

# EL CERRITO CITY COUNCIL

## MINUTES

**CITY COUNCIL MEETING**  
**Tuesday, March 1, 2016 – 7:00 p.m.**  
**City Council Chambers**

**Meeting Location**  
El Cerrito City Hall  
10890 San Pablo Avenue, El Cerrito

Greg Lyman – Mayor

Mayor Pro Tem Janet Abelson  
Councilmember Jan Bridges

Councilmember Mark Friedman  
Councilmember Gabriel Quinto

### ROLL CALL

Present: Councilmembers Bridges, Friedman and Mayor Lyman

Absent: Mayor Pro Tem Abelson and Councilmember Quinto.

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

Mayor Lyman 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 Jan Bridges.

### **2. COUNCIL / STAFF COMMUNICATIONS**

Mayor Lyman stated that he was disturbed to learn that a family in the El Cerrito community were victims of a race-based hate crime last week. This unfortunate incident is not in character with the El Cerrito community. It provides an opportunity to highlight the El Cerrito community's commitment to diversity and inclusiveness. Mayor Lyman urged the community to combat prejudice by speaking up when any type of hate crime occurs and take the time to meet one's neighbors. El Cerrito is a great place to live because of the diversity of the community. The El Cerrito Police Department is actively investigating this unfortunate incident and has requested assistance from the community. Mayor Lyman has asked Chief Moir and Captain Keith to attend a Human Relations Commission (HRC) meeting on March 2 to provide information to the community regarding the investigation and its ongoing response. The HRC will work with the City and community to develop ways to demonstrate community solidarity against intolerance. Community members are invited to attend the March 2 HRC meeting and are always encouraged to participate in the Neighborhood Watch Program and to look out for each other.

Captain Keith reported that an incident occurred on February 24, 2016 at approximately 3:24 a.m. on the 1500 Arlington block. The suspect used store bought fireplace logs in an effort

to ignite the homeowner's vehicle. The fire was quickly extinguished before any damage could occur. The suspect left behind a note that contained a race-based slur. Evidence is being processed in partnership with the Contra Costa County crime lab. The police are talking to interested persons in the case and are asking any residents that have surveillance systems to look at footage, particularly from 1:00 - 4:00 a.m. on February 24 and contact the Police Department regarding anything of interest. The Police are also awaiting the results of evidence examination and are providing extra patrol to the affected neighborhood. The El Cerrito Police Department will place a high priority on cases of this type and while the Department disapproves of all crime, hate crimes are particularly reprehensible. Captain Keith encouraged anyone who has knowledge of the incident to come forward and talk to the Police Department about the facts of the case.

Scott Hanin, City Manager, announced that Captain Keith will become the City's Interim Police Chief on March 7, 2016, wished Chief Moir well as Tempe, Arizona's new Police Chief and thanked her for everything she has brought to the Police Department over the years.

Sylvia Moir, Police Chief, thanked Mr. Hanin for giving her an opportunity to join a team of talented, compassionate people that want to make a difference in the community. Chief Moir said she has been in awe of the level of service provided by the men and women of the Police Department and also appreciates how the City Council challenges and supports staff. Paul Keith is an incredible public servant who has the character and qualities to lead. The leadership transition will be seamless. The City and the police department are in good hands. Chief Moir stated that she is grateful and has appreciated the opportunity to serve in El Cerrito and has been excited to come to work every day.

Captain Keith thanked Chief Moir for all the time she spent teaching, coaching and mentoring staff and stated that Chief Moir went above and beyond as Chief and cared for each individual. She left the department in better shape than she found it, set the police department on the right path and focused on ideas and innovation at every level. Captain Keith said the department is sad to see Chief Moir go but is also happy to see her take on new challenges.

Mayor Lyman commended Chief Moir for putting her heart and soul into her work and stated that she did a wonderful job for the City, will leave the City a better place and thanked her for her service.

