

EL CERRITO CITY COUNCIL

MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, April 18, 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.

7:00 p.m.

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 Mayor Janet Abelson.

2. **COUNCIL / STAFF COMMUNICATIONS**

COUNCIL COMMUNICATIONS

Councilmember Fadelli reported that he attended the Rosies Forever – 2017 Rosie Trust Annual Dinner on April 8 at the Mira Vista Country Club with former El Cerrito Mayors Letitia Moore and Sandi Potter and Mayor Pro Tem Quinto. Councilmember Fadelli also attended the City's affordable housing strategy workshop on April 15. It was well attended.

Councilmember Lyman stated that everyone should have received a notice from Stege Sanitary District announcing that there will be no sewer rate increase this year and thanked Stege. Councilmember Lyman also reported that BART is considering different rate models for service. Those wishing to provide input can complete a survey online at bart.gov/faresurvey.

Mayor Pro Tem Quinto reported that he attended the 75th anniversary of the Bataan Death March at the Presidio in San Francisco on April 8. In 1942 there were over 60,000 soldiers that walked for many days and were killed. The event honored the few survivors that are left. One of the survivors, Ramon Regalado, lives in El Cerrito. Mayor Pro Tem Quinto thanked him for his service. Mayor Pro Tem Quinto noted that he attended the Rosie Trust Annual dinner with former El Cerrito Mayors Bartke, Potter and Moore. It was a great fundraising event with many El Cerrito residents in

attendance. He also attended the Good Friday Prayer Breakfast at the St. Peter Christian Methodist Episcopal Church. Police Chief Keith was also there.

Mayor Abelson reported that there was a mudslide on Highway Route 101 while she was travelling between El Cerrito and Lake County recently. It reminded her how badly the roads throughout the state need repair and of the need for the "Fix our Roads" funding that was passed by the state legislature recently for state and local roads and transit. Mayor Abelson also invited all to participate in the City's Earth Day event and work parties on April 22.

STAFF COMMUNICATIONS

Michael Bond, Battalion Chief, reflected on his 26 years of service and thanked all on the occasion of his retirement which will begin on April 27, 2017.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, thanked Chief Bond for his service, noted the importance of Alta Bates Hospital, and congratulated the City Council for declaring El Cerrito a Sanctuary City.

Judith Tannenbaum, El Cerrito, said many people present at the meeting this evening are outraged by Sheriff Livingston's reaction to the letter the City Council sent to the California Board of State and Community Corrections opposing the proposed jail expansion and stated that Sheriff Livingston is a bully. Ms. Tannenbaum said that she and others will do everything they can to support the Council's action. Jess Laird created a petition that 122 people have signed.

Chris Sterba, Chair, El Cerrito Arts and Culture Commission, asked the City Council to support Consent Calendar Item No. 4(I) expressing support for continued funding of the National Endowment of the Arts and the National Endowment for the Humanities Fiscal Year 2018 budget.

Joe Shelfo, congratulated Battalion Chief Bond on the occasion of his retirement and thanked him for his service.

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

Moved, seconded (Quinto/Lyman) and carried unanimously to approve Consent Calendar Item Nos. 4(A) through 4(I) in one motion as indicated below.

A. Approval of Minutes

Approve the April 4, 2017 Regular City Council meeting minutes.

Action: Approved minutes.

B. Sexual Assault Awareness Month Proclamation

Approve a proclamation declaring April 2017 as Sexual Assault Awareness Month in the City of El Cerrito, and encouraging everyone to support anti-sexual violence advocates and service programs in the belief that all community members must be part of the solution to end sexual violence.

Action: Approved proclamation.

