

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING

Tuesday, May 17, 2016 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson
Councilmember Jan Bridges

Councilmember Mark Friedman
Councilmember Gabriel Quinto

ROLL CALL

Present: Councilmembers Abelson, Friedman, Quinto and Mayor Lyman

Absent: Councilmember Bridges

7:00 p.m.

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Lyman convened the regular City Council meeting at 7:02 p.m.

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** was led by Mayor Lyman.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Lyman reported on his attendance at the May 15, 2016 Hillside Festival and thanked the Trail Trekkers for all of their work organizing and hosting this nice event. Mayor Lyman also noted that the Sunday Chronicle featured an article “UC architecture students reimagine the El Cerrito of tomorrow.” The architecture students featured in the article will be giving a presentation to staff. On May 19, the East Bay Economic Development Alliance will be hosting a presentation in Oakland on the current and future status of the East Bay economy. The American Cancer Society, El Cerrito Relay for Life, is currently building teams for its annual fundraiser on July 16 and 17 at Cerrito Vista Park. More information is posted at www.relayforlife. An official County Ballot box is now located at City Hall. Any Contra Costa County Vote-by-Mail ballot can be placed in the ballot box during regular business hours. Mayor Lyman encouraged all to vote in the June 7 primary and study their election materials. Measure AA – a measure for a Clean and Healthy Bay will be on the June ballot. The City has printed 1000 “Stop Hate, Together – Not in Our Town” signs for community members to place in their windows. The free signs were created in response to the hate crime that occurred in El Cerrito in February, 2016. The signs are free for all community members. Mayor Lyman also invited all to attend the Loving Day event on June 12 at City

Hall and reminded all as previously reported, that upon conclusion of the May 3, 2016 closed session, the City Council gave direction to the City Council Subcommittee negotiators.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, invited the City Council to register for the 2016 West County Youth Summit. Mr. Hindler expressed concerns about vacant properties near City Hall on San Pablo Avenue, noted that the rent is about \$3,000 per month and that he also supports the minimum wage.

Rochelle Pardue-Okimoto, El Cerrito, spoke about the "Not in Our Town" signs that have been created to deal with hatred in El Cerrito and stated that there will be an on-going effort to deal with hatred and discrimination in not only El Cerrito but in every town. Ms. Pardue-Okimoto also invited all to attend the City's June 12 family friendly Loving Day event. Loving Day recognizes inter-racial marriages and is a multi-cultural celebration. Last year Loving Day was also used as precedent to recognize Gay marriage.

4. PRESENTATIONS – None

5. ADOPTION OF THE CONSENT CALENDAR – Item Nos. 5A through 5J

Moved, seconded (Friedman/Quinto; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to approve Consent Calendar Item Nos. 5A through 5J in one motion as indicated below.

A. Approval of Minutes

Approve the May 3, 2016 Special City Council, Regular City Council and City Council Closed Session meeting minutes.

Action: Approved minutes.

B. Garden Club 60th Anniversary Proclamation

Approve a proclamation commending the El Cerrito Garden Club for its important work throughout the community and recognizing the many contributions the Club makes toward civic beautification and in making El Cerrito a more beautiful place to live and work. The City Council congratulates the El Cerrito Garden Club on the occasion of its sixtieth anniversary to be celebrated on June 2, 2016.

Action: Approved proclamation.

C. State Homeland Security Grant Fiscal Year 2015 Award

Adopt a resolution authorizing the acceptance of \$180,540.00 in grant funds from the California Office of Emergency Services Fiscal Year 2015 State Homeland Security Grant Program which is managed by the Contra Costa County Office of the Sheriff. These grant funds shall be used to reimburse the El Cerrito Fire Department for training and material for technical rescue classes for all of the West County Urban Search and Rescue Consortium personnel.

Action: Adopted Resolution No. 2016-33.

D. Amend Contract with Michael Baker International

Adopt a resolution authorizing the City Manager to amend the existing professional services agreement with Michael Baker International in the amount of \$25,600 bringing the total contract amount to \$50,060 to provide on-call planning services for the balance of the calendar year.

Action: Adopted Resolution No. 2016-34.

