



AGENDA

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

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

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE** – *Councilmember Rochelle Pardue-Okimoto.*
- 2. COUNCIL / STAFF COMMUNICATIONS** *(Reports of Closed Session, commission appointments and informational reports on matters of general interest which are announced by the City Council & City Staff.)*
- 3. ORAL COMMUNICATIONS FROM THE PUBLIC**

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

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

A. Approval of Minutes

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

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.

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.

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.

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.

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.

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.

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, October 17, 2017 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

10. CONVENE SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

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 (*Comments limited to three minutes per speaker and to items on this Special City Council meeting agenda only.*)

RECESS INTO CLOSED SESSION (*Hillside Conference Room*)

POSSIBLE REPORT OUT OF CLOSED SESSION

ADJOURN SPECIAL CITY COUNCIL MEETING – CLOSED SESSION

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

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 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 <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 CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, September 19, 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

7:00 p.m. ROLL CALL

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

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 Greg Lyman.

2. COUNCIL / STAFF COMMUNICATIONS

Mayor Abelson reported that she was recognized by the League of California Cities for achieving Level 2 – Advanced Leadership and Level 3 – Leadership in Action of the Torch Program Award. The League's Torch Program recognizes dedication to continuing education and service. Many interesting workshops and presentations were featured at the League's Annual Conference. The keynote speaker, Vernice "Flygirl" Armour, was very motivating and inspiring. Mayor Abelson also attended the Chamber of Commerce luncheon today. City Manager Hanin was the featured speaker.

Since the Council last met, Mayor Abelson, Mayor Pro Tem Quinto and Councilmember Fadelli met with the Honorable Sikyong/President Dr. Lobsang Sangay, Central Tibetan Administration in Exile, and Directors of the Tibetan Association of Northern California at El Cerrito City Hall. Mayor Abelson also reported on recent Centennial Celebration events, thanked everyone who participated in the event and recognized Suzanne Iarla for her extraordinary efforts.

Councilmember Lyman reported that a Centennial Time Capsule was unveiled on August 23 at City Hall and also recognized the Centennial Task Force for the African-American cultural event held recently at the Community Center.

Councilmember Lyman reminded all that the annual Tri-City Safety Day is on September 23 from 11-3 at El Cerrito Plaza and invited all to attend the Community Arts and Music Day on October 21 from 2-5 at the Community Center.

Councilmember Fadelli said it was an incredible week of centennial events and thanked Ms. Iarla for her work. On September 27 there will be a groundbreaking for the modernization of the Del Norte BART Station. Councilmember Fadelli encouraged all to participate in Restaurant Week in El Cerrito, October 16-22.

Mayor Pro Tem Quinto also thanked Ms. Iarla for all of her work and spoke about how much he enjoyed the Gala dinner. At the League of California Cities Conference Mayor Pro Tem Quinto was nominated and elected to the Board of the East Bay Division and was also elected secretary/treasurer of the Asian Pacific Islander Caucus. Mayor Pro Tem Quinto also reported on his attendance with many members of the Sierra Club and Contra Costa Supervisor Gioia at the National Electric Vehicle Week event in the City of Richmond. On September 7 he attended a talk at Kennedy High School with many high schoolers who had questions about voter registration and community engagement.

Councilmember Pardue-Okimoto expressed appreciation for all of the Centennial events over the weekend and thanked all of the staff and volunteers who participated. The parade and gala were fantastic. The Centennial African-American celebration was a well attended community event. It was a great honor to meet local journalist, Belva Davis. Councilmember Pardue-Okimoto also attended the League of California Cities Conference and enjoyed the great seminars and speakers. She attended several seminars regarding marijuana dispensaries. Councilmember Pardue-Okimoto informed all that the State Legislature passed Senate Bill (SB) 87 which makes it more difficult for non-profit hospitals to close their emergency rooms without more community input and review by the state Attorney General. SB 562 Single Payer Healthcare, is on hold in California however U.S. Senator Bernie Sanders (Vermont) has introduced S1804, Medicare for All. The bill is co-sponsored by Senator Kamala Harris.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, announced the Contra Costa Theatre's new show, Cabaret; encouraged youth to apply to serve on a commission or a committee; lamented about the cost of housing, and spoke in support of saving Alta Bates Hospital and senior programs.

David Montes, El Cerrito, spoke in support of Senior Center programs. Mr. Montes asked that staff keep everyone informed about the status and plans for senior center programming.

Cheryl Sudduth, Unincorporated Contra Costa, expressed appreciation for the City's Centennial events and also stated that Rubicon Programs contract with the County was approved by the Contra Costa County Board of Supervisors today. The Board of Supervisors also allocated funds for the Stand Together CoCo program which will help immigrants and undocumented immigrants.

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

Moved, seconded (Lyman/Pardue-Okimoto) and carried unanimously to approve Consent Calendar Item Nos. 4(A) through 4(F) as indicated below.

A. Approval of Minutes

Approve the August 15, 2017 Special City Council Closed Session and Regular City

Council meeting minutes.

Action: Approved minutes.

B. Ordinance Enabling Expedited Building Permit Process for Electric Vehicle Charging Stations

Adopt an ordinance adding Chapter 16.14 to the El Cerrito Municipal Code to enable expedited permitting procedures for electric vehicle charging stations. *First reading August 15, 2017. Vote: Unanimous.*

Action: Adopted Ordinance 2017-05.

C. Award of External Financial Auditor Contract

Adopt a resolution authorizing the City Manager to enter into an agreement with Badawi & Associates to provide external financial auditor services for a three-year period, with an option for two additional years, at a first-year cost of \$51,140.

Action: Adopted Resolution No. 2017-66.

D. Ohlone Greenway Pedestrian and Bicycle Wayfinding Project

Adopt a resolution taking the following actions: 1) Approve plans for the Ohlone Greenway Pedestrian and Bicycle Wayfinding and Amenities Project, City Project No. C5034; 2) Accept the five submitted bids; and 3) Authorize the City Manager to execute a contract in the amount of \$257,900 with Suarez & Muñoz Construction, Inc. and to approve change orders in an amount not to exceed \$58,000 for the construction of the Ohlone Greenway Pedestrian and Bicycle Wayfinding and Amenities Project, City Project No. C5034. *Exempt from CEQA.*

Action: Adopted Resolution No. 2017-67.

E. Renaming the City's Portion of Fairmont Park to Centennial Park

Adopt a resolution authorizing the renaming of the City owned portion of Fairmont Park as Centennial Park per El Cerrito's Administrative Policy/Procedure I(A)(4).

Action: Adopted Resolution No. 2017-68.

F. Amendment to El Cerrito Tree Committee Enabling Resolution

Adopt a resolution amending the El Cerrito Tree Committee enabling Resolution, City Council Resolution No. 2007-96, to change the name of the Tree Committee to the Urban Forest Committee and change the service terms of the Committee from commencing on January 1 to commencing on March 1.

Action: Adopted Resolution No. 2017-69.

5. PRESENTATIONS

A. Proclamation Honoring Brett Guest for his Commendable Actions

Approve and present a proclamation to Brett Guest for his admirable actions toward protecting his neighbors and aiding in the capture of a dangerous suspect. The City Council extends its appreciation to Mr. Guest in recognition of his quick thinking and selfless actions.

Action: Rescheduled to the October 17, 2017 meeting.

B. Presentation on the 2017 E.C.S.T.A.R.S. Internship Program

Receive a presentation regarding the 2017 El Cerrito Students Training and Ready for Success ("EC STARS") Internship Program. Suzanne Iarla, Kristen Cunningham and Mr. Corey Mason will provide an overview and the interns will speak briefly about their experience over the summer.

Speaker: Cordell Hindler, Richmond, reflected on the intern presentations.

Action: Received presentations from the following interns: Adonis Diaz, Josh Rizzolo, Zechariah Liou, Gefen Gladstone, and Valeria Olano.

C. Human Relations Commission Workplan – Presentation by Margo Hunter Parisi, Chair, Human Relations Commission

Receive a presentation on the Human Relations Commission's accomplishments, goals and workplan.

Action: Received presentation.

6. PUBLIC HEARINGS

Fire Hazard Abatement

Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private property designated in Exhibit A of the resolution as authorized by El Cerrito Municipal Code Chapter 16.26.

Presenters: Joseph Gagne, Fire Marshal.

Mayor Abelson opened the public hearing.

Speakers: Cordell Hindler, Richmond, urged the Council to adopt the resolution.

Moved, seconded (Lyman/Quinto) and carried unanimously to close the public hearing.

Action: Moved, seconded (Lyman/Fadelli) and carried unanimously to adopt Resolution No. 2017-70.

7. POLICY MATTERS – None

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

Councilmember Fadelli thanked the City Council for its vote on the re-naming of the Tree Committee and also spoke about the state legislature's passage of affordable housing bills and the designation of California as a Sanctuary State.

Councilmember Lyman reported that he had updated the Human Relations Commission about what the Council and City Staff have been working on. Councilmember Lyman also reported that he attended two West Contra Costa Integrated Waste Management Authority meetings to focus on new governing documents for the Joint Powers Authority Board. On September 11 the Authority Board directed the JPA member City Managers to meet and begin work on the JPA governance documents. The Authority Board met last Thursday and received a presentation on the household hazardous waste (HHW) budget which has gone up almost thirty-three percent in the last five years due to the addition of new services. HHW is collected on Tuesdays in El Cerrito and HHW event days in West Contra Costa County have been incredibly successful.

Mayor Abelson announced that the Committee on Aging along with St. John Senior Center and Christ Lutheran Senior Center is co-sponsoring the third annual El Cerrito Senior Resource fair on October 4, 2017 at the Community Center.

9. ADJOURNED REGULAR CITY COUNCIL MEETING in memory of Charles Chuck Wing at 8:41 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 5(B) Presentation on the 2017 E.C.S.T.A.R.S. Internship Program

Powerpoint presentation – *Submitted by Suzanne Iarla, Assistant to the City Manager.*

EL CERRITO CITY COUNCIL PROCLAMATION
National Arts And Humanities Month, October 2017

WHEREAS, the month of October has been recognized as National Arts and Humanities Month by thousands of arts and cultural organizations, communities, and states across the country, as well as by the White House and Congress for over 30 years; and

WHEREAS, the arts and humanities enhance and enrich the lives of every American and embody much of the accumulated wisdom, intellect, and imagination of humankind; and

WHEREAS, the arts and humanities enhance and enrich the lives of every American and contribute towards cross-cultural understanding; and

WHEREAS, the City of El Cerrito's Arts and Culture Commission works to encourage and promote arts programs and events throughout the year and recently established the El Cerrito Poet Laureate Program and the El Cerrito Creative RE-Use ("ECCRU") Program, an artist residence at the Recycling + Environmental Resource Center; and

WHEREAS, as part of this year's Arts Month celebration, the Arts and Culture Commission is hosting a centennial-themed Arts Day on Saturday, October 21, 2017, as well as partnering with the El Cerrito Library to offer "One City One Book" featuring Vanessa's Hua's series of short stories, "Deceit and Other Possibilities", and is also co-sponsoring the El Cerrito Free Folk Festival on October 28 at El Cerrito High School.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim October as National Arts and Humanities Month in El Cerrito and calls upon our community members to celebrate and take part in arts and culture opportunities in El Cerrito and elsewhere.

Dated: October 3, 2017

Janet Abelson, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Declaring October 15-21, 2017 as “Freedom from Bullies Week”

WHEREAS, the City of El Cerrito has an interest in promoting the social and economic well-being of its residents; and

WHEREAS, that well-being depends upon the existence of healthy and productive environments that are safe and abuse-free; and

WHEREAS, according to the Department of Health and Human Services, bullying is unwanted, aggressive behavior that involves a real or perceived power imbalance; the behavior is repeated, or has the potential to be repeated, over time. Typically the term is used to refer to behavior that occurs between school-aged kids but adults can be repeatedly aggressive and use power over each other too; and

WHEREAS, bullying happens in many forms, verbally, socially, physically and through the use of technology (cyberbullying), and takes place in many environments such as in schools, workplaces, neighborhoods and in homes; and

WHEREAS, in April 2012, the City Council adopted Resolution No. 2012–24, in recognition of the “Choose Civility Initiative,” a campaign which fosters collaboration with organizations throughout the community. The resolution states that concern for the common good and well-being of all citizens is one of the highest virtues of American Democracy. Civility is a core value of a well functioning community and underscores a community’s general health, wellness and quality of life and depends in great part on how community members treat each other; and

WHEREAS, bullying is a universal problem that affects people regardless of their age, gender, culture, religion or nationality; and

WHEREAS, “Freedom from Workplace Bullies Week” is promoted as a national effort to reduce bullying in the workplace; and

WHEREAS, in addition to promoting freedom from bullies in the workplace, the City Council wishes to promote freedom from bullying in all places and encourages all residents to prevent bullying through education and awareness.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims October 15 – 21, 2017 as “Freedom from Bullies Week” in the City of El Cerrito.

Dated: October 3, 2017

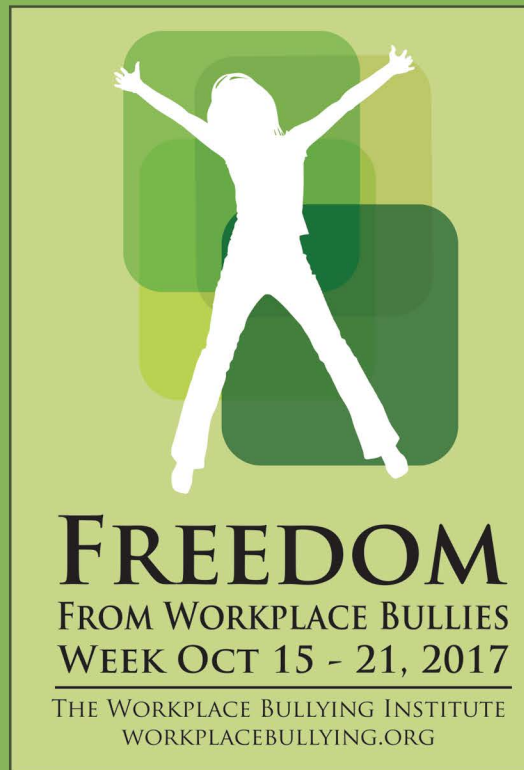
Janet Abelson, Mayor

A Week for Support, Inspiration, Peace & Health

Agenda Item No. 4(C)

Attachment 1

Freedom from Bullies Week is a chance to break through the shame and silence that shrouds it. No one asks to be targeted. The unwanted assaults harm both physical and psychological health. Families suffer, too.



Bullying at work is most like the phenomenon of domestic violence. It is abuse where the abuser is on the payroll. Coworkers and managers notoriously ignore or support it. Employers sustain it because it is not yet illegal in America.

Here are some daring & bold ways to celebrate personal freedom.

Bullied Targets

- Get a health check up
- Reclaim your dignity, remember you
- Tell coworkers what the bully did
- Spend time surrounded by loved ones

Spouses, Partners

- Give unconditional support
- Be empathic, see & feel the experience
- Make home time a distraction
- Reinforce the target's identity

Mental Health Professionals

- Believe bullied target-clients
- Do not blame client as provocateur
- Recognize power of work environments
- Treat the trauma

School Administrators

- Abusive adults teach abuse to students
- Implement adult anti-bullying program
- Save money. Prevent lawsuits.

Co-workers

- Offer support, don't wait to be asked
- Share your experience with bullying
- Do not side with the bully
- Remain a friend to the target

Unions

- Support abused, bullied members
- Stand against all workplace bullying
- Train members to lead an initiative
- If leaders like bullying, vote them out

Employers

- You can end bullying now. Do it.
- Save money, let go of abusive managers.
- Make employee health a priority
- Recruit with abuse-free workplace

State Lawmakers

- Learn facts about workplace bullying
- Listen to, and represent, people
- Detect lies of business lobbyists
- Sponsor the Healthy Workplace Bill

EL CERRITO CITY COUNCIL PROCLAMATION
Unity and Bullying Prevention Awareness Day

WHEREAS, the City Council has traditionally declared the third week of October as “Freedom from Workplace Bullies Week in El Cerrito;” and

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or intimidation intentionally directed at a person or group of people. Bullying occurs in neighborhood parks, playgrounds, schools, and through technology, such as the Internet and cell phones; and

WHEREAS, targets of bullying are more likely to acquire physical, emotional, and learning problems and students who are repeatedly bullied often fear such activities as riding the bus, going to school, and attending community activities; and

WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors and children who witness bullying often feel less secure, more fearful, and intimidated; and

WHEREAS, Unity Day promotes kindness, inclusion, and acceptance for all people and provides bullying awareness and prevention resources for residents in El Cerrito and neighboring communities; and

WHEREAS, the California Parks and Recreation Society District 3 has encouraged all of its member cities in Contra Costa and Alameda Counties to participate in UNITY DAY and is deserving of commendation for their efforts.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims October 25, 2017 as UNITY DAY in the City of El Cerrito and encourages 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 encourages El Cerrito residents to wear orange on UNITY DAY to demonstrate the City’s commitment to the prevention of bullying.

Dated: October 3, 2017

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 4(E)

Date: October 3, 2017
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Amendment to the Adopted Fiscal Year 2017-18 Budget and Capital Improvement Program to Incorporate List of Projects and Appropriate Funding from Senate Bill 1 – The Road Repair and Accountability Act

ACTION REQUESTED

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

BACKGROUND

Senate Bill 1 (Beall), the Road Repair and Accountability Act of 2017 (Act), was signed into law by Governor Jerry Brown on April 28, 2017. The Act calls for investing \$5 billion annually over the next decade and prioritizes funding towards maintenance and rehabilitation and safety improvements on state highways, local streets and roads, and bridges and to improve the state's trade corridors, transit, and active transportation facilities. These funds will be split equally between state and local investments. The Act provides the first significant, stable, and on-going increase in state transportation funding in more than two decades by increasing per gallon fuel excise taxes, increasing diesel fuel sales taxes and vehicle registration fees, and providing for inflationary adjustments to tax rates in future years. Previously, in February 2017, the City Council demonstrated support for the Assembly Bill 1 (Frazier)/Senate Bill 1 (Beall) Transportation Funding and Reform Package for much-needed new statewide investment to maintain and improve the local street, road, state highway and transit systems by authorizing Mayor Abelson to sign and send letters of support to the authors and legislative entities.

Beginning November 1, 2017, when increased fuel taxes will take effect, the State Controller (Controller) will begin depositing much of the new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). The new RMRA funding will be apportioned by formula to eligible cities and counties for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system.

Program Requirements

Senate Bill 1 emphasizes the importance of accountability and transparency in the delivery of California's transportation programs. Therefore, in order to be eligible for RMRA funding, the statute requires cities provide basic annual RMRA project reporting to the California Transportation Commission (Commission). The main requirements for the program include the following:

- Prior to receiving an apportionment of RMRA funds from the Controller in a fiscal year, a city must submit to the Commission a list of projects proposed to be funded with these funds. All projects proposed to receive funding must be included in a city budget that is adopted by the applicable city council at a regular public meeting.
- For each fiscal year in which RMRA funds are received and expended, cities and counties must submit an expenditure report to the Commission.
- A city receiving an apportionment of RMRA funds is also required to sustain a maintenance of effort (MOE) by spending at least the annual average of its general fund expenditures for street, road, and highway purposes as described below.
- By July 1, 2023, cities receiving RMRA funds must follow guidelines to be developed by the California Workforce Development Board (Board) that address participation and investment in, or partnership with, new or existing pre-apprenticeship training programs.

Estimation and Disbursement of Funds

The State Department of Finance (DOF) has estimated the total amount of funding that will be deposited into the RMRA annually. The League of California Cities used this information to develop city level estimates of RMRA funds. For El Cerrito, the projected funding is \$137,738 in Fiscal Year 2017-18, which is a partial year, and \$413,190 in Fiscal Year 2018-19, the first full year.

It is expected that the Controller will continuously apportion RMRA funds on a monthly basis to eligible local agencies using a process and system similar to that of Highway Users Tax Account (also known as Gas Tax).

Program Priorities and Eligible Projects

RMRA funds must be prioritized for expenditure on basic road maintenance and rehabilitation projects, and on critical safety projects. More specifically, RMRA local streets and roads allocations must be used for projects "that include, but are not limited to," the following

- Road maintenance and rehabilitation
- Safety projects

- Railroad grade separations
- Traffic control devices
- Complete street components (including active transportation purposes, pedestrian and bicycle safety projects, transit facilities, and drainage and storm-water capture projects in conjunction with any other allowable project)

RMRA funds may also be used to satisfy a match requirement in order to obtain state or federal funds for eligible projects.

Additional project elements that should be incorporated into RMRA-funded projects to the extent possible and cost effective, and where feasible (as deemed by the local agency) include:

- Advanced recycling techniques that reduce greenhouse gas emissions
- Transportation infrastructure components that recognize automotive technologies
- Resiliency in regards to climate change, fires, floods, and sea level rise where appropriate
- Complete street elements (features that improve bicycle and pedestrians facilities and safety for all users).

If a city has an average Pavement Condition Index (PCI) that meets or exceeds 80, the city may spend its RMRA funds on transportation priorities other than those listed above. El Cerrito has a PCI of 85 as of 2016.

Maintenance of Effort

Senate Bill 1 contains a maintenance of effort (MOE) requirement that applies to funds allocated through the RMRA. Senate Bill 1 requires the MOE to ensure that these new roads funds do not supplant existing levels of discretionary general fund spending on streets and roads. The MOE for the receipt of RMRA funds state that a city must maintain general fund spending for street, road, and highway purposes at no less than average of Fiscal Years 2009–10, 2010–11, and 2011–12 as reported to the Controller in a city's annual streets and roads expenditures report.

The Controller is computing the official MOE requirements for local agencies. In the meantime, to assist cities with budgeting, the California League of Cities has provided initial estimated MOE requirements for every city. For El Cerrito, the estimated MOE is \$176,649. This amount is a portion of Public Works Department expenditures within the City's General Fund.