C. El Cerrito / Kensington Fire Protection District "Community Wildfire Protection Plan"

Adopt a resolution establishing a Community Wildfire Protection Plan (CWPP) for the City of El Cerrito in its entirety. In doing so the City of El Cerrito will use the plan to guide pre-wildland urban interface fire (WUI) mitigation Federal Grant applications. Once receiving federal grant funding the CWPP will be used to guide development of those mitigation projects. After implementation of the plan the City

will continue to support the partnership developed and describe in the CWPP. The City of El Cerrito will promote and support the mitigation success of the CWPP planning partnership.

Action: Adopted Resolution No. 2017-22.

D. On-Call Transportation Engineer Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with three consultant firms, Fehr & Peers, W-Trans, and Wood Rodgers, Inc. to provide on-call transportation engineering services for three years with options to extend for an additional two years in an amount not to exceed \$150,000 per fiscal year for each agreement. *Exempt from CEQA.*

Action: Adopted Resolution No. 2017-23.

E. On-Call Building Services Agreements

Adopt a resolution authorizing the City Manager to execute professional services agreements with ten consulting firms to provide on-call building services for three years with options to extend for an additional two years. *Exempt from CEQA.*

Action: Adopted Resolution No. 2017-24.

F. Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements Project – Cooperative Agreement

Adopt a resolution authorizing the City Manager to execute Cooperative Agreement No. 28W.03 between the Contra Costa Transportation Authority (CCTA) and the City of El Cerrito for the Ohlone Greenway BART Station Area Access, Safety and Placemaking Improvements (Ohlone ASP) Project. *The project is consistent with the Ohlone Greenway Master Plan and will not have a significant effect on the environment.*

Action: Adopted Resolution No. 2017-25.

G. Extension of Mayfair Block Exclusive Negotiating Rights Agreement

Adopt a resolution authorizing the extension of an Exclusive Negotiating Rights Agreement (ENRA) with Holliday Development, LLC and BRIDGE Housing Corporation through December 28, 2017. *(City Council and Redevelopment Successor Agency Item.) The action requested is not a project pursuant to the California Environmental Quality Act. The approval of the ENRA does not commit the City to a specific project or to the sale of the property.*

Action: Adopted Resolution No. 2017-26.

H. Amendments to the City's Classification Plan

Adopt a resolution amending the City's Classification Plan to: 1) Ratify the reclassification of Account Clerk to Account Clerk Technician in the Finance Department; and 2) Ratify the reclassification of one Management Assistant to Waste Prevention Specialist in the Operations and Environmental Services Division of the Public Works Department.

Action: Adopted Resolution No. 2017-27.

I. Support for the National Endowment for the Arts and Humanities

Approve a recommendation authorizing the Mayor to sign and send a letter to President Trump, Senator Feinstein, Senator Harris and Congressman DeSaulnier supporting the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH) and urging them to maintain funding for the two agencies in the Fiscal Year 2018 budget.

Action: Approved recommendation.

5. PRESENTATIONS – None

6. POLICY MATTERS

Presentation and Possible Direction on Marijuana Regulation

Receive a presentation and provide direction regarding regulation of marijuana in El Cerrito.

Presenter: Sean Moss, Senior Planner.

Speakers: Cordell Hindler, Richmond, stated that the former president of the Richmond Heights Neighborhood does not have any problems with a dispensary. The Richmond Annex expressed some concerns.

Delfina Fung, El Cerrito, expressed concerns regarding marijuana and encouraged the Council to ban all dispensaries, outdoor marijuana growth, sales and use within a ten block radius of schools and due to the passage of Proposition 64 regulate indoor growth to allow notification of neighbors, inspections for safety and fire issues, criminal background checks and other requirements.

Jean Nudelman, El Cerrito, expressed opposition to the development of marijuana businesses in El Cerrito and urged the City Council not to move forward.

Joshua Kirby, Benicia, expressed support for marijuana businesses in El Cerrito and noted that the proposed regulations do not include standalone cannabis light-scale manufacturing businesses. Manufacturing businesses generate revenue and are not consumer facing. The City could benefit by allowing cannabis businesses.

Janny Lee, El Cerrito, said she and her neighbors are against marijuana distribution and dispensaries in El Cerrito. Marijuana is illegal because of a high abuse potential. Ms. Zane asked the Council to keep El Cerrito a safe and drug-free city.

Lydia Zane, El Cerrito, expressed her opposition to marijuana use and dispensaries in El Cerrito.

Olivia Lion, El Cerrito, expressed her opposition to marijuana dispensaries in El Cerrito and urged the City Council to refrain from allowing marijuana to come into the City.

Mark Friedman, El Cerrito, Former Mayor, commended city staff for all of the research and work that has been done. Former Mayor Friedman noted that in 1996 El Cerrito voted overwhelming for marijuana. In 2016 over 70% of voters voted in favor of Proposition 64 to legalize adult use of marijuana. In El Cerrito there are 25-35 outlets that sell alcohol and others dispense opiates and tobacco. Marijuana is a much less addictive and dangerous drug than alcohol. Former Mayor Friedman encouraged the City Council to allow one or two dispensaries in El Cerrito.

Kathryn Meehan, El Cerrito, stated that a fair trade standard should be included in any proposed regulations.

Miguel Espino, El Cerrito, stated that cannabis grows all over the world, not just Mexico, and allows him to relieve pain from a chronic disease. Mr. Espino said his life would be shortened if he did not have access to it.

Nathan DeClue, El Cerrito, spoke in support of marijuana dispensaries and use in El Cerrito. Mr. DeClue said marijuana is the best medicine to treat his anxiety and other issues.

Chris Gray, Fremont, spoke in support of marijuana dispensaries in El Cerrito and the need for guidance and regulations for businesses. Marijuana is currently being delivered in El Cerrito without any opportunity for compensation to the City.

Action: Received presentation and directed staff by mutual consensus to proceed with a public process to remove the ban on marijuana.

Moved, seconded (Lyman/Quinto) and carried unanimously to modify or end the ban on medical marijuana businesses in El Cerrito.

Moved, seconded (Pardue-Okimoto/Fadelli; Ayes – Councilmembers Fadelli, Pardue-Okimoto, Quinto and Mayor Abelson; Noes – Councilmember Lyman; Abstain – None) and carried to remove the ban on recreational use of marijuana in El Cerrito.

City Councilmembers also provided preliminary input and feedback regarding the need for implementing best standards on deliveries, limiting dispensaries to no more than two outlets, requesting that a very clear definition of what indoor means for personal cultivation, permitting light industrial manufacturing distinct from retail use that is potentially grouped with similar medical and lab testing businesses, compliance with state law fair trade requirements, consideration of options for generating local revenue beyond the standard sales tax.

7. PUBLIC HEARINGS

Appeal of the Planning Commission's Design Review Action to Approve the El Dorado Townhomes

Conduct a public hearing and upon conclusion, adopt a resolution upholding the Planning Commission's Design Review action to approve the El Dorado Townhomes.

Presenter: Sean Moss, Senior Planner.

Mayor Abelson opened the public hearing.

Appellant remarks: Howdy Goudey, El Cerrito.

Applicant Rebuttal: Keith McCoy, Principal, Urban Community Partners, LLC and Peter Stackpole, LCA Architects.

Speakers: Cordell Hindler, Richmond, stated that he agrees with Mr. Goudey.

Tomi Nagai-Rothe, El Cerrito, on behalf of El Cerrito Progressives and an Audiss RV Park neighbor, stated that the empty lot is sad to look at and stressed the need for new housing and resident displacement policies that reflect the values of El Cerrito.

Sharon Maldonado, Berkeley, spoke about the history of the former Audiss RV Park residents and their displacement at the site and also expressed her opposition to the project.

Robin Mitchell, El Cerrito, noted that the Audiss community was displaced and said the project does not reflect the values of El Cerrito, should be rejected and, if approved, will be a black mark on El Cerrito's history.

Glenn Wood, El Cerrito, Design Review Board Member, stated that the project is an innovative project with innovative design and meets a lot of the goals of the General Plan and Specific Plan.

Sidney Manchester-Jones, El Cerrito, said he is homeless now and that the City Council must be conscious, act with integrity and exercise its duty to do the right thing.

Paul Taybi, El Cerrito, stated that the developer has complied with all of the City's requests. Mr. Taybi said the project will generate funds and is a great project as currently approved. Mr. Taybi urged the City Council to deny the appeal and move forward with the project.

Moved, seconded (Lyman/Quinto) and carried to unanimously to extend the City Council meeting to 11:00 p.m.

Moved, seconded (Lyman/Pardue-Okimoto) and carried to close the public hearing.

Moved, seconded (Lyman/Quinto; Ayes – Councilmembers Fadelli, Lyman and Quinto; Noes – None; Abstain – Councilmember Pardue-Okimoto) and carried to extend the Council meeting to 11:35 p.m.

Moved, seconded (Lyman/Quinto) and carried unanimously to extend the Council meeting to 11:40 p.m.

Moved, seconded (Fadelli/Quinto) and carried unanimously to extend the Council meeting to 11:50 p.m.

Action: Moved, seconded (Lyman/Quinto) and carried to adopt Resolution No. 2017-28 as amended by Councilmember Lyman to add two additional conditions:

1. Remove lamp Type A on sheet A-19; and
2. Require internal conduits for potential future solar power panels and prohibit any external power conduits.

8. CITY COUNCIL LOCAL AND REGIONAL LIAISON ASSIGNMENTS

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

Councilmember Lyman reported that the West Contra Costa Integrated Waste Management Authority Board is considering the effects of the Cities of Richmond and El Cerrito potentially leaving the Joint Powers Authority (JPA). The Authority continues to look at various withdrawal models in the JPA agreement. Councilmember Lyman said he may be bringing either the withdrawal issue or new language in the agreement back to the City Council for direction.

9. ADJOURNED REGULAR CITY COUNCIL MEETING at 11:49 p.m.

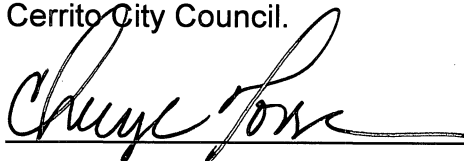
SUPPLEMENTAL REPORTS AND COMMUNICATIONS

Item No. 7 Appeal of the Planning Commission's Design Review Action to Approve the El Dorado Townhomes

1. Comments in support of upholding the Planning Commission's Design Review action and to approve the El Dorado Townhomes – *Submitted by Rebecca Benassini, El Cerrito, Former Mayor.*
2. Powerpoint presentation – *Submitted by Sean Moss, Senior Planner.*

3. Revised Plan A-1.1, A-1, and A-11 through A-13 – *Submitted by Sean Moss, Senior Planner*
 4. Revised powerpoint presentation – *Submitted by Sean Moss, Senior Planner.*
 5. Applicant powerpoint – *Submitted by Keith McCoy, Principal, Urban Community Partners.*
 6. Appellant powerpoint – *Submitted by Howdy Goudey, El Cerrito, Appellant.*
 7. Comments from City Council Meeting, September 20, 2016 – *Submitted by Howdy Goudey, El Cerrito, Appellant.*
 8. Fair treatment for Audiss Trailer Park Residents Petition: Long time members of the El Cerrito Community face mass displacement - *Submitted by Howdy Goudey, El Cerrito.*
 9. Comments on displacement of residents and housing protections – *Submitted by El Cerrito Progressives.*
- Other:**
10. Supporting El Cerrito City Council's Leadership on Jail Expansion Opposition (without signatures) – *Submitted by Jess Laird, 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 April 18, 2017 as approved by the El Cerrito City Council.



Cheryl Morse, City Clerk



Janet Abelson, Mayor