

EL CERRITO CITY COUNCIL

MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, February 7, 2017 – 6:00 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, February 7, 2017 – 7:00 p.m.
City Council Chambers

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

Janet Abelson – Mayor

Mayor Pro Tem Gabriel Quinto
Councilmember Greg Lyman

Councilmember Paul Fadelli
Councilmember Rochelle Pardue-Okimoto

ROLL CALL

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

6:00 p.m. CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Abelson convened the special City Council meeting at 6:00 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC – No speakers.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Conduct interviews of candidates for city boards and commissions. Interviews may result in an announcement of appointment at the meeting. The City Council may also discuss and determine the scheduling and structure of future interviews.

Action: Three interviews completed.

ADJOURNED SPECIAL CITY COUNCIL MEETING at 7:00 p.m.

ROLL CALL

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

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

Mayor Abelson convened the regular City Council meeting at 7:11 p.m.

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

2. COUNCIL/STAFF COMMUNICATIONS/COUNCIL ASSIGNMENT AND LIAISON REPORTS

COUNCIL COMMUNICATIONS

Mayor Pro Tem Quinto reported that he had the pleasure of attending the Contra Costa

Mayors Conference in Pinole with Mayor Abelson.

Councilmember Fadelli reported that the Bay Area Rapid Transit (BART) Board will authorize the General Manager to execute a contract regarding major construction at the Del Norte BART Station. Construction will begin within the next few months. The project will feature glorious art at the station and twice as much space for the public. Councilmember Fadelli says he hopes to see improvements to safety and bus transfers.

Mayor Abelson reported that she attended the Alameda-Contra Costa Transit District (AC Transit) Division 3 bus facility re-opening in Richmond on January 26. The project, located on Macdonald Avenue, will improve access to bus transportation. She also attended the installation of new Chamber of Commerce officers and spoke about the City's Specific Plan. Last month, Mayor Abelson attended the League of California Cities Division meeting which featured a question and answer session with Senators Dodd and Glaser and Assemblymembers Baker and Thurmond. The discussion was lively and interesting. At the last West Contra Costa Transportation Authority Committee meeting Mayor Abelson was elected as chair.

Councilmember Pardue-Okimoto reported that she spent today at the Contra Costa Board of Supervisors meeting. The Board passed an expansion of the county jail. Councilmember Pardue-Okimoto said this is an issue that the community really needs to discuss.

STAFF COMMUNICATIONS

Karen Pinkos, Assistant City Manager, provided a brief update on the Human Relations Commission (HRC) meeting regarding immigration issues and the potential for establishing El Cerrito as a Sanctuary City. Approximately 60-70 people attended. Twenty-two people spoke in support of El Cerrito becoming a Sanctuary City. Ms. Pinkos stated that the El Cerrito Police Department, in practice, already incorporates many of the elements that define a Sanctuary City. Staff will bring a recommendation to the HRC on March 1. The item is currently scheduled for the City Council's consideration on March 21.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Carl Groch, El Cerrito, spoke in support of El Cerrito becoming a Sanctuary City.

Antonio Medrano, San Pablo, American Civil Liberties Union (ACLU), expressed support for the freedom and rights of all and also reported on pending state legislation that protects immigrant rights. Mr. Medrano encouraged the City Council to support Assembly Bill 3 (Bonta), Senate Bills 6 (Hueso) and 54 - the California Values Act.

Michael Freeman, El Cerrito, Local Chapter ACLU, expressed support for establishing El Cerrito as a Sanctuary city and also expressed concerns regarding government surveillance technology, particularly stingray cell phone intercepting devices which allow police to listen to cell phones. Mr. Freeman encouraged the City Council to receive public input when considering surveillance technology and approve the ACLU's model surveillance technology policy.

Jim Hausken, Kensington, encouraged the City Council to have a policy in place that allows for growth and change in surveillance technology.

Caleb Brown, El Cerrito, spoke about the closure of the St. Jerome catholic school in his neighborhood and the value of zoning at the St. Jerome property for public rather than residential use and stated that the 65,000 square foot property would be a good site for a new library.

Bharat Trehan, Kensington, ACLU Local Chapter, encouraged the City Council to adopt

the ACLU model surveillance technology policy and noted that there has been media support for the policy. Mr. Trehan said elected officials rather than police departments should set surveillance policy.

Jess Laird, El Cerrito, East Bay Young Democrats, spoke in support of El Cerrito doing what is necessary to declare itself a Sanctuary City.

John DelArroz, El Cerrito, spoke against boarding horses in public open space in Pinole (Consent Calendar Item No. 5(F)).

Miguel Gravelle, El Cerrito, representing the El Cerrito Progressives, spoke in support of the leadership of the El Cerrito Police Department and submitted draft sanctuary provisions prepared by the El Cerrito Progressives.

4. PRESENTATIONS

A. Police Officer of the Year Proclamation

Approve a proclamation commending and congratulating Officer Jose Delatorre for his recognition by the Richmond Elks Lodge No. 1251 Police Officer Appreciation Program and for his selection as Officer of the year.

Action: Proclamation presented to Officer Delatorre.

B. Strategic Plan Overview – Presentation by Karen Pinkos, Assistant City Manager.

Action: Received presentation.

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

Moved, seconded (Pardue-Okimoto/Lyman) and carried unanimously to adopt Consent Calendar Item Nos. 5A through 5D and 5G in one action as indicated below. Item No. 5E was removed from the Consent Calendar at the request of Councilmember Fadelli for the purpose of adding language regarding public transportation. Item No. 5F was withdrawn from the Consent Calendar at the request of the City Manager. *(The Consent Calendar was taken up out of order by the City Council prior to receiving presentations.)*

A. Approval of Minutes

Approve the December 20, 2016 regular City Council, January 17, special City Council meeting – Closed Session and January 17, 2017 regular City Council meeting minutes.

Action: Approved minutes.

B. Black History Month Proclamation

Approve a proclamation declaring February as Black History Month in the City of El Cerrito, and inviting everyone to recognize this month in celebrating the diversity and character of our community and highlight the importance of sharing our culture, customs and traditions with those around us.

Action: Approved proclamation.

C. Proclamation Recognizing Berkeley Clinic Auxiliary's 100 Years of Service

Approve a proclamation recognizing and congratulating the Berkeley Clinic Auxiliary on the occasion of its centennial year and for its century of selfless service and wishing the organization continued success for the next 100 years.

Action: Approved proclamation.

D. Revised Amendment of El Cerrito Municipal Code Chapter 8.10 – Massage Establishments

Approve first reading of an ordinance amending El Cerrito Municipal Code Chapter 8.10 "Massage Establishments" by repealing it in its entirety and replacing it by adding and adopting El Cerrito Municipal Code Chapter 8.10 "Massage Businesses" including a

modification of the previously introduced ordinance to allow affected businesses to close at 10:00 p.m. *Exempt from CEQA.*

Action: Approved first reading of Ordinance 2017-01. *Adoption of the ordinance is scheduled for the Council's consideration on February 21, 2017.*

E. Support for Assembly Bill 1/Senate Bill 1 Transportation Funding and Reform Package

Approve a recommendation authorizing Mayor Abelson to sign and send letters to the authors, and other appropriate legislators and legislative bodies, in support of 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, and state highway systems.

Action: Removed from the Consent Calendar at the request of Councilmember Fadelli for the purpose of adding "...and public transit will also require \$74 billion over the same period in new funding to maintain existing infrastructure and meet the needs of our growing state " to the letters prior to submittal. Moved, seconded (Fadelli/Lyman) and carried unanimously to approve the recommendation.

F. Request for Development of Horse Boarding Facility at Point Pinole

At the request of Mayor Pro Tem Quinto and Councilmember Lyman adopt a resolution: 1) Requesting that the East Bay Regional Park District Board of Directors take expeditious action in allowing for the development of a horse boarding facility at the Point Pinole Regional Shoreline Park; 2) Recognizing the benefits to the West Contra Costa County community from equestrian activity which include outdoor education, participation in local festivities and events, stress reduction and life skills; and 3) Encouraging the East Bay Regional Park District to cooperate with the horse owners and managers at the Giant Road property, and work together to identify the necessary steps for successful development of a suitable horse boarding facility at Point Pinole.

Action: Removed from the Consent Calendar. Moved, seconded (Quinto/Lyman) and carried unanimously to continue the item to a future meeting.

G. Cash and Investments Report for Quarter Ending December 31, 2016

Receive and file the City's Quarterly Investment Report for the period ending December 31, 2016.

Action: Received and filed.

6. PUBLIC HEARINGS – None

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 Lyman attended the January 20 League of California Cities Environmental Quality Policy Committee and has been assigned to a subcommittee on Community Choice Aggregation for the next six months.

Mayor Pro Tem Quinto reported that he has been appointed to a League of California Cities Environmental Quality Policy Committee Subcommittee that is working on water issues. Mayor Pro Tem Quinto also attended an Association of Bay Area Governments (ABAG) meeting on February 3 in San Francisco. The ABAG delegates listened to and discussed the Metropolitan Transportation / ABAG merger. Mayor Pro Tem Quinto thanked all of the businesses and community members who participated in the City's first Lunar New Year Celebration event.

Mayor Abelson attended meetings of the League of California Cities Governance Policy Committee and Community Services Policy Committee meetings in Sacramento last month. The Governance Policy Committee is looking at issues related to governance like the Brown Act and how cities do business.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 8:40 p.m.

SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 4(B) Strategic Plan Overview

1. Copy of powerpoint presentation – *Submitted by Karen Pinkos, Assistant City Manager.*

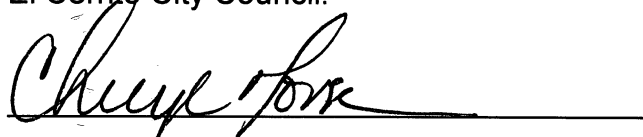
Item No. 5(E) Support for Assembly Bill 1 / Senate Bill 1 Transportation Funding for Reform

2. Proposed change in the letters to Assemblymember Frazier and Senator Beall – *Submitted by Councilmember Fadelli.*

Other:

3. Model Surveillance and Community Safety Ordinance – *Submitted by Michael Freeman, El Cerrito.*
4. ACLU Berkeley/North East Bay Chapter of the American Civil Liberties Union contact sheet – *Submitted by Michael Freeman, El Cerrito.*
5. Interrupting Surveillance in Silicon Valley and Beyond – *Submitted by Michael Freeman, El Cerrito.*
6. In the Age of Donald Trump, the Resistance will be Localized – *Submitted by Michael Freeman, El Cerrito.*
7. What is the StingRay – *Submitted by Michael Freeman, El Cerrito.*
8. Comments regarding support for Sanctuary City – *Submitted by Jess Laird, Executive Board Member, East Bay Young Democrats.*
9. Draft Sanctuary Provisions – *Submitted by Miguel Gravelle, El Cerrito.*

THIS IS TO CERTIFY that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of February 7, 2017 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Gabriel Quinto, Mayor Pro Tem