Senate Bill 1 provides that the Controller may perform audits to ensure compliance with these MOE rules. If the Controller determines that a city has not met its MOE, the city will be required to reimburse the state for the funds it received during that fiscal year. However, a city that fails to comply in a particular fiscal year may make it up with additional expenditures in the following year.

ANALYSIS

As indicated above, prior to receiving an apportionment of RMRA funds from the Controller in each fiscal year, a city must submit to the Commission a list of projects proposed to be funded with these funds pursuant to an adopted city budget, including associated budget amendments. The list must include for each project: description, location, schedule, and estimated useful life. The project list does not limit the flexibility of a city to spend on projects in accordance with local needs and priorities so long as the projects are consistent with RMRA priorities and expenditures are reported on an annual basis.

The Commission does not approve project lists and provide authorization to proceed with RMRA funded projects. Instead, the Commission receives project lists, determines they are complete and meet basic statutory requirements and then approves and submits a statewide list to the Controller of local agencies that are eligible to begin receiving monthly RMRA funding apportionments.

Because El Cerrito streets currently have an average Pavement Condition Index of 85, the City has flexibility in use of RMRA funds. This “very good” condition rating, as classified by the Metropolitan Transportation Commission, has been accomplished as a result of Measure A, the El Cerrito Pothole Repair, Local Street Improvement and Maintenance Measure, approved by El Cerrito voters in 2008. However, as noted in the February 2017 report to City Council, significant needs remain in maintaining, repairing, and rehabilitating pedestrian and bicycle infrastructure including sidewalks, boardwalks and paths; replacing and updating traffic signal systems and traffic signs citywide; addressing a handful of local streets in need of total reconstruction; and miscellaneous other roadway work such as repairs at creek overcrossings.

In light of current transportation infrastructure and systems needs and priorities, City staff reviewed the Fiscal Year 2017-18 Capital Improvement Program (CIP) budget, Public Works Maintenance budget, and 10-year CIP. City staff anticipates RMRA funds will likely be needed this year to deliver a couple of CIP projects as currently scheduled. In addition, staff anticipates RMRA are a good source of matching funds to make City grant applications more competitive this Spring 2018 when both the state Active Transportation Program and federal Highway Safety Improvement Project are scheduled to have calls for projects. The City has identified and prioritized numerous projects as part of our Active Transportation Plan, adopted by City Council in 2016, that would be eligible for either of these two grant programs. Finally, RMRA funding is needed to continue addressing deferred maintenance of sidewalk and street signs throughout the City.

Given this, City staff recommends that the following list of projects be incorporated into the Fiscal Year 2017-18 Capital Improvement Program and associated RMRA funding be appropriated into the Adopted Fiscal Year 2017-18 Budget:

- Ohlone Greenway BART Station Area Access, Safety & Placemaking Improvements Project

- Korematsu Safe Routes to School Improvements Project, Phase 1
- Active Transportation Program
- Sidewalk & Street Sign Maintenance

In order to be eligible for RMRA funding in Fiscal Year 2017-18, the City must provide to the Commission by October 16, 2017, a public record (this Agenda Bill) illustrating that the City has amended its operating or capital improvement budget to include the specific list of projects, as well as, an adopting resolution documenting approval at a regular public meeting.

The list of projects for Fiscal Year 2018-19 will be brought to Council for consideration as part of the upcoming annual budget process.

STRATEGIC PLAN CONSIDERATIONS

The proposed action will support El Cerrito Strategic Plan Goal D – Develop and rehabilitate public facilities as community focal points by helping to develop a plan to address ongoing and deferred maintenance of facilities and infrastructure.

FINANCIAL CONSIDERATIONS

Accounting requirements for the new RMRA funding require that the City create a new Special Revenue/Capital Project Fund to separately track revenues and expenditures for this funding source. An amendment to the Fiscal Year 2017-18 Adopted Budget is required to appropriate the \$137,738 in the new fund. Of this amount, staff requests \$35,000 be allocated for sidewalk and street sign maintenance with the remainder to be used for the other projects on the list as needed.

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. List of Projects

RESOLUTION 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO AMENDING THE ADOPTED FISCAL YEAR 2017-18 BUDGET AND CAPITAL IMPROVEMENT PLAN TO INCORPORATE A LIST OF PROJECTS FOR FUNDING FROM SENATE BILL 1 – THE ROAD REPAIR AND ACCOUNTABILITY ACT AND APPROPRIATE ASSOCIATED FUNDING IN THE AMOUNT OF \$137,738

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the State Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$137,738 in RMRA funding in Fiscal Year 2017-18 from SB 1; and

WHEREAS, the City has previously undergone a robust public process to ensure public input into our community's transportation priorities as currently contained in the 10-year Capital Improvement Program; and

WHEREAS, as of 2016, the City has an average Pavement Condition Index of 85, a "very good" rating, and this provides the City flexibility in use of RMRA funding for a variety of projects that meet the community's needs and priorities for transportation investment; and

WHEREAS, significant needs remain in maintaining, repairing, and rehabilitating pedestrian and bicycle infrastructure including sidewalks, boardwalks and paths; replacing and updating traffic signal systems and traffic signs citywide; addressing a handful of local streets in need of total reconstruction; and miscellaneous other roadway work; and

WHEREAS, the funding from SB 1 will help the City maintain, rehabilitate and improve our streets and add active transportation infrastructure throughout the City this year and numerous similar projects into the future; and

WHEREAS, if the Legislature and Governor failed to act, city streets and county roads would have continued to deteriorate, having many and varied negative impacts on our community; and

WHEREAS, cities and counties own and operate more than 81 percent of streets and roads in California, and from the moment we open our front door to drive to work, bike to

school, or walk to the bus station, people are dependent upon a safe, reliable local transportation network; and

WHEREAS, modernizing the local street and road system provides well-paying construction jobs and boosts local economies; and

WHEREAS, the local street and road system is also critical for interconnectivity, multimodal needs, and commerce; and

WHEREAS, maintaining and preserving the local street and road system in good condition will reduce drive times and traffic congestion, improve bicycle safety, and make the pedestrian experience safer and more appealing, which leads to reduced vehicle emissions helping the State achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby amends the Adopted Fiscal Year 2017-18 Budget and Capital Improvement Plan to incorporate the list of projects attached as Exhibit A, hereto attached and incorporated by reference, for funding from Senate Bill 1 – The Road Repair and Accountability Act and appropriate associated funding in the amount of \$137,738 into a new Special Revenue/Capital Project Fund.

I CERTIFY that at a regular meeting on October 3, 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 October XX, 2017.

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor

EXHIBIT A

STATE OF CALIFORNIA • CALIFORNIA TRANSPORTATION COMMISSION

Senate Bill (SB) 1 Proposed Project List Form

Local Streets and Roads Program

Agency Name:		Agency Contact:	FY
El Cerrito		Yvetteh Ortiz	
		(510) 215-4382	
LoCode:	5239	yortiz@ci.el-cerrito.ca.us	17/18

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP01	Ohlone Greenway BART Station Area Access, Safety & Placemaking Improvements	Improve and widen approx 1/4-mi of Class I path; upgrade and expand existing crosswalks on four major streets to create high visibility pedestrian zones with new striping, special pavement, improved signage, curb bulb-outs, upgraded curb ramps and RRFBs; enhance landscaping, lighting, seating, and other amenities.	Ohlone Greenway at/between Cutting Blvd and Hill St, and at/between Central Ave and Fairmount Ave.	02/2018	12/2018	7	25
PP02	Korematsu Safe Routes to School Improvements, Phase 1	Implement enhanced crosswalk signing & striping and portions of the East Side Bicycle Boulevard per the City's Active Transportation Plan in the vicinity of the school	Bicycle boulevard striping and speed humps on Norvell St and Schmidt Ln between Potrero Ave and Richmond St and enhanced crosswalks on Richmond St, Norvell St and Lawrence St at Gladys and Donal Aves, on Navellier St at Gladys Ave, on Potrero Ave at Navellier St, and on Norvell St at Schmidt Ln.	02/2018	06/2018	7	10
PP03	Active Transportation Program	Implement the Active Transportation Plan, adopted by the City Council in April 2016, and includes access, safety and other enhancements to pedestrian and bicycle infrastructure.	Various locations as identified in the City's Active Transportation Plan - available for review at www.el-cerrito.org/ATP	12/2020	12/2030	7	25
PP04	Sidewalk & Street Sign Maintenance	Sidewalk repair and sign replacement	Richmond St and other prioritized locations throughout the City to address citizen requests	12/2017	06/2018	10	25
PP05							
PP06							
PP07							
PP08							
PP09							



AGENDA BILL

Agenda Item No. 4(F)

Date: October 3, 2017
To: El Cerrito City Council
From: Scott Hanin, City Manager
Subject: Increase of City Manager Expense Authorization

ACTION REQUESTED

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

BACKGROUND/ANALYSIS

Currently, purchases or professional services agreements above \$25,000 require City Council authorization as approved by City Council Resolution 2001-81. However, staff has determined that the \$25,000 limit, approved in 2001, is no longer in line with best practices and the current cost for goods and services which have increased nearly 50% during that time.

The table below describes the current City Manager spending authority for the cities in Contra Costa County:

City	Signing Authority
<i>Antioch</i>	\$50,000
<i>Brentwood</i>	\$50,000
<i>Clayton</i>	\$20,000
<i>Concord</i>	\$50,000
<i>Danville</i>	\$25,000
<i>El Cerrito</i>	\$25,000
<i>Hercules</i>	\$50,000
<i>Lafayette</i>	\$10,000
<i>Martinez</i>	\$100,000
<i>Moraga</i>	\$15,000
<i>Oakley</i>	\$25,000
<i>Orinda</i>	\$25,000
<i>Pinole</i>	\$45,000
<i>Pittsburg</i>	\$150,000
<i>Pleasant Hill</i>	\$25,000
<i>Richmond</i>	\$10,000
<i>San Pablo</i>	\$50,000
<i>San Ramon</i>	\$50,000
<i>Walnut Creek</i>	\$88,000
AVG	\$45,421
MEDIAN	\$45,000

Therefore, I am recommending an increase in the City Manager authorization limit to \$45,000 and setting the Department Director limit for authorization at the \$25,000 level. As always, these authorizations are contingent upon funds being approved in the budget or subsequently by the City Council.

STRATEGIC PLAN CONSIDERATIONS

This increase will reduce the level of administrative effort and help staff provide customer service in a timely manner consistent with El Cerrito Strategic Plan Goal A of Delivering Exemplary Government Services.

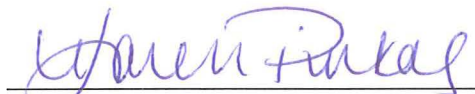
FINANCIAL CONSIDERATIONS

This action has no financial impact as budgets are approved separately. This action will result in a smaller number of items coming to the City Council for approval.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and approved of the proposed action.

