

Records Destruction List - Police Department

Record Series	Retention Policy	Inclusive Date Range
Rap Sheet	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Records of Deceased Persons	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Records of Homicide Victims	CY + 10 & 1 mo. or December 31, 2016	January 1, 1995 through November 30, 2005
Report Summary	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Reports	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Reports -- Activity	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Research Project Files	CL + 2 or December 31, 2016	January 1, 2011 through December 31, 2013 *
Restraining Orders, Emergency Protective Orders, Temporary Restraining Orders, Legal Stipulations, Orders After Hearing	T or CY or December 31, 2016	January 1, 2014 through December 31, 2014
Sealed Juvenile Cases	Sealing Date + 5 or December 31, 2016	January 1, 2005 through December 31, 2010
Statistical (Crime Analysis)	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Statistical Uniform Crime Reports (UCR) Mandatory to DOJ (LEIC); FBI include Return A/Supplement; Supplementary Homicide Report; Law Enforcement Officers Killed or Assaulted; Monthly Return of Arson Offenses Known to Law Enforcement; Number of Violent Crimes Committed Against Senior Citizens; Monthly Report of Domestic Violence Related Calls for Assistance; Monthly Arrest and Citation Register; Monthly Hate Crimes Incidents; Death in Custody Reporting	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Subpoena - Tracking System Records	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Subpoena Log	CY + 1 or December 31, 2016	January 1, 2013 through December 31, 2014
Surveillance/Security Video (Jail and Building)	Current Date + 12 months or December 31, 2016	January 1, 20013 through December 31, 2014
Tactical Entry and After Action Reports/ Operational Plans	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Tapes Audio, Telephone and Radio Communications	CY + 180 Days or July 1, 2015	January 1, 2011 through September 30, 2014
Taxi Permit/license or Identification Card Information	Expiration + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Tow Truck (Owner and/or Driver) Permit/license or Identification card information	Expiration + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Training - Lesson Plans Range	CL + 15 or December 31, 2016	January 1, 1985 through December 31, 2000 *

Records Destruction List - Police Department

Record Series	Retention Policy	Inclusive Date Range
Training - Personnel (by name)	T + 7 or December 31, 2016	January 1, 2001 through December 31, 2008 **
Training - Range Schedules	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Training Bulletins	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Training Courses: Firearms and Field	T + 5 or December 31, 2016	January 1, 2005 through December 31, 2010 **
Vehicle - Down Reports	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Vehicle - Repossession / Private Impounds	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Vehicle - Service Schedules	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Vests - Bulletproof Letters	CY + 2 or December 31, 2016	January 1, 2011 through December 31, 2013
Warrants - Served	Established by the Courts	Contra Costa County Superior Court, Office of Record
Warrants - Unserved (Local)	Established by the courts	Contra Costa County Superior Court, Office of Record
Warrants - Felony	Established by the Courts	Contra Costa County Superior Court, Office of Record
Warrants - Misdemeanor Criminal	Established by the Courts	Contra Costa County Superior Court, Office of Record
Warrants - Traffic	Established by the Courts	Contra Costa County Superior Court, Office of Record
Weapons, Lost/Stolen, Serialized, If No Activity From Date of Report And CLETS Purge	Until Found	December 31, 2002
Work Schedules	CY + 3 or December 31, 2016	January 1, 2009 through December 31, 2012

Note : The destruction of felony, misdemeanor and infraction Crime/Supplemental Reports is permitted providing:

1. They do not relate to an unadjudicated arrest except for H & S 11357 or H & S 11360 violations;
2. They do not relate to unserved warrants;
3. They do not involve identifiable items which have not been recovered;
4. They do not relate to PC 290, PC 457.1, or 11590 registrants;
5. They do not relate to violations listed in PC Sections 799 and 800;
6. The cases are not presently involved in either civil or criminal litigation.

Legend	Citations:
AC Active	B & P Business and Professions Code
AU Audit	CCP Code of Civil

Records Destruction List - Police Department

		Procedure
CY	Current Year	CCR Code of California Regulations
P	Permanent	EC Evidence Code
T	Termination	CFR Code of Federal Regulations
AD	Adoption	GC Government Code
CL	Closed/Completion	HUD Housing and Urban Development
DOB	Date of Birth	H & S Health and Safety Code
L	Life	PC Penal Code
S	Supersede	POST Peace Officers Standards & Training
C	Current	USC United States Code
		WIC Welfare & Institutions Code
*	Unless not closed	
**	Unless not terminated	
***	Unless not superseded	

Inclusive Date Range vs. Retention Policy - The Inclusive Date Range means the dates of the items that may be destroyed, depending on the retention policy that applies to type of document. (For example, some records must be kept until superseded no matter how old they are.) The Retention Policy explains how long those documents are kept on file. The Inclusive Date Range is not always the same length of time as the Retention Policy; the pertinent number is the most recent date in the range because the Department can technically destroy any documents older than that date. The earlier date in the Inclusive Date Range shows dates before which the records should have already been destroyed.

Retention Policy CY + 2 - "CY + 2" means documents dated up to 12/31/2007 are retained only until 12/31/2009. For documents with the Retention Policy "CY + 5," for example, documents older than 12/31/2004 will be destroyed.

Records Destruction List - Police Department

Termination Date/CL - The Termination date means the date a document expires, and applies to documents such as business licenses, records, or studies with an expiration date. CL means the closed or completion date for a document, and commonly pertains to investigatory files.

Customary Practice - As is the Department's customary practice, after City Council approval, the Department destroys the records approved for destruction throughout the course of the year.

1362859.2



AGENDA BILL

Agenda Item No. 5(C)

Date: January 17, 2017
To: El Cerrito City Council
From: Melissa Tigbao, Engineering Manager / Senior Engineer
Yvetteh Ortiz, Public Works Director / City Engineer
Subject: Establish All-way Stop Signs at Belmont/San Diego and Arlington/Potrero Intersections

ACTION REQUESTED

Adopt two separate resolutions authorizing the Public Works Director/City Engineer to establish all-way stops at the following two intersections:

1. Belmont Avenue at San Diego Street
2. Arlington Boulevard at Potrero Avenue

BACKGROUND/ANALYSIS

The Public Works Department has received requests from residents concerned about safety at the intersections of Belmont Avenue at San Diego Street and Arlington Boulevard at Potrero Avenue. Public Works staff evaluated the existing conditions, including signs, striping and pavement markings at both intersections. Belmont Avenue and San Diego Streets are classified as local streets and Arlington Boulevard and Potrero Avenue are classified as minor arterials. Both intersections are located in residential neighborhoods.

All-way (also known as multi-way) stop control can be useful as a safety measure at intersections if certain traffic conditions exist. The primary purpose of an all-way stop is to assign right-of-way. All-way stop signs are most effective when the traffic volumes on all the approaches to the intersection are near equal. The greater the difference between the traffic volumes on the major street compared to the traffic volume on the minor street, the less effective the signs will be. Safety concerns associated with all-way stops include pedestrians, bicyclists, and all road users expecting other road users to stop. As such, the intersection must meet one or more specific traffic criteria established by the State of California, Department of Transportation in the California Manual on Uniform Traffic Control Devices (MUTCD) for the installation of multi-way stop control. Public Works staff requested that our on-call traffic engineering consultant, W-Trans, conduct an engineering study to evaluate this criteria for the intersections of Belmont Avenue at San Diego Street and Arlington Boulevard at Potrero Avenue.

The MUTCD criteria indicates that all-way stop control should be installed where the number of vehicles approaching the intersection from all directions is approximately equal or where there is a collision problem as indicated by a specific number and types

of incidents. Other criteria that may be considered in an engineering study include the need to control left-turn conflicts; the need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volume; locations where a road user, after stopping, cannot see conflicting traffic and is not able to safely negotiate the intersection unless conflicting cross traffic is also required to stop; and an intersection of two residential collector streets of similar design and operating characteristics where all-way stop control would improve traffic operational characteristics of the intersection.

Belmont Avenue at San Diego Street: The intersection of Belmont Avenue and San Diego Street is a four-legged intersection with stop controls on San Diego Street. San Diego Street ends at the rear driveway entrance to the Pacific East Mall one block west of Belmont Avenue. Based on the evaluation done by W-Trans, the measured sight distances at both of the stop-controlled approaches of San Diego are not adequate for a road with a speed limit of 25 miles per hour (mph) due to parked cars, signs, and vegetation. With heavy usage of on-street parking and observation of driver behavior at the intersection as vehicles entered the intersection to obtain clear line of sight, W-Trans determined that an all-way stop at this intersection is warranted.

Arlington Boulevard at Potrero Avenue: The intersection of Arlington Boulevard at Potrero Avenue is a three-legged intersection with stop control on Potrero Avenue. Both roads are classified as minor arterials. The intersection is located on a steep grade with a standard crosswalk on Potrero Avenue and a high-visibility crosswalk on Arlington Boulevard at the north side of the intersection. Northbound Arlington Boulevard approaches the intersection from a horizontal and vertical curve as well as a steep downgrade. Southbound Arlington Boulevard approaches Potrero Avenue from a curve and a slight upgrade. Based on the evaluation done by W-Trans, measured sight distance from Potrero Avenue to the north is adequate however sight distance to the south is inadequate due to landscape obstructions and geometry of the roadway in conjunction with the steep grade. The geometric alignment also limits the visibility of approaching vehicles and that of crossing pedestrian traffic. Based on the limited sight distance which leads to the potential for left-turn conflicts, rear-end collisions, and pedestrian-vehicular conflict, W-Trans determined that an all-way stop at this intersection is warranted. In addition to the minimum striping recommendations at this intersection, because the intersection is located on a steep downgrade, W-Trans does recommend additional Caltrans standard advanced traffic control signs with associated warning pavement legends as well as painted edge lines on Arlington Boulevard between Potrero Avenue and Madera Drive.

The W-Trans study report, attached, fully describes the engineering evaluation for both intersections. To improve traffic safety based on this evaluation, Public Works staff is proposing establishment of all-way stops including installation of STOP signs and associated pavement markings on Belmont Avenue at San Diego Street and installation of STOP signs, associated pavement markings and advance warning signs and striping on Arlington Boulevard at Potrero Avenue.

STRATEGIC PLAN CONSIDERATIONS

Approval of the various stop sign installations is consistent El Cerrito Strategic Plan Goal E – *Ensure the public's health and safety* by providing a clear right-of-way designation for vehicular traffic and providing a safer pedestrian crossing by reducing pedestrian-vehicular conflict.

ENVIRONMENTAL CONSIDERATIONS

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

FINANCIAL CONSIDERATIONS

The cost for the installation of signs, pavement markings, and curb markings are estimated to be under \$6,000 and are included in the Public Works Capital Improvements Project budget for traffic safety and management.

LEGAL CONSIDERATIONS

El Cerrito Municipal Code Section 11.36.010 requires that the installation of stop signs be approved by a resolution of the City Council.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution for Belmont Avenue at San Diego Street
2. Resolution for Arlington Boulevard at Potrero Avenue
3. W-Trans Report

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE ESTABLISHMENT OF AN ALL-WAY STOP AT THE INTERSECTION OF BELMONT AVENUE AND SAN DIEGO STREET

WHEREAS, the El Cerrito Public Works Department has received requests from concerned citizens to evaluate the safety of the intersection of Belmont Avenue and San Diego Street; and

WHEREAS, an engineering study determined that the intersection of Belmont Avenue and San Diego Street meets the State of California criteria for all-way stop control based on a combination of factors; and

WHEREAS, the installation of a an all-way stop is expected to improve traffic safety at the intersection of Belmont Avenue and San Diego Street; and

WHEREAS, Chapter 11.36.010 of the El Cerrito Municipal Code requires that the installation of any stop sign be approved by the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Engineer/Public Works Director to establish an all-way stop at the intersection of Belmont Avenue and San Diego Street.

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

I CERTIFY that at a regular meeting on January 17, 2017 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 January XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE ESTABLISHMENT OF AN ALL-WAY STOP AT THE INTERSECTION OF ARLINGTON BOULEVARD AND POTRERO AVENUE

WHEREAS, the El Cerrito Public Works Department has received requests from concerned citizens to evaluate the safety of the intersection of Arlington Boulevard and Potrero Avenue; and

WHEREAS, an engineering study determined that the intersection of Arlington Boulevard at Potrero Avenue meets the State of California criteria for all-way stop control based on a combination of factors; and

WHEREAS, the installation of an all-way stop is expected to improve traffic safety at the intersection of Arlington Boulevard and Potrero Avenue; and

WHEREAS, Chapter 11.36.010 of the El Cerrito Municipal Code requires that the installation of any stop sign be approved by the City Council.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito authorizes the City Engineer/Public Works Director to establish an all-way stop at the intersection of Arlington Boulevard and Potrero Avenue.

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

I CERTIFY that at a regular meeting on January 17, 2017 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 January XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



Memorandum

Date: October 18, 2016
Project: ECE004-6
To: Ms. Melissa L. Tigbao
Engineering Manager
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530
From: Mark Spencer
mspencer@w-trans.com
Briana Byrne
bbyrne@w-trans.com
Subject: Evaluation of Stop Sign Warrant at Arlington Boulevard/Potrero Avenue and Belmont Avenue/San Diego Street

As requested, W-Trans has prepared a warrant analysis to determine the potential need for all-way stop controls (AWSC) at the intersections of Arlington Boulevard/Potrero Avenue and Belmont Avenue/San Diego Street in the City of El Cerrito.

Based the warrant evaluation and the analysis below, the intersection of Belmont Avenue and San Diego Street should be changed from two-way stop-control to all-way stop control, and the intersection of Potrero Avenue and Arlington Boulevard should be changed from stop-control on Potrero Avenue to all-way stop-control.

All-Way Stop Control Warrants

The stop sign warrant analysis is based on the *California Manual of Uniform Traffic Control Devices (CA-MUTCD)*, which identifies five categories of criteria for determining if an intersection should be considered a candidate for AWSC, including the necessity for traffic signal controls, various traffic volume levels on approaching streets, intersection collision records, a combination of these warrants, and several optional warrants. It is noted that stop signs should not be used to control vehicle speeds (Federal Highway Administration (FHWA), *Intersection Safety Issue Brief 4- Stop Signs*).

The four optional criteria for AWSC warrants listed in the CA-MUTCD include: (A) the potential for left turn conflicts; (B) the potential for vehicle/pedestrian conflicts where there is a high volume of pedestrian activity; (C) restricted sight distance to the extent that turns at the intersection are difficult to complete; and (D) at the intersection of two residential neighborhood collector streets where AWSC would improve the overall operational characteristics of the intersection.

Existing Conditions

Arlington Boulevard/Potrero Avenue – is a tee-intersection with stop-control on Potrero Avenue, the eastbound approach. Both roads are arterials with Arlington Boulevard running north-south and Potrero Avenue east-west. The intersection is located on a steep grade in a residential area of the El Cerrito hills. There is a crosswalk on the Potrero Avenue approach and a high visibility ladder crosswalk on the southbound Arlington Avenue approach. Street parking is allowed on each street in the vicinity of the intersection. On a weekday, the intersection has approximately 8,400 daily traffic volumes with a majority of the volumes on eastbound Potrero Boulevard and southbound Arlington Boulevard. The posted speed on each approach is 25 miles per hour with a 20 mile per hour curve advisory in the northbound direction north of the intersection.

Belmont Avenue/San Diego Street – is a four-leg intersection with stop-controls on the San Diego Street. The intersection is located in a residential neighborhood with the west leg providing access to the Pacific East Shopping Mall. There are no striped crosswalks and on-street parking is permitted. Based on weekday counts, the intersection serves approximately 2,650 vehicles daily with a majority of the volumes on San Diego Street. The posted speed in the area is 25 miles per hour.

Data Collection and Field Observation

Traffic Volumes

All-way stop-control is often used at the intersection of two roadways that exhibit approximately equal traffic volumes. Daily (24-hour) traffic volumes were collected on all approaches to the study intersections on a typical weekday in April 2016. In order to meet the volume warrant, the number of vehicles entering the intersection from the major street must exceed *300 vehicles for each of eight separate hours* plus the volume on the minor street must exceed *200 vehicles per hour for the same eight hours*. A copy of the traffic volume data is enclosed.

Arlington Boulevard/Potrero Avenue

The counts do indicate significantly higher southbound volumes in the morning and higher eastbound volumes in the evening. Since Potrero Avenue is currently the stop-controlled leg, it was assumed to be the minor approach and Arlington Boulevard was assumed to be the major approach. The traffic volume criteria for Arlington Boulevard is only met for three of the eight hours, and for Potrero Avenue it is met for seven of the same eight hours.

However, the volumes on the Potrero Avenue approach during the hours reviewed were higher more than half the time. As such, Potrero Avenue was also reviewed as the major approach and Arlington Boulevard as the minor approach. Based on that assumption, the traffic volume criteria for both Arlington Boulevard and Potrero Avenue is met for seven of the eight hours, with six of hours coinciding.

Since the traffic volumes during the most congested eight hours did not exceed the minimal threshold on either approach to satisfy the criteria, even with Arlington Boulevard and Potrero Avenue each considered the major or minor approach, a stop sign is not warranted based on the daily traffic volumes warrant.