Councilmember Friedman stated that he learned a lot from Chief Moir and noted her compassion and heartfelt policing. It was an honor to have Chief Moir serve the City. Councilmember Friedman also wished Captain Keith the very best.

Councilmember Bridges thanked Chief Moir for everything she has done for the City.

Mayor Lyman announced that a new business, West County Right at Home In Home Care, will celebrate its grand opening on March 5 from 4:00 - 7:00 p.m. It is located at 930 San Pablo Avenue, Suite B, Pinole and will be serving all of West County including El Cerrito.

### **3. ORAL COMMUNICATIONS FROM THE PUBLIC**

Tom Panas, El Cerrito, urged the City Council to adopt the seed saving resolution (Consent Calendar Item No. 5D). Additionally, Mr. Panas reported that the El Cerrito Community Garden Network is working with the Contra Costa Library to promote backyard vegetable growing and knowledge sharing and invited all to participate in the Fogbelt Tomato Summit on March 19 from 2:00 – 3:30 p.m.

Jeff Lichtman, El Cerrito, spoke in support of the Emma Dawley family who were the

unfortunate victims of an apparent hate crime. Mr. Lichtman said he wants the Dawley family to know that they have the support of the entire community and stated that a crime like this is a crime against everybody and that he never wants to see it happen again.

Nicholas Arzio, El Cerrito, spoke against Hate Crime. He stated that he is a member of the El Cerrito branch of the National Association for the Advancement of Colored People (NAACP) and the Crime Prevention Committee and invited everyone to attend the next meeting of the NAACP on March 19 at the St. Peter's CME Church. The Crime Prevention Committee (CPC) will be meeting on March 9 at City Hall. One of the duties of the CPC is to promote Neighborhood Watch which is an effective tool for crime deterrence and assistance in criminal investigation. Mr. Arzio said he hopes the Police will continue their efforts to apprehend the perpetrators of this crime and that city residents will do everything they can to support the police in their efforts.

Al Miller, El Cerrito, invited all to a California Senate District 9 candidate forum hosted by the El Cerrito branch of the NAACP on April 2 from 10:00 a.m. to Noon at St. Peter's CME Church. Mr. Miller also stated that he supports the comments of Messrs. Lichtman and Arzio and encouraged all to attend the HRC meeting.

Howdy Goudey, El Cerrito, echoed everyone's support for the family affected by the hate crime. Speaking on behalf of Robin Mitchell, Community Garden Network, Mr. Goudey urged the City Council to support Consent Calendar Item No. 5(D), the Seed Diversity Resolution. El Cerrito's two seed libraries are well utilized. The proposed resolution is an important statement of the importance of seed libraries. Mr. Goudey also reported a construction permit violation in which two lots were recently excavated without a permit directly up a hill on a steep slope above Madera Open Space. Mr. Goudey said he appreciates that the City was very prompt in stopping the work when it came to the City's attention and trusts that the project's site conditions and the project itself will be thoroughly evaluated for compliance before any more work resumes.

#### 4. PRESENTATIONS

**Environmental Quality Committee Workplan** – *Presentation by Howdy Goudey, Chair, Environmental Quality Committee.*

Receive a presentation on the Environmental Quality Committee's accomplishments, goals and workplan.

Presenter: Howdy Goudey, El Cerrito,

**Action:** Received presentation.

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

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

##### A. Approval of Minutes

Approve the February 16, 2016 Regular City Council meeting minutes.

**Action:** Approved minutes.

##### B. Women's History Day and Month Proclamation

Approve a proclamation proclaiming March 2016 as Women's History Month and March 8, 2016 as International Women's Day in the City of El Cerrito, and encouraging all residents to reflect on, honor, and celebrate the history, courage, commitment, accomplishments, and contributions of women, not only in El Cerrito but throughout America.

**Action:** Approved proclamation.

**C. Administrative Analyst for the Recreation Department**

Adopt a resolution authorizing the addition of an Administrative Analyst II position to the Recreation Department.