Reviewed by:



Karen Pinkos, Assistant City Manager

Attachment:

1. Resolution

RESOLUTION NO. 2017-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO INCREASING THE CITY MANAGER SPENDING AUTHORIZATION LIMIT FROM \$25,000 TO \$45,000 AND RESCINDING RESOLUTION NO. 2001-81

WHEREAS, the City Manager's spending authorization limit was last approved by the City Council in August 2001; and

WHEREAS, the current spending authorization for the purchase of goods and services and professional services is limited to \$25,000 without City Council approval; and

WHEREAS, the costs of goods and services has continued to increase since the last adjustment of the authorization limit; and

WHEREAS, an increase in the City Manager's spending authorization limit to \$45,000 will reduce administrative time related to the procurement of relatively small purchase amounts; and

WHEREAS, it is recommended that department directors be authorized to purchase goods and services and professional services in an amount up to \$25,000, an increase from the current \$15,000 limit; and

WHEREAS, these amounts are consistent with similar authorization limits throughout Contra Costa County.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that the City Manager is hereby authorized to purchase goods and services and enter into professional services agreements in amounts not to exceed \$45,000 without City Council authorization and department directors are hereby authorized to purchase goods and services and enter into professional services agreements in amounts not to exceed \$25,000 without City Manager authorization.

BE IT FURTHER RESOLVED that purchases and professional service agreements of more than \$45,000 for any one vendor in any one fiscal year will be required to be approved by the City Council.

BE IT FURTHER RESOLVED that Resolution No. 2001-81 is hereby rescinded.

Agenda Item No. 4(F)
Attachment 1

I CERTIFY that at a regular meeting on October 3, 2017 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES: COUNCILMEMBERS
NOES: COUNCILMEMBERS
ABSENT: COUNCILMEMBERS
ABSTAIN: COUNCILMEMBERS

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

Cheryl Morse, City Clerk

APPROVED:

Janet Abelson, Mayor



AGENDA BILL

Agenda Item No. 7

Date: October 3, 2017
To: El Cerrito City Council
From: Sean Moss, Senior Planner
Margaret Kavanaugh-Lynch, Development Services Manager
Melanie Mintz, Community Development Director
Paul Keith, Chief of Police

Subject: Review of Draft Commercial Cannabis Ordinance - Council Study Session

ACTION REQUESTED

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.

BACKGROUND

In 1996, California voters passed Proposition 215, also known as the Compassionate Use Act, legalizing the use of cannabis for medicinal purposes within the State of California. Cannabis use and cultivation remains illegal under federal law. SB 420 (Vasconcellos), also known as the Medical Marijuana Program Act, was adopted in 2003 and further defined the scope of Proposition 215. SB 420 established possession limits for medical marijuana, established a voluntary medical marijuana ID card program at the county level, and recognized the right of patients to cultivate marijuana collectively. The regulatory framework established by SB 420 led to the establishment of medical marijuana dispensaries throughout the state. After the passage of SB 420, many local jurisdictions chose to regulate medical marijuana dispensaries through land use and other regulations. In 2006, the El Cerrito City Council adopted Ordinance 2006-06, prohibiting medical marijuana dispensaries "in all zones throughout the City of El Cerrito."

In an effort to further clarify and establish statewide regulations regarding the use and cultivation of medical marijuana, the California Legislature adopted the Medical Cannabis Regulation and Safety Act (MCRSA) in September 2015. The Act consists of three separate pieces of State legislation. AB 226 (Bonta, Cooley, Jones-Sawyer, Lackey) established the Bureau of Medical Cannabis Regulation under the Department of Consumer Affairs and established a system requiring both a state license and local permit for cannabis businesses. AB 266 also establishes basic procedural requirements for deliveries of medical marijuana to customers and states that "deliveries...can only be made by a dispensary and in a city...that does not explicitly prohibit it by local ordinance." AB 243 (Wood) established a system for licensing of medical marijuana cultivation under the Department of Food and Agriculture and requires both a State license and a local permit for medical marijuana cultivation. AB 643 (McGuire) regulated physician recommendations for medical marijuana and requires the Department of Food and Agriculture to implement a 'track and trace' program that enables marijuana plants to be traced to licensed cultivation sites.

Governor Brown signed these three pieces of legislation into law in October 2015 and the Act went into effect on January 1, 2016.

On December 15, 2015, taking into account these forthcoming changes in State law, the City Council held a public hearing and adopted an ordinance which amended the City's existing prohibition on medical marijuana dispensaries to expand its applicability to cultivation and delivery of cannabis as a way to maintain the existing status quo in the City.

On May 17, 2016, the City Council received a presentation from the "El Cerrito Wellness Center," a group who wished to establish a medical marijuana dispensary in El Cerrito. After receiving this presentation, the Council directed staff to prepare a proposed timeline, schedule, and budget for development of an ordinance regulating marijuana-related businesses and allowing for adequate due diligence, analysis, and public outreach on the topic.

On June 14, 2016, staff returned with a proposed timeline, schedule and budget and the City Council directed staff to move forward with the process to develop regulations for marijuana-related businesses.

On September 12, 2016, the City hosted a community meeting to gather public input regarding regulations for marijuana businesses. The meeting was well-attended and a wide variety of viewpoints were shared. A summary of the input from the meeting is available at: www.el-cerrito.org/DocumentCenter/View/6852 and www.el-cerrito.org/DocumentCenter/View/6866

On November 8, 2016, California voters, including over 70% of El Cerrito voters, passed Proposition 64, the Adult Use of Marijuana Act (AUMA), which legalized the recreational use of marijuana for adults, at least 21 years of age, at the State level. The AUMA created a regulatory structure for licensing cannabis businesses. The act authorized the State to begin issuing licenses for cannabis businesses beginning in January 2018.

Given the change in the regulatory environment created by the passage of Proposition 64, City staff brought an update of the current process as well as a conceptual regulatory framework to the City Council and sought additional direction on April 18, 2017. After hearing the presentation and discussing the issue, the Council passed two motions. The first motion passed unanimously which directed staff to proceed with a process to remove the City's existing prohibition on medical cannabis dispensaries and to develop regulations to regulate such businesses. The second motion passed on a 4-1 vote (Lyman opposed) and directed staff to proceed with a process to develop regulations for retail sale of recreational cannabis in El Cerrito.

In June 2017, the California legislature passed Trailer Bill SB 94, the Medicinal and Adult-Use Cannabis Regulatory and Safety Act (MAUCRSA). This legislation essentially merged MCRSA and AUMA, creating a single regulatory system for medicinal and recreational cannabis.

On September 13, 2017, the City hosted a second community meeting to further gather public input regarding cannabis regulations, based upon Council direction in April. The

meeting was attended by over 40 individuals. Discussion at the meeting included topics ranging from whether to allow cannabis businesses in El Cerrito at all, to regulations for cannabis deliveries, to the number of cannabis businesses permitted and buffers from sensitive land uses. An informal survey of those in attendance at the meeting showed that approximately 2/3 of individuals present supported permitting and regulating cannabis businesses. The remaining 1/3 of the individuals present were in favor of leaving in place the existing ban on cannabis businesses.

Based on the City Council's previous input, the public input from the two community meetings, input from the Police Department, and a review of practices and regulations in other jurisdictions, City staff has developed a draft ordinance for the City Council's discussion. Based on the City Council's feedback on the draft ordinance, staff will make any desired changes and will prepare the ordinance for consideration of a first reading on November 7, 2017.

ANALYSIS

Overview

The draft ordinance would allow for up to two cannabis business to operate in El Cerrito, subject to obtaining an Operating Permit. The operating permit would not be a land use permit, but would allow the City to evaluate potential operators and proposed operations of cannabis businesses through the permit process.

The draft ordinance establishes the minimum requirements for submittal of an Operating Permit. As part of the submittal, all business owners and key employees would submit to the 'live-scan' process through which the Police Department would conduct background checks. In addition, applicants would be required to submit an operations plan, a description of how the business will comply with State licensing requirements, and a security plan, among other materials. The security plan must contain provisions to limit loitering, prohibit smoking and other use of cannabis on the business premises, measures for disposing of cannabis waste products, measures for secure cannabis storage, and measures for limiting cash held on the premises.

Additionally, each applicant would be required to provide a description of the public benefits that would be provided by the proposed business. This would be an opportunity for applicants to include elements as part of the business that would benefit the residents of El Cerrito. Public benefits could include monetary or other contributions to city services or facilities, or other elements that would help the City achieve the goals specified in City Council adopted policy documents such as the Strategic Plan, San Pablo Avenue Specific Plan, General Plan, Active Transportation Plan, Affordable Housing Strategy, etc.

Staff anticipates that a set period for accepting applications would be established for initial permit issuance and each time a permit becomes available. After the close of the application period, City staff from all relevant departments and disciplines would review the applications. All applications would be compared to one another and evaluated collectively. Operating permits would be awarded based on criteria such as the applicant's history, capitalization, the provision of public benefits and other factors

necessary to maintain the public welfare. The City Manager would be free to impose any conditions on the permit necessary to maintain the public welfare.

Applicants would be disqualified from consideration if they knowingly make false statements in the application or if any business owners or key employees have been convicted of a crime substantially related to the function of the cannabis business. Prior convictions for cannabis-related offences would not disqualify an applicant from consideration.

The City Manager would be authorized to approve Operating Permits for a term of up to three years. Permits would be renewable. The renewal process would allow staff an opportunity to review applications and the operations of each business and make adjustments to the permit conditions as necessary to ensure public welfare. Additionally, Operating Permits would be transferable to new business owners, subject to the original permit requirements and review by the City. Operating Permits would not be transferable to other locations. Operating Permits would also be subject to revocation at any time if performance standards specified below, or any other terms of the permit, are violated.

One of the primary principles which guided the creation of the draft ordinance was initial caution due to the unknown nature of recreational cannabis commerce. Medicinal cannabis has been legal in California since 1996, and the existing medical cannabis industry provides various models for the expanded recreational cannabis industry. However, at this time, it remains unclear what impacts the cannabis industry will have once the AUMA is fully implemented. Given the uncertainties of the industry, City staff, including the Police Chief, determined that it would be in the public interest to develop a conservative regulatory structure that could be evaluated for effectiveness once it has been operating for a critical period of time.

Policy Setting

At the April 18, 2017 City Council meeting, staff presented a conceptual policy framework to serve as the foundation of the recommended regulations for cannabis businesses (including both medicinal and recreational) in El Cerrito. Each of the points presented at that meeting have been further refined and included in the draft ordinance and are described in more detail below.

- **Types of Cannabis Businesses**

When staff initially presented the conceptual regulatory framework in April 2017, they anticipated that certain activities such as cultivation and testing might be permitted on a small-scale basis as an accessory use to a licensed retail business. However, the principal of exercising initial caution, as discussed above, has led staff to modify this recommendation to limit cannabis businesses to retail and delivery until the businesses can be evaluated more fully.

- **Number of Retail Establishments**

The draft ordinance allows for a maximum of two retail establishments. Given the relative size and population of El Cerrito, the City Council supported the establishment

of 1 or 2 retail establishments. Staff has allowed for a maximum of two establishments so as not to create a monopoly within the City. Having two permitted businesses will allow staff to better evaluate best practices and to apply the best aspects of each business to both.

