

# EL CERRITO CITY COUNCIL

## MINUTES

**CITY COUNCIL MEETING**  
**Tuesday, August 19, 2014 – 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 Rebecca Benassini  
Councilmember Jan Bridges

Councilmember Mark Friedman  
Councilmember Greg Lyman

### ROLL CALL

Present: Councilmembers Benassini, Bridges, Friedman, Lyman and Mayor Abelson all present.

7:00 p.m.

### CONVENE CITY COUNCIL MEETING

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

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

### 2. COUNCIL / STAFF COMMUNICATIONS

Councilmember Lyman recognized the participation of the El Cerrito Police Department in Law Enforcement Day held at the Oakland Athletics game on August 10, 2014.

Mayor Abelson noted the large attendance at this year's National Night Out event and thanked the many hosts in the City that made the event possible. Four councilmembers participated in the event.

### 3. ORAL COMMUNICATIONS FROM THE PUBLIC

Rhoda Cataleta, El Cerrito, expressed concerns about dangerous conditions presented by fragile branches in the Chinese Elm located on Ramona Avenue. Branches from the tree, both dead and alive, fall frequently. Some branches which are currently on the tree are also susceptible to breakage. This poses a potential hazard to pedestrians, pets, cars and personal property.

Kimberly Mayer, Contra Costa Civic Theatre Board President, spoke in support of Consent Calendar Item No. 5I. Ms. Mayer thanked the City Council for renewing the lease with the

theatre and informed the Council and public that the Theatre is in its 55<sup>th</sup> season, has put approximately \$500,000 into the facility and is looking forward to doing more repairs in the future.

Tom Panas, El Cerrito, announced the opening of a new branch of the El Cerrito Seed Library at the Contra Costa Library located on Stockton Avenue. It is very well visited.

#### 4. PRESENTATION

**El Cerrito Stars Internship Program** – *Presentation by Suzanne Iarla, Public Outreach Specialist.*

Summary of the joint City of El Cerrito and the West Contra Costa Unified School District (WCCUSD) high school internship program.

EC Stars Intern Program Participants/Presenters: Joseph Baba, Daniel Malle, Richard Mazon, Saleh Alkaheli, Monet Boyd, Travis Wan, Leonardo Mendoza and Evan Martinez.

Corey Mason, El Cerrito High School Teacher, stated that the intern program was the vision of Mayor Abelson and West Contra Costa Unified School District Board of Education Director Madeline Kronenberg. Mr. Mason thanked Wendell Greer, Associate Superintendent of the West Contra Costa Unified School District, Mike Aaronian, Cecilia Mendoza and Carl Perkins for their contributions to the program.

Madeline Kronenberg, West Contra Costa Unified School District Board of Education Director, stated that the intern program has been an extraordinary partnership between the city and the school district and acts as a model for other cities in the school district. Director Kronenberg thanked Mayor Abelson for all of her work on the program.

**Action:** Received presentation.

#### 5. ADOPTION OF THE CONSENT CALENDAR – Item No. 5A through 5K

Moved, seconded (Friedman/Bridges) and carried unanimously to approve Consent Calendar Item Nos. 5(A) and 5(C) through 5(K) in one motion as indicated below. Item No. 5(B) was removed from the Consent Calendar by Mayor Abelson for the purpose of presenting the Proclamation commemorating the 50<sup>th</sup> Anniversary of the Wilderness Act to Gabriel Quinto, Sierra Club Executive Committee Member, at the meeting.

##### A. Minutes for Approval

Approve the July 15, 2014 Special City Council and July 15, 2014 Special Concurrent City Council/Public Financing Authority/Employee Pension Board meeting minutes.

**Action:** Approved minutes.

##### B. Proclamation in Commemorating the 50<sup>th</sup> Anniversary of the Wilderness Act

Approve a proclamation celebrating and commemorating the 50<sup>th</sup> Anniversary of the Wilderness Act in the City of El Cerrito and calling upon all residents to embrace our Nation's legacy of protecting and preserving the Country's vast wilderness areas for future generations to come.

**Action:** Removed from the Consent Calendar by Mayor Abelson. Moved, seconded (Benassini/Lyman) and carried unanimously to approve the proclamation. Presented to Gabriel Quinto, Sierra Club – San Francisco Chapter, Executive Committee Member.