All-way stop-stop control may be recommended if the intersection volumes pass the warrants for a traffic signal. Chapter 4C of the *California Manual on Uniform Traffic Control Devices (CA-MUTCD)* provides guidance on when a traffic signal should be considered. There are nine different warrants, or criteria, presented. **Warrant 3** (peak hour warrant), is often the first warrant to be tested. Based on the volumes during the a.m. peak hour, a signal is warranted based on the peak hour traffic volumes. Under the p.m. peak hour traffic volumes, the traffic signal is not warranted.

Belmont Avenue/San Diego Street

The traffic volume criteria is not met for either Belmont Avenue or San Diego Street during any hour, and therefore a stop sign is not warranted based on the daily traffic volumes warrant. A copy of the traffic volume data is enclosed.

Collision Records

The collision history for the two intersections were reviewed to determine any trends or patterns that may indicate a safety issues that could be prevented via a stop-controlled intersection. In order for an all-way stop-control to be warranted due to collisions, there would have to be five collisions over the past two years. Collision records

were available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports. The most current two-year period available is December 1, 2013 through November 30, 2015. The reports for the two intersections is found attached.

It should be noted that different forms of traffic control can potentially alter the types and/or severity of collisions. A change in traffic control would not eliminate all collisions; the change from two-way stop-control to all-way stop-control at an intersection would change the likelihood of certain collision types as well as the severity of these collisions. By the nature of any all-way stop-controlled intersection, rear-end and broadside collisions may still occur but the severity of these collisions is expected to be reduced. At two-way stop-controlled intersections, vehicles with the right-of-way on the major leg generally do not expect to slow or yield to vehicles entering from the minor stop-controlled leg. At all-way stop-controlled intersections, with proper up-stream signs warning of the stop-sign, motorists are aware that they need to reduce their speed, stop, and yield to those with the right-of way. Adding a new stop sign may lead to an increase in rear-end collisions, particularly until such time as local motorists adapt to the change in traffic control. Therefore the use of advance signage to alert motorists is important when a change in traffic control is implemented. Advance warning signs are also useful in situations where there may be a concern such as roadways with curves, steep grades, sight distance, lighting or other elements.

Arlington Boulevard/Potrero Avenue

There was one collision reported near the intersection. After review, the collision, which involved another object, was not intersection related or could not have been prevented with the installation of a stop sign.

Belmont Avenue/San Diego Street

The one collision reported at the intersection was a broadside collision due to a right of way violation. The frequency of this type of collision could potentially be reduced by installing a stop sign.

Pedestrian Activity

Pedestrian counts were also collected on a typical weekday in April 2016 during the morning, midday, and evening hours to capture any potential activity during the peak hours. As part of the volumes criteria warrant, pedestrian and bicycle volumes can be included as part of the minor approach volumes to satisfy the critical volumes warrant.

Arlington Boulevard/Potrero Avenue

Based on pedestrian counts a weekday when schools were in session, there was minimal pedestrian activity and thus the pedestrian volume in addition to the vehicular volume would not warrant a stop sign.

Belmont Avenue/San Diego Street

Based on pedestrian counts conducted on the same day as the Arlington Boulevard/Potrero Avenue intersection, most of the pedestrian activity at the intersection is on the uncontrolled Belmont Avenue approaches. This result makes sense since the East Pacific Mall is located to the east of the intersection. Because of the Mall's location, there is potential for higher pedestrian volumes during midday weekend peaks for the shopping center, though in addition to the vehicular volumes still potentially not to the level of warranting a stop sign.

Sight Distance

At unsignalized intersections a substantially clear line of sight should be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Adequate time must be provided for the waiting vehicle to either cross, turn left, or turn right, without requiring the through traffic to radically alter their speed. Sight distance was evaluated based on sight distance criteria contained in the *Highway Design Manual* published by Caltrans. The recommended sight distance at intersections of public streets is based on corner sight distances and the approach speed on the major street.

The posted speed limit for each of the approaches at the two intersection is 25 mph. Therefore, the recommended corner sight distance on the minor street approaches at intersections of public streets is 275 feet.



Arlington Boulevard/Potrero Avenue

Sight distance was field measured at the intersection with specific attention to the sight distance at the Potrero Avenue approach in both directions. To the west, the sight distance was adequate. However, in order to gain sufficient sight distance to the east, drivers were required to enter the intersection past the crosswalk. The inadequate sight distance due to partial obstructions from landscaping and the geometry of the road in conjunction with the steep grade, which makes it more difficult for vehicles to stop, has the potential to result in collisions. A diagram of the

recommended corner sight distance at the intersection is attached. In order to improve the line of sight distance, the hedge located at 1855 Arlington Boulevard should be trimmed and maintained so that it does not visually obstruct the line of sight between northbound motorists approaching Potrero Avenue and motorists stopped at Arlington Boulevard.

While minimal on-street parking was observed during the site visit, the time of day the visit was conducted could have been a factor. Since the intersection is located in a residential community, the peak parking demand would likely be in the morning before people left for work or in the evening when they returned. It should be noted that if vehicles were parked just east of the intersection on the south side of Arlington Boulevard, where on-street parking is permitted, the sight distance would be further restricted. Given the existing limited sight distance to the east and the potential for further restriction with on-street parking, a stop sign would be warranted based on limited sight distance. Additionally, the potential for restricted sight distance to the east leads to the potential for left-turn conflicts, though not reflected in the most recent two-years of collision reports.

Belmont Avenue/San Diego Street

Based on the measured sight distance at the intersection, both of the stop-controlled approaches of San Diego Street do not have adequate sight distance primarily due to parked cars. There were other factors affecting sight distance including a "For Sale" sign and vegetation. On-street parking is heavily utilized near the intersection. It was observed that drivers had to enter the intersection in order to have a clear line of sight. This type of behavior was observed on both stop-controlled approaches which reinforced the field measurements. With the restricted sight distance, all-way stop-control would be warranted.



Design Considerations

Based on the above discussion, all-way stop-control is recommended at both intersections reviewed. Per the MUTCD and Caltrans Standards, the installation of the stop-control includes at a minimum a stop sign (R1-1), "STOP" legend (Caltrans detail per page A24D), and a stop bar, (Caltrans detail for a limit line on page A24E). Based on the existing traffic control in the neighborhood, these installations would be the only design recommendations at the Belmont Avenue/San Diego Street intersection.

For the Arlington Boulevard/Potrero Avenue intersection, additional design features are recommended due to the downgrade on the northbound Arlington Boulevard approach and the curvature of the road for the southbound Arlington Boulevard approach. As for the existing striping, there is currently a "ped xing" legend on both north and southbound approaches, and a 25 mph hour legend only on the southbound approach. On the northbound approach of Arlington Avenue, there is a radar speed sign approximately 550 feet before the intersection. On the southbound approach there is a curve advisory sign for a speed of 20 miles per hour approximately 800 feet before the intersection. The eastbound Potrero Avenue approach currently has a stop sign, stop legend, and uses the standard crosswalk as a stop bar instead of a limit line.

In addition to the minimum striping recommendations, it is recommended that the "ped xing" legend be replaced with "stop ahead" legend on Arlington Boulevard per Caltrans Standard on page A24D. During the site visit it was noted that south of the intersection, edge lines were striped alongside the south and west legs of the intersection but not the east leg, which has the steep downgrade. It is recommended that edge lines, per Caltrans striping detail 27B, be applied to both sides of Arlington Boulevard between Potrero Avenue and Madera Drive. Providing an edge line would give a visual cue to the drivers to stay within these lines and therefore reducing speed. As an optional improvement on the northbound approach, advanced warning markings could be installed per MUTCD Figure 3B-31 before the "stop ahead" legend to alert drivers earlier and provide them more time to reduce their speed.

In addition to the stop sign, it is recommended that an advanced traffic control sign "Stop Ahead" (W3-1) be installed on both of the Arlington Boulevard approaches. The proposed design features for the intersection are attached.

Other Design Alternatives

Other design alternatives and advanced warning signs were considered but due to the location of the intersection in a residential neighborhood and other considerations, were not recommended. On the downgrade approach to the intersection, rumble strips paired with the signs would alert drivers to the stop sign ahead but would create loud noises and vibrations that are typically undesirable in a neighborhood setting. A flashing beacon in conjunction with the "stop ahead" sign also typically gets complaints from the nearby neighbors. Lastly, linear

pavement delineation was considered along the striping on the downgrade; however, in conjunction with the stop ahead legend, the roadway striping may prove more distracting to the motorist and yield no additional benefit.

All-Way Stop-Control on Hills

Within the Bay Area there several examples of stop-controlled intersection on steep down grades. The design alternatives proposed above were compared to, and based on, existing similar intersections in the Bay Area along Hillcrest Boulevard and Millbrae Avenue in the City of Millbrae, Trousdale Drive in the City of San Bruno, and Bunker Hill Drive in unincorporated San Mateo.

Along these roadways, four intersections with stop-control on each approach and at least one approach on a steep downgrade were identified. The collision record for the intersections of Lundy Lane and Oriskany Drive along Bunker Hill Drive, Hillcrest Boulevard/Corte Dorado-Via Canon, and Millbrae Avenue/Ashton Avenue were pulled for the most recent five year period. Based on these records, two collisions occurred over the past five years. One was 200 feet east of the Bunker Hill Drive/Lundys Lane intersection. The collision was with a parked car and due to improper turning but not intersection related. The other was at the Hillcrest Boulevard/ Corte Dorado-Via Canon intersection. The rear end collision was on the east leg and due to unsafe speed. The east leg of the intersection is the upgrade approach of Hillcrest Boulevard and is intersection related. As mentioned under the collision section above, rear-end collisions at stop-controlled intersections may still occur.

In the report, *Literature Review on Safety Effects on Intersection Design Elements*, published by the Federal Highway Administration (FHWA), it references a study conducted by J.T. Hanna et al. In the report, it states "accident rates for intersections with a grade steeper than five percent to be lower than the average accident rate for all intersections."

Conclusions and Recommendations

- Neither intersection, Arlington Boulevard/Potrero Avenue or Belmont Avenue/San Diego Street, warranted stop signs based on the most recent two year collision history as well as the daily traffic volumes on each approach or a combination of approaches.
- The Belmont Avenue/San Diego Street intersection does not meet the recommended corner sight distance for a 25 mph road in either direction of either approach due to on-street parking. This factor, in conjunction with the location in a residential neighborhood, and the potential for left turn conflicts, leads to a recommendation that the intersection of Belmont Avenue/San Diego Street be changed to an all-way stop-controlled intersection.
- At the Arlington Boulevard/Potrero Avenue intersection, there is the potential for left-turn conflicts and rear-end collisions based on the restricted sight distance from Potrero Avenue looking east, the steep grade of Arlington Boulevard, and the curvature of the road. Although there were no reported collisions based on the most recent two year data, when considering the potential safety concerns, an all-way stop-control is recommended. It should be noted that given the daily volumes at the intersection, with all-way stop-control there will be increased delays and vehicle queuing expected during higher traffic periods of the day. However, the increased delays and vehicle queuing at the intersection should be weighed against the benefit of improved safety for all users.
- At the two intersections reviewed, it is recommended that at a minimum, the "STOP" legend, per Caltrans detail on page A24D, and limit line (per Caltrans detail on page A24E) be striped and the STOP sign (R1-1), be installed.

- At the intersection of Arlington Boulevard/Potrero Avenue, the following additional striping and signing improvements are recommended:
 - The “ped xing” ahead legend on both Arlington Boulevard approaches should be replaced with “stop ahead” legend per Caltrans standards detailed on page A24D.
 - On east leg of the intersection, edge lines should be striped on Arlington Boulevard between Potrero Avenue and Madera Drive per Caltrans striping detail 27B.
 - A “Stop Ahead” sign (W3-1), should be installed at both of the Arlington Boulevard approaches.
 - An optional improvement on the northbound approach would be to install advanced warning markings per MUTCD’s Figure 3B-31 before the “stop ahead” legend.

- Two additional recommendations to improve sight distance for motorists approaching the Arlington Boulevard/Potrero Avenue intersection are as follows:
 - Paint the curb red on the south side of Arlington Boulevard east of the intersection, thereby restricting parking for about 150 feet along Arlington Boulevard in conjunction with at least one of the methods below:
 - Trim and maintain (or remove) the hedge located at the residence of 1855 Arlington Boulevard, to improve the line of sight for motorists on northbound Arlington Boulevard.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

MES/bkb/ECE004-6.M1-11



- Attachments:
- Table 1 - CA-MUTCD All-Way Stop Sign Warrant Summary
 - Traffic Counts
 - Pedestrian Counts
 - Collision Reports
 - Corner Sight Distance at Potrero Avenue and Arlington Boulevard
 - Potrero Avenue and Arlington Boulevard Recommended Improvements

Table 1 - CA-MUTCD All-Way Stop Sign Warrant Summary

Intersection Major St/Minor St	Collision Warrant	Volume Warrants			Combo Warrant	Optional Criteria			
		Major Street Averages 300 vph for 8 hrs	Minor Street Averages 200 vph for 8 hrs	70% if 40 mph Posted Speed Limit		Potential Left-turn Conflicts (A)	High Level of Pedestrian Activity (B)	Restricted Sight Distance (C)	Controls Improve Residential Neighborhood (D)
Arlington Blvd/ Potrero Ave	No	No	No	No	No	Yes	No	Yes	No
Belmont Ave/ San Diego St	No	No	No	No	No	Yes	No	Yes	Yes

Notes: Combo = Combination; vph = vehicles per hour; mph = miles per hour; hrs = hours

VOLUME

Arlington Boulevard and Portero Avenue intersection approaches

Day: Thursday
Date: 4/21/2016

City: El Cerrito
Project #: 16-7289-001-002-003

DAILY TOTALS						NB	SB	EB	WB	Total	
						3,869	0	3,297	1,224	8,390	
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL
00:00	2	0	3	4	9	12:00	39	0	22	13	74
00:15	2	0	1	0	3	12:15	17	0	26	13	56
00:30	0	0	0	1	1	12:30	22	0	36	13	71
00:45	0	4	0	1	5	12:45	36	114	0	20	88
01:00	0	0	1	0	1	13:00	41	0	29	14	84
01:15	0	0	1	2	3	13:15	38	0	37	22	97
01:30	0	0	1	0	1	13:30	42	0	50	32	124
01:45	0	0	0	3	1	13:45	46	167	0	31	126
02:00	0	0	0	2	2	14:00	139	0	47	34	220
02:15	2	0	0	1	3	14:15	73	0	41	16	130
02:30	1	0	0	1	2	14:30	63	0	36	17	116
02:45	0	3	0	1	4	14:45	91	366	0	86	162
03:00	1	0	0	2	3	15:00	79	0	47	23	149
03:15	0	0	2	0	2	15:15	90	0	58	10	158
03:30	0	0	0	0	0	15:30	74	0	34	10	118
03:45	0	1	0	2	3	15:45	77	320	0	57	120
04:00	2	0	1	0	3	16:00	86	0	42	8	136
04:15	0	0	1	0	1	16:15	92	0	38	18	148
04:30	0	0	0	0	0	16:30	118	0	41	19	178
04:45	0	2	4	6	12	16:45	110	406	0	73	186
05:00	1	0	1	0	2	17:00	127	0	54	21	202
05:15	3	0	4	0	7	17:15	116	0	46	20	182
05:30	3	0	5	3	11	17:30	126	0	37	28	191
05:45	4	11	10	20	35	17:45	116	485	0	96	182
06:00	7	0	10	6	23	18:00	107	0	59	39	205
06:15	13	0	15	8	36	18:15	105	0	91	52	248
06:30	11	0	33	1	45	18:30	83	0	83	52	218
06:45	21	52	50	108	121	18:45	79	374	0	180	161
07:00	15	0	58	11	84	19:00	74	0	37	19	130
07:15	14	0	113	11	138	19:15	78	0	22	21	121
07:30	26	0	159	14	199	19:30	107	0	21	16	144
07:45	36	91	179	509	715	19:45	88	347	0	67	115
08:00	94	0	166	63	323	20:00	78	0	19	12	109
08:15	125	0	184	55	364	20:15	37	0	15	8	60
08:30	140	0	145	20	305	20:30	20	0	7	13	40
08:45	50	409	121	616	1186	20:45	28	163	0	43	48
09:00	42	0	97	9	148	21:00	14	0	12	4	30
09:15	37	0	63	10	110	21:15	17	0	12	9	38
09:30	33	0	75	13	121	21:30	24	0	13	7	44
09:45	34	146	45	280	466	21:45	10	65	0	32	29
10:00	41	0	50	10	101	22:00	7	0	4	6	17
10:15	39	0	32	8	79	22:15	16	0	6	3	25
10:30	30	0	40	17	87	22:30	17	0	4	4	25
10:45	41	151	30	152	374	22:45	8	48	0	19	17
11:00	29	0	32	13	74	23:00	4	0	2	2	8
11:15	25	0	30	14	69	23:15	3	0	1	3	7
11:30	37	0	34	14	85	23:30	3	0	3	4	10
11:45	39	130	36	132	337	23:45	4	14	0	12	8
TOTALS	1000		1834	401	3235	TOTALS	2869		1463	823	5155
SPLIT %	30.9%		56.7%	12.4%	38.6%	SPLIT %	55.7%		28.4%	16.0%	61.4%