- Limiting Businesses to San Pablo Avenue

The San Pablo Avenue Specific Plan contains most of the established commercial areas of the City. The Plan represents the areas where the City Council has placed a priority on development of new housing and new businesses and a priority on land uses which will focus pedestrian activity on San Pablo Avenue in order to create a more vibrant urban environment.

Because the State has not yet issued licenses for recreational cannabis retail, the closest examples of similar businesses are medical cannabis dispensaries in nearby jurisdictions. These businesses tend to be more auto-oriented in nature. For example, 7 Stars Holistic Healing Center in Richmond is located upstairs in Pacific East Mall, which is primarily accessible by car; Harborside in Oakland is served by a large parking lot in a location which does not experience heavy foot traffic; and Berkeley Patients Group on San Pablo Avenue has a parking lot on two sides of the building and a wrought iron fence and gates that are locked when the business is closed to secure the site. While the draft ordinance seeks to ensure compliance with the form-based standards of the San Pablo Avenue Specific Plan, staff has concerns that the business model may not be compatible with all areas of the San Pablo Avenue Specific Plan (i.e. those not on San Pablo Avenue).

On San Pablo Avenue, an additional regulation applies in the Theater Overlay Block, (i.e. the commercial blocks surrounding the Cerrito Theater). The Theater Block zoning designation in the San Pablo Avenue Specific Plan prioritizes land uses that typically encourage pedestrian activity on the street, such as restaurants and active retail. Given the business model of existing medical cannabis dispensaries, staff is proposing limiting cannabis businesses to the upper floors of buildings in the Theater District, which is consistent with other land uses such as Business and Professional Offices without walk-in clientele. In other areas, cannabis businesses would be limited to commercial sites with frontage on San Pablo Avenue. This would limit cannabis businesses to established commercial areas and would maximize separation between cannabis businesses and residential land uses.

- Regulation of Deliveries

At the September 13, 2017 community meeting, deliveries were a major topic of discussion. Several attendees expressed concern that cashless transactions posed issues because of the limitations of the cannabis industry. Other attendees expressed concern about limiting delivery businesses which hold retail Operating Permits in El Cerrito.

Due to the illegal nature of cannabis under Federal law, cannabis businesses face difficulties securing traditional banking services. This can pose an obstacle for cashless transactions. There are currently various solutions to this problem being discussed within State government and the cannabis industry. For example, Lieutenant Governor

Gavin Newsom has called for the creation of a public bank that would provide banking services to cannabis businesses. Staff is proposing that cash payments would be prohibited at the delivery site. In order to allow deliveries to customers who may not have means to conduct cashless transactions, payment at the cannabis business would also be permitted. This would allow, for example, a caregiver to make a payment on behalf of a person in their care. Allowing deliveries of cannabis addresses issues of access to medicinal cannabis by those who do not have access to a vehicle or who are not able to drive and staff has been careful to preserve this access while addressing public safety concerns.

As stated above, out of caution, due to the unknown nature of the cannabis industry, the Police Chief has recommended prohibiting cash-on-delivery transactions as a way to limit the attractiveness of delivery vehicles as a target for crime. Based on experience and research into the impacts of cannabis deliveries, the Police Chief feels that the benefit to public welfare warrants implementation of these provisions, despite the obstacles currently present in the cannabis industry.

In addition, the Police Department supports limiting deliveries to businesses that are licensed to operate retail establishments in El Cerrito. Because these businesses would have a physical presence in the City and will have gone through a rigorous permitting process, the Police Department believes that they will be easier to monitor. The relationship created between the City and the businesses through the operating permit process and regular renewal of operating permits will be a helpful tool in assisting the Police Department to address any issues that arise with deliveries. A review of weedmaps.com, one of the most complete databases of cannabis businesses, shows resources for delivery of cannabis to El Cerrito despite the City's existing prohibition on delivery. For this reason, the Police Department is seeking clarity through the proposed regulations that will allow the Department to easily identify delivery operators which are licensed in El Cerrito.

- Buffers from Sensitive Land Uses

The City's Tobacco Retailer License Ordinance contains buffers from land uses such as parks and schools. The Ohlone Greenway is omitted from the definition of parks as it traverses the length and is within 200 feet of San Pablo Avenue in some locations. Staff used this ordinance as a model when crafting buffers between cannabis businesses and sensitive land uses. However, the MAUCRSA requires a 600-foot buffer from schools, daycare centers, and youth centers. In order to be consistent with this State law, the draft ordinance also contains a 600-foot buffer. In addition, a 1,000-foot buffer would be required between cannabis businesses similar to the 1,000 buffer required between tobacco retailers. This would prevent the two cannabis businesses from being concentrated in one part of the City.

Performance Standards

The draft ordinance also contains a number of stringent performance standards that would apply to the cannabis businesses.

- Limiting hours of operation from 8:00 a.m. to 8:00 p.m.

- Limiting odors to the business premises and addressing air quality and greenhouse gas emissions.
- Requiring a burglar alarm and video surveillance system approved by the City.
- Requiring minimum insurance coverage.
- Requiring that cannabis businesses maintain a ledger that would be available to the City for inspection.
- Allowing inspections of the business as needed.
- Notifying the Police Department if a security breach or other criminal activity is discovered.
- Notifying the Police Chief of any notices of permit violation.
- Notifying the Police Chief of staffing changes that require 'live-scan'.
- Prohibiting display of merchandise or other retail activities from occurring in areas visible from outside the building.
- Requiring semi-annual meetings with the City Manager and Police Chief to discuss ongoing business operations.

In addition to these standards, the ordinance also contains the following standards for deliveries:

- Limiting hours of operation from 8:00 a.m. to 8:00 p.m.
- Requiring businesses to provide the Police Chief with a list of all delivery vehicles.
- Requiring delivery vehicles to maintain copies of all valid licenses.
- Prohibiting identifying markings on delivery vehicles.
- Limiting deliveries to the residence or place of business of the customer.
- Prohibiting cash on delivery as a form of payment.
- Limiting deliveries to retail businesses which hold Operating Permits.

STRATEGIC PLAN CONSIDERATIONS

The Cannabis Business Ordinance forwards several of the goals of the Strategic Plan. It supports both Goal A: Deliver exemplary government services and Goal E: Ensure the public's health and safety by providing a path that balances the intent of the City Council and a majority of El Cerrito voters to allow the strictly controlled retail sale of cannabis with the core value for protecting the public's health and safety. The public benefits proposed through the Operating Permit process and collection of sales tax could also benefit Goal B: Achieve Long-Term Financial Sustainability.

ENVIRONMENTAL CONSIDERATIONS

City staff has determined that this action is exempt from CEQA pursuant to CEQA Guidelines sections 15061 (b)(3) (general rule), 15183 (projects consistent with a community plan, general plan, or zoning), 15301 (existing facilities), 15308 (actions by regulatory agencies for protection of the environment) and 15309 (inspections), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

FINANCIAL CONSIDERATIONS

The fee collected for the Operating Permit applications will compensate the City for the staff time necessary to process the application. Further, through the provision of public benefits, applicants for Operating Permits could voluntarily propose financial contributions to the City. All public benefits would be evaluated as part of the permit process. Local taxes on cannabis businesses, such as a business license tax, would require voter approval. Standard sales tax would be collected on recreational cannabis sales.

LEGAL CONSIDERATIONS

The City Attorney has reviewed this report and the attached draft ordinance.

Reviewed by:



Scott Hanin
City Manager

Attachments:

1. Draft Commercial Cannabis Ordinance
2. Petitions – *Submitted by Delfina Lin-Sau Fung, El Cerrito*
3. Comment cards prepared by Olivia Liou – *Submitted by Olivia Liou, El Cerrito*

ORDINANCE NO. 2017–XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
REPEALING AND RE-ENACTING EL CERRITO MUNICIPAL CODE CHAPTER 6.80
“COMMERCIAL CANNABIS”

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances to protect the health, safety, and general welfare, of their citizens; and

WHEREAS, California voters enacted the Compassionate Use Act (“CUA”) in 1996, legalizing medical cannabis; and

WHEREAS, in 2003, the California Legislature adopted the Medical Marijuana Program Act (“MMPA”) allowing for collective, cooperative cultivation projects, commonly known as “dispensaries”; and

WHEREAS, in 2015, the Legislature enacted the Medical Cannabis Regulation and Safety Act (“MCRSA”), creating a comprehensive licensing and regulatory scheme for cultivation, manufacturing, distribution, transportation, laboratory testing, and dispensing of medical cannabis; and

WHEREAS, in November 2016, California voters passed Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (“AUMA”), legalizing recreational cannabis use for adults 21 years of age and older with certain restrictions; and

WHEREAS, the AUMA creates a comprehensive regulatory and licensing structure for commercial nonmedical cannabis businesses, including cultivation, manufacturing and retail; and

WHEREAS, the Legislature adopted SB 94 in June 2017 to consolidate the medical and recreational regulatory schemes to create one single comprehensive regulatory system to regulate all commercial cannabis uses; and

WHEREAS, the new comprehensive regulatory system created by SB 94, intended to regulate all commercial cannabis uses, is called the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and

WHEREAS, state licenses for all cannabis businesses are expected to be ready for issuance in January 2018; and

WHEREAS, the CUA, MMPA, and MAUCRSA do not prevent a city from using its constitutional authority to enact nuisance, health, and safety, and land use regulations regarding commercial cannabis uses and a city retains the authority to prohibit, limit or regulate commercial cannabis uses within its jurisdiction; and

WHEREAS, the City Council desires to regulate all commercial cannabis uses operating in the City in a manner that mitigates potential negative impacts, prevents cannabis from reaching minors or the illicit market, preserves public health and safety, protects the environment, drives diverse economic opportunities, and implements the City's General Plan and the San Pablo Avenue Specific Plan; and

WHEREAS, the City is constitutionally authorized to make and enforce within its limits all local police, sanitary, and other ordinances; and

WHEREAS, an applicant for a state commercial cannabis license must first obtain local approval prior to receiving state approval and cannot submit an application for a state license if the proposed cannabis business violates a local ordinance; and

WHEREAS, no commercial cannabis business shall be permitted within the City unless it complies with the licensure and regulatory requirements contained in the El Cerrito Municipal Code Chapter 6.80; and

WHEREAS, the amendments to the Municipal Code propose to add Chapter 6.80, which is incorporated herein by reference.

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. Amendment of Municipal Code. Chapter 6.80 of the El Cerrito Municipal Code is stricken in its entirety and replaced with the following:

6.80 – COMMERCIAL CANNABIS

6.80.010 Purpose and Intent.

The purpose of this chapter is to impose regulatory requirements on various commercial cannabis uses authorized and licensed by the State of California pursuant to state law. This chapter imposes licensing and regulatory requirement on cannabis businesses in addition to any other business license and regulatory requirements imposed on cannabis businesses by applicable state law. If a commercial cannabis use is not specifically permitted in this chapter, it is not allowed to operate within the City.

6.80.020 Definitions

- A. "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not

limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" also means marijuana as defined by California Health and Safety Code section 11018 and Business and Professions Code section 26001(f), as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. Cannabis or cannabis product does not mean industrial hemp as defined by Health and Safety Code section 11018.5, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- B. "Cannabis business" means a commercial cannabis facility operated in accordance with state and local laws and regulations, where cannabis or cannabis products are offered for retail sale, including an establishment that delivers cannabis or cannabis products as part of a retail sale, operated pursuant to a cannabis license Type 10, or a cannabis license subsequently established.
- C. "Cannabis product" means cannabis that has undergone a process whereby the plant material has been transformed into concentrate, including, but not limited to concentrated cannabis, or an edible or topical product containing cannabis and other ingredients.
- D. "Cannabis retail" means a collective, cooperative, or business that distributes, dispenses, stores, exchanges, processes, sells, makes available, transmits, or gives away cannabis or cannabis products.
- E. "Cannabis storefront business" means a cannabis business with a physical, permanent location in the City of El Cerrito.
- F. "Commercial cannabis activity" means any commercial cannabis activity licensed pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, including but not limited to cultivation, possession, distribution, transportation, laboratory testing, labeling, retail, delivery, sale or manufacturing of cannabis or cannabis products.
- G. "Cannabis delivery" means a commercial transfer of cannabis or cannabis products from a fixed location to a destination specified by a customer.

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- H. "Medical cannabis" means cannabis that is intended to be used for medical cannabis purposes in accordance with the Compassionate Use Act (Health and Safety Code section 11362.7 *et seq.*), the Medical Marijuana Program Act (Health and Safety Code section 11362.7 *et seq.*) and the Medical Cannabis Regulation and Safety Act (Business and Professions Code section 19300 *et seq.*).
- I. "MAUCRSA" refers to the California State law entitled Medicinal and Adult-Use Cannabis Regulation and Safety Act and regulations promulgated thereunder.
- J. "Operating Permit" shall mean a permit issued by the City pursuant to this chapter for the operation of a commercial cannabis business within the City.
- K. "Specific Plan" shall mean the San Pablo Avenue Specific Plan, as it may be amended.

6.80.030 Applicability.

Commercial cannabis uses shall be permitted only in compliance with the requirements of this chapter, state law and all applicable requirements of the El Cerrito Municipal Code and an operating permit issued pursuant to this chapter. Except for hospitals and research facilities that obtain written permission for cannabis cultivation under federal law, it is unlawful to commercially cultivate, distribute, manufacture, deliver, or test cannabis, in amounts that exceed personal use allowances under California law, within the City without a valid permit issued pursuant to the provisions of this chapter. Possession of other types of State or City permits or licenses does not exempt an operator from the requirement of obtaining a permit under this chapter.

6.80.040 Limitations on Use.

Commercial cannabis uses shall only be allowed in compliance with this chapter and all applicable codes set forth in the El Cerrito Municipal Code, including but not limited to: building, plumbing, electrical, fire, hazardous materials, and public health and safety. The operator shall comply with all laws and regulations applicable to the type of use, and shall comply with all permit, license, approval, inspection, reporting and operational requirements of other local, state or other agencies having jurisdiction over the type of operation. Commercial cannabis shall only be permitted in areas of the City in which such uses are permitted or conditionally permitted by the Zoning Ordinance of this Municipal Code. The operator shall provide copies of other agency and department permits, licenses, or certificates to the City to serve as verification for such compliance.

6.80.050 Operating Permits.

An operating permit shall be required for all cannabis businesses operating within El Cerrito. The form and content of the application for an operating permit shall be

specified by the City and shall include the following minimum information, which will be evaluated as part of the consideration of whether to approve an operating permit:

- A. Identifying information for ownership and management. The name and address of each commercial cannabis business owner and an explanation of the legal form of business ownership.
- B. Description of the proposed site. The site address, description of the premises, name and address of the property owner(s) where the cannabis business will be located, and a site plan and floor plan(s) of the proposed cannabis business.
- C. Elevations of the building proposed to contain the cannabis business and any other necessary information that demonstrates compliance with the standards of the San Pablo Avenue Specific Plan.
- D. Additional identifying information for owners and key employees. Each cannabis business owner, as well as each employee who makes or will make operational or management decisions that directly impact the business, shall submit electronic fingerprint images and related information as required by the Chief of Police for the purpose of obtaining information as to the existence and content of a record of State or Federal convictions and arrests.
- E. Description of proposed operations. A description of the nature of the proposed commercial cannabis activity, product types, average or expected sales amounts, average or expected amount of cannabis storage, and sources of cannabis.
- F. Proof of State license compliance. A description of the specific State cannabis license(s) or permits that the applicant has obtained or plans to obtain. The applicant shall describe how the business will meet the State licensing requirements.
- G. Information regarding other local licenses. A description of the specific cannabis licenses or permits that applicant has obtained or plans to obtain from other local jurisdictions.
- H. Disclosure of litigation and legal proceedings. A description of any litigation in which the applicant(s) has been involved within the five years immediately preceding the date of the application and a statement of whether any business currently operated by the applicant(s) or operated by the applicant(s) within the five years immediately preceding the date of the application has been investigated or the permit or license authorizing the operation of such business has been revoked or suspended within the five years immediately preceding the date of the application.
- I. Security Plan. A description and documentation of how the applicant will secure the premises at all times. The security plan shall include, but is not limited to, the following:

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1. A site security plan shall be required at the time of permit application and shall be subject to review and approval by the Chief of Police and the City Manager. All site security plans shall be held in a confidential file, exempt from disclosure as a public record pursuant to Government Code Section 6255(a). Such plans shall include, at a minimum, information regarding the implementation of the requirements of this section. The Chief of Police may require additional information, including but not limited to, if required, identification of on-site security personnel and proper certification of personnel, be included in the site security plan.
2. Measures for preventing individuals from remaining on the premises if they are not engaged in authorized activity.
3. Measures to prevent smoking of cannabis and cannabis products and any other consumption or use of cannabis or cannabis products on the premises.
4. Measures for disposing of expired, contaminated, adulterated, deteriorated, or excess cannabis products.
5. Measures for preventing off-site impacts to adjacent businesses or properties.
6. Measures for limiting the amount of cash held on the premises.
- J. Certificate of insurance. Certificate of insurance demonstrating ability to comply with the insurance requirements contained under Performance Standards in this chapter.
- K. Community benefits of the proposed cannabis business. A description of the benefits that the cannabis business would provide to the local community, such as employment for residents of the City, community contributions, improvements to the property where the cannabis business is proposed to be operated and adjoining properties, or economic incentives to the City.
- L. Signature of applicant(s) and property owner(s). The application shall be signed by all applicants, certifying, under penalty of perjury, that all information submitted as part of the application process is, to the best of the applicant's knowledge, true, accurate, and complete. The application shall be signed by all property owners of the location where the cannabis business will be located, certifying, that the property owner(s) has/have reviewed the application and approves the use of the property for the purposes stated in the application.
- M. Air Quality. The applicant shall provide a calculation of the anticipated emissions of air pollutants. Applicants are encouraged to design their project so as to minimize or avoid air pollutant emissions.
- N. Greenhouse Gas Emissions. The applicant shall provide calculations of the anticipated greenhouse gas emissions for the operation of the commercial

- cannabis use. The applicant shall further demonstrate compliance with any applicable state, regional, or local plan for the reduction of greenhouse gas emissions. No cannabis permit shall be granted for any commercial cannabis use that would violate any state, regional, or local plan for the reduction of greenhouse gases, nor shall any cannabis permit be issued where the construction or operation of the commercial cannabis use would exceed any applicable threshold of significance for greenhouse gas emissions under the California Environmental Quality Act.
- O. Hazardous Materials. To the extent that the applicant intends to use any hazardous materials in its operations, the applicant shall provide a completed building occupancy classification form, identifying all hazardous materials proposed for storage, use or handling on the premises, including compressed and cryogenic gases such as carbon dioxide, nitrogen, and others. "Hazardous materials" includes any hazardous substance regulated by any federal, state, or local laws or regulations intended to protect human health or the environment from exposure to such substances.
 - P. Pro forma. Three years of pro forma estimates for operations, including a discussion of the business assumptions used to develop the estimates. Example assumptions include revenue, customer volume, visits, and product costs, compensation of employees, equipment costs, utility costs, and other operation and maintenance costs.
 - Q. Fees. An application fee established by the City Council. The applicant shall also be responsible for reimbursing the City for the cost of any staff time and City resources, in excess of the application fee, expended on the application process.

6.80.060 - Application Process.

- A. The City shall issue no more than two (2) valid operating permits for cannabis businesses in the City. The following activities shall be permitted:
 - 1. Retail of cannabis or cannabis products including, but not limited to, activity for which the MAUCRSA requires a Type 10 license from a physical and permanent location in El Cerrito.
 - 2. Delivery of cannabis or cannabis products to locations within El Cerrito.
- B. The City reserves the right to reject any or all applications. Prior to permit issuance, the City may also modify, postpone, or cancel any request for applications at any time without liability, obligation, or commitment to any party, firm, or organization. Applicants for permits assume the risk that the City may elect to terminate or not issue permits for any commercial cannabis uses at any time prior to permit issuance. The City further reserves the right

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- to request and obtain additional information from any candidate submitting an application.
- C. Review of application. The City Manager, or designee, shall consider applications for operating permits and shall have the authority to approve or disapprove operating permits. In approving or disapproving such permit, the City Manager, or designee, shall give particular consideration to the capacity, capitalization, and history of the applicant, the community benefit provided by the business and any other factors that the City, in its discretion, deems necessary to maintain health, safety, and general welfare of the public.
 - D. Conditions. The City Manager, or designee, shall have the authority to impose conditions on operating permits deemed necessary to maintain the health, safety, and general welfare of the public.
 - E. Disqualification. The following items may disqualify an application from consideration:
 - 1. The cannabis business owner has knowingly made a false statement in the application or any other information furnished to the City.
 - 2. The cannabis business owner or any employee who makes or will make operational or management decisions that directly impact the business has been convicted of an offense that is substantially related to the qualifications, functions, or duties, of the cannabis business for which the application is made. However, prior marijuana or cannabis conviction shall not be an automatic bar to approval for an operating permit.
 - F. Confidentiality. The security plan and operations plan required by Section 6.80.50 shall be confidential and shall not be subject to public inspection or disclosure except as may be required by Federal, State or local law.
 - G. Signed Affidavit. The property owner and applicant, if other than the property owner, shall sign the application for the cannabis permit, and shall include affidavits agreeing to abide by and conform to the conditions of the permit and all provisions of the El Cerrito Municipal Code pertaining to the establishment and operation of the commercial cannabis use, including, but not limited to, the provisions of this Section. The affidavit(s) shall acknowledge that the approval of the cannabis permit shall, in no way, permit any activity contrary to the El Cerrito Municipal Code, or any activity which is in violation of any applicable local or state laws and regulations.
 - H. The City will review and evaluate all necessary information related to the proposed commercial cannabis use and its proposed operators, including names, birth dates, addresses, social security numbers, relevant criminal history, relevant work history, names of businesses owned or operated by the applicant within the last ten (10) years, investor or partner information, and APN number of the parcel upon which the commercial cannabis use will be

located. Certain private information will be exempt from disclosure to the public, pursuant to applicable law, to protect an individual's privacy interests and public health and safety.