E. On-Call Planning and/or Environmental Planning Services Professional

Services Agreements

Adopt a resolution providing the City Manager with the flexibility to execute professional services agreements as necessary with one or more of the following ten on-call planning and/or environmental planning firms: Circlepoint, David J. Powers & Associates, Grassetti Environmental Consulting, Lamphier-Gregory, Lexington Planning, LSA, M-Group, Michael Baker International, MIG and Opticos Design, Inc. to provide planning services for three years with options to extend for an additional two years in an amount not exceed \$75,000 per year for each agreement. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016-35.

F. All-Way Stop at the Intersection of Norvell Street and Donal Avenue

Adopt a resolution authorizing the Public Works Director/City Engineer to install stop signs on the northbound and southbound approaches of Norvell Street at Donal Avenue, creating an all-way stop. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016-36.

G. Borrow Funds from the Municipal Services Corporation

Adopt a resolution authorizing the borrowing of funds from the Municipal Services Corporation.

Action: Adopted Resolution No. 2016-37.

H. CalRecycle Grant Program Application

Adopt a resolution authorizing the City Manager, or his designee, to submit applications for Payment Programs and related authorizations to the California Department of Resources Recycling and Recovery. *Exempt from CEQA.*

Action: Adopted Resolution No. 2016-38.

I. Rescheduling of June 7, 2016 City Council Meeting to June 14, 2016

Approve a recommendation confirming the rescheduling of the June 7, 2016 Regular City Council Meeting to Tuesday, June 14, 2016 to better facilitate the public's ability to participate and vote in the June 7, 2016 Statewide Primary Election. The polls close at 8:00 p.m.

Action: Approved recommendation.

J. Approval by the City Council of Acceptance of the Former Redevelopment Agency Properties in Accordance with the Successor Agency Long Range Property Management Plan

Staff requests that the City Council accept the conveyance of certain former Redevelopment Agency properties from the El Cerrito Municipal Services Corporation in accordance with the Successor Agency to the El Cerrito Redevelopment Agency Long Range Property Management Plan.

Action: Adopted Resolution No. 2016-39.

6. PUBLIC HEARINGS

A. Master Fee Schedule Revision for Fiscal Year 2016-17

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2016-17 Master Fee Schedule.

Presenter: Stacey Johnson, Administrative Analyst.

Mayor Lyman opened the public hearing.

Speaker: Cordell Hindler, Richmond, encouraged the City Council to adopt the Master

Fee Schedule.

Moved, seconded (Friedman/Abelson; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to close the public hearing.

Action: Moved, seconded (Friedman/Quinto; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to adopt Resolution No. 2016-40.

B. Confirm the Diagram and Levy the Assessment for Fiscal Year 2016-17 for Landscape and Lighting Assessment District No. 1988-1

Conduct a public hearing and upon conclusion and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year 2016-17 as \$72 per residential parcel and as noted in the Engineer's Report for other classes of properties.

Presenter: Yvetteh Ortiz, Public Works Director.

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Friedman/Abelson; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to close the public hearing.

Action: Moved, seconded (Abelson/Quinto; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to adopt Resolution No. 2016-41.

C. Storm Drain Annual Report and Method of Collecting Fees

Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2016-17 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

Presenter: Yvetteh Ortiz, Public Works Director

Mayor Lyman opened the public hearing. No speakers.

Moved, seconded (Friedman/Quinto; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to close the public hearing.

Action: Moved, seconded (Abelson/Quinto; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to adopt Resolution No. 2016-42.

7. POLICY MATTERS

A. Proposed Medical Marijuana Facility and Impact on Current Medical Marijuana Moratorium

Councilmembers Quinto and Friedman request that the council discuss the current prohibition on medical marijuana facilities and the potential impact of the likely passage of a ballot initiative in November 2016 to legalize recreational marijuana use. The item is for discussion and direction only. There is a request to permit a new facility to open on San Pablo Avenue at the former Taco Bell site on the north end of town. It is widely expected that the ballot initiative to legalize recreational marijuana use will pass in November. By lifting the prohibition and permitting one medical marijuana facility we are able to exercise control, set conditions, and negotiate a substantial tax on gross receipts of the facility. If the City maintains the prohibition and does nothing and the initiative passes the City could quite likely have less control and would likely earn much less revenue. The purpose of the study

session is to engage the public and City Council in a discussion in the pros and cons of fast tracking the proposed facility which would be called the El Cerrito Wellness Center. Depending on the direction to staff, the current prohibition on medical marijuana facilities would need to be revised and replaced.

Presenters: Councilmember Friedman, Councilmember Quinto, Rose Johnson, CEO El Cerrito Wellness Center, John J. Oram, Ph.D., Davis Street/El Cerrito Wellness Center.

Speakers: Cordell Hindler, Richmond, encouraged the City Council to support a cannabis club because it will generate money for the City.

Tom Panas, El Cerrito, said that the issue before the Council is interesting and quite complex. Mr. Panas submitted written questions for the Council to consider based on information contained in the staff report.

Al Miller, El Cerrito, stated that he has no problem with medical marijuana in the City but is concerned about the draft ordinance attached to the staff report. Mr. Miller expressed concerns about the lack of professionalism and errors in the proposal and ordinance attached to the agenda bill. Mr. Miller asked if the potential applicant was a non-profit organization and whether revenue would be generated in a way that would not generate a profit. Mr. Miller also said he would not want to see a marijuana monopoly in the City and requested that any changes in the City's ordinance be compatible with passage of the proposed state measure.

Rochelle Pardue-Okimoto, El Cerrito, said medical marijuana is about patients. Patients need any and all treatment modalities that are available to them. The pharmaceutical industry has a stranglehold on patients who are in pain. Opioids are very addictive and can be deadly whereas marijuana is not. Patients need a respectable clinic where they can be seen and obtain their medicine and get what they need to be well.

Kip Crosby, El Cerrito, stated that marijuana is a terrific drug for the purposes it serves. Mr. Crosby said he speaks from the experience of a close relative who has used it as a better mood stabilizer than expensive medicines created by Big Pharma and as one who has studied psychopharmacology and is also a better and less habituating pain killer than oxycontin and vicodin. It is also one of the most effective drugs known for promoting sleep. Mr. Crosby said El Cerrito needs a reliable, responsible source of medical marijuana and that he supports the proposition.

Hilary Crosby, El Cerrito, said as a certified public accountant, she has seen how medical marijuana dispensaries have created good revenue streams for cities. The taxes generated on the sale of cannabis is good for the city. Ms. Crosby said she is bothered that the choice of the vendor has been conflated with the discussion of whether or not to have a dispensary.

John Sechser, Walnut Creek, Director of Retail Properties for Trans-Western, said he represents the ownership of the former Taco Bell site. The vacant property attracted crime, blight, rodents, transients and homeless rendering it functionally obsolete. Mr. Sechser urged the Council to permit the medical wellness center and stated that the proposed applicant is fully capable of closing escrow and improving the site. They have been ethical and professional in business dealings.

Adam Peterson, El Cerrito, stated that he is a former real estate broker who works for the group who is proposing the wellness center and stated that they are a professional group. Mr. Peterson urged the City Council to consider the ordinance and proposal and said great things could be done in El Cerrito.

Sean Donahoe, Oakland, stated that he represents the Best Medical Cannabis Operators for the City. The City of Oakland is passing a comprehensive medical cannabis ordinance. Mr. Donahoe said his client will offer advanced retail service, product development, proven community benefits and represents the future of the medical cannabis industry.

Karl Mulligan, El Cerrito, suggested that the city should move forward, open the process to the public and let the residents have some say. Mr. Mulligan expressed concerns with the ordinance that has been written by the proposers of the cannabis dispensary as they have written the ordinance for themselves. The City Council recently passed a zoning ordinance that made it illegal for medical cannabis users to grow marijuana themselves despite state law.

Paul Fadelli, El Cerrito, thanked the City Council for taking this timely and necessary step. Mr. Fadelli said he has friends who use cannabis for relief and stated that only one dispensary is necessary in El Cerrito. Mr. Fadelli expressed concern about the placement of the dispensary at the gateway to the city next to the "Welcome to El Cerrito" sign and stated that there needs to be some sensitivity about how El Cerrito is approached from the North and South. If there is revenue, Mr. Fadelli hopes that the City will make an effort to educate youth not to use cannabis.

Howdy Goudey, El Cerrito, stated that he supports decriminalization and responsible use but has reservations about the sole-source proposal. There needs to be an open forum to find out what will work best for this community. Mr. Goudey said he is also concerned about taxing medicine for people as other medicines are not taxable and the placement of a dispensary at the gateway to the City. Mr. Goudey encouraged the City Council to be thoughtful in its deliberations.

Patricia Durham, El Cerrito, stated that she is very happy to know that El Cerrito is being creative and innovative but hopes that the love of money is not changing the culture of the City.

