

EL CERRITO CITY COUNCIL MINUTES

REGULAR CITY COUNCIL MEETING

SEPTEMBER 20, 2022 – 6:00 p.m.

Members:

Mayor Gabe Quinto

Mayor Pro Tem Lisa Motoyama · Councilmember Janet Abelson

Councilmember Paul Fadelli · Councilmember Tessa Rudnick

Meeting Location:

Council Chambers, 10890 San Pablo Avenue

El Cerrito, CA 94530

Consistent with the Brown Act as amended by AB 361 (2021), members of the City Council, staff, presenters and the public may participate in-person at the location listed above, or remotely via zoom. **In-person attendance will be limited to available seats and designated accessible spaces only (no standing room) with chairs spaced to encourage social distancing. Masks are strongly recommended ([full in-person protocols available here.](#))**

Interested individuals can also participate or view the City Council meeting as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
3. Via Zoom (*Closed captioning available*):
<https://us06web.zoom.us/j/85099837545?pwd=dU8zdXdreUhnZmdVei9PQkRocG52dz09>
Dial in: 1-408-638-0968 **Meeting ID:** 850 9983 7545 **Password:** 429972

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

1. In-person by submitting a request to speak to the City Clerk.
2. 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.
3. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on 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.**

6:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Quinto called the meeting to order at 6:12 PM.

Present In-Person: Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Fadelli **Present Remotely:** Councilmember Abelson (arrived at 6:28 PM, left at 9:31 PM), 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 State Auditor reporting and findings.

Mayor Quinto - announced Mayoral letter sent requesting the Governor sign SB852 and SB1338, and a letter requesting the Governor not sign AB1951; issued a proclamation in recognition of Nation's Giant Hamburgers 70th anniversary, announced the meeting today will be adjourned in honor of William C. Jones Jr. long time El Cerrito resident; reported attendance at annual David Brower Dinner event and inaugural David McCoard award to John Bauters; and attendance at 50th Anniversary celebration for BART.

Councilmember Rudnick - reported attendance at Senior Stroll, Cal Cities Emergency Operations Center roundtable, El Cerrito Chamber mixer, Cal Cities Annual Conference, 50th Anniversary celebration for Bay Area Rapid Transit (BART), meet with community members regarding potential library, and with members of Make El Cerrito Fire Safe.

Councilmember Fadelli - reported attendance at 50th Anniversary celebration for BART, and ad-hoc meeting for Enhanced Infrastructure Financing District (EIFD).

Mayor Pro Tem Motoyama - announced 40th anniversary of Toastmasters Club; reported attendance at community meeting on a new El Cerrito Library, Joint Planning/Design Review meeting; providing a presentation on affordable housing at Cal Cities Annual Conference; attendance Environmental Quality Committee meeting, ad-hoc meeting for Finance, 50th Anniversary celebration for BART.

Councilmember Abelson - provided an update on the farmers market.

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, Sue and Paul Duncan, Howdy Goudey, Tom Panas, and Janet Byron; consent item #5E and 5I from Howdy Goudy; and consent item #5J from Kimberly White and William Ktsanes.

Oral Public Comments:

Tom Panas - spoke regarding proposed development at the El Cerrito Plaza BART station.

Buddy Akacic - commented on the need for a senior center, shared upcoming senior seminar and senior stroll events.

Kimberly White - spoke against proposed amendments to the Comprehensive Financial Policy.

Janet Byron - spoke as a member of the El Cerrito Strollers and Rollers group and commented on improving biking and pedestrian safety.

Vanessa Warheit - spoke in support of revisions to the recommended changes to the City's Investment Policy.

Sue Duncan - spoke regarding the need to address street width and emergency operations planning for parking on red flag days.

Al Miller - commented on the Christ Lutheran Church farmers market, potential new library, and impacts of increase of electric powered single person vehicles on the greenway.

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 Rudnick **Action:** Approved item #A, B, C, D, F, H, and I on the consent calendar as indicated below. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

A. Hispanic Heritage Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring September 15, 2022- October 15, 2022 as Hispanic Heritage Month, by recognizing and celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America.

Contact: Shannon Bassi, Senior Human Resources Analyst, Human Resources

Action: Approved proclamation

B. Suicide Prevention Awareness Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring September as Suicide Prevention Awareness Month in the City of El Cerrito.

