

EL CERRITO CITY COUNCIL MINUTES

REGULAR CITY COUNCIL MEETING NOVEMBER 2, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via Zoom:

<https://us06web.zoom.us/j/87016725087?pwd=V3Q4bDYvMS91S1ZRMFV5cjB5TEtOUT09>

Meeting ID: 870 1672 5087 Password: 582825
or Dial in: 1-408-638-0968

The City Council may continue to meet by teleconference, consistent with the Brown Act as amended by AB 361 (2021). Under the amended rules, the City will not provide a physical location for members of the public to participate in the teleconference meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the “Raise Hand” icon to request to speak. If joining by phone, dial *9 to "raise your hand", and when prompted by the host, *6 to unmute/mute.
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda or Public Comments – agenda item #.**

To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 7:00 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE

2. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

3. COUNCIL/STAFF COMMUNICATIONS

Reports of closed session, commission appointments and informational reports on matters of general interest which are announced by the City Council and staff.

City Manager Pinkos - provided an update on public health conditions, vaccination approval for 5-11 year olds, and virtual meetings.

Mayor Pro Tem Quinto - reported attendance at press conference on October 25th at Temple Beth Abraham in Oakland.

Councilmember Motoyama - commented on shooting on Carmel Street, Police response and planned discussion with concerned neighbors.

Mayor Fadelli - provided a report out on October 25th closed session, announced issuance of Mayoral Proclamation in recognition of the 100th birthday of Phyllis Cobb, third year of Holiday lights on San Pablo Avenue with event on November 12th at Elevation 66.

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. 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 will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Cordell Hindler, Steve Bonini, and Evelyn Janean Mitchell.

Oral Public Comments:

Dave Weinstein - commented on contributions and expressed appreciation for Chris Treadway.

Dave Gibson - spoke against recent modifications to retiree medical rates.

Indy Rishi Singh - spoke regarding equity, Human Relations Commission, discrimination, and health and wellness.

Patricia Durham - commented on contributions and expressed appreciation for Chris Treadway.

John Stashik - commented on contributions and expressed appreciation for Chris Treadway.

Steve Bonini - spoke regarding family's service to the City, and against recent modifications to retiree medical rates.

Evelyn Janean Mitchell - announced block party event to be held on November 13th at St. Peters Church.

5. ADOPTION OF THE CONSENT CALENDAR

All items on the consent calendar shall be acted upon in one motion, unless a member of the City Council or staff request separate consideration.

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama

Action: Approved the consent calendar as indicated below. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes from the meetings of October 19 and 25, 2021.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved minutes

B. Shelter in Place Education Day Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing November 3, 2021 as Shelter in Place Education Day in El Cerrito.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved proclamation

C. United Against Hate Week

Action Proposed: Pass a motion to approve a proclamation declaring November 14 - 20, 2021 as United Against Hate Week in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved revised proclamation

D. Proclamation Recognizing Chris Treadway

Action Proposed: Pass a motion to approve a proclamation recognizing Chris Treadway.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved proclamation

E. Authorize City Council and City Advisory Body Meetings to be Held Via Teleconference Pursuant to Assembly Bill 361 (AB 361)

Action Proposed: Adopt a resolution authorizing City Council and City Advisory Body meetings to be held via teleconference for a period of 30 days, and making related findings pursuant to AB 361.

Contact: Holly M. Charl  ty, City Clerk, City Management

Action: Approved Resolution 2021-57

F. Extension of the Contra Costa County Abandoned Vehicle Abatement Program

Action Proposed: Adopt a resolution to extend the Contra Costa County Abandoned Vehicle Abatement Program and associated Fee for an additional ten years, subject to voter approval.

Contact: Karen Pinkos, City Manager, City Management

Action: Approved Resolution 2021-58

6. PRESENTATIONS

A. Update from Pacific Gas and Electric

Action Proposed: Report back from Pacific Gas and Electric (PG&E) on recent power outages in El Cerrito and response/planned modifications to address the affected areas.

Contact: Nkiruka C. Ohaegbu, Local Government Affairs, Pacific Gas and Electric Company

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding dirty water runoff to the storm drains, northside safety risks and challenges with consistent power outages, infrastructure variations in this area, long term plans for updating infrastructure, undergrounding power poles, and effect on buildup due to proximity of refinery.