Action: Discussion held (Absent – Councilmember Bridges). The City Council, by mutual consensus, refrained from providing any direction on the specific proposal before the Council this evening but agreed to move forward with consideration of changes to existing City regulations regarding marijuana-related businesses by directing staff to return to the City Council on June 14, 2016 with a proposed timeline, schedule and budget for development of an ordinance, allowing for adequate due diligence, analysis and public outreach on the topic.

B. Amended and Restated City Manager Employment Agreement

Adopt a resolution amending and restating the employment agreement between the City of El Cerrito and Scott Hanin, City Manager.

Mayor Lyman expressed appreciation for Mr. Hanin's work over the past fifteen years and highlighted changes in Mr. Hanin's employment agreement.

Speakers: Cordell Hindler, Richmond, expressed appreciation for Mr. Hanin.

Action: Moved, seconded (Friedman/Abelson; Ayes – Councilmembers Abelson, Friedman, Quinto and Mayor Lyman; Noes – None; Abstain – None; Absent – Councilmember Bridges) and carried to adopt Resolution No. 2016-43.

8. COUNCIL ASSIGNMENTS/LIAISON REPORTS

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

Mayor Pro Tem Abelson stated that the Contra Costa Transportation Authority (CCTA) is considering whether to place a half cent sales tax measure on the ballot and may come to a

consensus at a meeting tomorrow. Once approved by the CCTA, it will come to each member City Council and the County for concurrence. It would need to be passed by a majority of the cities and if there is majority approval it will go to the Contra Costa County Board of Supervisors. The CCTA was recently picked as transportation agency of the year in California by the California Transportation Foundation.

Mayor Lyman reported that Randy Iwasaki, Executive Director of CCTA, made a presentation on autonomous vehicles at the Contra Costa Mayors Conference last month. Assemblymember Susan Bonilla also spoke to the Contra Costa Mayors about state legislation that would support autonomous vehicles in California. Assemblymember Bonilla is seeking resolutions or letters in support of the proposed legislation. Congressman DeSaulnier also attended the Mayors Conference and provided a brief presentation in recognition of Port Chicago. The West County Integrated Waste Management Authority Board is working through a new Joint Exercise of Powers Agreement. The Board discussed means for future revenue and provided direction to staff and legal counsel to incorporate new language into the agreement for a multitude of methods to collect revenue including tipping fees, energy sales, etc. The Board also discussed a policy regarding disbursements and participated in a budget workshop.

Councilmember Quinto reported that as the City's delegate to the Association of Bay Area Governments (ABAG), he will be receiving a report on options regarding a ABAG/Metropolitan Transportation Commission merger at an ABAG meeting this week.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:11 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

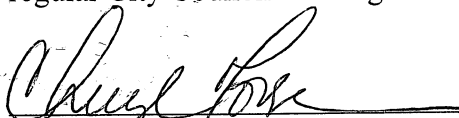
Item No. 7(A) Proposed Medical Marijuana Facility and Impact on Current Medical Marijuana Moratorium

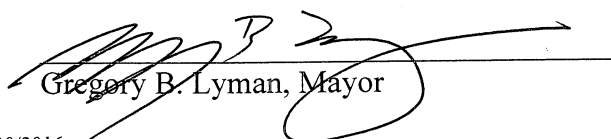
1. Comments in support of medical marijuana and a medical marijuana dispensary in El Cerrito – *Submitted by Molly Hazen, El Cerrito resident and business owner*
2. Comments opposing a proposed medical marijuana dispensary – *Submitted by George McCrae, El Cerrito.*
3. Concerns and questions regarding the proposal submitted by the proposed El Cerrito Wellness Center – *Submitted by Al Miller, El Cerrito.*
4. Questions regarding a proposal for a marijuana dispensary in El Cerrito – *Submitted by Tom Panas, El Cerrito.*
5. Powerpoint and video presentation – *Submitted by El Cerrito Wellness Center*
6. Request to submit proposal to operate a Medical Cannabis Dispensary in the City of El Cerrito – *Submitted by Sean Donahoe, Operative Campaigns LLC*

Other:

7. 2016 West County Youth Summit Flyer – *Submitted by Cordell Hindler, Richmond.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of May 17, 2016 as approved by the El Cerrito City Council.


Cheryl Morse, City Clerk


Gregory B. Lyman, Mayor