DAILY TOTALS						NB	SB	EB	WB	Total
						3,869	0	3,297	1,224	8,390

AM Peak Hour	08:00	07:30	07:45	07:45	PM Peak Hour	17:00	18:00	18:00	17:45		
AM Pk Volume	409	688	154	1223	PM Pk Volume	485	278	180	853		
Pk Hr Factor	0.730	0.935	0.611	0.840	Pk Hr Factor	0.955	0.764	0.865	0.860		
7 - 9 Volume	500	0	1125	205	1830	4 - 6 Volume	891	0	345	169	1405
7 - 9 Peak Hour	08:00	07:30	07:45	07:45	4 - 6 Peak Hour	17:00	16:30	16:45	16:45		
7 - 9 Pk Volume	409	0	688	154	1223	4 - 6 Pk Volume	485	0	189	97	761
Pk Hr Factor	0.730	0.000	0.935	0.611	0.840	Pk Hr Factor	0.955	0.000	0.875	0.866	0.942

VOLUME

Belmont Avenue and San Diego Street intersection approaches

Day: Thursday
Date: 4/21/2016

City: El Cerrito
Project #: 16-7289-004-005-006-007

DAILY TOTALS						NB	SB	EB	WB	Total	
						240	468	1,009	924	2,641	
AM Period	NB	SB	EB	WB	TOTAL	PM Period	NB	SB	EB	WB	TOTAL
00:00	0	3	0	0	3	12:00	3	5	17	18	43
00:15	0	1	1	2	4	12:15	5	11	18	16	50
00:30	0	0	1	1	2	12:30	4	5	19	13	41
00:45	1	1	5	2	3	12:45	3	15	8	29	33
01:00	0	1	0	1	2	13:00	4	10	19	16	49
01:15	0	0	0	0	0	13:15	2	5	29	13	49
01:30	0	0	0	0	0	13:30	5	9	22	20	56
01:45	0	0	1	0	0	13:45	1	12	6	30	16
02:00	1	1	0	1	3	14:00	4	5	15	16	41
02:15	0	0	0	0	0	14:15	1	10	17	14	42
02:30	1	0	1	0	2	14:30	2	5	15	16	38
02:45	0	2	2	3	2	14:45	7	14	3	23	22
03:00	0	0	0	0	0	15:00	5	7	29	16	57
03:15	1	0	2	0	3	15:15	6	8	19	14	47
03:30	0	0	0	1	1	15:30	6	4	19	16	45
03:45	0	1	1	0	2	15:45	2	19	4	23	26
04:00	1	0	3	0	4	16:00	3	6	15	22	46
04:15	0	0	0	0	0	16:15	5	11	27	21	64
04:30	2	1	0	0	3	16:30	1	10	30	12	53
04:45	0	3	1	2	2	16:45	2	11	7	34	17
05:00	0	0	1	0	1	17:00	4	12	29	22	67
05:15	0	1	2	1	4	17:15	8	14	22	15	59
05:30	1	0	0	0	1	17:30	3	10	24	27	64
05:45	2	3	0	1	3	17:45	1	16	6	42	17
06:00	1	2	1	2	6	18:00	11	11	33	22	77
06:15	0	1	1	1	3	18:15	7	12	25	23	67
06:30	0	1	0	1	2	18:30	2	10	17	23	52
06:45	2	3	5	9	2	18:45	2	22	11	44	23
07:00	0	4	2	5	11	19:00	5	10	26	14	55
07:15	3	2	4	4	13	19:15	5	7	15	19	46
07:30	3	12	3	8	26	19:30	6	5	13	9	33
07:45	5	11	4	22	15	19:45	2	18	10	32	19
08:00	7	6	6	17	36	20:00	2	5	15	15	37
08:15	4	7	5	10	26	20:15	4	3	9	10	26
08:30	8	7	5	8	28	20:30	2	4	9	18	33
08:45	4	23	6	26	6	20:45	3	11	8	20	11
09:00	5	5	7	11	28	21:00	3	7	15	4	29
09:15	1	7	9	20	37	21:15	2	6	14	4	26
09:30	4	7	9	14	34	21:30	3	3	8	2	16
09:45	1	11	7	26	8	21:45	2	10	5	21	11
10:00	3	6	11	15	35	22:00	0	3	14	5	22
10:15	2	5	16	24	47	22:15	2	3	4	3	12
10:30	2	5	18	10	35	22:30	3	3	2	1	9
10:45	4	11	5	21	18	22:45	1	6	4	13	1
11:00	3	9	13	13	38	23:00	1	6	1	6	14
11:15	3	9	19	10	41	23:15	1	2	1	1	5
11:30	2	7	9	17	35	23:30	1	2	1	1	5
11:45	4	12	5	30	23	23:45	2	5	0	10	2
TOTALS	81	147	220	289	737	TOTALS	159	321	789	635	1904
SPLIT %	11.0%	19.9%	29.9%	39.2%	27.9%	SPLIT %	8.4%	16.9%	41.4%	33.4%	72.1%

DAILY TOTALS						NB	SB	EB	WB	Total
						240	468	1,009	924	2,641
AM Peak Hour	07:45	10:45	11:45	09:30	11:45	PM Peak Hour	14:45	18:00	16:15	17:30
AM Pk Volume	24	30	77	77	184	PM Pk Volume	24	44	103	100
Pk Hr Factor	0.750	0.833	0.837	0.802	0.920	Pk Hr Factor	0.857	0.917	0.858	0.893
7 - 9 Volume	34	48	46	72	200	4 - 6 Volume	27	76	181	162
7 - 9 Peak Hour	07:45	07:30	07:45	08:00	07:45	4 - 6 Peak Hour	16:45	16:30	16:15	17:00
7 - 9 Pk Volume	24	29	31	46	123	4 - 6 Pk Volume	17	43	103	92
Pk Hr Factor	0.750	0.604	0.517	0.676	0.854	Pk Hr Factor	0.531	0.768	0.858	0.821

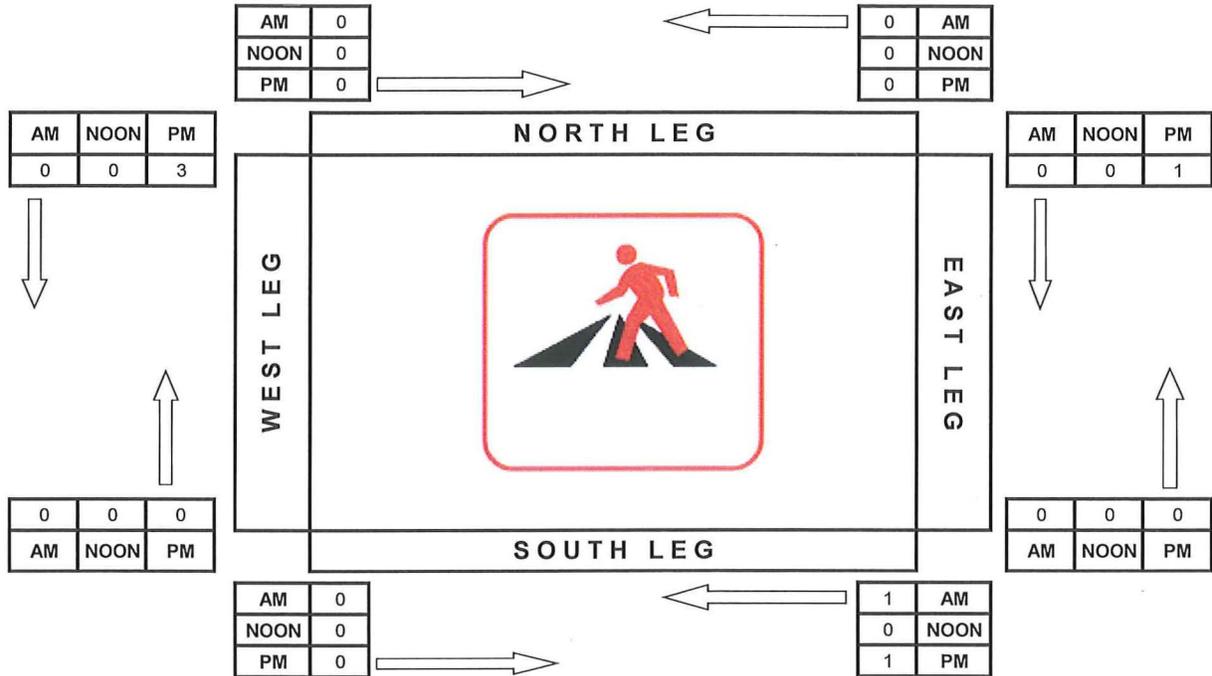
PREPARED BY NATIONAL DATA & SURVEYING SERVICES

Pedestrian Count Peak Hour

PROJECT#: 16-7290-001
 N/S Street: Potrero Avenue
 E/W Street: Arlington Boulevard
 DATE: 4/21/2016
 CITY: El Cerrito

DAY: Thursday

	Start:	End:
AM	7:00	9:00
NOON		
PM	16:00	19:00



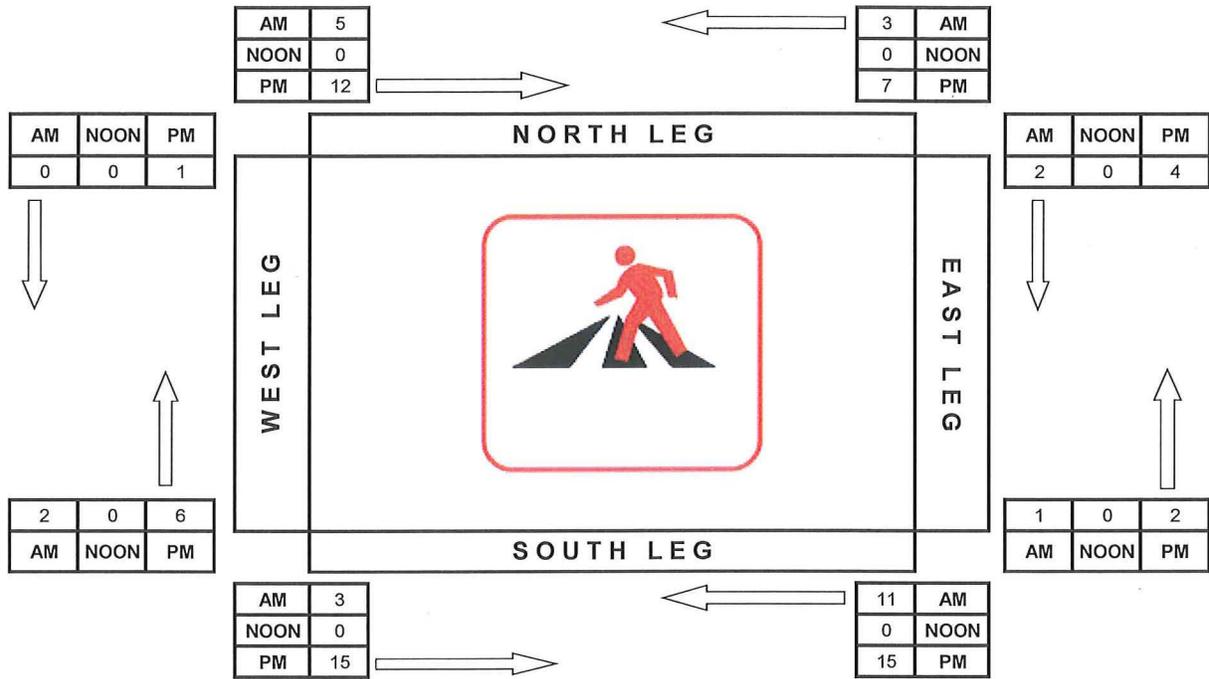
PREPARED BY NATIONAL DATA & SURVEYING SERVICES

Pedestrian Count Peak Hour

PROJECT#: 16-7290-002
 N/S Street: Belmont Avenue
 E/W Street: San Diego Street
 DATE: 4/21/2016
 CITY: El Cerrito

DAY: Thursday

	Start:	End:
AM	7:00	9:00
NOON		
PM	16:00	19:00



**AWSC Warrant Evaluation- Prj ECE004-6
Arlington Boulevard/Potrero Avenue**

Collision Report Summary

4/27/2016

Date Range Reported: 12/1/13 - 11/30/15

Total Number of Collisions: 1

Total Number of Persons Injured: 0

Total Number of Persons Killed: 0

Report#	Date	Time	Location	Dist.	Dir.	Type of Collision	Motor Veh. Involved With	Dir. of Travel 1	Movement Prec. Coll. 1	Dir. of Travel 2	Movement Prec. Coll. 2	PCF	Inj.	Kil.
6434145	4/2/14	17:03	Arlington Bl & Potrero Av	483'	South	Other	Other Object	South	Proceeding Straight			Other Than Driver or Ped	0	0

**AWSC Warrant Evaluation- Prj ECE004-6
Belmont Ave/San Deigo St**

Collision Report Summary

4/27/2016

Date Range Reported: 12/1/13 - 11/30/15

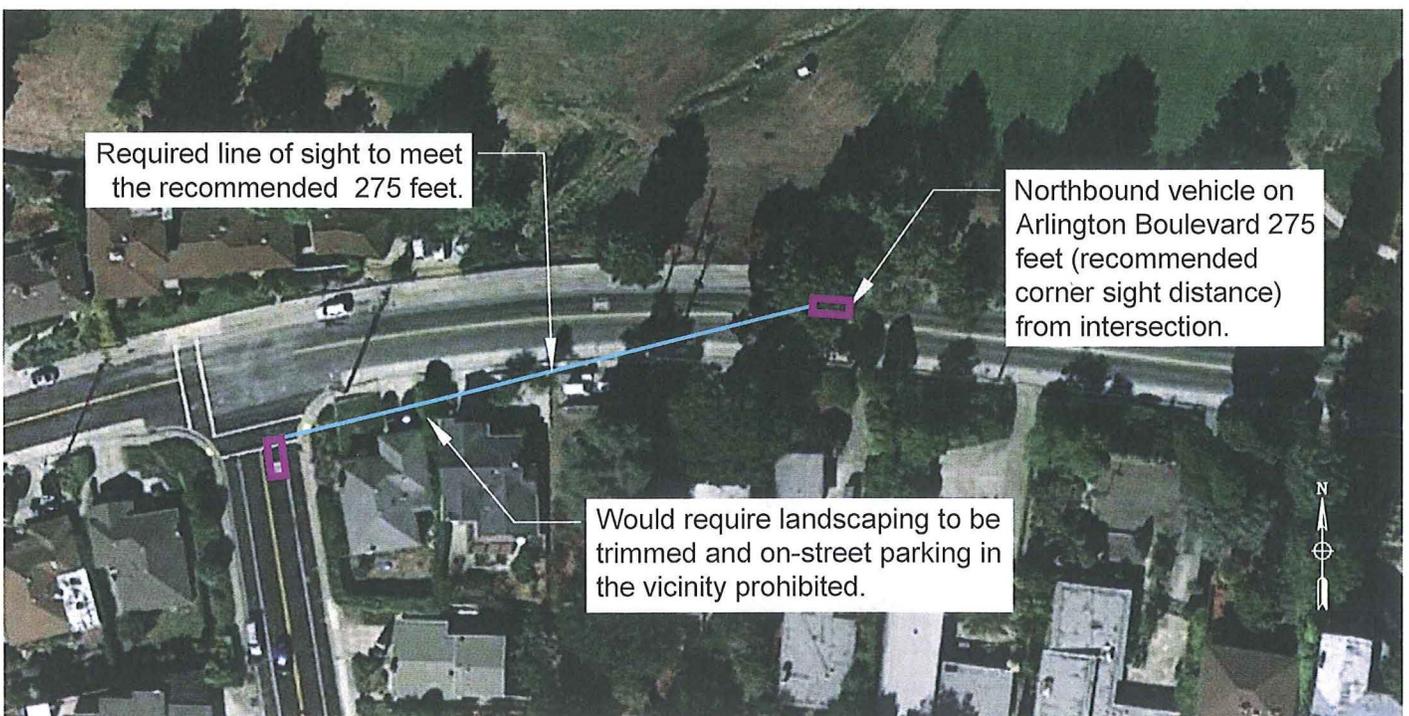
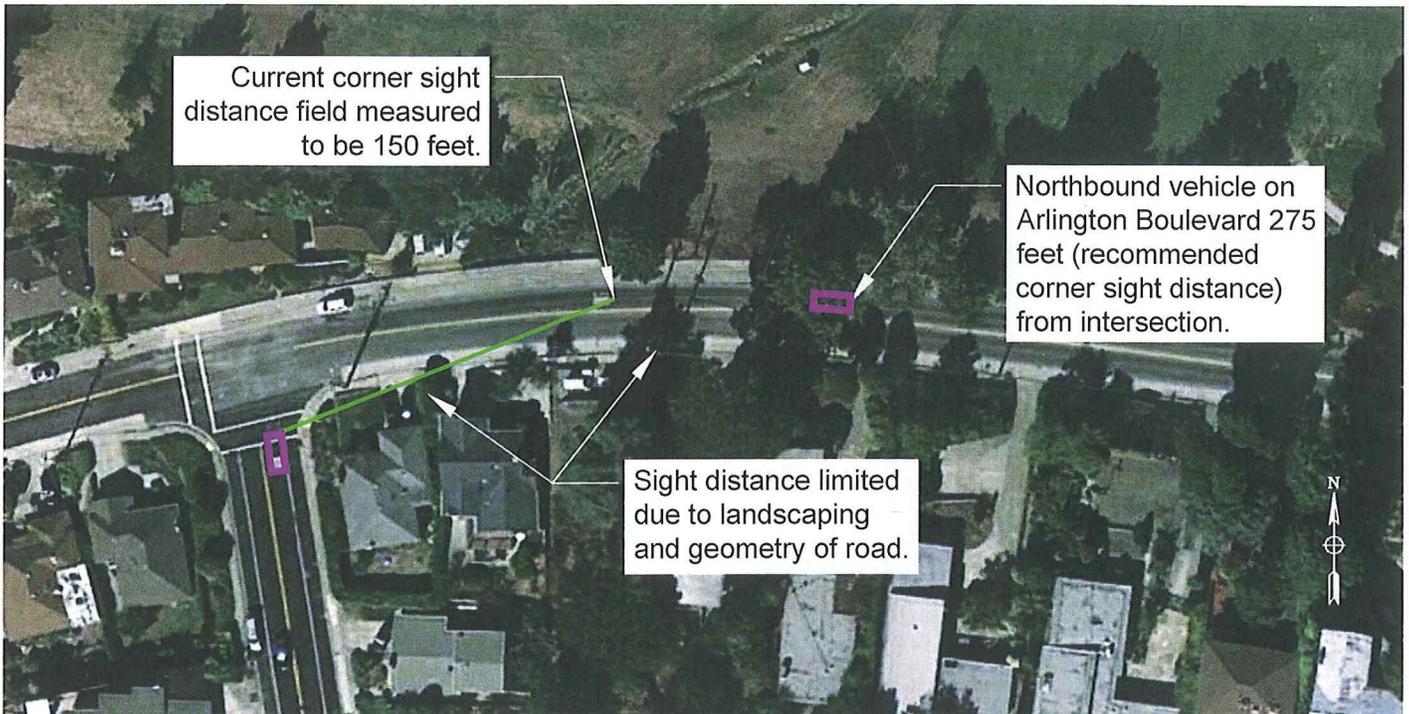
Total Number of Collisions: 1

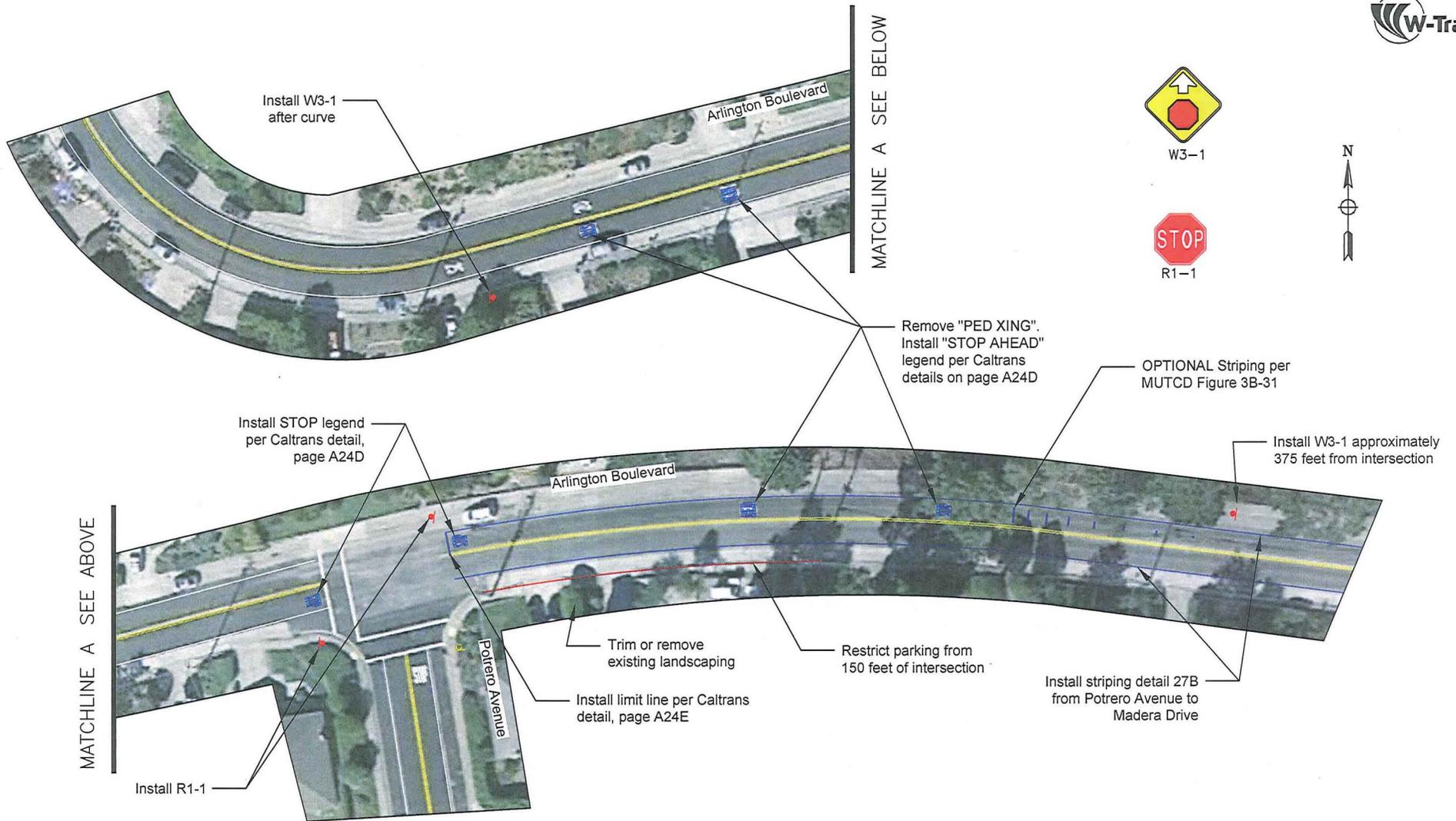
Total Number of Persons Injured: 0

Total Number of Persons Killed: 0

Page 1

Report#	Date	Time	Location	Dist.	Dir.	Type of Collision	Motor Veh. Involved With	Dir. of Travel 1	Movement Prec. Coll. 1	Dir. of Travel 2	Movement Prec. Coll. 2	PCF	Inj.	Kil.
6444970	4/1/14	07:20	San Diego St & Belmont Av	0'	In Int.	Broadside	Other Motor Vehicle	West	Proceeding Straight	North	Proceeding Straight	Auto R/W Violation	0	0





AWSC ARLINGTON BOULEVARD AND POTRERO AVENUE IMPROVEMENTS

SIGNING AND STRIPING PLAN

ECE004-6

SCALE: NTS

DATE:10/18/16



AGENDA BILL

Agenda Item No. 5(D)

Date: January 17, 2017
To: El Cerrito City Council
From: Christopher Jones, Recreation Director
Subject: Approval of Co-Sponsorship for the American Cancer Society for Relay for Life East Shore Including Waiver of Associated Fees

ACTION REQUESTED

Adopt a resolution approving City Co-Sponsorship for the American Cancer Society Relay For Life East Shore including waiver of associated fees.

BACKGROUND/ANALYSIS

The American Cancer Society Relay for Life is a life changing event that gives everyone in communities across the globe a chance to celebrate the lives of people who have battled cancer, remember loved ones lost, and fight back against the disease. At Relay, teams of people camp out at a local high school, park, or fairground and take turns walking or running around a track or path. Each team is asked to have a representative on the track at all times during the event. Because cancer never sleeps, Relays are overnight events lasting up to 24 hours in length.

The Relay for Life event began in 1985 when Dr. Gordy Klatt, a colorectal surgeon in Tacoma, Washington, ran and walked around a track for 24 hours to raise money for the American Cancer Society. Since then, Relay has grown from a single man's passion to fight cancer into the world's largest movement to end the disease. Each year, more than 3.5 million people in 5,000 communities in the United States, along with additional communities in 20 other countries, gather to take part in this global phenomenon and raise much needed funds and awareness to save lives from cancer. Thanks to Relay participants and communities, the American Cancer Society continues to save lives.

The City Council established a co-sponsorship policy on February 7, 1977 that would assist community non-profit organizations in providing leisure services to El Cerrito residents. The policy provides assistance to community organizations to make public facilities and other services available for the growth, continuation of programs, and to insure that public facilities are being used for the best welfare of the community. On October 6, 1980, the City Council amended the co-sponsorship policy on the recommendation of the Park and Recreation Commission. This policy governed the relationship between the City and non-profit organizations in the provision of recreation programs in the community. The policy was adopted to formalize a procedure in which groups would receive the use of public facilities at a reduced cost and provide priority usage of City facilities.

On March 19, 2001, the City Council approved a process to review all requests from community based organizations, co-sponsored facility use and funding. Co-sponsored groups receive the financial benefit of reduced or free facility use in lieu of asking the City for a monetary donation.

For 2017, Relay for Life El Cerrito and Albany have combined into Relay for Life East Shore in order to streamline logistics and expenses and maximize the amount of funds raised by the event. Approval of co-sponsorship will make available meeting space for 1.5 hour meetings, twice per month December 2016 to August 2017, and Cerrito Vista Park on July 21 at 4pm thorough July 23, 2017 at 1pm and waive all fees associated with the use of these facilities including waste management fees. Available rooms or clubhouses will be used for the Relay Event planning meetings in order to prevent conflicts with potential rentals. Cerrito Vista Park will be used for the Relay itself. Per the co-sponsorship policy, the Relay for Life has been meeting at the Community Center, at no cost, at the discretion of the Recreation Director. It has also been requested that City Hall Tower be lighted purple in recognition of this fight against cancer.

STRATEGIC PLAN CONSIDERATIONS

Approval of the co-sponsorship application fulfills the following City of El Cerrito Strategic Plan goals and identified strategies:

- Goal A: Deliver exemplary government services
 - Develop and strengthen relationships with public and private partners, residents, businesses, schools, and community groups.
- Goal C: Deepen a sense of place and community identity

FINANCIAL CONSIDERATIONS

Fees to be waived amount to approximately \$3,200 which is inclusive of rental fees for meeting rooms and Cerrito Vista Park as well as five temporary waste stations.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Co-Sponsorship Application

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING APPROVAL OF CO-SPONSORSHIP OF THE AMERICAN CANCER SOCIETY FOR THE USE OF AVAILABLE MEETING ROOMS AND CERRITO VISTA PARK FOR RELAY FOR LIFE EAST SHORE AND WAIVE ALL FEES

WHEREAS, on March 19, 2001 the City Council approved a process to review all requests from community based organizations for facility use and funding; and

WHEREAS, the City provides support for community based, co-sponsored organizations; and

WHEREAS, community organizations through their design, improve and enhance the quality of life in El Cerrito; and

WHEREAS, public facilities are to be used to benefit the El Cerrito community; and

WHEREAS, the American Cancer Society would like to utilize an available meeting room twice per month from December 2016 to August 2017 and Cerrito Vista Park July 21 through 23, 2017 for the Relay for Life East Shore Event; and

WHEREAS, communities from across the globe will have a chance to celebrate the lives of people who have battled cancer, remember loved ones who lost or fought back against the disease; and

WHEREAS, the City has provided support to past Relay for Life events in El Cerrito.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby approves co-sponsorship and the waiver of fees for the use of an available meeting room from December 2016 through August 2017 and Cerrito Vista Park July 21 through 23, 2017 for the American Cancer Society's Relay for Life East Shore. The City Hall Tower will also be illuminated in Purple to commemorate this fight against cancer.

I CERTIFY that at a regular meeting on January 17, 2017, the City Council of the City of El Cerrito passed this Resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on January 17, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(E)

Date: January 17, 2017
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Reject Bids for Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025)

ACTION REQUESTED

Adopt a resolution to:

- a. Reject all bids submitted for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025);
- b. Authorize City staff to proceed with value engineering measures and re-advertise the project for public bid.

BACKGROUND

Project Description

The Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project will improve the Ohlone Greenway at the El Cerrito del Norte and El Cerrito Plaza BART Stations. Currently, in the two BART Station areas, the Ohlone Greenway becomes narrower than other segments of the Greenway and has an irregular alignment at street crossings, and at the same time, it has higher pedestrian, bicycle, automobile and bus traffic that contribute to increased conflicts between all modes of travel. The Ohlone ASP Project will improve and widen the mixed-use path; upgrade and expand existing crosswalks on adjacent streets to create high visibility pedestrian zones with new striping, special pavement, improved signage, curb bulb-outs, upgraded curb ramps and flashing lights; enhance landscaping, lighting, seating, and other amenities; and upgrade and expand the existing camera surveillance system to three key nodes next to the Greenway. The goals of the project are to improve bicycle and pedestrian routes leading to transit, commercial nodes and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community.

Project Funding

In June 2013, the City Council adopted Resolution 2013-29 applying for approximately \$3.47 million in federal grant funds through the Contra Costa County Portion of the Metropolitan Transportation Commission's (MTC) One Bay Area Grant (OBAG) Program for design and construction of the project, committing the necessary non-

Agenda Item No. 5(E)

federal match, and assuring the project would be completed per federal requirements. The Metropolitan Transportation Commission (MTC) formally approved the award in September 2013. The OBAG Program requires a minimum 11.47% percent local match in non-federal funding for each phase of the project. The local matching funds include \$300,000 from the BART Measure J Project No. 10002-01, "Transit Oriented Development (TOD) and Access Improvements at El Cerrito Plaza & del Norte BART Stations" Project and \$149,387 in Park In-Lieu funds contributed by Safeway as part of development of their del Norte Store.

Most recently, City staff submitted a request to the West Contra County Transportation Advisory Committee (WCCTAC) for \$300,000 in Subregional Transportation Mitigation Program (STMP) funding to cover additional estimated costs for the construction phase including construction contract, contingency, construction management and engineering, inspection and material testing. The WCCTAC Board approved the request at its March 25, 2016 meeting. In July 2016, City Council adopted Resolution 2016-54 authorizing the City Manager to execute a Subregional Transportation Mitigation Program (STMP) Cooperative Funding Agreement between West Contra Costa County Transportation Advisory Committee (WCCTAC) and the City of El Cerrito.

Bidding

The project was advertised for bid in the West County Times on November 2 and 8, 2016. Additionally, the Notice Inviting Bids was sent to contractor plan rooms and posted on the City's website. One mandatory pre-bid meeting was also held on November 15, 2016.

ANALYSIS

Three bids were received on December 15, 2016. The Bid Opening results are as follows:

Name and Location of Bidder	Base Bid	Base + All Alternatives
Ghilotti Bros., Inc., San Rafael	\$4,613,191	\$5,421,265
FBD Vanguard Construction, Livermore	\$3,535,725	\$4,047,190
Gordon N. Ball, Inc., Alamo	\$3,636,914	\$4,401,882
Engineer's Estimate	\$2,158,507	\$2,732,230

The Contract Documents stipulated that the low bidder was to be determined by the total amount of the Base Bid and all of the additive alternatives (Number 1 through 7). The apparent low bid was submitted by FBD Vanguard Construction in the amount of \$4.0 million, which was higher than the Engineers Estimate by about 50%. City staff and consultants structured the bids with several additive and deductive items. However, the low Base Bid was also over by a similar amount and exceeds the project's construction budget of \$3,185,000.

City staff is recommending that all bids be rejected. The Ohlone ASP Project is an atypical construction project with a number of challenges including work within the BART operating envelope, limited access, high concentration of pedestrians and bicyclists, and two distinct and large project sites. Getting three bids provides City staff with an opportunity to discuss the bids with the contractors to determine what drove prices up so high and then City staff can reevaluate the project design elements and construction phasing. City staff will then value-engineer and restructure the project, and seek additional funding from external sources, such as WCCTAC STMP.

STRATEGIC PLAN CONSIDERATIONS

The Ohlone ASP Project is consistent with El Cerrito Strategic Plan Goal D – *Develop and rehabilitate public facilities as community focal points*; Goal C – *Deepen a sense of place and community identity by promoting strong neighborhoods*; and Goal F – *Foster environmental sustainability citywide* by encouraging alternative modes of transportation to the single occupancy vehicle. Consistent with the federal grant goals, the project will improve connectivity, enhance sense of place, bring new vibrancy and support the higher-density transit-oriented neighborhoods adjacent to BART as a place where developers want to build and people want to live, work and visit.

ENVIRONMENTAL CONSIDERATIONS

In 2009, the City completed an Initial Study and Negative Declaration per California Environmental Quality Act (CEQA) Guidelines, Section 15063, to evaluate the cumulative impacts of the improvements identified for the Greenway in the Ohlone Greenway Master Plan. The project is consistent with the Master Plan and will not have a significant effect on the environment.

In addition, because the project is federally-funded, the project Design Consultant and City staff completed preliminary environmental studies and various technical studies in compliance with the National Environmental Policy Act (NEPA). Caltrans reviewed the studies and determined that the project has no significant impacts on the environment as defined by NEPA and therefore the project is categorically excluded from the requirements of preparing an environment assessment or environmental impact statement.

FINANCIAL CONSIDERATIONS

The design and construction of the Ohlone ASP Project is funded by the \$3,468,000 federal OBAG grant, \$300,000 of BART Measure J funds, \$149,387 of Park In-Lieu funds, and \$300,000 of STMP funds, totaling \$4.2 million. Funding of \$3.7 million is

included in the Fiscal Year (FY) 2016-17 Adopted Budget and Capital Improvement Program (CIP) for the construction phase of the project.

The overall project budget is summarized below.

Planning/Environmental (prior fiscal years)	\$13,253
Design (prior fiscal years)	\$499,100
Construction	
Construction Contract including Contingency	\$3,185,000
Construction management, inspection and materials testing services (Ghirardelli Agreement including contingency)	\$434,236
Project Management & Design Support Services	\$60,000
City Staff	\$15,000
Miscellaneous (printing, postage, etc)	\$10,798
Construction Subtotal	\$3,704,086
Project Total	\$4,216,439

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO REJECTING ALL BIDS SUBMITTED FOR THE OHLONE GREENWAY BART STATION AREA ACCESS, SAFETY AND PLACEMAKING IMPROVEMENTS PROJECT, CITY PROJECT NO. C3076, FEDERAL PROJECT NO. CML-5239(025), AND AUTHORIZING CITY STAFF TO PROCEED WITH VALUE ENGINEERING MEASURES AND RE-ADVERTISE THE PROJECT FOR PUBLIC BID

WHEREAS, the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project is intended to improve bicycle and pedestrian routes leading to transit, commercial nodes, and housing; bring new vibrancy to the areas around the BART Stations to encourage housing development specifically within a regionally-designated Priority Development Area; increase safety and accessibility for BART riders and Greenway users; and improve the integration of the BART Stations with the surrounding community; and

WHEREAS, the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025) was advertised for bids on November 2 and 8, 2016 and three bids were received on December 15, 2016; and

WHEREAS, all bids significantly exceeded the Engineer's Estimate and project budget; and

WHEREAS, City staff has determined that modifying the project through a value engineering process could likely lower the cost of the project, and will also seek additional funding available through external sources.

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

- 1) Rejects all bids submitted for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project, City Project No. C3076, Federal Project No. CML-5239(025); and
- 2) Authorizes City staff to proceed with value engineering measures and re-advertise the project for public bid.

I CERTIFY that at a regular meeting on January 17, 2017 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 January XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 5(F)

Date: January 17, 2017
To: El Cerrito City Council
From: Paul Keith, Chief of Police
Subject: Agreement with Tyler Technologies to modify the Police Department Records Management Software

ACTION REQUESTED

Adopt a resolution authorizing the City Manager to amend the agreement with Tyler Technologies to modify the Police Department records management software for a total expense not to exceed \$86,470.

BACKGROUND

Since 2003, the El Cerrito Police Department has been engaged in a joint endeavor with the Richmond, San Pablo, Pinole, Kensington, and Hercules Police Departments to manage, store, and maintain public safety records and created a records server system currently housed in the City of Richmond. An agreement between the agencies authorized the funding of computer hardware, Information Technology staff, and licensing costs. The most recent agreement between the agencies expired on June 30, 2014. Since that time, the joint agreement has remained in effect through mutual understanding of the parties. Each month, the City of El Cerrito pays the City of Richmond for its shared cost of equipment maintenance, T-1 line maintenance, personnel, and contingencies. This fiscal year, El Cerrito has paid \$25,248 to the City of Richmond for records management related expenses.

The West County Consortium, as the agencies were commonly referred to, used products from Tyler Technologies, formerly New World Systems (Tyler Tech), for dispatch and records management. Some agencies operated their individual licenses as part of the City of Richmond's maintenance agreement with Tyler Tech. The City of El Cerrito has a separate agreement with Tyler Tech for software maintenance and upkeep. On January 21, 2014, the El Cerrito Police Department entered into a maintenance agreement with Tyler Tech for upgrades, maintenance, and support of the Tyler Tech records management system. This agreement is in effect until May 31, 2019 and the City is currently obligated to pay for the remaining two years of the contract at a total of \$62,187.

On July 27, 2016, the City of Richmond hosted a meeting with the member agencies to discuss the future of the Records Management Agreement and Communications Agreement. At that meeting Richmond informed the other Consortium agencies that it no longer intended to host public safety records for outside agencies, was no longer interested in continuing the existing Records Management Agreement, gave notice to the Consortium agencies that it did not plan to renew the expired Communications Agreement, and planned to cease providing dispatch and records management services on June 30, 2017 unless cities signed new agreements at increased rates.

Agenda Item No. 5(F)

As authorized by the City Council, the City of El Cerrito is currently negotiating with the Office of the Sheriff and the County of Contra Costa for public safety dispatching. Both entities require agencies to host their own records data and do not have provisions for records management hosting.

On December 28, 2016, the City Manager authorized the expenditure of \$17,920 to begin the process of migrating data on records servers. The attached resolution would authorize an additional \$68,550 to install and create software interfaces, pay for message switches, and pay for other expenses related to the records management project.

ANALYSIS

Staff has identified in-house storage of police records as the preferred records management solution. Storing police records on in-house servers will allow the City to optimally maintain control over the integrity of Police Department records.

Continuing to use Tyler Tech as our records provider will take advantage of our existing service contract and provide the Police Department with a records management system that is compatible with the dispatch software used by the Office of the Sheriff. The Tyler Tech solution is the most cost effective solution to the challenge of creating a records server within a limited amount of time. In addition, continuing the use of Tyler Tech records management system will provide continuity for Police Department staff as the agency transitions to a new dispatch provider.

STRATEGIC PLAN CONSIDERATIONS

Approving the attached resolution is consistent with El Cerrito Strategic Plan Goal B - Achieve long-term financial sustainability and Goal E - Ensure the public's health and safety. The City will achieve short-term financial savings by continuing to use Tyler Tech as the vendor for Police records management and will realize long-term savings by managing in-house records with existing staff. In addition, the use of Tyler Tech should result in minimal disruptions to existing police records, maintaining important investigative files essential for the safety of the public.

FINANCIAL CONSIDERATIONS

Funding for this project was not included in the FY 2016-17 budget, and so an appropriation from General Fund balance is requested. However, through the dissolution of the Consortium, the City of Richmond is anticipated to refund the City of El Cerrito approximately \$175,000 which will more than cover the amount of this appropriation.

LEGAL CONSIDERATIONS

The City Attorney's office has reviewed and approved the proposed agreements in substantially this form.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Amendment (Document #1095-16A3A)
3. Amendment (Document #1095-16A2A)

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AUTHORIZING THE CITY MANAGER TO AMEND THE AGREEMENT WITH TYLER TECHNOLOGIES TO MODIFY THE POLICE DEPARTMENT RECORDS MANAGEMENT SOFTWARE FOR AN ADDITIONAL EXPENSE NOT TO EXCEED \$86,470.

WHEREAS, the City of Richmond is discontinuing its participation in the West County Consortium Records Management Agreement and will be returning approximately \$175,000 to the City of El Cerrito which will cover the cost of this agreement; and

WHEREAS, the City of El Cerrito is opening negotiations with the County of Contra Costa for the provision of police dispatch services; and

WHEREAS, the County of Contra Costa would require the City to host its own records data and do not have provisions for records management hosting; and

WHEREAS, the City of El Cerrito has an agreement with Tyler Technologies for the provision of records management software; and

WHEREAS, Tyler Technologies has demonstrated that their product meets the operational requirements of the El Cerrito Police Department for records management software; and

WHEREAS, the El Cerrito Police Department has a need for secure storage of police investigatory files and Tyler Technologies provides the most cost-efficient, timely solution.

NOW THEREFORE, BE IT RESOLVED by the El Cerrito City Council that it hereby authorizes the City Manager to amend the agreement with Tyler Technologies to modify the Police Department records management software for a total expense not to exceed \$86,470.

BE IT FURTHER RESOLVED that \$86,470 is appropriated from General Fund balance for this expense as an amendment to the FY 2016-17 Adopted Budget.

I CERTIFY that at a regular meeting on January 17, 2017 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 January XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



Document #: 1095-16A3A

AMENDMENT

This amendment ("Amendment") is made this ____ day of _____, 2016 ("Amendment Effective Date") by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 ("Tyler") and the El Cerrito Police Department, with offices at 10900 San Pablo Ave., El Cerrito, CA 94530 ("Client").

WHEREAS, Tyler and the Client are parties to a License Agreement with an effective date of February 14, 2003 (the "Agreement");

WHEREAS, Tyler and Client now desire to amend the Agreement;

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The services set forth in Exhibit 1 and Schedule 1 to this Amendment are hereby added to the Agreement. Any additional adjustments to scope not set forth herein must be reflected in another amendment to the Agreement.
2. The following payment terms, as applicable, shall apply:
 - a. Fixed-price services are invoiced 50% upon initial delivery of the fixed price service, and 50% upon deployment of the fixed priced service within the your live/production environment.
 - b. Requested custom software is invoiced 50% upon delivery of the Requirements Document and 50% upon delivery of the custom software. You must report any failure of the custom software to conform to the specifications within thirty (30) days of delivery; otherwise, the custom software will be deemed to be in compliance with the Requirements Document after the 30-day window has passed. You may still report Defects to us as set forth in the Maintenance and Support Agreement.
 - c. Third Party Hardware: Third Party Hardware costs, if any, are invoiced upon delivery.
 - d. Travel expenses shall be invoiced as incurred, if applicable.
3. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below.

Tyler Technologies, Inc.

El Cerrito Police Department, CA

By: _____

By: _____

Name: Greg Sebastian

Name: _____

Title: President, Public Safety Division

Title: _____

Date: _____

Date: _____

Exhibit 1
Investment Summary

EL CERRITO POLICE DEPARTMENT, CA

December 19, 2016

A. PROFESSIONAL SERVICES		
ITEM	DESCRIPTION	INVESTMENT
PROFESSIONAL SERVICES		
1.	Fixed Installation Service Fees:	25,600
	- State/NCIC	6,400
	- Livescan Interface	5,120
	- Citizen Reporting Interface	2,560
	- BAIR Analytics Interface	6,400
	- On-Line Property Checks Interface to State/NCIC	3,840
	- Aries Interface	1,280
2.	CUSTOM SOFTWARE/CUSTOM SOFTWARE INTERFACES	21,600
	Third Party Software Product (Custom Interfaces)	
	RMS Interfaces	
	- Interface from Tiburon CAD to New World LERMS / FRMS (one-way)	21,600
	*Customer is moving to a new dispatch center that is using Tiburon CAD and request CAD feed to their New World LERMS and FRMS. Customer is requesting scope and pricing to build this interface.	
TOTAL IMPLEMENTATION SERVICES		\$47,200
B. THIRD PARTY PRODUCTS AND SERVICES		
ITEM	DESCRIPTION	INVESTMENT
1.	THIRD PARTY PRODUCTS AND SERVICES	
	THIRD PARTY HARDWARE	
a.	Hardware, System Software & Services	11,350
	Message Switch (3 year warranty)	11,350
TOTAL THIRD PARTY PRODUCTS AND SERVICES		\$11,350
C. TRAVEL AND LIVING EXPENSES (Estimate)		
ITEM	DESCRIPTION	INVESTMENT
1.	TRAVEL AND LIVING EXPENSES (Estimate)	
	Estimated 5 trips at \$2,000 per trip.	\$10,000
TOTAL ONE TIME COST		\$68,550

PRICING VALID THROUGH MARCH 31, 2017.

Pricing Assumptions

Personal Computers must meet the minimum hardware requirements for New World products. Microsoft Windows 7/8 or later is required for all client machines. Windows 2008/2012 Server and SQL Server 2008/2012 are required for the Application and Database Server(s).

New World product requires Microsoft Windows 2008/2012 Server and SQL Server 2008/2012 including required Client Access Licenses (CALs) for applicable Microsoft products. Servers must meet minimum hardware requirements provided by Tyler.

New World product requires Microsoft Excel or Windows Search 4.0 for document searching functionality; Microsoft Word is required on the application server for report formatting.

Tyler recommends a 100/1000MB (GB) Ethernet network for the local area network. Wide area network requirements vary based on system configuration, Tyler will provide further consultation for this environment.

Does not include any required 3rd party hardware or software unless specified in Section C of this Investment Summary. Customer is responsible for any 3rd party support.

Custom interface will be operational with existing third party software. Any subsequent changes to third party applications may require additional services.

**Exhibit 1
Investment Summary**

**Schedule 1
Customer Requested Standard Software Enhancements and/or Custom Software**

1. Definition

We will provide you requested standard software enhancements and/or custom software services as discussed below. You agree to cooperate in limiting the scope of those modifications and enhancements, as described below.

An analysis and assessment to verify the scope of effort for these services will be conducted. A revised estimate for the enhancements/customizations may be provided at the conclusion of the assessment. You may elect to cancel or proceed with the enhancements/customizations based on the revised estimate.

Capabilities included in the initial scope:

a) **Custom Software**

While we will provide reasonable consultation, you are responsible for obtaining technical contacts and/or technical specifications from the third parties involved.

(1) Tiburon CAD to New World LERMS / FRMS (one-way):

- Tyler Technologies will provide an interface that will import call data from Tiburon CAD to New World Public Safety Incidents.
- The interface will attempt to match the inbound subject and vehicle data with existing records in New World. When a match is not found, a new record will be created. Data may also be imported as free-form persons or vehicles.
- The import of data will be a batch process that will occur at a frequency configurable by the customer. The interface will support one transfer method and format. Data may be transmitted as a file, through a web service, as a TCP message or other agreed upon protocol.
- The interface will be limited to fields that exist in the New World incident module. No new fields will be added to the database or user screen.

2. Methodology to Provide Enhancements and/or Custom Software

a) **Our Responsibility**

As part of our delivery of these services, we will:

- (1) Review the required features for the items set forth in paragraph 1, above, with you.
- (2) Prepare a Requirements Document (RD) to include:
 - Detailed description of the required feature
 - menu samples

- screen samples
- report samples

(3) Conduct the programming and programming test.

(4) Provide the associated in-scope training, testing and/or other support services.

For an enhancement or custom software requiring over seven (7) days of services, we will utilize the design document procedure described below. For enhancements or custom software that require less than seven (7) days of services, we will use a Request For Service (RFS) procedure. Both procedures are reviewed with you at a pre-installation planning meeting. The RFS procedure utilizes a form with a narrative description and supporting documentation if applicable to define the work to be done.

b) Design and Development Procedure

<u>Activity</u>	<u>Targeted Time Period</u>
(1) We will work with your staff in completing the RD. You agree to be reasonable and flexible in not attempting to design the modifications to be more extensive than called for in the scope (cost and schedule) of this project.	To be determined
(2) We submit completed RD to you.	To be determined
(3) You will review and sign off on the RD. Once you sign off on the RD, any subsequent changes must be documented along with the impact on pricing and schedule, if any. No programming will be done by us until the formal sign-off and your authorization to proceed in writing.	To be determined
(4) We complete programming from RD and provide the associated deliverable to you.	To be determined
(5) You test software modification based on RD.	To be determined

3. Third Party Responsibilities

- a) The third-party will provide a documented API that will allow access to required data via a file transfer, web service, or TCP/IP.
- b) We will not be responsible for making any modification in the 3rd party software to support this interface.
- c) The third-party will work with us and you to test the interface.



AMENDMENT

This amendment ("Amendment") is made this ____ day of _____, 2016 ("Amendment Effective Date") by and between Tyler Technologies, Inc., a Delaware corporation with offices at 840 West Long Lake Road, Troy, MI 48098 ("Tyler") and El Cerrito Police Department, with offices at 10900 San Pablo Ave., El Cerrito, CA 94530 ("Client").

WHEREAS, Tyler and the Client are parties to a License Agreement with an effective date of February 14, 2003 (the "Agreement");

WHEREAS, Tyler and Client now desire to amend the Agreement;

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and the Client agree as follows:

1. The software and/or services set forth in Exhibit 1 to this Amendment are hereby added to the Agreement.
2. The following payment terms, as applicable, shall apply:
 - a. Additional services fees and any expenses will be billed and invoiced as delivered.
 - b. Travel expenses shall be invoiced, as applicable.
3. This Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
4. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below.

TYLER TECHNOLOGIES, INC.