- I. The City will evaluate the Security Plan required by Section 6.80.50 in determining whether to approve an operating permit.
- J. Permit Term. The City Manager, or designee, may approve operating permits for a maximum term of three (3) years.
- K. Indemnification. By accepting an operating permit, the permittee agrees to indemnify, defend and hold harmless to the fullest extent permitted by law, the City, its officers, agents and employees from and against any and all actual and alleged damages, claims, liabilities, costs (including attorney's fees), suits or other expenses resulting from and arising out of or in connection with the permittee's operations, except such liability caused by the active negligence, sole negligence or willful misconduct of the City, its officers, agents, and employees. An applicant's agreement to indemnify, defend, and hold harmless the City shall be a condition of approval of an operating permit and a provision of the affidavit required by paragraph (G) of this section.

6.80.070 - Performance Standards.

The following standards shall apply to all cannabis businesses. Failure to comply with the following standards shall be grounds for suspension or revocation of an operating or Delivery permit.

- A. Hours of operation. Cannabis businesses shall not be open to the public and shall not conduct retail sales or deliveries before 8:00 a.m. or after 8:00 p.m. on any day of the week.
- B. Odor control. Odors shall be contained on the property on which the cannabis business is located.
- C. Alarm and video surveillance. Cannabis businesses must have security cameras installed, which shall be motion-sensored and capable of recording activity on the premises, including entry points to the property, and within all buildings and structures on the premises, including all entrances, exits, perimeter windows and all areas where customers and employees may have access, with the exception of any restroom area. Security cameras shall record 24 hours per day, 7 days per week. The premises shall be equipped with, and at all times be monitored by, a secure web-based surveillance system. The camera and recording system must be of adequate quality, color rendition and resolution to allow the ready identification of an individual committing a crime on the premises and the ability to capture license plates entering and exiting the premises. The operator shall provide the Chief of

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Police remote access of any on-site web-based video surveillance to monitor remotely at any time. Additionally:

1. Areas where cannabis is stored shall have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment.
2. Cameras shall also be placed at each location where weighing, packaging, transport preparation, processing, or labeling activities occur. Cameras shall be positioned to record all weighing, packaging, transport preparation, processing, or labeling activities.
3. At least one camera must be dedicated to record the access points to the secured surveillance recording area.
4. At each point-of-sale location, camera coverage must enable recording of the customer(s) and employee(s) facial features with sufficient clarity to determine identity.
5. Surveillance video shall be kept for a minimum of sixty (60) days in a format that can be easily accessed for viewing. Operators shall be required to cooperate with all law enforcement investigations and provide video footage related to any such investigation upon request. Motion-sensor lighting and alarms shall be required and shall be professionally installed and monitored to insure the safety of persons and to protect the premises from theft. Alarm and surveillance systems shall be equipped with a failure notification system that provides prompt notification to the operator of any prolonged surveillance interruption or failure of the system. All surveillance equipment, records and recordings must be stored in a secured area that is only accessible to management staff. Operators must keep a current list of all authorized employees who have access to the surveillance system or alarm system.
6. An operator shall maintain up-to-date and current records and existing contracts on the premises that describe the location and operation of each security alarm system, a schematic of security zones, the name of any alarm installation company, and the name of any monitoring company. All monitoring companies shall be licensed by the Bureau of Security and Investigative Services to monitor motion-sensor lighting and alarms. Off-site monitoring and video recording storage of the premises by the operator or an independent third-party is authorized as long as standards exercised at the remote location meet or exceed all standards for on-site monitoring.
7. All security measures installed on the premises shall have the capability to remain fully operational during a power outage.

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8. Weapons and firearms are prohibited on the premises, unless authorized by the Chief of Police. This provision shall not apply to public officials engaged in official duty.
9. Security measures shall be designed to ensure emergency access in compliance with fire safety standards.
10. All structures used for commercial cannabis use shall have locking doors, with commercial-grade non-residential locks, to prevent free access.
11. Security measures shall prevent individuals from remaining on the premises of the commercial cannabis use if they are not engaging in activities expressly related to the operations of the commercial cannabis use.
12. Security measures shall include a transportation plan that details the procedures established for the safe and secure transport of cannabis, cannabis products, and currency to and from the commercial cannabis use premises, including the transfer of currency for remitting City tax payments
13. Except for limited amounts of cannabis used for display purposes, samples, immediate sales, and other authorized uses, all cannabis and cannabis products shall be stored in a secured and locked room, safe, or vault that meets approval of the Chief of Police. To the fullest extent possible, all cannabis and cannabis products shall be kept in a manner that prevents theft and loss, except for limited amounts used for the purposes of display or immediate sales.
14. Panic buttons shall be installed in all commercial cannabis use premises with easy access by employees and all employees shall be properly trained on its use.
15. Any security bars installed on the windows or the doors of the commercial cannabis use shall be installed only on the interior of the building in compliance with all applicable codes.
16. Windows and roof hatches of the premises shall be secured from the inside with effective means so as to prevent unauthorized entry, and shall be equipped with latches or a similar mechanism that may be released quickly from the inside to allow exit in the event of emergency in compliance with all applicable provisions in this Code.
17. Each commercial cannabis use shall identify a liaison and provide contact information to the Chief of Police who shall be available at all times to meet with the Chief of Police regarding security measures and operational issues.
18. Minimum lighting level of one-foot candle shall be provided at building entrances and in parking lot areas. All lighting shall be fully shielded,

downward casting and not spill over onto structures, other properties or the night sky. Exterior lighting on the premises shall be balanced to complement the security/surveillance systems to ensure all areas of the premises are visible, and shall provide increased lighting at all entrances to the premises. The lighting required shall be turned on from dusk to dawn. The site security plan shall include a photometric plan meeting these requirements and fixture details if new or upgraded lighting is required.

- D. Insurance coverage. Cannabis businesses shall maintain at all times commercial general liability providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one(1) or more persons, property damage and personal injury with limits of not less than one million dollars (\$1,000,000.00) per occurrence and comprehensive automobile liability (owns, nonowned, hired) providing coverage at least as broad as ISO CGL Form 00 01 on an occurrence basis for bodily injury, including death, of one(1) or more persons, property damage and personal injury with limits of not less than one million dollars (\$1,000,000.00). The commercial general liability policy shall provide contractual liability, shall include a severability of interest or equivalent wording, shall specify that insurance coverage afforded to the City shall be primary, and shall name the City, its officers, and employees and additional insured.
- E. Ledger. Cannabis businesses shall maintain, for a minimum of three (3) years, a written accounting or ledger of all cash, receipts, credit card transactions, and reimbursements (including any in-kind contributions) as well as records of all operational expenditures and costs incurred by the permittee in accordance with generally accepted accounting practices and standards typically applicable to business records. Such ledger shall be made available to the City for inspection during business hours upon reasonable notice by the Chief of Police.
- F. Inspections. To the extent permissible by law, the City shall have the right to enter and inspect any cannabis storefront business for the purpose of ensuring compliance with the regulations of this chapter, provided that any such entry and inspection shall be conducted in a reasonable manner. The City shall also have the right to inspect any delivery vehicle for the purpose of ensuring compliance with the regulations of this chapter, provided that any such entry and inspection shall be conducted in a reasonable manner. Peace officers, whether in plain clothes or uniform, have the right to visit and inspect any cannabis business or delivery vehicle at any time during business hours without a search warrant, upon presentation of appropriate credentials. This

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- includes inspection of all areas of the business premise or vehicle, including, but not limited to sales areas, back-of-house areas, store rooms, offices, closed or locked cabinets, safes, kitchens, and appurtenant buildings.
- G. Notification. Within twenty-four hours after discovering any of the following, a cannabis business shall notify the Police Department:
1. Diversion, theft, loss, or any criminal activity involving cannabis or cannabis products or any agent or employee or permittee.
 2. The loss or unauthorized alteration of records related to cannabis or cannabis products, customers, employees or agents.
 3. Significant discrepancies identified between inventory records and inventory.
 4. Any other material breach of security.
- H. Onsite consumption. Cannabis shall not be consumed on the premises of a cannabis business.
- I. A cannabis business shall notify the Chief of Police within three (3) days of receiving any notices of violation or other corrective action ordered by a State agency or other local licensing authority, and shall provide copies of relevant documents.
- J. A cannabis business shall notify the Chief of Police within three (3) days of any staffing changes related to employees who make operational or management decisions that directly impact the business. New employees shall be subject to the same requirements of the initial application process.
- K. Deliveries. Deliveries within El Cerrito shall only be permitted by cannabis businesses which have been granted an operating permit by the City. Deliveries shall be subject to the following standards:
1. Any person who delivers cannabis shall have in possession a copy of all licenses and permits required by the State of California and the City.
 2. A licensed cannabis business which is authorized to conduct deliveries in El Cerrito shall provide to the Chief of Police a list of all vehicles to be used for delivery of cannabis and cannabis products, including the vehicle's make, model, year, license plate number and vehicle identification number. The cannabis business shall update the list prior to any vehicle being added to or removed from service.
 3. Cash shall be prohibited as a form of payment for cannabis delivery transactions at the delivery location. Payments shall be made via credit card, check, or other means of cashless payment or a cash payment shall be made in advance at the business location.
 4. Delivery vehicles shall not be marked or otherwise identified with advertisements, the name of the cannabis business, or any other distinctive marking associated with cannabis.

5. Delivery of cannabis shall be directly to the residence or business address of the designated recipient; deliveries to any other location are prohibited.
6. Deliveries shall occur only between the hours of 8:00 a.m. and 8:00 p.m.
- L. Retail business conducted within buildings. No production, distribution, storage, or display of cannabis or cannabis products shall be visible from the exterior of a building where a cannabis business is located.
- M. Regular meetings. The applicant shall schedule and be available for an in-person meeting with the City Manager and Chief of Police not less than once every 180 days. These meetings shall be used to discuss ongoing operation of the cannabis business and any modifications to the operating permit necessary to maintain peace, order, and welfare of the public. The City Manager may waive these meetings at his/her discretion.
- N. Operator Qualifications. Commercial cannabis operators must meet the following qualifications:
 1. Operators must be 21 years of age or older.
 2. Operators shall be subject to a background investigation by the Chief of Police at the time of application for a permit.

6.80.080 Location Requirements – Storefront Cannabis Businesses

Cannabis businesses shall only be permitted in the San Pablo Avenue Specific Plan Area and on the San Pablo Avenue Commercial and San Pablo Avenue Community street types, as defined in the Specific Plan. Cannabis businesses shall be prohibited in ground floor locations within the Theater District designation of the Specific Plan.

- A. Land use buffers. No operating permit shall be issued for a cannabis business within six hundred (600) feet of public and private schools and areas with youth populations, including:
 1. A public or private kindergarten, elementary, middle, junior high, or high school.
 2. A library open to the public.
 3. A publicly owned park (excluding the Ohlone Greenway and pocket parks as defined in the San Pablo Avenue Specific Plan) or recreation facility including, but not limited to, a clubhouse, community center, or public pool.
- B. No operating permit shall be granted for a cannabis business within one thousand (1,000) feet of another licensed cannabis business.
- C. Distances: The distances set forth in this section shall be measured as a straight line, without regard to intervening structures or objects. Distances between cannabis businesses and public and private schools and areas with youth populations shall be measured from the property line of the property containing the school or areas with youth populations to the outside wall of

the tenant space of the cannabis business. Distances between cannabis businesses shall be measured between the outside walls of the tenant spaces of the cannabis businesses.

6.80.090 – Renewal, nonrenewal, suspension, revocation, transfer, modification, or appeal.

- A. Permit renewal. A permit renewal application and any applicable fees shall be submitted at least sixty (60) days prior to the expiration of the operating permit. The City Manager shall have the authority to expire any operating permits for which a permit renewal application has not been submitted in accordance with this section. Thereafter, the City may open applications for the operating permit, and a cannabis business that previously held an operating permit shall have to file a new application. Permit renewal shall be subject to the laws and regulations in place at the time of renewal, and may require submittal of additional information to ensure applicable laws are regulations are met. No person or entity shall have any entitlement or vested right to receive an operating permit under this chapter.
- B. Violation and Noncompliance. The City Manager may refuse to renew an operating permit or may revoke or suspend an existing permit on the grounds that the cannabis business has failed to comply with the permit conditions or requirements of this chapter, or its State license has been revoked. The City Manager may additionally suspend or revoke an operating permit for any of the following causes:
 - 1. Failure to comply with the operating permit conditions.
 - 2. Failure to comply with the plans and materials included with an approved operating permit.
 - 3. Conviction of the business owner or an employee who makes operational or management decisions that directly impact the business of an offence that is substantially related to the qualifications, functions, or duties of the cannabis business after an operation permit has been granted.
 - 4. Revocation of a State cannabis license or permit or any cause that would allow the State to deny or revoke a license under MAUCRSA.
 - 5. Failure to pay any applicable City taxes or fees after a reasonable period following notice of delinquency.
 - 6. Violation of any provisions of MAUCRSA or any provisions of this chapter.
 - 7. Violation of any other City statutes necessary to maintain the health, safety, and general welfare of the public.
- C. Transfer of Permit. Operating permits shall not be transferable to another location. However, operating permits may be transferred to another owner subject to the following requirements:

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1. A request for change in permit ownership shall be submitted to the City at least 60 days prior to the anticipated change in business ownership.
 2. A new owner(s) shall meet all requirements for applicants of an initial permit and shall submit all information required for initial permits.
 3. All conditions of the operating permit shall apply to the new owner.
- D. Modifications to Permits. Any holder of an operating permit may request modifications to any aspect or condition of an operating permit at least thirty (30) days prior to the anticipated change. The City Manager, or designee, may approve such modifications at his/her discretion.
- E. Notice of Proposed Denial, Suspension, Revocation, or Refusal to Renew an Operating Permit. When the City Manager concludes that grounds for denial, suspension, revocation or refusal to renew or approve the transfer or modification of an operating permit exist, he/she shall serve the permit holder, either personally, by certified U.S. mail or overnight delivery service that provides tracking, addressed to the business or residence address of the permit holder, with a notice of his or her decision pursuant to this section. 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.
- F. Appeal. The right to appeal a decision of the City Manager pursuant to this section shall terminate upon the expiration of fifteen business days from deposit of the notice with the U.S. Mail, or deposit with an overnight delivery. All requests for appeals shall be submitted in writing to the City Manager and set for the reasons why the decision was improper.
1. A nonrenewal, revocation, or suspension shall be effective upon deposit of the notice in the U.S. mail or overnight delivery service.
 2. At the time of filing the appellant shall pay the designated appeal fee, established by resolution of the City Council.
 3. Upon receipt of the written appeal, the City Clerk shall set the matter for a hearing before the City Council. The City Council shall hear the matter de novo, and shall conduct the hearing pursuant to the procedures set forth by the City.
 4. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than ninety (90) days from the date of such filing. The City shall notify the appellant of the time and location at least ten (10) days prior to the date of the hearing. The operator shall not operate the commercial cannabis use while awaiting appeal.
 5. At the hearing, the appellant may present any information the appellant deems relevant to the decision appealed.

6. At the conclusion of the hearing the City Council may affirm, reverse or modify the decision of the City Manager. The decision of the City Council shall be final.

6.80.100 Enforcement

- A. Violations.
 1. Any activity performed contrary to the provisions of this chapter is hereby declared to be a public nuisance.
 2. Any violation of a term, condition, or the approved plans and specifications of any permit issued pursuant to this chapter shall constitute a violation.
- B. Remedies. In addition to the nonrenewal, suspension, and revocation provisions in Section 6.80.90 and any and all available remedies under the law, the following remedies shall be available to the City or other enforcement agency regarding violations of this chapter:
 1. Administrative enforcement pursuant to Chapters 1.08 and 1.14 of the Municipal Code.
 2. Civil enforcement.
 3. Criminal enforcement.
- C. In any enforcement action brought pursuant to this section, whether by administrative or judicial proceedings, each person who causes, permits, suffers, or maintains the unlawful cannabis use shall be liable for all costs incurred by the City, including, but not limited to, administrative costs, and any and all costs incurred to undertake, or to cause or compel any responsible person to undertake, any abatement action in compliance with the requirements of this section. In any action by the agency having jurisdiction to abate unlawful cannabis uses under this section, whether by administrative or judicial proceedings, the prevailing party shall be entitled to a recovery of the reasonable attorney's fees incurred. Recovery of attorneys' fees under this section shall be limited to those actions or proceedings in which the City elects, at the initiation of that action or proceeding, to seek recovery of its own attorney's fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorney's fees incurred by the City in the action or proceeding.

SECTION 3. Compliance with the California Environmental Quality Act. Approval of the amendments is exempt from environmental review in accordance with Business and Professions Code section 26055(h), the exemption for the adoption of an ordinance that requires discretionary review of permits. Additionally, approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the

Agenda Item No. 7
Attachment 1

environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 4. Approval. The City Council hereby approves the amendments to the Municipal Code, more particularly, adding Chapter 6.80.

SECTION 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of El Cerrito, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of El Cerrito at a regular meeting held on _____, 2017, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS

APPROVED:

Janet Abelson, Mayor

ATTEST:

Cheryl Morse, City Clerk

Alternate Delivery Language:

- A. Deliveries. A Delivery Permit shall be required for all cannabis delivery businesses which deliver cannabis or cannabis products to locations in El Cerrito. The form and content of the application for a Delivery Permit shall be specified by the City and shall include the following minimum information:
1. Listing of all vehicles and devices to be used for delivery of cannabis or cannabis products within the City, which includes the vehicle's make, model, year, license plate number and vehicle identification number. The list shall be updated prior to any vehicle being added to or removed from service.
 2. Identifying information for all persons who will deliver cannabis or cannabis products in the City. Such individuals must be at least twenty-one (21) years of age at the time of submittal of the application.
 3. Copies of applicable authorizing State and local licenses and permits issued to the cannabis business allowing it to engage in commercial cannabis activity.
 4. A description of the nature of the proposed commercial cannabis activity, product types, average or expected sales amounts, average or expected number of deliveries and the maximum amount of cash, cannabis and cannabis products that delivery vehicles are expected to carry.
 5. Security Plan. A description and documentation of how the applicant will conduct deliveries in a secure manner. The security plan shall include, but is not limited to, the following:
 - i. Measures for securing and limiting the amount of cash contained in delivery vehicles.

- ii. Measures for securing and limiting the amount of cannabis and cannabis products contained in delivery vehicles.
- 6. Measures to ensure the safe transportation of cannabis, cannabis products, and cash. Certificate of insurance. Certificate of insurance demonstrating ability to comply with the insurance requirements contained under Performance Standards.
- 7. Public benefit. A description of the public benefit that will be provided by the cannabis business.
- 8. Signature of applicant(s) and property owner(s). The application shall be signed by all applicants, certifying, under penalty of perjury, that all information submitted as part of the application process is, to the best of the applicant's knowledge, true, accurate, and complete. The application shall be signed by all property owners of the location where the cannabis business will be located, certifying, that the property owner(s) has/have reviewed the application and approves the use of the property for the purposes stated in the application.
- 9. Pro forma.
- 10. Fees. An application fee established by the City Council. The applicant shall also be responsible for reimbursing the City for the cost of any staff time and City resources, in excess of the application fee, expended on the application process.
- B. Review of Delivery Permits. Delivery Permits shall be reviewed and approved by the Chief of Police.
- C. Conditions. The Chief of Police shall have the authority to impose conditions on operating permits deemed necessary to maintain the health, safety, and general welfare of the public.
- D. Nonrenewal, suspension, revocation, or appeal. Delivery permits shall be subject to the procedures in Section 6.80.60.



October 3, 2017
REGULAR CITY COUNCIL MEETING

Agenda Item No. 7
Attachments 2 Petitions

are available for review in hardcopy format at the following
locations:

Office of the City Clerk
10940 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue

Thank you for coming to the
public meeting!

Do you say: Yes ☒ No ☐ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

Your name: _____

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

The cities who allowed marijuana are now worst than
before: 1) higher crime, 2) higher illegal marijuana ^{selling} and not the
tax money for
what they were
told they should
get.

Your name: Olivia Lion

What is our city's guarantee that
our city would actually get what we are
promised now? If we do not have, who
are responsible and liable for this ban
lift?

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why *(optional)* ?

Your name: Amy Chen

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why *(optional)* ?

Your name: Zu Yue Zhao

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

There is no data to show the

demand of marijuana from the local residents
If there is no demand, why do we need

Your name: *ERIC NG* *Cannabis business*

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

Marijuana's impact to people's death.

My question to you is: Do you want your family members be a
victim of Marijuana?

Your name: *Patty NG*

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

ONE LESS HARMFUL THING AROUND US.

Your name:

YUEN-PING LIU MFL

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

Keep the El Cerrito city clean & nice

Your name:

Sue Hing Choi

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

Affecting the youth, safety of city

Your name: Janny Lee

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

It will cause brain damages
to people.

Your name: Portia Law

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

① 大麻危害身體健康 令引致精神不清, 駕車危險,
② 治安問題, 下一代青少年上樓後前途堪憂

Your name: Heidi

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

Totally against Marijuana

Your name: Roxan Yuen

**Thank you for coming to the
public meeting!**

**Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?**

Please list your top reason why (optional)?

Increase in crime rate such as violence,
burglaries, robberies.

Your name: Kwan Yuen

**Thank you for coming to the
public meeting!**

**Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?**

Please list your top reason why (optional)?

brain damage
more car accident

Your name: Sammi Chiu

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

Youth access & Safety

Your name: Peter Zheng

Thank you for coming to the
public meeting!

Do you say: Yes ☐ No ☒ for having
marijuana stores in El Cerrito?

Please list your top reason why (optional)?

Safety of city

Your name: Peter Lee