**Action:** Adopted Resolution No. 2016-10.

**D. Support Seed Saving in El Cerrito and Changes in State Seed Law**

At the request of Mayor Lyman adopt a resolution: 1) Supporting and encouraging the ongoing 10,000 year legacy of seed sharing between community members without legal barriers of labeling fees and germination testing and encouraging the efforts of seed libraries to facilitate sharing of locally grown and saved seed; 2) Supporting the work of seed libraries in seed saving, educating community members about the value of seed sharing, developing best practices to enhance seed saving skills, and encouraging voluntary and accurate seed labeling; and 3) Support Assembly Bill 1810 (Levine), "The Seed Exchange Democracy Act," which supports the sharing of seeds between individuals and through seed libraries by removing the application of any labeling, testing, and permitting requirements to interpersonal or seed library seed sharing.

**Action:** Adopted Resolution No. 2016-11.

**E. Resolution Opposing Islamophobia**

At the request of Councilmembers Friedman and Quinto, adopt a resolution joining with the City of Richmond in stating the City Council's support for its Muslim neighbors and respect for the world religions which make up the City of El Cerrito and calling on all municipalities of the United States to show support for their Muslim neighbors and state opposition to Islamophobia.

**Action:** Adopted Resolution No. 2016-12.

**F. Tree Committee Appointment**

Approve a Tree Committee recommendation to appoint Mary Torrusio to the Tree Committee, effective March 1, 2016.

**Action:** Approved recommendation.

**G. Quarterly Cash and Investment Report**

Receive and file the City's Quarterly Investment Report for the period ending December 31, 2015.

**Action:** Received and filed the City's Quarterly Investment Report for the period ending December 31, 2015.

**6. PUBLIC HEARINGS - None**

**7. POLICY MATTERS**

**A. Discussion and Possible Direction on a New El Cerrito Library Location**

Staff requests that the Council take the following actions: 1) Receive a presentation on the status of a potential new library for the City of El Cerrito; 2) Adopt a resolution approving a staff and consultant recommendation selecting the "Lower Portola Playfield – Option 1B" as the preferred option and location for a new, modern and safe El Cerrito Library, and formally requesting that the West Contra Costa Unified School District (WCCUSD) enter into a fifty year lease at no cost or a nominal cost to the City for the "Lower Portola Playfield," and ensuring adequate room for a Fairmont Elementary School temporary campus until completion of a new or renovated school at the current location as soon as possible; and 3) Direct the Mayor and City Manager to work with the School District to facilitate such a lease, and to direct staff to work with the WCCUSD to develop a plan for the ultimate disposition of the current Senior Center and Library sites adjacent to Fairmont Elementary

School upon successful passage of a ballot measure to fund the new library.

Presenters: Scott Hanin, City Manager, John Baker, Project Executive at Swinerton Management and Consulting, and Dawn Merkes, Principal, and Ben Arinaga, Architect, Group 4 Architecture, Research and Planning.

Speakers: Tom Panas, El Cerrito, thanked staff and the consultants for the work they have done and noted that all of the alternatives had been examined carefully. Mr. Panas stated that there are elements he likes in each option however his clear choice is the project team's recommendation, Option 1B.

Al Miller, El Cerrito, supported the comments made by Mr. Panas and urged the City Council to approve Option 1B and authorize the City Manager to negotiate with the WCCUSD. Mr. Miller stated that El Cerrito voters have long supported the WCCUSD over the years. Mr. Miller asked the City Council and staff to make a special effort to understand the concerns of the Fairmont School community.

Melanie Proctor, El Cerrito, stated that the City lacks a central community space. Ms. Proctor also stated that she is Fairmont School parent and expressed concerns about her children being next to a construction site. This would be detrimental to their health and education and would prevent full use of the site. The current proposal does not take into consideration the amount of space required for the school and appears to cut off access to Cerrito Vista Park. Ms. Proctor urged the Council to take this into consideration and acknowledge that there are many Fairmont parents who could not be present this evening because they received late notice and are at a School District meeting. The community is working hard to get the School District to prioritize Fairmont School.