Action: Received and file

7. PUBLIC HEARINGS

A. Fire Hazard Abatement

Exempt from CEQA review pursuant to Sections 15304 and 15308. Notice published on 10/23/2021

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter, or other flammable material on certain real property identified in the resolution constitutes a public nuisance; and 2) Conduct a public hearing and upon conclusion, adopt a resolution overriding objections by property owners and ordering the City Manager or their designee to abate certain public nuisances pursuant to El Cerrito Municipal Code Chapter 16.26.

Contact: David Yun, Fire Prevention Officer; Michael Pigoni, Fire Chief, Fire Department

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama

Action: Approved Resolution 2021-59 (Declare Properties). **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Public Hearing: Mayor Fadelli opened the public hearing.

No Public Comments.

Moved/Seconded: Councilmember Rudnick/Councilmember

Abelson **Action:** Closed the public hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Abelson/Councilmember Rudnick

Action: Approved Resolution 2021-60 (Overriding Objections).

Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

B. Accessory Dwelling Unit Regulations Ordinance

Exempt from CEQA pursuant to section 15282(h). Notice published on 10/23/2021

Action Proposed: Conduct a public hearing and upon conclusion, introduce by title and waive any further reading of an Ordinance to repeal and replace Section 19.20.190 (Accessory Dwelling Units); add Section 19.20.195 (Junior Accessory Dwelling Units); and approve amendments to Section 19.46.030 (Residential Use Classifications), Chapter 19.47 (Terms and Definitions), and Section 19.24.040 (Required Off-Street Parking Spaces) of the El Cerrito Municipal Code.

Contact: Sean Moss, Planning Manager; Diego Romero, Assistant Planner, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding limitations on building in amenity spaces, ability to convert sheds, potential loss of revenue, restrictions to short term rentals, design review, owner occupancy requirements, and fire safety.

Public Hearing: Mayor Fadelli opened the public hearing.

Public Comments: All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Jim Dolgonas, Gary Prost, and Sue Duncan. No oral public comments.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Closed the public hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick

Action: Introduced by title and waived further reading of Ordinance 2021-3. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

C. Amended Foodware Ordinance Requiring Foodware to be Reusable or Compostable and Prohibiting the Use, Distribution, or Sale of Plastic Straws and Plastic Stirrers

*Exempt from CEQA review pursuant to section 15061(b)(3) and 15308.
Notice published on 10/23/2021*

Action Proposed: Conduct a public hearing, and upon conclusion, introduce by title and waive any further reading of an Ordinance amending Chapter 8.24 Foodware Regulations of the El Cerrito Municipal Code.

Contact: Will Provost, Operations + Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding using existing supplies, state funding options for implementation, outreach to Asian American business community, use of personally provided containers, exemptions and flexibility, clarification on preparation versus use within the city, and applicability to food trucks.

Public Hearing: Mayor Fadelli opened the public hearing.

Public Comments:

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Swee Peck Quek, Rebecca Anaya, Barbara Chan, and Anne Ogonowski.

Oral Public Comments:

Howdy Goudey - spoke in support of approving the ordinance with a shorter period of time prior to beginning enforcement.

Robin Mitchell - spoke in support of approving the ordinance.

Moved/Seconded: Councilmember Abelson/Councilmember Rudnick

Action: Closed the Public Hearing. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Introduced by title and waived further reading of Ordinance 2021-3.

Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

A. FY 2021-22 General Fund Budget Quarterly Update through September 2021

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2021-22 through September 2021.

Contact: Karen Pinkos, City Manager, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding separation of transfer tax from property tax, contributions to slightly high personnel expenses, fund balance less redevelopment write-off and exclusion of American Rescue Plan Act (ARPA) funds, updated 10-year forecast, 115 trust, and timing on discussion for use of ARPA funds.

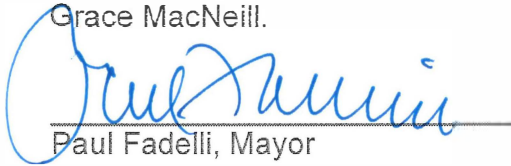
Action: Received and filed.

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS *Mayor and City Council communications regarding local and regional liaison assignments and committee reports.*

Mayor Fadelli - reported on attendance at West County Mayors meeting, and Contra Costa Transportation Authority (CCTA) meeting.

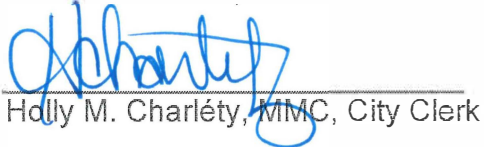
10. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 10:05 PM in memory of El Cerrito resident Grace MacNeill.



Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of November 2, 2021 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk