

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, October 3, 2017 – 7:00 p.m.
City Council Chambers

SPECIAL CITY COUNCIL MEETING – CLOSED SESSION
Tuesday, October 3, 2017 – Immediately following the regular City Council meeting
Hillside Conference Room

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

ROLL CALL

Councilmembers Fadelli, Lyman, Pardue-Okimoto, Quinto and Mayor Abelson all present.

7:00 p.m. CONVENE REGULAR CITY COUNCIL MEETING

Mayor Abelson convened the regular City Council meeting at 7:00 p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Councilmember Rochelle Pardue-Okimoto.

2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Pardue-Okimoto reminded all that October is Arts Month in El Cerrito and announced all of the cultural programs and celebrations that will occur during the month. Councilmember Pardue-Okimoto also provided an update regarding the "Keep Alta Bates Open Subcommittee" that she serves on. Senate Bill 687 (Skinner) passed both the House and Senate and is awaiting Governor Brown's signature. The legislation would make it more difficult for an emergency room in an acute care hospital to be closed by requiring the California Attorney General to approve the closure. The Subcommittee is also looking at a health impact assessment which is looking at how the closure of Alta Bates would affect Berkeley and the surrounding areas, including West Contra Costa County. The Berkeley Fire Department (BFD) reported that Summit Hospital is the second busiest hospital in Alameda County and has estimated that it would take an additional twelve minutes to get to or from Summit Hospital and that there would be longer wait times at the hospital. This would cost the City of Berkeley a lot of extra money due to extended wait periods for BFD staff. Councilmember Pardue-Okimoto stated that it is likely that this would also translate into longer wait periods and impacts transporting patients for El Cerrito Fire

Department staff and that she is hoping to have a community forum in West Contra Costa County to ascertain how the community feels about closure of Alta Bates Hospital.

Mayor Pro Tem Quinto reported on his attendance with Mayor Abelson, the City Council and Bay Area Rapid Transit (BART) Directors Saltzman and Simon at the groundbreaking for the El Cerrito Del Norte BART Station Modernization project and said he is looking forward to a better, safer and more modern BART station in 2019. Mayor Pro Tem Quinto also stated that he attended the September League of California Cities East Bay Division meeting with Mayor Abelson on implicit bias training and thanked the 500 block Norvell Street neighbors for inviting him to their block party. Mayor Pro Tem Quinto said that unfortunately a senior was injured after the block party and expressed sincere wishes for a speedy recovery. He also expressed pride in the City's public safety team who arrived on scene in less than five minutes.

Councilmember Lyman stated that he attended the Rotary Club's Sip N Savor event with other Councilmembers. It was a great event which raised funds for great causes. Councilmember Lyman called special attention to the proper disposal of household hazardous waste which will occur on Tuesdays at the El Cerrito Recycling Center. More information is contained in the City's News and Views Newsletter.

Councilmember Fadelli said he was pleased to join members of the Council at the BART groundbreaking and at the West Contra Costa Unified School District Superintendent's annual report and breakfast. As Council Liaison to the Economic Development Committee, Councilmember Fadelli reminded all that October 16th begins Restaurant Week in El Cerrito and encouraged all to participate. Councilmember Fadelli also attended a recent Stege Sanitary District Board Meeting regarding sewer expansion needs along San Pablo Avenue which are critical for future economic growth in the City.

Mayor Abelson reported that she attended the first weekend of the Contra Costa Theatre's production, "Cabaret." It is nice to live in a city with a diversity of theatrical and film offerings. Mayor Abelson also attended senior programs at the Senior Center on fall prevention which includes exercises on how to prepare one's body for a fall to lessen injuries. Mayor Abelson also attended the Institute for Local Government's training workshop, "Building Trust in Local Governments: Community Engagement, Implicit Bias and Procedural Justice." The training would be of benefit to all elected officials and staff. At the last West Contra Costa Transportation Advisory Committee meeting, the Board authorized funds for the Del Norte BART Station modernization project. It takes many funding sources and a lot of work to put together a project. The modernization project will improve lives. For example, the elevators and elevator access will be improved and will be safer. Crowding will also be reduced. It is a fantastic project. Mayor Abelson also attended the September West County Mayors Association meeting and received a presentation from the Pacific Gas and Electric (PG&E) Public Affairs team on services and resources for local government, including public works coordination.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Melanie Proctor, El Cerrito, stated that she was happy to hear that Mayor Abelson and Mayor Pro Tem Quinto attended implicit bias training, noted its importance, and suggested that it be incorporated into annual training for government employees. Ms. Proctor said she was concerned about the 6500 Stockton Avenue item on the City Council's closed session agenda, expressed concerns about the overcrowding of

Fairmont School and stated that she hopes the city will work to find alternative space for senior programs.