EL CERRITO POLICE DEPARTMENT, CA

(Tyler)

(Client)

By: _____

By: _____

Name: Greg Sebastian

Name: _____

Title: President, Public Safety Division

Title: _____

Date: _____

Date: _____

EL CERRITO POLICE DEPARTMENT, CA

Investment Summary

December 20, 2016

A. PROFESSIONAL SERVICES		
ITEM	DESCRIPTION	INVESTMENT
PROFESSIONAL SERVICES		
1.	Up to 8 hours of Implementation and Training Services are included for: - GIS Training	1,280
2.	Systems Assurance and Software Installation	16,640
	- Server Migration	11,520
	Message Switch Installation Support to include:	5,120
	- configure system variables (i.e., operating system, interfaces, etc.)	
	- Reconfiguration at go-live from MSP CAD to MSP CAD - Configure system variables (i.e., operating system, interfaces, etc.)	
	- Migrate all application software and agency data	
TOTAL ONE TIME COST		<u>\$17,920</u>

PRICING VALID THROUGH MARCH 31, 2017.

Pricing Assumptions

Personal Computers must meet the minimum hardware requirements for New World products. Microsoft Windows 7/8 or later is required for all client machines. Windows 2008/2012 Server and SQL Server 2008/2012 are required for the Application and Database Server(s).

New World product requires Microsoft Windows 2008/2012 Server and SQL Server 2008/2012 including required Client Access Licenses (CALs) for applicable Microsoft products. Servers must meet minimum hardware requirements provided by Tyler.

New World product requires Microsoft Excel or Windows Search 4.0 for document searching functionality; Microsoft Word is required on the application server for report formatting.

Tyler recommends a 100/1000MB (GB) Ethernet network for the local area network. Wide area network requirements vary based on system configuration, Tyler will provide further consultation for this environment.

Does not include any required 3rd party hardware or software unless specified in Section C of this Investment Summary. Customer is responsible for any 3rd party support.

Custom interface will be operational with existing third party software. Any subsequent changes to third party applications may require additional services.



AGENDA BILL

Agenda Item No. 6

Date: January 17, 2017
To: El Cerrito City Council
From: Margaret Kavanaugh-Lynch, Development Services Manager
Subject: Amendment of Chapter 8.10 of the El Cerrito Municipal Code - Massage Establishments

ACTION REQUESTED

Conduct a public hearing and upon conclusion, approve an ordinance of the City of El Cerrito amending Chapter 8.10 of the El Cerrito Municipal Code - Massage Establishments.

BACKGROUND

California cities historically had complete local control over massage businesses. However, each city regulated the industry independently and this approach caused inefficient implementation, confusion and sometimes unfair restriction/prohibition of the use.

In 2009, the California Legislature adopted the 2008 Massage Therapy Act. This Act effectively created a statewide voluntary certification program for massage practitioners and pre-empted local zoning authority over the operation of massage businesses. At that time, most sections of Chapter 8.10 of the El Cerrito Municipal Code became pre-empted by the state law. Essentially, as long as someone had a state certificate and they met basic zoning use regulations for Personal Improvement Services, they were approved. Statewide, this practice has allowed many new massage businesses to become established. However in some instances, the lack of local review and control allowed illegal activity to use loopholes in the legislation to set up prostitution rings.

On January 1, 2015, Assembly Bill 1147 came into effect. It amended the California Business and Professions Code to return commercial land use authority over the massage businesses back to cities, subject to certain restrictions. This legislation was slightly modified last year and is now called the 2017 Massage Therapy Act. The distinction between the commercial aspect of these businesses and the massage practitioners themselves presents the biggest change from the current ordinance and practice. The review and approval of massage practitioners, including background checks and minimum hours of training, remains the domain of the State of California Massage Therapy Council (CAMTC). However, the general operation of the business, including the hours operation, basic health and safety regulations, as well as minimum operational standards, are now subject to city review.

On February 17, 2015, the City Council adopted a 45 day temporary moratorium to prohibit the issuance of all City permits to new and existing massage businesses except

for renewals and for emergency repairs. The purpose of the action was to allow staff to conduct a study of the potential impacts of massage businesses, and to identify possible amendments to the City's Municipal and Zoning Codes for clear, consistent and uniform regulations related to the establishment, location, and operation of massage businesses. This temporary moratorium was extended again by the City Council on April 7, 2015 for ten months and fifteen days; and extended a final time by the City Council on February 2, 2016 for an additional twelve months.

ANALYSIS

The proposed new ordinance implements the balance of powers stipulated in the new Massage Therapy Act. It lays out basic operational standards and notes that in the case of a massage business that is operated or staffed by anyone other than a CAMTC-certified personnel, completed background checks are required.

The ordinance allows massage businesses a clear path to operate within the parameters listed, which are in keeping with best practices of professional massage therapy businesses as suggested by the CAMTC. It also states that violators of the ordinance may have their permits suspended or revoked and may face other civil and criminal consequences.

According to state records, currently there are 207 massage therapists in El Cerrito. Sixteen of them have no current license, twenty-nine of them have expired certificates, eight have pending applications on file with CAMTC, and one therapist's certificate was revoked. All existing massage practitioners will have ninety days from the effective date of the ordinance become re-certified by the CAMTC. In addition, they will have 180 days to have applied for and received building permits for any needed tenant improvements.

All new massage therapy businesses will need to comply immediately with both the Zoning Code (ECMC Chapter 19) and the amended Chapter 8.10. No changes in the zoning component of massage regulations are anticipated as part of this action. They are permitted by right in the Transit Oriented Higher-Intensity Mixed Use (TOHIMU), the Transit Oriented Mid-Intensity Mixed Use (TOMIMU), Community Commercial (CC) and Transit Oriented Commercial (TOM) designations and by Administrative Use Permit on the Theatre Overlay Block.

Highlights of the new chapter include:

- The new permits must be renewed every two years.
- Maximum hours of operation shall be between 7:00 a.m. and 9:00 p.m.
- CAMTC certification shall be in the possession of the massage practitioner during working hours and at all times when the massage practitioner is inside a massage business, providing outcall massage, or working as a home occupation.
- A copy of the CAMTC certificate of each massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises.
- A list of the services available and the cost of such services shall be posted in the reception area within the massage business premises.

- Where the massage business has staff available to ensure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours.
- No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises.

The goal of the proposed ordinance is to support and sustain new and existing massage businesses, respect and protect the profession of massage therapy, and provide tools to the City to eliminate possible illegal activities. The proposed ordinance was developed in consultation with the CAMTC and the El Cerrito Police Department. The Community Development Department will take the lead in implementing the new permit process as delineated in the proposed ordinance in consultation with the Police Department.

STRATEGIC PLAN CONSIDERATIONS

This action is consistent with the El Cerrito Strategic Plan Goal A - Deliver exemplary government services and Goal E - Ensures the public's health and safety.

ENVIRONMENTAL CONSIDERATIONS

The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically California Government Code Section 51034. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

FINANCIAL CONSIDERATIONS

There is no anticipated fiscal impact as the costs would be recovered through existing application fees.

LEGAL CONSIDERATIONS

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

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Ordinance

ORDINANCE 2017-XX

ORDINANCE OF THE CITY OF EL CERRITO AMENDING EL CERRITO MUNICIPAL CODE CHAPTER 8.10 "MASSAGE ESTABLISHMENTS" BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT BY ADDING AND ADOPTING EL CERRITO MUNICIPAL CODE CHAPTER 8.10, "MASSAGE BUSINESSES"

WHEREAS, the Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, therapeutic massage is a viable professional field offering the public valuable health benefits; and

WHEREAS, California Government Code Section 51034 authorizes the City of El Cerrito (hereafter, "City") to impose reasonable standards on massage businesses; and

WHEREAS, the permit requirements and restrictions imposed by this ordinance are reasonably necessary to protect the health, safety and welfare of the citizens of the City; and

WHEREAS, unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community; and

WHEREAS, the regulations and restrictions contained in this ordinance are designed to protect the public health, safety, and welfare by providing for the orderly regulation of businesses that provide massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN as follows:

1. RECITALS. The above recitals are hereby declared to be true and correct and findings of the City Council of the City of El Cerrito.
2. AMENDMENT OF EL CERRITO MUNICIPAL CODE CHAPTER 8.10. Chapter 8.10 of the El Cerrito Municipal Code ("Massage Businesses") is hereby deleted in its entirety and replaced with a new Chapter 8.10 to read as follows:

Chapter 8.10 - MASSAGE BUSINESSES

8.10.005 - Findings and Purpose.

8.10.010 - Definitions.

8.10.020 - CAMTC certification and Massage Operator's Permit required.

8.10.030 - Massage Operator's Permit—Procedures.

8.10.040 - Notification of Changes to Massage Business.

8.10.050 - Operating Requirements.

8.10.060 - Inspection and Verification.

8.10.070 - Fees.

8.10.080 - Exceptions.

8.10.090 - Non Renew, Suspension, Revocation, or Appeal.

8.10.100 - Violation and Penalty.

8.10.110 - Severability.

8.10.005 - Findings and Purpose.

The City Council finds and declares as follows:

- A. Therapeutic massage is a viable professional field offering the public valuable health benefits.
- B. California Government Code Section 51034 authorizes the city to impose reasonable standards on massage businesses.
- C. The permit requirements and restrictions imposed by this chapter are reasonably necessary to protect the health, safety and welfare of the citizens of the city.
- D. Unless properly regulated, the practice of massage therapy and the operation of massage businesses may be associated with unlawful activity and pose a threat to the quality of life in the local community.
- E. The regulations and restrictions contained in this chapter are designed to protect the public health, safety, and welfare by providing for the orderly regulation of businesses that provide massage therapy services, discouraging prostitution and related illegal activities carried on under the guise of massage therapy, and establishing certain sanitation, health, and operational standards for massage businesses.

8.10.10 - Definitions.

- A. Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this chapter.

1. "California Massage Therapy Council" or "CAMTC" means the statewide massage therapy organization formed pursuant to Business and Professions Code Section 4600.5.
2. "Certified massage practitioner" means any individual certified by the California Massage Therapy Council as a certified massage therapist or as a certified massage practitioner pursuant to California Business and Professions Code Sections 4600 et seq.
3. "Chief of Police" means the Chief of the El Cerrito Police Department or his or her designee.
4. "Client" means the customer or patron who pays for or receives massage services.
5. "Compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.
6. "Employee" means any person employed by a massage business who may render any service to the business, and who receives any form of compensation from the business.
7. "City" means the city of El Cerrito.
8. "City Council" means the City Council of the city of El Cerrito.
9. "City Manager" means the city manager of the City of El Cerrito, or his/her designee.
10. "Community Development Department" means the El Cerrito Community Development Department.
11. "Community Development Director" means the community development director of the City of El Cerrito, or his/her designee.
12. "Conviction" or "convicted" means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
13. "Hearing officer" means a person qualified to hear and decide appeals of decisions to deny, suspend, revoke or refuse to issue any permit under this chapter. A city hearing officer shall be paid by the city but shall not be an employee of the city nor shall any hearing officer be hired by the city to hear and decide appeals pursuant to this chapter more often than once every calendar year.
14. "Massage" means the scientific manipulation of the soft tissues. For purposes of this chapter, the terms "massage" and "bodywork" shall have the same meaning.
15. "Massage Business" means any business that offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the customer or client through outcall massage services. Any business that offers any combination of massage therapy and bath facilities--including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs--shall be deemed a massage business under this chapter. The term "massage business" includes a certified massage practitioner who is the sole owner, operator and employee of a massage business operating as a sole proprietorship. Massage business shall also include any location where massage services are provided pursuant to an off-premises massage permit or as a home occupation pursuant to Section 19.28.200C of this code.

16. "Massage Operator's Permit" means a permit issued by the Community Development Director upon submission of satisfactory evidence that a massage business complies with relevant sections of this chapter.
17. "Operator" or "massage business operator" means any and all owners of a massage business.
18. "Off Premise Massage" means the engaging in or carrying on of massage therapy for compensation in a location other than the business operations address set forth in the Massage Operator's Permit.
19. "Owner" or "massage business owner" means any of the following persons:
 - a. Any person who is a general partner of a general or limited partnership that owns a massage business.
 - b. Any person who has a five percent or greater ownership interest in a corporation that owns a massage business.
 - c. Any person who is a member of a limited liability company that owns a massage business.
 - d. Any person who has a five percent or greater ownership interest in any other type of business association that owns a massage business.
20. "Person" means any individual, firm, association, partnership, corporation, joint venture, limited liability company, or combination of individuals.
21. "Reception and waiting area" means an area immediately inside the front door of the massage business dedicated to the reception and waiting of patrons of the massage business and visitors, and which is not a massage therapy room or otherwise used for the provision of massage therapy services.
22. "School of massage" means any school or institution of learning that is recognized as an approved school pursuant to Business and Professions Code Division 2, Chapter 10.5, as currently drafted or as may be amended.
23. "Police Department" means the El Cerrito Police Department.
24. "Specified anatomical areas" means the following human anatomical areas: genitals, anuses, and the area of the female breast that includes the areola and nipple.
25. "Sole proprietorship" means and includes any legal form of business organization where the business owner (sometimes referred to as the "sole proprietor") is the only person employed by that business to provide massage services.
26. "Solicit" means to request, ask, demand or otherwise arrange for the provision of services.

8.10. 020 - CAMTC certification and Massage Operator's Permit required.

- A. Individuals. On and after (EFFECTIVE DATE), it shall be unlawful for any individual to practice massage therapy for compensation as a sole proprietorship or employee of a massage business or in any other capacity within the City of El Cerrito unless that individual is a certified massage practitioner, unless as expressly allowed in this chapter. This includes any massage practitioner offering massage services as a home occupation.

- B. **Massage Businesses.** On and after (EFFECTIVE DATE), it shall be unlawful for any massage business to provide massage for compensation within the City of El Cerrito unless all individuals employed by the massage business to perform massage, whether as an employee, independent contractor, or sole proprietorship, are certified massage practitioners and said business has obtained a valid Massage Operator's Permit as provided in this chapter.
- C. **Location.** Massage Businesses shall be located in a zoning district that permits such use.
- D. **Applicability to Existing Businesses.** Pre-existing massage businesses in operation on the effective date of this chapter shall obtain all necessary permits and comply with the provisions of this chapter. They shall complete and submit an application as required by this chapter within (90) days of the effective date of this chapter. Any and all building or tenant modifications shall be completed within (180) days of issuance of an operator's permit.

8.10.030 - Massage Operator's Permit - Procedures.

A. Application

Filing. Any person who intends to operate a massage business shall file a written application on a required form provided by the city and pay fees set forth by City Council. The completed application shall be filed with the Community Development Department.

- 1. **Applicant.** The application shall be completed and signed by the operator of the proposed Massage Business if a sole proprietorship; all general partners if the operator is a partnership; all officers or all directors if the operator is a corporation; and all participants if the operator is a joint venture. The application for a permit does not authorize operation of a Massage Business unless and until such permit has been issued.
- 2. **Contents.** The application shall contain or be accompanied by the following information:
 - a. The type of ownership of the business, i.e., whether by individual, partnership, corporation or otherwise. If the business is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses of each of its current officers and directors, and of each stockholder holding more than ten percent of the stock of that corporation. If the business is a partnership, the application shall set forth the name and residence of each of the partners, including limited partners. If the business is a limited partnership, the application shall include a copy of its

- certificate of limited partnership filed with the Secretary of State. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated persons shall complete and sign all application forms required for an individual applicant under this chapter, but only one application fee shall be charged.
- b. The precise name under which the Massage Business is to be conducted.
 - c. A description of the manner of providing the proposed services, including types of services and the number of persons engaged in the services.
 - d. Address and all telephone numbers of the Massage Business.
 - e. Hours of operation of the Massage Business.
 - f. Floor plan showing where the services are proposed to be conducted within the building.
 - g. A list of all of the massage business's employees and independent contractors who work on site. The list should note whether or not they perform massage and their CAMTC certification, if applicable.
3. For Owners/Operators Who Are Not CAMTC-certified Massage Practitioners. Each owner or operator of the massage business who is not a CAMTC-certified massage practitioner shall submit an application for a background check, including the following:
- a. The individual's business, occupation, and employment history for the five years preceding the date of the application;
 - b. The inclusive dates of such employment history;
 - c. The name and address of any massage business or similar business owned or operated by the individual whether inside or outside the city.
 - d. A statement in writing and dated by the applicant that he or she certifies under penalty of perjury that all information contained in the application is true and correct.
4. For All Owners (CAMTC-certified massage practitioner or not). All owners and operators of the massage business shall provide:
- a. a. A valid and current driver's license and/or identification issued by a state or federal governmental agency or other photographic identification bearing a bona fide seal by a foreign government.
 - b. A signed statement that all of the information contained in the application is true and correct; that all owners shall be responsible for the conduct of the business's employees or independent contractors providing massage services; and acknowledging that failure to comply with the California Business and Professions Code Sections 4600 et seq., any local, state, or federal law, or the provisions of this chapter may result in revocation of the Massage Operator's Permit.