##### C. Consultant Services Agreement with Goldfarb & Lipman LLP for Legal Services

Adopt a resolution authorizing the City Manager to execute a consultant services agreement with Goldfarb & Lipman LLP for Fiscal Year 2014-15 legal services related to the implementation of Assembly Bill 1x26 and the City's affordable housing programs in an amount not to exceed \$34,500.

**Action:** Adopted Resolution No. 2014–37.

**D. Appointment to the Successor Agency Oversight Board**

Staff requests the following actions: 1) The Mayor appoint Lisa Malek-Zadeh to the Oversight Board of the Successor Agency to represent employees of the former El Cerrito Redevelopment Agency; and 2) The City Council adopt a resolution ratifying the Mayor's appointment of Lisa Malek-Zadeh to the Oversight Board of the Successor Agency to the former El Cerrito Redevelopment Agency.

**Action:** Adopted Resolution No. 2014–38.

**E. Agreement with West Coast Arborists, Inc. for Tree Pruning and Removal**

Adopt a resolution authorizing the City Manager to execute an agreement with West Coast Arborists, Inc. in an amount not to exceed \$100,000 for tree pruning and removal services, effective July 1, 2014 through June 30, 2015. *Exempt from CEQA.*

**Action:** Adopted Resolution No. 2014–39.

**F. Agreement with Rubicon Enterprises, Inc. for Parks and Landscape Maintenance Services**

Adopt a resolution authorizing the City Manager to execute an agreement with Rubicon Enterprises, Inc. in an amount not to exceed \$180,000 for park and landscape maintenance services, effective July 1, 2014 through June 30, 2015. *Exempt from CEQA.*

**Action:** Adopted Resolution No. 2014–40.

**G. Agreement with Liberty Fleet Care, Inc. for Fleet Management and Maintenance Services**

Adopt a resolution authorizing the City Manager to execute an agreement with Liberty Fleet Care, Inc. in an amount not to exceed \$127,900 per fiscal year for fleet maintenance and parts, effective January 1, 2014 through June 30, 2016. *Exempt from CEQA.*

**Action:** Adopted Resolution No. 2014–41.

**H. Payment of El Cerrito's Share of the West Contra Costa Integrated Waste Management Authority Budgeted Operating Expenses**

Adopt a resolution authorizing payment of \$99,762 for the City of El Cerrito's share of the Contra Costa Integrated Waste Management Authority budgeted operating expenses for Fiscal Years 2013-14 and 2014-15.

**Action:** Adopted Resolution No. 2014–42.

**I. Contra Costa Civic Theatre Lease Agreement**

Adopt a resolution authorizing the City Manager to execute an amendment to the property lease agreement for the Contra Costa Civic Theatre extending the term of the agreement to May 5, 2035.

**Action:** Adopted Resolution No. 2014–43.

**J. Economic Development Committee Appointment**

Approve an Economic Development Committee recommendation to appoint Scott Kagawa to the Economic Development Committee, effective August 20, 2014.

**Action:** Approved recommendation.

### **K. Cancel the November 4, 2014 Regular City Council Meeting**

Approve a recommendation to cancel the November 4, 2014 regular City Council meeting. November 4, 2014 is the date of the General Election. Holding the City Council meeting on November 4 may pose a conflict with the public's ability to participate in the meeting and also vote in the election as polls remain open until 8:00 p.m. The Contra Costa County Elections Department has also requested that City Hall be used as a polling place on this date.

**Action:** Approved recommendation.

### **6. PUBLIC HEARING**

**Appeal of the Planning Commission's Approval of a Conditional Use Permit, and a General Plan Amendment, Development Agreement, the Creation of a Planned Development District including a Zoning Map Amendment for a Development Project that consists of the construction of 14 New Dwelling Units, the Relocation and Conversion of an Existing Dwelling Unit into a Community Center Type Use that will Remain on Site with 15 Parking Spaces, 1,548 square feet of Private Open Space, and 2,874 square feet of Common Open Space**

Staff recommends that the City Council hold a single, consolidated public hearing to consider the actions necessary to consider both the proposed development at 1715 Elm Street (the "Project") and the related appeal of the Planning Commission's approval of the Planned Development Use Permit for the Project. The analysis of the appeal was discussed in a separate staff report for the Project and distributed to the City Council for the June 2, 2014 Council meeting. Please refer to all previous staff reports, California Environmental Quality Act (CEQA) documentation and correspondence as part of the record for this project. These documents may be found on the City's website at [www.el-cerrito.org/1715Elm](http://www.el-cerrito.org/1715Elm) or by request at the public counter at El Cerrito City Hall.

