

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, April 4, 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

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 7:03p.m.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE was led by Councilmember Gabriel Quinto.

2. COUNCIL / STAFF COMMUNICATIONS

COUNCIL COMMUNICATIONS

Councilmember Pardue-Okimoto announced that a citizens group named "Services not Cells" which opposes the expansion of the West County Detention Center has formed and will be having a kick-off meeting on April 15.

Mayor Pro Tem Quinto reported that he attended a Metropolitan Transportation Commission / Association of Bay Area Governments workshop on March 22 in Sacramento. Bay Area Senators and Assemblymembers spoke about bills they are working on. There are over 100 affordable housing and housing bills and an important transportation bill. Mayor Pro Tem Quinto invited all to look at the transportation bill and noted how important it is to get it done. He also reported on this March 23rd attendance at the West County Mayors and Supervisors' meeting in Hercules. He attended the meeting with Mayor Abelson. The mayors spoke about the importance of youth volunteers and Mayor Pro Tem Quinto added that El Cerrito hosts a youth intern program every summer.

Councilmember Lyman reported that he and Vice-Mayor Quinto attended the California League of California Cities Environmental Quality Policy Committee meeting. The Committee voted to support Senate Bill 231 which will change the definition of sewer so that more local funding can be returned to cities for implementation of clean stormwater programs to comply with mandates and keep our San Francisco Bay clean. The vote was very controversial but passed 21 to 20.

Councilmember Fadelli reported that he and Mayor Abelson attended the grand opening of the Warm Springs BART station on March 24. On April 3, Councilmember Fadelli attended a hearing in Sacramento that was also attended by Governor Brown in support of Senate Bill 1, the Transportation/Fix our Roads bill.

Mayor Abelson recently attended a Richmond Chamber of Commerce mixer at Contra Costa College. The speaker was inspiring. He had been imprisoned in San Quentin and was released due to a change in the law. He is currently an executive in a tech company. The Contra Costa College is having its 10th annual food and wine event on April 23 from 11-2:30 p.m. in the Fireside Hall on campus. The event helps support the Contra Costa College Culinary Arts scholarship program. The City will be convening an Affordable Housing Strategy workshop on April 8 and an Affordable Housing Policy Recommendations workshop on May 23 at City Hall. Spanish and Chinese translation will be available. More information is available on the City's website or by emailing Katherine Ahlquist, Management Analyst, at kahlquist@ci.el-cerrito.ca.us.

Mayor Abelson also reported that she attended the West County Mayors and Supervisors Association meeting as noted by Mayor Pro Tem Quinto and attended the West Contra Costa Transportation Advisory Committee (WCCTAC) Board meeting on March 24 in which the Board received a status report regarding I-80 pavement concerns and also discussed Transportation for Livable Communities funds. The East Bay Division of the League of California Cities met at the Mira Vista Country Club and received a presentation from a CalPERS representative on closing the pension gap. As a member of the League of California Cities Community Services and Governance, Transparency and Labor Relations Policy Committees, Mayor Abelson received another presentation on CalPERS issues and funding retirement for future generations of public agency retirees.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

John Gioia, Supervisor, Contra Costa County Board of Supervisors, thanked the City Council and the Public Safety Departments for changing its dispatch to the Contra Costa County dispatch system. This will improve response time for El Cerrito residents. He also thanked the Council for their leadership regarding its declaration of El Cerrito as a Sanctuary City and for their opposition to the expansion of the West County Detention Facility. Supervisor Gioia updated the Council and public about the history and development of the jail proposal noting that there will be an ongoing cost of \$5 million in operating costs each year that have yet to be identified in the budget. Supervisor Gioia stated that he opposes the jail expansion and expressed support for a bail reform system that would change from a financial model to a risk model for those awaiting trial as a way of decreasing jail capacity. He also noted that due to the Sheriff's contract with the United States Justice Department to house Immigration Control Enforcement detainees, trust has been eroded among the immigrant community. Funds should be used for local needs rather than federal needs. Funds should be invested in mental health services prior to incarceration, during incarceration and post incarceration re-entry services. Supervisor Gioia concluded by stating that the proposed facility is much larger than it needs to be to

serve the local population. It is Supervisor Gioia's hope that funding will focus more on mental health services than constructing high security jail cells. It takes a coalition to express its views in Sacramento. The Board of State and Community Correction will be meeting in May or June 2017 to make a decision on funding.

Delfina Fung, El Cerrito, asked the City Council to review El Cerrito Municipal Code Chapter 6.55 regarding alarm systems. The code was enacted in 2010. Ms. Fung recommended that the code be amended to allow for more robust noticing and that Section 6.55.040 be amended to exempt existing alarm users from 2010 or before from permit application fees and renewals. Ms. Fung stated that her alarm was installed in 1991 and she was not aware of the ordinance until two weeks ago and does not know why a letter was sent to her.

Jean Rabovsky, El Cerrito, thanked the City Council for declaring itself a Sanctuary City and encouraged the Council to adopt the American Civil Liberties Union's (ACLU) nine model rules and enforcement policies to be followed by state and local police officers. The ACLU model policy seeks to protect neighbors from mass deportation, invasion of privacy, regressive grievances and ensures against discrimination.

Maria Allegria, Democratic Party of Contra Costa County, urged the City Council to oppose the West Contra Costa County jail expansion and ask Sheriff Livingston to terminate his contract with ICE and use the existing facility for its intended purpose which is to alleviate over-crowding of the County Jail located in Martinez.

Al Miller, El Cerrito, spoke in support of Consent Calendar Item No. 4(H) Support for SCA 3, and also asked the Council to oppose the West County jail expansion (Consent Calendar Item No. 4(1)). Mr. Miller also commended Stephen Préé, City Arborist, for his work with the Baxter Creek work parties and encouraged all to attend.

Marlene Keller, El Cerrito, urged the City Council to oppose the expansion of the West County jail facility.

Tom Panas, El Cerrito, reported that the El Cerrito Community Garden Team has carefully sourced seeds and restocked the seed libraries located at the El Cerrito branch of the Contra Costa Library and Recycling Center. The seed libraries are free for everyone to use.

Judith Tannenbaum, El Cerrito, thanked the City Council for its leadership in declaring El Cerrito a Sanctuary City and also urged the City Council to oppose the West County jail facility expansion.

Tomi Nagai-Rothe, El Cerrito, expressed her support for Councilmember Pardue-Okimoto's letter opposing expansion of the West County Jail facility and urged the City Council to approve it. Ms. Nagai-Rothe said she advocates for services instead of jail cells.

Elizabeth "Betty" Brown, Kensington, queried why the County would want to spend \$20 million on jail cells when it doesn't even have a community hospital.

Janaki Sullivan, El Cerrito, thanked the City Council for declaring El Cerrito a Sanctuary City and urged the County to support a similar policy along with SB 54. Ms. Sullivan expressed her opposition to expansion of the West County Jail facility and asked the City Council to support Councilmember Pardue-Okimoto's letter and voice its opposition of Sheriff Livingston's contract with ICE.

Sarah Bakkar, El Cerrito, ACLU People Power, thanked the City Council for passing its Sanctuary City resolution and also thanked the Police Department for its support and the Human Relations Commission (HRC) for their initiative. Ms. Bakkar expressed concerns about the political rhetoric surrounding immigration and also asked the Council to reflect on the effect that the work of the HRC has on the Crime

Prevention Committee to ensure that the City is doing everything it can to make sure El Cerrito feels like home for everyone.

Jess Laird, El Cerrito, spoke in opposition to the West County Jail expansion.

Donna Crawford, El Cerrito, ACLU People Power, said she was pleased to learn that the Police Department is already practicing many of the policies that the ACLU is concerned about however the ACLU does not feel that some of the policies currently in place do not go far enough to ensure that the entire community is fully protected. Ms. Crawford asked that policies regarding clarity, transparency, and public accountability be codified to ensure trust between law enforcement and community. The ACLU will be reaching out to the HRC and Crime Prevention Committee in the coming months to express its concerns and offer strategies. The ACLU opposes the jail and encourages services instead.

Sherry Drobner, El Cerrito, said it is ironic that the County faces a crisis in mental health and housing and chooses to put money toward jails. Ms. Drobner said it is a backward step to put money toward incarceration instead of services.

Michelle Mendieta Mitchell, El Cerrito, expressed support for the City Council's letter opposing the proposed West County Detention facility. Funds should be placed toward services to help the community instead of incarceration.

Brigid (Kennedy) Acuña, Albany Community Action Group, spoke against the expansion of the West County Detention facility.

Doug Jones, SEIU International Healthcare Workers organizer, spoke against the expansion of the West County jail, asked the Council to approve the letter, and encouraged the county to redirect spending to services.

Georgina Edwards, El Cerrito, expressed her appreciation for the hard work of the City Council and Staff. Ms. Edwards asked the City Council and staff to think of additional ways to better reach out to the community, commissioners and journalists in expressing its goals and priorities.

Michael Kerr, Baypoint, thanked the City Council for declaring El Cerrito a Sanctuary City and its support for Senate Bill 54. Mr. Kerr said he will be working toward accomplishing a similar policy in Pittsburg.

Adel Olvera, Concord, expressed appreciation for the City Council's support for the immigrant community and also spoke in opposition of the West County jail expansion.

Alyssa Kang, Richmond, California Nurses Association, stated that the Association also opposes expansion of the jail project. Ms. Kang also stated that the proposed closure of Alta Bates Hospital coupled with the closure of Doctors Hospital in 2015 would exacerbate the healthcare crisis. Funds invested in expanding healthcare, re-entry services, affordable housing, infrastructure, education and job creation will all help strengthen our community and prevent incarceration. There is value in investing in the community instead of jail expansion. Ms. Kang also thanked the City Council for its resolution regarding the closure of Alta Bates Hospital.

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

Moved, seconded (Lyman/Quinto) and carried unanimously to approve Consent Calendar item Nos. 4(A) through 4(H) and 4(J). Consent Calendar Item No. 4(I) was removed from the Consent Calendar at the request of Councilmember Lyman and voted on separately as indicated below.

A. Approval of Minutes

Approve the March 21, 2017 Special City Council and March 21, 2017 Regular City Council meeting minutes.

Action: Approved minutes.

B. Earth Day Proclamation

Approve a proclamation designating April 22, 2017 as "Earth Day" in the City of El Cerrito and encouraging all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Action: Approved proclamation.

C. Public, Educational and Government (PEG) Fee Reauthorization Ordinance

Adopt Ordinance No. 2017- 03, an ordinance of the City of El Cerrito reauthorizing the public, educational and government (PEG) fee on state cable franchisees operating with the City and amending Section 14.12.170 of the El Cerrito Municipal Code. *First reading on March 21, 2017. Approved by unanimous vote.*

Action: Adopted Ordinance No. 2017-03. *Effective May 4, 2017.*

D. Annual Parcel Assessment for the National Pollution Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2017- 18

Adopt a resolution establishing the annual parcel assessment for the National Pollution Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of \$38.00 per Equivalent Run off Unit (ERU), and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area levies based on said amount for Fiscal Year 2017- 18.

Action: Adopted Resolution No. 2017- 17.

E. Calendar Years 2014 and 2015 Growth Management Program Compliance Checklist

Adopt a resolution approving the Calendar Years 2014 and 2015 Growth Management Program (GMP) Compliance Checklist for allocation of Fiscal years 2015-16 and 2016-17 Measure J, Local Street Maintenance and Improvement Funds by the Contra Costa Transportation Authority.

Action: Adopted Resolution No. 2017- 18.

F. Cost Allocation Plan and Community Development User Fee Study Award

Adopt a resolution authorizing the City Manager to execute a Professional Services Agreement between the City of El Cerrito and Willdan Financial Services in an amount not to exceed \$29,275 to prepare a Cost Allocation Plan and Community Development User Fee Study and to approve potential change orders not to exceed \$3,000.

Action: Adopted Resolution No. 2017- 19.

G. Authorize Annual Report for Landscape and Lighting Assessment District for Fiscal Year 2017- 18

Adopt a resolution directing NBS Local Government Solutions (NBS) to prepare and file the annual Landscape and Lighting Assessment District No. 1988-1 report for Fiscal Year 2017-18

Action: Adopted Resolution No. 2017- 20.

H. Support for SCA 3(Dodd) Local Government Finance – Libraries

At the request of Mayor Abelson, authorize the Mayor to send a letter on behalf of the City Council, which expresses the Council's support for SCA 3 (Dodd) Local Government Finance: Libraries- Voter Approval. Committee date March 29, 2017.

Action: Approved recommendation.

I. Opposition to the Proposed Expansion of the West Contra Costa Detention Facility

At the request of Councilmember Pardue-Okimoto, approve a recommendation authorizing the Mayor to send a letter to the California Board of State and Community Corrections opposing the \$70 million grant proposal from the Contra Costa Sheriff's Office for the expansion of the West County Detention Facility in Richmond.

Action: Removed from the Consent Calendar at the request of Councilmember Lyman. Moved, seconded (Lyman/Quinto) and carried unanimously to approve the letter as amended by Councilmember Lyman to copy the Contra Costa County Supervisors and Sheriff Livingston on the letter and to add the following language to the end of the letter:

"If the State is considering the grant, the State should require Contra Costa County Sheriff Livingston to cancel his contract with ICE so that Contra Costa is not unfairly benefitting from an ICE contract while using revenues from throughout the state. Additionally, cancelling the contract may well resolve some of the overcrowding issues."

J. Environmental Quality Committee Appointment

Approve an Environmental Quality Committee recommendation to appoint Rebecca Miller to the Environmental Quality Committee, effective April 4, 2017.

Action: Approved recommendation.

5. PRESENTATIONS

El Cerrito Strategic Plan Goals and Strategies Report – *Presentation by Karen Pinkos, Assistant City Manager.*

Action: Received presentation.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Fiscal Year 2016-17 Mid-Year Budget Update

Receive an update on city revenues and expenditures for the first six months of the fiscal year through December 31, 2016 and adopt a resolution authorizing amendments to the Fiscal Year 2016-17 budget and approving new spending limits.

Presenter: Mark Rasiah, Finance Director.

Speakers: Howdy Goudey, El Cerrito, stated that he had encouraged the city to opt into the 100% renewable energy option offered by Marin Clean Energy for city operations. Mr. Goudey also commented on vehicle replacement funds and encouraged the city to invest in electric vehicle charging infrastructure and purchase electrical vehicles for its fleet.

Action: Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to adopt resolution No. 2017- 21.

B. El Cerrito Wall of Fame Council Subcommittee

Confirm the Mayor's appointment of two members of the City Council to an El Cerrito Wall of Fame Subcommittee for the purposes of reviewing nominations received this year and return to the City Council with a recommendation by May 15, 2017. Additionally, conduct a review of Resolution No. 2008-77 selection and appointment guidelines and return to the City Council in Fall 2017 with recommendations, if any.

Action: Councilmembers Pardue-Okimoto and Mayor Pro Tem Quinto were appointed to the Council subcommittee to evaluate nominations received this year. Councilmember Fadelli and Mayor Abelson will serve on a separate ad-hoc Council subcommittee to review Wall of Fame guidelines and procedures.

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

Mayor Pro Tem Quinto reported that he attended a transportation press conference in Concord with Governor Brown, Senators Bell, De Leon and Renden, Assemblymember Fraser and other public officials. All of the cities in Contra Costa County, including El Cerrito, support the Governor's plan [for a gas tax to fund road repairs].

Councilmember Pardue-Okimoto attended the Arts and Culture Commission meeting. The El Cerrito Creative ReUse Artist Residency Program will offer a stipend and use of materials from the Recycling Center to create art. Applications are being accepted now. For more information contact Suzanne Iarla, Assistant to the City Manager, at siarla@ci.el-cerrito.ca.us. Events the Commission is promoting include: 1) The State Poet Laureate at the Library on April 20; 2) Earth Day on April 22; and 3) The film, "This Aint No Mouse Music," on April 23.

Councilmember Fadelli reported that the Tree Committee will be planting a tree in the Baxter Creek area as part of the City's Centennial Celebration. The Economic Development Committee may discuss the renaming of the Mira Vista Country Club at an upcoming meeting.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 9:37p.m. in memory of Charles Hernandez.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

(Submitted prior to the City Council meeting.)

Item No. 4(H) Support for SCA 3(Dodd) Local Government Finance - Libraries

1. Comments in support of SCA 3 – Submitted by Michael Fischer, El Cerrito representative to the Contra Costa Library Commission.

Item No. 4(I) Opposition to the Proposed Expansion of the West Contra Costa Detention Facility

2. "My World: Contra Costa needs more services not more jail cells," East Bay Times, March 27, 2017-Written and submitted by Judith Tannenbaum, El Cerrito.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS 2

(Submitted at the City Council meeting)

Item No. 4(l) Opposition to the Proposed Expansion of the West Contra Costa Detention Facility

3. Letter to the City Council urging the Council to send its letter to the Board of State Community Corrections rejecting the application of Contra Costa County Sheriff Livingston's plan to expand the West County Detention Facility (WCDF) in Contra Costa County – *Submitted by Maria Alegria, Chair, Democratic Party of Contra Costa County.*

4. Letter to Mr. Prince and Construction Financing Committee of the Board of State and Community Corrections from Albany Community members – *Submitted by Brigid (Kennedy) Acuna, Albany.*

5. Limit the Role of Immigration and Customs Enforcement (ICE) in Contra Costa County: Oppose Expansion of the West County Detention Facility in Richmond. El Cerrito Progressives Fact Sheet.

6. Services Not Cells Kickoff and Update on the West County Jail Expansion – *Submitted by Sherry Drobner, El Cerrito.*

7. Letter urging the City Council to oppose the West County Jail Expansion – *Submitted by Michael Kerr, Bay Point, CA.*

Other:

8. ACLU's 9 "Model" state and local law enforcement policies and rules – *Submitted by Jean Robovsky, 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 April 4, 2017 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Janet Abelson, Mayor