- B. Review. The Community Development Department shall review applications for Massage Operators Permits for compliance with the El Cerrito Municipal Code. The Police Department shall work with Community Development Department staff to conduct an investigation into the information provided on the application, as needed.
- C. Action. Upon provision by the massage business of the foregoing documentation, the Community Development Director shall take action on the Massage Operator's Permit, which shall be valid for two years from the date of issuance. The Community Development Director shall issue or deny an application for a Massage Operator's Permit within 60 calendar days of the filing of a complete application. If necessary, the Community Development Director may extend the time to issue or deny the permit.)
- D. Grounds for Denial. The Community Development Director may deny an application for a Massage Operator's Permit on any of the following grounds:
1. The applicant does not have sufficient proof of the required CAMTC certification requirements pursuant to Section 8.10.020 of this chapter.
 2. The operation as proposed by the applicant would not comply with all applicable ordinances and laws, including, but not limited to, the City's building, zoning, health, and fire safety ordinances.
 3. The applicant has previously had a Massage Operator's Permit or any similar license, certificate, or permit revoked by the City or any public agency.
 4. The applicant has made a material misrepresentation in the application or supplementary material submitted with the application.
 5. The applicant has been convicted in a court of competent jurisdiction of any offense that relates directly to the conduct or operation of a massage business, or of any offense the commission of which occurred on the premises of a massage establishment or while performing off-premise massage.
 6. The applicant has been the subject of a permanent injunction against the conducting or maintaining of a nuisance pursuant to sections 11225 through 11235 of the California Penal Code, or any similar law in any state or other jurisdiction.
 7. The owner has been convicted in a court of competent jurisdiction of having violated, or has engaged in conduct constituting a violation of any of the following offenses: Sections 261, 266, 266a, 266e, 266f, 266g, 266h, 266i, 266j, 315, 316, 318, 647(b), or 653.22 of the California Penal Code, or conspiracy or attempt to commit any such offense, or any similar offense in any state or other

jurisdiction, whether or not any criminal prosecution has been pursued or conviction obtained for such acts.

8. The applicant has been successfully prosecuted under the Red Light Abatement Act (California Penal Code section 11225 et seq.) or any similar law in another jurisdiction.
 9. The owner is currently required to register pursuant to the Sex Offender Registration Act (Chapter 5.5 commencing with section 290 of Title 9 of Part 1 of the California Penal Code), or any similar law in any state or other jurisdiction.
 10. The applicant has been convicted of any offense involving the illegal sale, distribution or possession of a controlled substance specified in Health and Safety Code sections 11054, 11055, 11056, 11057 or 11058.
 11. Any other unprofessional conduct or violation of any applicable law, rule or regulation that is substantially related to the provision of massage therapy.
- E. Reapplication. No reapplication will be accepted within one year after an application or renewal is denied or a certificate is revoked. Massage Operator's Permits may not be issued to a massage business seeking to operate at a particular location if:
1. Another massage business is or was operating at that particular location and that massage business is currently serving a suspension or revocation; during the pendency of the suspension or one year following revocation.
 2. Another massage business is or was operating at that particular location and that massage business has received a notice of suspension, revocation or fine; during the ten-day period following receipt of the notice or while any appeal of a suspension, revocation or fine is pending.
 3. Another massage business is or was operating at that particular location and that massage business has outstanding fines that have not been paid.
- F. Amendment. A massage business shall apply to the Community Development Department to amend its Massage Operator's Permit within thirty days after any change in the registration information, including, but not limited to, the hiring or termination of certified massage practitioners, the change of the business's address, or changes in the owner's addresses and/or telephone numbers.
- G. Renewal. A massage business shall apply to the Community Development Department to renew its Massage Operator's Permit at least thirty days prior to the expiration of said Massage Operator's Permit. If an application for renewal of a

Massage Operator's Permit and all required information is not timely received and the Permit expires, no right or privilege to provide massage shall exist.

- H. Transfer. A Massage Operator's Permit shall not be transferred except with the prior written approval of the Community Development Director. A written request for such transfer shall contain the same information for the new ownership as is required for applications for Massage Operator's Permit pursuant to this section. In the event of denial, notification of the denial and reasons therefore shall be provided in writing and shall be provided to the applicant by personal delivery or by registered or certified mail. A Massage Operator's Permit may not be transferred during any period of suspension or one year following revocation; during the ten-day period following a massage businesses' receipt of a notice of suspension, revocation or fine issued; or while any appeal of a suspension, revocation or fine is pending. Further, a Massage Operator's Permit may not be transferred until all outstanding fines have been paid.

8.10.040 - Notification of Changes to Massage Business.

- A. A massage business owner or operator shall notify the Community Development Director of any changes described in Section 8.10.030 pursuant to the timelines specified therein.
- B. An owner or operator shall report to the Community Development Director any of the following within three days of the occurrence:
 - 1. Arrests of any practitioners or owners of the massage business for an offense other than a misdemeanor traffic offense.
 - 2. Resignations, terminations, or transfers of practitioners employed by the operator's massage business.
 - 3. Any event involving the operator's massage business or the massage practitioners employed therein that constitutes a violation of this chapter or state or federal law.
 - 4. This provision requires reporting to the Community Development Director even if the massage business believes that the Community Development Director has or will receive the information from another source.

8.10.050 - Operating Requirements.

- A. No person shall engage in, conduct, carry on, or permit any massage business within the City of El Cerrito unless all of the following requirements are met:

1. CAMTC certification shall be in the possession of the massage practitioner during working hours and at all times when the massage practitioner is inside a massage business, providing outcall massage or working as a home occupation.
2. All massage business operators and their employees, including massage practitioners, shall be fully clothed at all times. Clothing shall be fully opaque, nontransparent material and provide complete coverage from mid-thigh to three inches below the collar bone.
3. No massage shall be given unless the client's specified anatomical areas are, at all times, fully covered. A massage practitioner shall not, in the course of administering any massage, make physical contact with the specified anatomical areas of any other person regardless whether the contact is over or under the persons clothing.
4. A massage practitioner shall operate only under the name specified in his or her CAMTC certificate.
5. Massage shall be provided or given only between the hours of seven a.m. and nine p.m. No massage business shall be open and no massage shall be provided between nine p.m. and seven a.m. A massage commenced prior to nine p.m. shall nevertheless terminate at nine p.m., and, in the case of a massage business, all clients shall exit the premises at that time. It is the obligation of the massage business to inform clients of the requirement that services must cease at nine p.m.
6. A copy of the CAMTC certificate of each and every massage practitioner employed in the business shall be displayed in the reception area or similar open public place on the premises. CAMTC certificates of former employees and/or contractors shall be removed as soon as those massage practitioners are no longer employed by or offering services through the massage business.
7. A list of the services available and the cost of such services shall be posted in the reception area within the massage business premises, and shall be described in readily understandable language. Off-premise massage practitioner providers shall provide such a list to clients in advance of performing any service. No owner, manager, or operator shall permit, and no massage practitioner shall offer or perform, any service other than those posted or listed as required herein, nor shall an operator or a massage practitioner request or charge a fee for any service other than those on the list of services available and posted in the reception area or provided to the client in advance of any off-premise massage services.
8. No massage business shall place, publish or distribute, or cause to be placed, published or distributed, any advertising matter that depicts any portion of the

human body that would reasonably suggest to prospective clients that any service is available other than those services listed as an available service pursuant to Section 8.10.050.A.7 nor shall any massage business employ language in the text of such advertising that would reasonably suggest to a prospective client that any service is available other than those services as described in compliance with the provisions of this chapter.

9. For each massage service provided, every massage business shall keep a complete and legible written record of the following information: the date and hour that service was provided; the service received; the name or initials of the employee entering the information; and the name of the massage practitioner administering the service. Such records shall be open to inspection and copying by the Police Chief, or other city officials charged with enforcement of this chapter. These records may not be used by any massage practitioner or operator for any purpose other than as records of service provided and may not be provided to other parties by the massage practitioner or operator unless otherwise required by law. Such records shall be retained on the premises of the massage business for a period of two years and be immediately available for inspection during business hours.
10. No person shall enter, be, or remain in any part of a massage business while in possession of an open container containing alcohol, or illegal drugs. The massage business owner, operator, responsible managing employee, or manager shall not permit any such person to enter or remain upon such premises.
11. Where the massage business has staff available to ensure security for clients and massage staff are behind closed doors, the entry to the reception area of the massage business shall remain unlocked during business hours when the massage business is open for business or when clients are present, except as part of a home occupation or Live/Work Unit.
12. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall, during business hours, block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises. For the purpose of this subsection, there is an irrefutable presumption that the visibility is impermissibly blocked if more than ten percent of the interior reception and waiting area is not visible from the exterior window.
13. Minimum lighting consisting of at least one artificial light of not less than forty watts (or equivalent) shall be provided and shall be operating in each room or enclosure where massage services are being performed on clients, and in all areas where clients are present.

14. Hot and cold running water shall be provided at all times.
15. No massage business shall allow any person to reside within the massage business or in attached structures owned, leased or controlled by the massage business, except as part of a home occupation or Live/Work Unit.
16. Other than custodial or maintenance staff, no persons shall be permitted within the premises of a massage business between the hours of eleven p.m. and six a.m., except as part of a home occupation or Live/Work Unit.
17. A minimum of one wash basin for employees shall be provided at all times. The basin shall be located within or as close as practicable to the area devoted to performing of massage services. Sanitary towels shall also be provided at each basin.
18. Massage businesses shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate receptacles approved by the health department.
19. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bath rooms, tanning booths, whirlpool baths and pools shall be thoroughly cleaned and disinfected as needed, and at least once each day the premises are open, with a disinfectant. Bathtubs shall also be thoroughly cleaned after each use with a disinfectant. All walls, ceilings, floors, and other physical facilities for the business must be in good repair, and maintained in a clean and sanitary condition.
20. Instruments utilized in performing massage shall not be used on more than one client unless they have been sterilized, using approved sterilization methods.

8.10.060 - Inspection and Verification.

The massage business operator or manager consents to the inspection of the massage business by City officials, including but not limited to officials from the Community Development, Fire, and Police departments, for the purpose of determining that the provisions of this chapter or other applicable laws or regulations are being met at any time the massage business is occupied by a person or open for business.

8.10.070 - Fees.

The City Council shall establish by resolution, and from time to time may amend, the fees for the administration of this chapter. Fees required by this chapter shall be in addition to any required under any other chapter of the municipal code.

8.10.080 - Exceptions.

The provisions of this chapter shall not apply to the following classes of individuals while engaged in the performance of the duties of their respective professions:

- A. Physicians, chiropractors, osteopaths, physical therapists or acupuncturists who are duly licensed to practice their respective professions in the state of California, and licensed employees of such licensed professionals while working in the office of, and under the supervision of, such licensed professional.
- B. Nurses registered under the laws of the state of California.
- C. Barbers, cosmetologists, estheticians, manicurists, and electrologists who are duly licensed under the laws of the state of California while engaging in practices within the scope of their licenses, Athletic coaches and trainers acting within the scope of their employment while employed by accredited high schools, junior colleges, colleges or universities.
- D. Individuals administering massage services or health treatment involving massage to persons participating in road races, track meets, triathlons and similar single-occurrence athletic or recreational events, provided that all of the following conditions are met:
 - 1. The massage services are made equally available to all participants in the event;
 - 2. The event is open to participation by the general public or a significant segment of the public, such as employees of sponsoring or participating corporations;
 - 3. The massage services are provided at the site of the event and either during, immediately preceding or immediately following the event;
 - 4. The sponsors of the event have been advised of and have approved the provision of massage services;
 - 5. The persons providing the massage services are not the primary sponsors of the event.

8.10.090 - Non Renew, Suspension, Revocation, or Appeal.

A. Violation and Noncompliance.

The Community Development Director may refuse to renew a Massage Operator's Permit or may revoke or suspend an existing permit on the grounds that the applicant has failed to comply with the permit conditions or other requirements of this chapter. If a suspended permit lapses during the suspension period, a new application must be made at the end of the suspension period. In any such case, the applicant shall have the right to appeal to a city hearing officer in the time and manner set forth in this section.

B. Revocation and Suspension of Massage Operator's Permit.

1. The Community Development Director may revoke or refuse to renew a Massage Operator's Permit if he/she makes any of the findings for denial of a permit under Section 8.10.030, or upon demonstrated inability to operate or manage the massage establishment in a law abiding manner, thus necessitating action by law enforcement officers.
2. The Community Development Director may suspend any Massage Operator's Permit for a period of thirty days for each violation of Section 8.10.050.
3. Notice. When the Community Development Director concludes that grounds for denial, suspension, revocation or refusal to renew a permit exist, he/she shall serve the permit holder, either personally, by certified U.S. mail or overnight delivery service, addressed to the business or residence address of the permit holder, with a notice of denial or notice of intent to suspend, revoke or refuse to renew permit. This notice shall state the reasons for the proposed action, the effective date of the decision, the right of the applicant or permit holder to appeal the decision and that the decision will be final if no appeal is filed within the time permitted.

C. Appeal.

1. The right to appeal to a City hearing officer shall terminate upon the expiration of fifteen business days from deposit of the notice with the U.S. Mail, certified and return receipt requested or deposit with an overnight delivery service that provides tracking of the envelope. All requests for appeals shall be sent to the Community Development Director.
2. In the event an appeal is timely filed, the suspension, revocation or refusal to renew shall not be effective until a final decision has been rendered by a City hearing officer. If no appeal is filed, the suspension, revocation or refusal to renew shall become effective upon expiration of the period for filing appeals.

A denial of a new permit shall be effective upon deposit of the notice in the U.S. mail or overnight delivery service.

3. The hearing officer shall schedule an appeal hearing within thirty (30) days of receipt by the City of a request for an appeal hearing. The hearing officer shall receive relevant evidence, make written findings and render his or her decision within thirty (30) days from the date of the hearing. The decision of the city hearing officer shall be final. The applicant shall be entitled to notice of the basis for the proposed action, a copy of the documents upon which the decision was based and the opportunity to present contrary evidence at the hearing.
4. Notice of the date, time and place of the hearing shall be mailed at least ten (10) days prior to the date of the hearing, by certified U.S. mail or overnight delivery service, addressed to the address listed on the address given in the notice of appeal.
5. The following rules of evidence shall apply:
 - a. Oral evidence shall be taken only under oath or affirmation. The hearing officer shall have authority to administer oaths, and to receive and rule on admissibility of evidence.
 - b. Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses who have testified under direct examination. The hearing officer may call and examine any witness.
 - c. Technical rules relating to evidence and witnesses shall not apply to hearings provided for in this chapter. Any relevant evidence may be admitted if it is material and is evidence customarily relied upon by responsible persons in the conduct of their affairs regardless of the existence of any common law or statutory rule which might make admission of such evidence improper over objection in civil actions. Hearsay testimony may be admissible and used for the purpose of supplementing or explaining any evidence given in direct examination, but shall not be sufficient in itself to support a finding unless such testimony would be admissible over objection in civil actions. The rules of privilege shall be applicable to the extent they are now, or are hereafter permitted in civil actions. Irrelevant, collateral, undue, and repetitious testimony shall be excluded.

8.10.100 - Violation and Penalty.

- A. Violations of this chapter may be enforced pursuant to the provisions of this code. Violations may also be enforced in judicial proceedings, by suspending or revoking permits, or in any other manner authorized by law.

- B. Any massage business operated, conducted or maintained contrary to the provisions of this chapter shall be, and the same is declared to be, unlawful and a public nuisance. The city may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in any manner provided by law, and may take such other steps and may apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such massage business and restrain and enjoin any person from operating, conducting or maintaining a massage business contrary to the provisions of this chapter.
- C. The remedies described in this section are cumulative and in addition to any other remedies available that may be pursued to address a violation of this chapter.

3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

4. COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b) (3)). The project involves updates and revisions to existing regulations. The proposed code amendments are consistent with California Law, specifically California Government Code Section 51034. It can be seen with certainty that the proposed Municipal Code text amendments will have no significant negative effect on the environment.

5. EFFECTIVE DATE. This ordinance shall take effect and be enforced thirty (30) days following its adoption.

6. PUBLICATION. This ordinance shall be published in accordance with the provisions of Government Code Section 36933.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on January 17, 2017 and passed by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

ABSTAIN: Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on February __, 2017 and passed by the following vote:

AYES: Councilmembers

NOES: Councilmembers

ABSENT: Councilmembers

ABSTAIN: Councilmembers

APPROVED:

Janet Abelson, Mayor

ATTEST:

Cheryl Morse, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on February __, 2017.

Cheryl Morse, City Clerk

ORDINANCE CERTIFICATION

I, Cheryl Morse, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2017-XX of the City of El Cerrito, that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the ___ day of February 2017; and that said ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this___ day of February, 2017.

Cheryl Morse, City Clerk

2763248.1



AGENDA BILL

Agenda Item No. 7(A)

Date: January 17, 2017
To: El Cerrito City Council – Successor Agency to the Redevelopment Agency
From: Melanie Mintz, Community Development Director
Mark Rasiah, Finance Director/City Treasurer
Subject: Review and Authorization to Submit the Draft Recognized Obligations Payment Schedule 16-17 (July 1, 2017 - June 30, 2018)

ACTION REQUESTED

Adopt a resolution of the Successor Agency to the Redevelopment Agency reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule (ROPS) 17-18.

BACKGROUND

Recognized Obligation Payment Schedules

ABx1 26 (Dissolution Act) dissolved the El Cerrito Redevelopment Agency (RDA) and established the El Cerrito Redevelopment Successor Agency (Successor Agency) on February 1, 2012. Under the Dissolution Act, the portion of property tax revenues collected in the City of El Cerrito Redevelopment Project Area (Project Area) that was considered Tax Increment prior to the RDA's dissolution are called Redevelopment Property Tax and are deposited by the County Auditor-Controller (Auditor-Controller) into the Redevelopment Property Tax Trust Fund (RPTTF). The Auditor-Controller distributes the funds in the RPTTF with the following priority:

1. Auditor-Controller's administrative costs
2. Pass-through payments to the taxing entities affected by the Redevelopment Plan for the Project Area, calculated the same as prior to RDA dissolution
3. Distribution to the Successor Agency to retire the former RDA's obligations
4. Repayment of loans from the Housing Fund (starting in FY 2014-15)
5. Distribution of residual funds to taxing entities

Beginning with the previous ROPS period, the Successor Agency must review and authorize submittal of a Recognized Obligation Payment Schedule (ROPS) for each fiscal year. Each ROPS must then be approved by the Oversight Board to the Successor Agency (Oversight Board) and the California Department of Finance (DOF) before the Auditor-Controller disburses funding for payments on the approved ROPS.

The attached schedule Exhibit A is the draft ROPS 17-18 covering payments due during the period of July 2017 to June 2018. The Successor Agency must submit ROPS 17-18 approved by the Oversight Board to DOF no later than February 1, 2017. The Oversight Board is scheduled to consider ROPS 17-18 at its upcoming special meeting on January 24, 2017. After submittal, DOF then has until April 15, 2017 to review the ROPS and approve or disapprove of any items. The Successor Agency can request additional review by DOF and an opportunity to meet and confer on disputed items, and must make that request within five business days of receiving a DOF determination. The DOF is required to notify the Successor Agency and Auditor-Controller of its final determination of the approved payments at least 15 days prior to the first distribution date of RPTTF for the ROPS, which is June 1, 2017. RPTTF will continue to be distributed twice annually, on June 1st and January 2nd of each year. The annual ROPS can be amended once per year as long as the amendment is received by DOF before October 1st of the applicable fiscal year.

ANALYSIS

The proposed ROPS 17-18 is Exhibit A to the attached Successor Agency resolution, authorizing its submittal. It includes: A summary of the funding request; an itemized listing of obligations (“ROPS Detail”); a report of cash balances. Obligations with remaining outstanding balances are included on ROPS 17-18, as follows:

- **Tax Allocation Bond Debt Service:** In August of 2016 items 1, 3, and 5 on the ROPS were refinanced into the 2016 Tax Allocation Bonds. This is shown as item 29. Debt service on the 2016 Bonds has been deferred in order to create savings that can flow to the City and the taxing entities in the form of additional residual revenues.
- **Valente Note (\$288,216):** Payment is due on March 5, 2018.
- **San Pablo Avenue Streetscape and Streetlights (\$431,599):** In the process of closing out multi-year capital improvement projects, it was determined that commitments of tax increment by the RDA to the City were not transferred to the Capital Improvement Fund, but were relied upon for letting construction contracts. While the commitment of tax increment not transferred by the RDA totaled \$956,511, the City was able to reduce project costs and only \$431,599 of the commitment remains outstanding. This continues to be recorded on the ROPS, although DOF has denied this item in the past. SB 107, which amended the Dissolution Statute effective September 22, 2015, included new language that makes clear that any agreement entered into by the former Redevelopment Agency prior to June 28, 2011 is an enforceable obligation if the agreement relates to State Highway infrastructure improvements that the Redevelopment Agency committed funds to pursuant to Section 33445. The San Pablo Streetscape improvements qualifies for repayment under this new language since San Pablo is a State Designated Highway and the Redevelopment Agency committed funds to the project prior to June 28, 2011 and pursuant to Section 33445. The Successor Agency is relisting this item in order to keep options open for obtaining repayment of these of funds.

- **ERAF and SERAF Loans (\$250,000):** Pursuant to Successor Agency Resolution No. 2014-01 and Oversight Board Resolution No. 2014-03, and consistent to the approved SERAF/ERAF Loan Repayment Schedule, an annual repayment amount is listed on the ROPS.
- **FY 2017-18 Administrative Allowance (\$250,000):** One half of the Successor Agency's administrative allowance is included in each six month period on the ROPS.

The total amount of RPTTF funding required for ROPS 17-18 is estimated to be \$1,219,815.

STRATEGIC PLAN CONSIDERATIONS

The amended ROPS supports Goal B of the City's Strategic Plan to "Achieve long-term financial sustainability".

FINANCIAL CONSIDERATIONS

As a direct result of refunding all the outstanding Tax Allocation Bonds in 2016, debt service payments have been deferred to March 2019. This will have a positive effect on City cash flows in 2017 and 2018 from residual revenues that flow to the City.

It is estimated that the total amount of RPTTF funding required for ROPS 17-18 is \$1,219,815. In order to repay the obligations of the Successor Agency, the ROPS must be approved and submitted to the DOF.

LEGAL CONSIDERATIONS

All actions being requested are consistent with the Dissolution Act, as amended and have been reviewed by the Agency attorney.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Resolution
2. Exhibit A - ROPS

SUCCESSOR AGENCY RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO ACTING AS THE EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AUTHORIZING SUBMITTAL OF THE DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE 17-18, AS REQUIRED UNDER THE DISSOLUTION ACT AND APPROVING INCLUSION ON THE ROPS OF REIMBURSEMENT TO THE CITY FOR STREETScape IMPROVEMENTS MADE PURSUANT TO AN APPROVED REDEVELOPMENT PROJECT PLAN FOR INFRASTRUCTURE IMPROVEMENTS

WHEREAS, pursuant to the California Community Redevelopment Law (the "Redevelopment Law"), the City Council (the "City Council") of the City of El Cerrito (the "City") adopted the Redevelopment Plan for the City of El Cerrito Redevelopment Project Area by Ordinance No. 77-17, as amended by Ordinances No. 80-13; No. 89-5; No. 94-4; No. 2004-3; No. 2005-01; and No. 2006-10 (collectively, the "Redevelopment Plan"); and

WHEREAS, the El Cerrito Redevelopment Agency (the "RDA") was responsible for implementation of the Redevelopment Plan; and

WHEREAS, as part of the 2011-12 State budget bill, ABx1 26 (the "Dissolution Act") was enacted significantly modifying the Redevelopment Law to require the dissolution of redevelopment agencies throughout California and the establishment of successor agencies to wind down the former redevelopment agencies' affairs; and

WHEREAS, on August 15, 2011, pursuant to the Dissolution Act, the City elected to serve as the El Cerrito Redevelopment Agency Successor Agency (the "Successor Agency"), should the RDA be dissolved; and

WHEREAS, California redevelopment agencies were dissolved on February 1, 2012; and

WHEREAS, pursuant to the Dissolution Act, upon dissolution, the RDA transferred as a matter of law all remaining liabilities, debts and obligations to the Successor Agency; and transferred all unencumbered funds and assets to the Successor Agency's Redevelopment Obligation Retirement Fund (the "RORF"), for disposition and/or use by the Successor Agency to retire RDA debt and pay for RDA obligations; and

WHEREAS, pursuant to the Dissolution Act, the Contra Costa County Auditor Controller (the "Auditor-Controller") established the Redevelopment Property Tax Trust Fund (the "RPTTF") to hold Redevelopment Property Tax collected from the City of El Cerrito Redevelopment Project Area to be disbursed to the Successor Agency for payment of its enforceable obligations and to taxing entities affected by the Redevelopment Plan; and

WHEREAS, SB 107 was enacted on September 22, 2015 modifying the Dissolution Act to require the Successor Agency to submit an Oversight Board approved annual Recognized Obligations Payment Schedule 17-18 ("ROPS 17-18") covering the period July 1, 2017 through June 30, 2018 to the Department of Finance (the "DOF") by February 1, 2017; and

Agenda Item No. 7(A)

Attachment 1

WHEREAS, the Oversight Board to the Successor Agency to the El Cerrito Redevelopment Agency (the "Oversight Board") was formed on April 4, 2012; and

WHEREAS, the Successor Agency has reviewed the draft ROPS 17-18 that was prepared pursuant to the Dissolution Act and the Trailer Bill, which is attached and incorporated as Exhibit A to this Resolution, for submittal to the Oversight Board, the Auditor-Controller, and DOF; and

WHEREAS, the former Redevelopment Agency prior to its dissolution and prior to June 28, 2011 agreed to reimburse the City of El Cerrito for certain infrastructure improvements to San Pablo Avenue, a State Highway, to be completed in the Redevelopment Project Area and in accordance with the Former Redevelopment Agency's Implementation Plan ("San Pablo Streetscape Improvements"); and

WHEREAS, at the time the Former Redevelopment Agency was dissolved, the Former Redevelopment Agency owed the City \$431,599 related to the San Pablo Streetscape Improvements; and

WHEREAS, SB 107 specifically provides at Section 34171(d)(2) that an agreement entered into by a Redevelopment Agency prior to June 28, 2011 is an enforceable obligation if it relates to State Highway Infrastructure improvements to which the Redevelopment Agency committed funds: and

WHEREAS, the Successor Agency has determined that the amounts owed to the City constitute an enforceable obligations pursuant to Section 34171(d)(2) to be listed on the ROPS 17-18; and

WHEREAS, the Successor Agency wishes to authorize Successor Agency staff to amend the ROPS 17-18 administratively to account for any additional changes made by the DOF to the ROPS form or changes made by the Oversight Board that occur after the Successor Agency's consideration; and

NOW THEREFORE, BE IT RESOLVED that the City El Cerrito Redevelopment Agency Successor Agency hereby finds the above recitals to be true and accurate.

BE IT FURTHER RESOLVED that the El Cerrito Redevelopment Agency Successor Agency authorizes the submittal of the draft Recognized Obligation Payment Schedule 17-18 as required under the Dissolution Act, subject to such changes as may be necessary to accommodate changes in the DOF approved form and any changes made by the Oversight Board any such changes to be approved by the City Manager.

BE IT FURTHER RESOLVED, the El Cerrito Redevelopment Agency Successor Agency authorizes the inclusion in the ROPS 17-18 of a reimbursement to the City of El Cerrito for the San Pablo Streetscape Improvement in the amount of \$431,599 in accordance with Section 34171(d)(2).

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

Agenda Item No. 7(A)

Attachment 1

I CERTIFY that at the regular meeting on January 17, 2017, the City Council of the City of El Cerrito acting as the El Cerrito Redevelopment Agency Successor Agency passed this resolution by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document on January 17, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

Recognized Obligation Payment Schedule (ROPS 17-18) - Summary

Filed for the July 1, 2017 through June 30, 2018 Period

Successor Agency:

El Cerrito

County:

Contra Costa

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	17-18A Total (July - December)	17-18B Total (January - June)	ROPS 17-18 Total
A Enforceable Obligations Funded as Follows (B+C+D):	\$ -	\$ -	\$ -
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G):	\$ 806,599	\$ 413,216	\$ 1,219,815
F RPTTF	681,599	288,216	969,815
G Administrative RPTTF	125,000	125,000	250,000
H Current Period Enforceable Obligations (A+E):	\$ 806,599	\$ 413,216	\$ 1,219,815

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

/s/ _____
Signature Date

**EI Cerrito Recognized Obligation Payment Schedule (ROPS 17-18) - Report of Cash Balances
(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, [see Cash Balance Tips Sheet](#).

A	B	C	D	E	F	G	H	I
		Fund Sources						
		Bond Proceeds		Reserve Balance		Other	RPTTF	
	Cash Balance Information by ROPS Period	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	Comments
ROPS 15-16B Actuals (01/01/16 - 06/30/16)								
1	Beginning Available Cash Balance (Actual 01/01/16)	-	1,137		731,962	102	156,169	
2	Revenue/Income (Actual 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016					74	742,251	
3	Expenditures for ROPS 15-16B Enforceable Obligations (Actual 06/30/16)				731,962		779,847	
4	Retention of Available Cash Balance (Actual 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)							
5	ROPS 15-16B RPTTF Balances Remaining	No entry required						
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ 1,137	\$ -	\$ -	\$ 176	\$ 118,573	

2017 CITY COUNCIL LIAISON ASSIGNMENTS

LEGISLATIVE BODY	2016 Appointee	2017 Appointee
Association of Bay Area Governments (ABAG), General Assembly (Delegate - <i>Meets Thursdays in April and October, 8:30 am to 3:30 pm</i>)	Quinto	Quinto
Association of Bay Area Governments (ABAG), General Assembly (Alternate)	Friedman	Fadelli
League of California Cities East Bay Division (Delegate – <i>Meets many months on 4th Thurs, 7 pm, var. Cities. Also 3 day Annual League Conference in September</i>)	Abelson	Abelson
League of California Cities East Bay Division (Alternate)	Quinto	Quinto
Contra Costa Mayors’ Conference (Delegate - <i>Meets 1st Thurs, 6:30 pm, var. cities</i>)	Lyman (Mayor) ²	Abelson (Mayor)
Contra Costa County Mayors’ Conference (Alternate)	Abelson(MPT) ³	Quinto (MPT)
West County Mayors’ & Supervisors’ Assn. (<i>Meets 4th Thurs, 8:00 am, var. cities</i>)	Lyman(Mayor)	Abelson (Mayor)
West County Mayors’ & Supervisors’ Association (Alternate)	Abelson (MPT)	Quinto (MPT)
Marin Clean Energy Board (Delegate) (<i>Meets 3rd Thursday, 7pm, San Rafael</i>)	Lyman	Lyman
Marin Clean Energy Board (Alternate)	Quinto	Fadelli
West Contra Costa Transportation Advisory Committee (Delegate) (<i>Generally Meets 4th Fri, 8:00 am, City of San Pablo – Makes appointment to CCTA</i>)	Abelson	Abelson
West Contra Costa Transportation Advisory Committee (Alternate)	Quinto	Quinto
Contra Costa Transportation Auth. Board Member (<i>appointments made by WCCTAC or Mayors’ Conference – full board meets 3rd Wednesday, 6:00 pm, Walnut Creek</i>)	Abelson	Abelson
East Bay Green Corridor Principal (<i>ideally 2 successive terms</i>)	Quinto	Quinto
Tom Bates Regional Sports Field JPA (<i>meets qtlly. on 2nd Wed, 5:30 pm, Albany</i>)	Bridges	Pardue-Okimoto
Tom Bates Regional Sports Field JPA (Alternate)	Quinto/Lyman	Quinto
West County Integrated Waste Management Authority (Delegate) (<i>Generally meets 2nd Thurs evening per month, 7:00 pm, City of San Pablo</i>)	Lyman	Lyman
West County Integrated Waste Management Authority (Alternate)	Friedman	Fadelli
Arts & Culture Commission (<i>Meets 4th Mon, 7:00 pm</i>)	Bridges	Pardue-Okimoto
Crime Prevention Committee (<i>Meets 2nd Wed, 7:00 pm</i>)	Friedman	Lyman
Committee on Aging (<i>Meets 3rd Wed, 3:00 pm</i>)	Abelson	Abelson
Design Review Board (<i>Meets 1st Wed, 7:30 pm</i>)	Lyman	Pardue-Okimoto
Economic Development Committee (<i>Meets 4th Wed, 7:30 pm</i>)	Quinto	Fadelli
Environmental Quality Committee (<i>Meets 2nd Tues, 7:00 pm</i>)	Quinto	Abelson
Financial Advisory Board (<i>Meets 2nd Tues, 7:00 pm</i>)	Quinto	Pardue-Okimoto
Human Relations Commission (<i>Meets 1st Wed, 7:00 pm</i>)	Lyman	Lyman
Park and Recreation Commission (<i>Meets 4th Wed, 7:00 pm</i>)	Friedman	Quinto
Planning Commission (<i>Meets 3rd Wed, 7:30 pm</i>)	Bridges	Quinto
Tree Committee (<i>Meets 2nd Mon, 7:00 pm</i>)	Abelson	Fadelli
Municipal Services Corporation Chair (<i>Established by MSC bylaws</i>)	Lyman (Mayor)	Abelson (Mayor)
Municipal Services Corporation Vice-Chair (<i>Established by MSC bylaws</i>)	Abelson (MPT)	Quinto (MPT)
Pension Board Chair (<i>Meets same as Council</i>)	Lyman (Mayor)	Abelson (Mayor)
Pension Board (Alternate)	Abelson (MPT)	Quinto (MPT)
Successor Agency to the Former Redevelopment Agency Chair (<i>Per bylaws</i>)	Lyman (Mayor)	Abelson (Mayor)
Successor Agency to the Former Redevelopment Agency Vice-Chair (<i>Per bylaws</i>)	Abelson (MPT)	Quinto (MPT)
Disaster Preparedness Council (Delegate) (<i>Inactive</i>)	Lyman (Mayor)	Abelson (Mayor)
Disaster Preparedness Council (Alternate) (<i>Inactive</i>)	Abelson (MPT)	Quinto (MPT)

Legend:

- Grey text used to accentuate “Alternate” positions
- “(Mayor)” used to indicate position is assigned to current Mayor
- “(MPT)” used to indicate position assigned to current Mayor Pro Tem
- “TBA” = to be assigned