Staff additionally recommends that, at the conclusion of the consolidated public hearing, the City Council act to approve *Option 2*, 14 new dwelling units, the relocation and conversion of an existing dwelling unit into a community center type use, and preservation and enhancement of the existing creek channel, as described in the staff report by taking the following actions:

1. Adopt a resolution approving the Initial Study/Mitigated Negative Declaration for the Project;
2. Introduce by title, waive any further reading and approve an ordinance approving Planned Development Zoning for the Project property and amend the Zoning Map accordingly;
3. Adopt a resolution denying an appeal of the Planning Commission's approval of a Planned Development Use Permit for the Project; and
4. Introduce by title, waive any further reading and approve an ordinance approving a Development Agreement.

**Presenter:** Margaret Kavanaugh-Lynch, Development Services Manager.

Terry Bush, LCA Architects, representative of applicant Eddie Biggs, stated that the applicant had engaged the services of Resource Design Group (RDG) in Berkeley to develop a conceptual design of the waterway. The design relocates the historic house to the front of the site which is not an optimal site for the building's intended use. Staff informed LCA that an Environmental Impact Report (EIR) would also be required for the new design. Mr. Bush stated that this could add a significant delay to the project, increase uncertainty, would also call the Joint Aquatic Resource Permit Application (JARPA) permits into question and add

approximately \$415,000 of additional costs. Mr. Bush, citing the RDG report, stated that at its best the project may improve some ecological function but due to the limited project area and suburban context it is not possible to provide significant improvement to ecological function typical of many urban stream restoration projects. The meandering creek would no longer allow for a restored historic space for a non-profit or open space for the public. Mr. Bush stated that the project defined in Options 1 and 2 provide the optimum solution for all parties involved.

Andrew Gedding, Principal, Restoration Design Group, responded to questions regarding flood control, creek restoration, and other issues associated with the site.

Mayor Abelson opened the public hearing. 11 speakers.

Tom Panas, El Cerrito, urged the City Council to support "Option 3" due to the significant ecological benefits that would ensue and stated that it is worth sacrificing the house donation and historic streambed to get a high quality creek corridor.

Tim Pine, El Cerrito, stated that he is the UC Berkeley Water Quality Manager and is heavily involved in creek restoration. Mr. Pine said it is important to note who paid for the study. The RDG report touched on what is possible at the site. Mr. Pine urged the Council not to approve "Option 2" of the project but to go for "Option 3" and expressed support for creek restoration.

Dave Weinstein, El Cerrito, stated that creek restoration would provide ecological benefit and also stated that saving the creek would be an important precedent that would set the stage for future development projects in the City. Placing buildings so close to a creek is a very bad precedent.

Linda Shehabi, El Cerrito, Director and Owner of Keystone Montessori School, stated that the school is immediately adjacent to the proposed development. Ms. Shehabi expressed concerns with the effects of air pollution from construction vehicles and site equipment on children and stated that it may also hurt Keystone Montessori's enrollment. Ms. Shehabi urged the Council to require air quality monitoring of black carbon to be set up during the construction period to ensure that air quality concerns are properly addressed and to place a contingency on the project to perform air monitoring. The informal estimate for monitoring is less than \$20,000 but could be as low as \$2,000. Ms. Shehabi said she is also in favor of the project being reduced in size.

Robin Mitchell, El Cerrito, stated that she is in favor of "Option 3," a revised project focusing on riparian creek restoration with a redesign to accommodate a real creek restoration not confined to the current site plan including a redesign of the entire project. Citing her experience with planting one milkweed plant and its ability to attract multiple Monarch Butterfly caterpillars; Ms. Mitchell stressed the importance of providing as much habitat as possible for remnant native plants, animals and insects to encourage growth of these species and a restored ecological system.

Howdy Goudey, El Cerrito, stated his strong opposition to "Option 2" and urged the City Council to follow "Option 3." Mr. Goudey further stated that "Option 3" is not a good option either without removing the existing site plans. The design needs to be started with what is right for the creek. More space for the creek is needed to do justice to this unique environmental resource. Mr. Goudey urged the Council to reject the project and give guidance to the restraints of the site and creek restoration.