Al Miller, El Cerrito, thanked the Centennial Planning Committee for their work on the outstanding Centennial Parade. Friends and staff of the Library walked together during the parade. The Centennial Parade differed from the Martin Luther King, Jr. parade in that it marched through the community which was great. Mr. Miller also reminded all that the El Cerrito Senior Resources Fair is tomorrow from 9 a.m. to 1 p.m. at the Community Center.

Mike Cunningham, El Cerrito, stated in regard to the 6500 Stockton Avenue item on the closed session agenda, that there is no known negotiation that the West Contra Costa Unified School District is aware of. Mr. Cunningham said severe overcrowding at Fairmount School is directly impacting students in a negative way. The School District has no intention of selling the property. Mr. Cunningham also expressed concerns that there have been no community conversations about how to prepare for a move and accommodate senior programs.

4. ADOPTION OF THE CONSENT CALENDAR – Item No. 4(A) through 4(F)

Moved, seconded (Lyman/Quinto) and carried unanimously to approve Consent Calendar Item Nos. 4(B) through 4(F) as indicated below. Item No. 4(A) was removed from the Consent Calendar at the request of Councilmember Pardue-Okimoto for the purpose of making a typographical correction to the minutes.

A. Approval of Minutes

Approve the September 19, 2017 Regular City Council meeting minutes.

Action: Moved, seconded (Pardue-Okimoto/Fadelli) and carried unanimously to approve the minutes as corrected to change SB 87 to SB 687 in Item No. 2 Council communications.

B. National Arts and Humanities Month Proclamation

Approve a proclamation declaring October 2017 as National Arts and Humanities Month in the City of El Cerrito and calling upon community members to celebrate and take part in arts and culture opportunities in El Cerrito and elsewhere.

Action: Approved proclamation.

C. Freedom from Bullies Week Proclamation

Approve a proclamation declaring October 15-21, 2017 as “Freedom from Bullies Week,” in the City of El Cerrito.

Action: Approved proclamation.

D. Unity and Bullying Prevention Awareness Day Proclamation

Approve a proclamation declaring October 25, 2017 as Unity Day in the City of El Cerrito and encouraging all schools, students, parents, recreation programs, religious institutions, and community organizations to engage in a variety of awareness and prevention activities designed to make our community safer for all children and adolescents and encouraging El Cerrito residents to wear orange on Unity Day to demonstrate the City’s commitment to the prevention of bullying.

Action: Approved proclamation.

E. Amend the Fiscal Year 2017-18 Budget and Capital Improvement Program to Incorporate a List of Projects and Appropriate Funding from Senate Bill 1 – The Road Repair and Accountability Act

Adopt a resolution amending the Adopted Fiscal Year 2017-18 Budget and Capital Improvement Plan to incorporate a list of projects for funding from California Senate Bill 1 – The Road Repair and Accountability Act and appropriate funding in the amount of \$137,738.

Action: Adopted Resolution No. 2017-71.

F. Increase of City Manager Spending Authority

Adopt a resolution authorizing an increase in the City Manager expense authorization limit from the current \$15,000 to \$45,000 and the Department Director limit from \$15,000 to \$25,000 and rescinding Resolution No. 2001-81.

Action: Adopted Resolution No. 2017-72.

5. PRESENTATIONS - None

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

Review Draft Cannabis Businesses Ordinance

Review the draft Cannabis Businesses Ordinance and provide direction to staff to finalize the ordinance for consideration of a first reading on November 21, 2017.

Presenter: Sean Moss, Senior Planner and Margaret Kavanaugh-Lynch, Development Services Manager.

Speakers: Delfina Lin-Sau Fung, El Cerrito, emphasized that under federal law, marijuana is still illegal to sell, cultivate and use marijuana. Ms. Fung referenced a petition submitted by individuals opposed to marijuana in the city and stated that under California Proposition 64 the City Council has the power to authorize deliveries rather than allowing dispensary storefronts and outlined suggested clarifications and changes to the ordinance.

Chris Jasinski, Oakland, identified himself as a privacy advocate, expressed concerns about the video surveillance provision in the proposed ordinance and encouraged drafters of the ordinance to think about the broader implications of the constant surveillance requirements and invasiveness across the industry and other municipalities.

Jeff Ghidella, Zenia, advocated for the addition of licensed delivery services along with brick and mortar cannabis businesses in El Cerrito.

Chris Gray, Fremont, commended staff on their work and suggested improvements such as altering business hours to close at 10:00 p.m.; allow the City Council to select the location; and allow for a cash transaction.

Karl Mulligan, El Cerrito, expressed concerns about staff responsiveness, and stated the ordinance is dystopian. Mr. Mulligan stated that it is his belief that staff has ignored public input.

Howdy Goudey, El Cerrito, stated that the City needs to be clear about its expectations with the ordinance and that it should not be left to a closed administrative process. Expanding delivery in a responsible way may minimize impacts.

Arya Campbell, El Sobrante, Secretary of National Organization for the Reform of Marijuana Laws (NORML) expressed support for the proposed ordinance with a small amount of tweaking and noted that some additional suggestions may be submitted

from other supporters by email. Ms. Campbell urged onsite consumption and said the people of El Cerrito are ready to move forward and reap the benefits of legal, regulated cannabis.

Skyler Turtle, Kensington, asked the City Council to think about providing opportunities for the people that live in the community but don't have investors and advocated for small-time operators will be more likely to listen and be responsive to the community.

Action: The City Council received staff's presentation, discussed the draft cannabis businesses ordinance and provided direction to staff regarding preparation of the ordinance.

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

Held over to the October 17, 2017 City Council meeting.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:57 p.m.

10. CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

Mayor Abelson convened the special City Council meeting at 9:58 p.m.

ANNOUNCEMENT OF CLOSED SESSION

Conference with Real Property Negotiators (*Pursuant to Government Code Section 54956.8*)

1) Property: 10848 San Pablo Avenue, El Cerrito, CA 94530

Agency Negotiators: Scott Hanin, City Manager and Sky Woodruff, City Attorney

Negotiating Parties: Eden Housing, Inc.

Under Negotiation: Price and Terms of Payment

2) Property: 6500 Stockton Avenue

Agency Negotiators: Scott Hanin, City Manager and Sky Woodruff, City Attorney

Negotiating Parties: West Contra Costa Unified School District (WCCUSD)

Under Negotiation: Price and Terms of Payment

ORAL COMMUNICATIONS FROM THE PUBLIC (*See Agenda Item No. 3 above*)

RECESS INTO CLOSED SESSION (*Hillside Conference Room*) at 10:00 p.m.

POSSIBLE REPORT OUT OF CLOSED SESSION

Mayor Abelson announced that the City Council provided direction to staff.

ADJOURNED SPECIAL CITY COUNCIL MEETING – CLOSED SESSION at 10:53 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7 Review Draft Cannabis Businesses Ordinance

1. Comments on the proposed ordinance – *Submitted by Delfina Lin-Sau Fung, El Cerrito.*
2. Comments on proposed ordinance – *Submitted by Chris Gray, John Oram Ph.D, CEO, El Cerrito Wellness Center.*
3. Comments on proposed cannabis ordinance – *Submitted by Howdy Goudey, El*

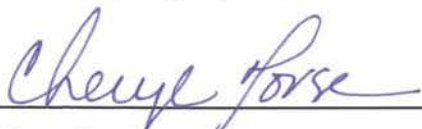
Cerrito.

4. Powerpoint presentation – *Submitted by Sean Moss, Senior Planner.*

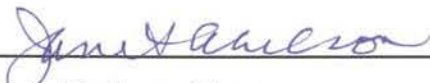
Closed Session

5. Comments on 6500 Stockton Avenue – *Submitted by Rebecca Goldfarb, El Cerrito.*
6. Comments on 6500 Stockton Avenue – *Submitted by Amalia Lorentz Cunningham, El Cerrito.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of October 3, 2017 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Janet Abelson, Mayor