Kathryn Levenson, El Cerrito, stated that in talking to library staff, she was told that the library staff have not had much input into what is needed at the library. Ms. Levenson said she is concerned about the seismic stability of the Community Center and Portola site and is also concerned about parking and traffic patterns. Cutting off Pomona is frightening.

Peter Meyer, El Cerrito, thanked staff for the presentation and thoughtful analysis and noted that it is important to have library services integrated into the community. Mr. Meyer expressed his support for Option 1B and stated that he looks forward to an excellent library project.

Rochelle Pardue-Okimoto, El Cerrito, expressed support for Option 1B and authorizing negotiations to proceed with the WCCUSD. Ms. Pardue-Okimoto said her family uses the library frequently. The current library is often crowded and lacks space. A safe, new library adjacent to the Community Center will bring forward a focal point for the community.

Paul Fadelli, El Cerrito, expressed his support for Option 1B. Mr. Fadelli said he is excited about change in El Cerrito. The campus model for a new library near the Community Center is a good model and hopefully, the sensitivity toward the Fairmont School Community will continue to grow. Mr. Fadelli said he is very excited about the community space. It will be a place for our town to come together and meet and for El Cerrito to grow and nurture relationships. The café concept will hopefully bring revenue to El Cerrito along with room rentals. As a member of the Arts and Culture Commission, Mr. Fadelli said he hopes the library will be a great place to display additional public art.

Howdy Goudey, El Cerrito, stated that he appreciates the efforts of city staff and consultants in analyzing the various options. Although Option 1B presents a practical option Mr. Goudey said it didn't meet his expectations for the potential of that space. The City is highly built out and the underutilization of space needs to be reconsidered. Mr. Goudey asked that the City also look at staging with other compatible uses. He likes the central municipal campus idea but is concerned about how it will be integrated with other uses and the transit connectivity at that site. Parking lots need to be a thing of the past. It is the worst use of space a city could have and shouldn't dominate the site.

Denise Sangster, El Cerrito, offered the following five comments: 1) Given the amount of

money that will be spent, consider a design competition to get a state of the art building that will look nice in the hills and be a centerpiece of the City; 2) Ms. Sangster would like to understand what kind of independent research has been leveraged to justify the strategy and spending. The largest book distributor, Ingram Book, is putting out a very different view of libraries with libraries being smaller in the future given the movement toward distribution of content on digital devices; 3) Will the facilities be easily configurable if a smaller building for the library is needed in the future?; 4) Is the state of the public safety building a greater need than the library given seismic concerns and can the City afford both?; and 5) Ms. Sangster prefers the third option on San Pablo Avenue with mixed use including housing as it may act as an economic catalyst.

Amalia Cunningham, El Cerrito, stated that she is disappointed with the lack of interaction with the Fairmont School Community and noted that some parents were unable to attend because they are at the WCCUSD facilities meeting. The Fairmont School community is really upset. Fairmont School is in a delicate situation and is a great concern among the school community. Ms. Cunningham stated that now is not the time to discuss the library with the WCCUSD and asked that staff wait and let the district facilities prioritization process play out. It doesn't matter if the community considers a new library at a presidential election. If the new library is a really good project on a really good site the community will support it.

Gary Pokorny, El Cerrito, stated that the staff and consultants did an excellent job of working through the site selection process and winnowing it down to an excellent site for the library and community facilities. Mr. Pokorny said he agrees with everyone who spoke this evening, including the Fairmont School parents and expressed support for Option 1B. Mr. Pokorny also said that he was hopeful that staff will thoroughly engage with the Fairmont School community in ways that will offer opportunities for cooperation and turning it into a win-win process. Mr. Pokorny said he was disappointed to hear that there may not have been much discussion with library staff but that there is opportunity for conversation that will result in an even better design and timetable. Mr. Pokorny stated that he was pleased to hear that the library is going forward and encouraged the Council to act on it.