Julia Lucia, El Cerrito, summarized the history of the project and stated that the decision about the property sets precedent and is a huge turning point for the City. Does the City want

to ignore the environmental and planning ordinances and policies that have been put into place over many years or does the City want to set a precedent of upholding the City's values? Does the City Council want to overturn the Planning Commission's action? Does public opinion matter?

Steve Price, El Cerrito, stated that climate change is the primary consideration. El Cerrito with its two BART stations and bus corridor can do significant things to lower citizen's carbon footprints. Mr. Price stated his belief that multi-family three story buildings make sense at this location.

Dan Pines, El Cerrito, stated that the problem with the project is the three stories when viewed within the context of the surrounding low rise neighborhood. Mr. Pines stated that the project has been going on for nine years and recommended approval of Option No. 4 which would deny the project, uphold the appeal and have the developer design a project that is better for the environment and the neighborhood and would benefit everyone. Mr. Pines stated that the area is a low density neighborhood.

Pamela Austin, El Cerrito, stated that she supports comments made earlier regarding Options 3 or 4 and expressed disappointment with the creek restoration study.

Franklin Leong, El Cerrito, stated that the project is against the height limit, zoning requirements, city parking rules, building code, and the general plan. Mr. Leong urged the Council to deny the project and uphold the appeal.

Moved, seconded (Benassini/Friedman) and carried unanimously to close the public hearing.

**Actions:** 1) Moved, seconded (Benassini/Bridges; Ayes Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None, Absent – None) and carried to adopt Resolution No. 2014-44 approving an Initial Study with a Mitigated Negative Declaration and adopting a Mitigation Monitoring and Reporting Program for the construction of 14 new dwelling units and the conversion of an existing dwelling unit into a community center at 1715 Elm Street, Application No. 6133 with an amendment proposed by Councilmember Lyman to modify the first recital of the resolution to change "...preservation of an existing creek..." to "preservation of an existing historic stone lined channel..."

2) Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Friedman and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None; Absent – None) and carried to approve by title, waive any further reading and approve Ordinance No. 2014-03 rezoning 1715 Elm Street, Application No. 6133, to a planned development zoning district and amend the Zoning Map accordingly with amendments proposed by Councilmember Lyman to include the following changes:

a) Section 1: Recital A and Section 2: Findings 1-3,5,7,8 and 10 – change "...existing creek..." to "...existing historic stone lined channel...;" and

b) Administrative changes to Section 1: Recital G – change "Resolution 14-10" to "PC Resolution 14-10" and Section 1: Recital K – insert the newly adopted resolution number to read 2014-44. *Second reading October 7, 2014.*

3) Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Friedman, and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None; Absent – None) and carried to adopt Resolution No. 2014-45 denying an appeal of the Planning Commission's approval of a Planned Development Use Permit at 1715 Elm Street with amendments proposed by Councilmember Lyman to incorporate the following changes into the resolution:

- a) Recital 1 and Enacting Clauses 1, 3, 4, 11 and 12 – change “...creek...” to “historic stone lined channel;”
- b) Enacting Clause 2 – change “...day-lighted creek...” to “...existing historic stone lined channel...;”
- c) Insert additional conditions of approval into the resolution as follows:

57. The applicant/owner shall require all potential construction bidders to supply the following information in their bid packages. These conditions will also be added to subsequent contracts between the owner and their selected general contractor in order to reduce the emissions of toxic pollutants generated by the use of heavy-duty diesel powered vehicles as well as by the introduction of new architectural finishes, adhesives, paints, and construction materials equipment during construction.

The contractor shall be required to:

- a. Keep all construction equipment in proper tune in accordance with manufacturers’ specifications by keeping maintenance logs for all equipment. These logs will be made available for review by city staff upon request.
- b. Specify the model years of their late model vehicles and equipment in their bid documents.
- c. Keep fuel logs to illustrate compliance with the goal of using low-emission diesel fuel for all heavy-duty diesel-powered equipment. These logs will be made available for review by city staff upon request.
- d. Keep idle times of all road legal vehicles to 90 second idle times, maximum.
- e. Rely on the electricity infrastructure surrounding the construction site rather than electrical generators powered by internal combustion engines. If there is equipment where this condition is not feasible, please explain why in bid documents.
- f. Whenever possible, a material with a high VOC will be exchanged with a material with a low VOC by the contractor.
- g. Submit to the city a local construction material plan prior to the issuance of building permits that show a good faith effort to meet the mitigation that they will use local construction materials (within 100 miles) to the maximum extent possible.
- h. CALGreen mandates permitted new residential and non-residential building construction, demolition and certain additions and alteration projects to recycle and/or salvage for reuse a minimum 50 percent of the non-hazardous construction and demolition (C&D) debris generated during the project. In addition to that requirement, the contractor shall submit to the city a plan showing steps taken to identify opportunities to recycle construction waste and demolition materials prior to construction; and require monthly reports of waste disposal and recycling/salvage during construction.
- i. The developer is required to implement air quality monitoring on the site during construction if determined to be feasible by the Community Development Director or the Development Services Manager if the cost does not exceed \$20,000.
- j. The developer is required to conduct a biological survey for endangered species in the stone lined channel not more than two weeks prior to construction on the project at a cost to be borne by the applicant.

4) Moved, seconded (Benassini/Bridges; Ayes – Councilmembers Benassini, Bridges, Friedman, and Mayor Lyman; Noes – Councilmember Lyman) and carried to approve by

title, waive any further reading and approve Ordinance 2014-04 approving a Development Agreement as amended by Councilmember Lyman to modify Recital A of the ordinance by replacing the word "creek" with "historic stone lined channel" and adding a Section 5.9 to the development agreement (Exhibit A to the Ordinance) to state Developer shall support the listing of the historic house on the state historic register. *Second reading October 7, 2014.*

## 7. POLICY MATTERS

### A. Smoking Pollution Protection Ordinance

Introduce by title, waive any further reading, and approve an ordinance amending the El Cerrito Municipal Code by adding Chapter 8.06, Smoking Pollution Protection Ordinance.

Presenter: Karen Pinkos, Assistant City Manager.

Speakers: Kerstin Kalchmayr, Save the Bay, commended the City for mobilizing its efforts on implementing one of the strongest smoke-free ordinances in the area. Ms. Kalchmayr spoke about the toxicity of cigarette butt litter, urged the Council to approve the ordinance and perform extensive outreach to encourage public support and wide spread compliance.

Allison Chan, Save the Bay, urged adoption of the ordinance and stated that by eliminating smoking in commercial areas the City will reduce one of the largest sources of trash in one of the most littered areas in the City. Eliminating smoking in all the areas designated in the ordinance will help eliminate trash in storm drains by 2022.

Serena Chen, American Lung Association, stated that the smoking rate has gone from 24 percent to 10 percent because of the efforts of local municipalities, schools and communities in addressing second-hand smoke, tobacco control, education and social norms. Cities who have adopted smoking regulations are healthier than other cities and have shown a 17% drop within the first year of heart attack hospitalizations. Second hand smoke laws save lives.

Tom Panas, El Cerrito, stated that he strongly supports the proposed ordinance and thanked the City Council for their strong leadership on this issue and Assistant City Manager Pinkos for writing the proposed ordinance.

Gabriel Quinto, El Cerrito, stated that he is a board member of the nine county Sierra Club Bay Chapter. Mr. Quinto, further stated that as a resident of El Cerrito he supports the ordinance and that the Sierra Club strongly encourages the City Council to support the ordinance and make El Cerrito a healthier community.

Liz Williams, Americans for Nonsmokers Rights, encouraged the City Council to support and adopt the proposed ordinance including the prohibition of electronic cigarettes. The ordinance provides the City Council with a unique opportunity to protect public health by prohibiting smoking in public places. Ms. Williams thanked the Council for their leadership on this issue.

Howdy Goudey, El Cerrito, expressed concerns regarding regulating smoking, particularly social equity, the arbitrary lines that have been drawn and other unintended consequences. Mr. Goudey stated leaving single family dwellings out of the ordinance appears elitist, classist and is inequitable.

Denise Dennis, County Health Department Tobacco Prevention Program and resident of El Cerrito, spoke about possible health risks associated with e-cigarettes, how they may encourage social acceptance of smoking among youth and increased smoking generally thus impacting community health. Ms. Dennis informed the Council and public that the County adopted regulations last April for tobacco retailers which includes electronic smoking devices and e-cigarettes. Smoking laws enacted throughout the state have made a huge difference in community health. Ms. Dennis stated that county staff are available to provide technical assistance to the City on implementation issues.



Nicholas Arzio, stated that Mr. Goudey made a good point. Mr. Arzio expressed support for the ordinance and noted that it is a bold step toward a healthier and cleaner El Cerrito.

Terra Lee Wagner, expressed support for the ordinance and suggested linking enforcement of the ordinance with building inspections in multi-unit dwellings and including fines for smoke detection. Ms. Wagner thanked the Council for its leadership.

**Action:** Moved, seconded (Friedman/Bridges) and carried unanimously to approve by title, waive any further reading and approve an ordinance amending the El Cerrito Municipal Code by adding Chapter 8.06, Smoking Pollution Protection and delete Section 8.06.040(B)(1) of the proposed ordinance as suggested by Councilmember Bridges to prohibit smoking at theatrical production sites. *Second reading October 7, 2014.*

#### **B. Short Term Cash Flow Financing through Tax and Revenue Anticipation Notes**

Adopt a resolution authorizing the City Manager to execute an agreement to sell tax and revenue anticipation notes (“TRAN”) in an amount not to exceed \$5,250,000 to a financial institution or underwriter and authorize staff to work with city consultants to prepare and execute appropriate legal documents related to said financing.

**Presenter:** Lisa Malek-Zadeh, Finance Director.

**Action:** Moved, seconded (Lyman/Friedman) and carried unanimously to adopt Resolution No. 2014-46.

### **8. COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENT REPORTS**

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

**Action:** No reports.

Moved, seconded (Benasinni/Friedman) and carried unanimously to extend the meeting to 10:45 p.m.

Moved, seconded (Bridges/Benassini) and carried unanimously to extend the meeting to 10:55 p.m.

### **9. ADJOURNED CITY COUNCIL MEETING at 10:46 p.m.**

#### **SUPPLEMENTAL REPORTS AND COMMUNICATIONS**

**Item No. 6 Appeal of the Planning Commission’s Approval of a Conditional Use Permit, and a General Plan Amendment, Development Agreement, the Creation of a Planned Development District including a Zoning Map Amendment for a Development Project that consists of the construction of 14 New Dwelling Units, the Relocation and Conversion of an Existing Dwelling Unit into a Community Center Type Use that will Remain on Site with 15 Parking Spaces, 1,548 square feet of Private Open Space, and 2,874 square feet of Common Open Space**

1. Comments regarding the proposed project and urging support for Option 3 – *Submitted by Al Miller, El Cerrito.*

2. Comments regarding the proposed project and urging support for Option 3 – *Submitted by Howdy Goudey, El Cerrito.*

3. Additional proposed conditions of approval responding to comments from Councilmember Lyman, Attachment 4 or 9 – *Submitted by Margaret Kavanaugh – Lynch, Development Services Director. (Received at the meeting)*

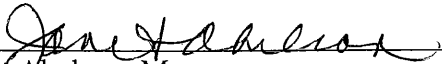
4. Comments in support of Option 3 – *Submitted by Tom Panas, El Cerrito. (Received at the meeting)*
5. Comments regarding exposure to air pollution and request for monitoring at Keystone Montessori School – *Submitted by Linda Shelabi, Keystone Montessori School. (Received at the meeting)*
6. Comments in support of Option 3 – *Submitted by Robin Mitchell, El Cerrito. (Received at the meeting)*
7. Comments expressing opposition to Option 3 and urging support for Option 3 – *Submitted by Howdy, Goudey, El Cerrito. (Received at the meeting)*

**Item No. 7(A) Smoking Pollution Protection Ordinance**

8. Letter supporting Smoking Pollution Protection Ordinance – *Submitted by Liz Williams, Americans for Nonsmokers' Rights.*
9. Email questions regarding second-hand smoke – *Submitted by Greg Hubbard. Includes response by Karen Pinkos, Assistant City Manager.*
10. Expression of support for the Smoking Pollution Prevention Ordinance with requests for modification to certain sections of the ordinance – *Submitted by Amy Rakley.*
11. Comments on the Smoking Pollution Protection Ordinance – *Submitted by Ira Sharenow, El Cerrito.*
12. Comments urging support for the proposed smoking ordinance – *Submitted by Tom Panas, El Cerrito. (Received at the meeting)*

This is to certify that the foregoing is a true and correct copy of the minutes of the meeting of August 19, 2014 as approved by the El Cerrito City Council.

  
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Cheryl Morse, City Clerk

  
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Janet Abelson, Mayor