April Parekh, Richmond Annex, stated that she reviewed the staff report on-line and it is not clear whether there will be an overlap between the school and the library at the Stockton site but she believes there can't be both. Ms. Parekh said the timing is not right but she really wants to see the library re-built.

Mayor Lyman summarized a letter from Former El Cerrito Mayor William Jones III expressing his support for the library.

**Actions:** Moved, seconded (Friedman/Bridges; Ayes – Councilmember Bridges, Friedman and Mayor Lyman; Noes – None; Abstain – None; Absent – Mayor Pro Tem Abelson and Councilmember Quinto) and carried to adopt Resolution No. 2016-13.

#### **B. Authorize Agreements Related to Public Information Effort for a Potential New Library Facility**

Adopt a resolution authorizing the City Manager to enter into standard professional service agreements with the Lew Edwards Group for the proposed public information strategy and associated materials and mailings and Godbe Research for a targeted library survey in a total amount not to exceed \$96,000 for technical assistance associated with a potential ballot measure to fund construction of a safe, modern library facility; and approve a budget amendment to appropriate these funds from the unrestricted General Fund balance.

Presenter: Suzanne Iarla, Assistant to the City Manager.

**Action:** Moved, seconded (Bridges/Friedman; Ayes – Councilmember Bridges, Friedman and Mayor Lyman; Noes – None; Abstain – None; Absent – Mayor Pro Tem Abelson and Councilmember Quinto) and carried to adopt Resolution No. 2016-14.

**8. COUNCIL ASSIGNMENTS/LIAISON REPORTS**

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

Mayor Lyman reported that he and Councilmember Bridges attended the Elks Club Law Enforcement Night/Officer of the Year Recognition event on February 17 in which El Cerrito Detective Aaron Leone was honored. On February 25, El Cerrito hosted the West County Mayors and Supervisors Conference. The West County Mayors received a presentation on minimum wage which was fairly well received.

**9. ADJOURNED REGULAR CITY COUNCIL MEETING at 10:12 p.m.**

**SUPPLEMENTAL REPORTS AND COMMUNICATIONS**

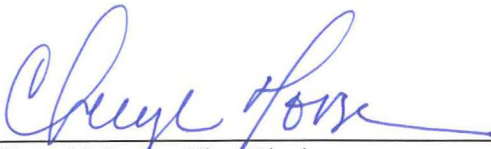
**Item No. 7(A) Discussion and Possible Direction on a New El Cerrito Library Location**  
**Item No.7(B) Authorize Agreements Related to Public Information Effort for a Potential New Library Facility**

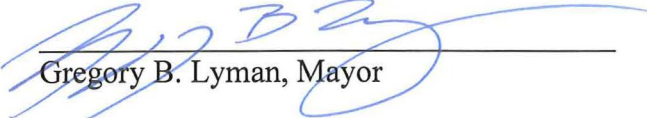
1. Letter in support of the proposal for a new library location and public information related to a possible ballot measure – *Submitted by William C. Jones, III, Former El Cerrito Mayor.*
2. Written comments in support of Option 1B and authorizing the Mayor and city staff to enter into negotiations with the School District regarding the use of the Korematsu site and the surrender of the library and senior center sites to the school district – *Submitted by Tom Panas, El Cerrito.*
3. Written comments urging the City Council to approve Option 1B and negotiate any necessary agreements in support of any property exchanges or leases need to support Option 1B.

**Other:**

4. West County Fog Belt Tomato Summit flyer – *Submitted by Tom Panas on behalf of the El Cerrito Community Garden group.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of March 1, 2016 as approved by the El Cerrito City Council.

  
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Cheryl Morse, City Clerk

  
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Gregory B. Lyman, Mayor