Contact: Shannon Bassi, Senior Human Resources Analyst, Human Resources

Action: Approved proclamation

C. 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. Charléty, City Clerk, City Management

Action: Approved Resolution 2022-67

D. Biennial Update of Agency Conflict of Interest Code

Action Proposed: Adopt a Resolution revising the Conflict of Interest Code for the City of El Cerrito, including filing requirements for related agency positions such as the Public Financing Authority, the Employee Pension Board, and the Successor Agency to the former Redevelopment Agency and rescinding Resolution No. 2020-47.

Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved Resolution 2022-68

E. Adoption of the Amended 2022 City of El Cerrito Emergency Operations Plan

Action Proposed: Adopt a resolution amending the City of El Cerrito Emergency Operations Plan (EOP) adopted on May 3, 2022 to include a promulgation and statement regarding Diversity, Equity and Inclusion.

Contact: Jose Castrejon, Battalion Chief, Training Division, Fire Department; Eric Saylor, Fire Chief, Fire Department
Pulled from Consent by Councilmember Fadelli and Rudnick.

Discussion: Next steps for addressing Diversity, Equity and Inclusion (DEI) plan, role of the City Council and suggestions for inclusion of statements of DEI, and role of the Public Information Officer.

Moved/Seconded: Councilmember Fadelli/Mayor Pro Tem Motoyama

Action: Approved Resolution 2022-69 and directed staff to modify

section 4.5.2 to add KARO ECHO **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

F. Storm Drain Easement Acceptance and Agreement for 331 Ramona Avenue

Action Proposed: Adopt a resolution accepting a Storm Drain Easement from Nathan Louie, "Owner", for public storm drain facilities located at 331 Ramona Avenue and authorizing the City Manager to execute an Easement Agreement.

Contact: Roland Lambert, Acting Engineering Manager/Senior Engineer, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer

Action: Approved Resolution 2022-70

G. Monthly Disbursement and Check Register Report for June 2022 and July 2022

Action Proposed: Receive and file the Monthly Disbursement and Check Register Report for the months of June 2022 and July 2022

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department

Pulled from Consent by Mayor Pro Tem Motoyama

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Abelson

Action: Received and filed **Ayes:** Mayor Quinto, Mayor Pro Tem

Motoyama, Councilmember Abelson, Councilmember Fadelli,

Councilmember Rudnick **Noes:** None

H. FY 2021-22 Fourth Quarter Cash and Investment Report

Action Proposed: Receive and file the City's quarterly investment report **Contact:** Sandra Dalida, Finance Director/City Treasurer,

Finance Department

Action: Received and filed

I. Amendment to City of El Cerrito Investment Policy

Action Proposed: Adopt a resolution to approve the City of El Cerrito Investment Policy with amendments as recommended by the Financial Advisory Board.

Contact: Karen Pinkos, City Manager, City Management; Sandra Dalida, Finance Director/City Treasurer, Finance Department

Action: Approved Resolution 2022-71

J. Amendment to City Comprehensive Financial Policy

Action Proposed: Adopt a resolution amending the City of El Cerrito Comprehensive Financial Policy to include a new section requiring regular budget reports to the City Council.

Contact: Karen Pinkos, City Manager, City Management; Sandra Dalida, Finance Director/City Treasurer and Financial Advisory Board Staff Liaison, Finance Department

Pulled from Consent by Mayor Pro Tem Motoyama and Councilmember Rudnick.

Discussion: Overview of staff recommendation and Financial Advisory body recommendations, more expedient notification of notable or significant transactions, positive or negative, presentation of information, **Moved/Seconded:** Mayor Pro Tem

Motoyama/Councilmember Fadelli **Action:** Approved Resolution No.

2022-72 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama,

Councilmember Abelson, Councilmember Fadelli, Councilmember

Rudnick **Noes:** None

8. POLICY MATTERS

A. Consideration to End the Local Emergency

Action Proposed: Adopt a resolution proclaiming the end of the local emergency in the City of El Cerrito in response to the COVID-19 pandemic as of December 31, 2022, and directing staff to return with applicable legislation related to temporary regulations enacted during the local emergency.

Contact: Karen Pinkos, City Manager, City Management
(Heard out of Order)

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding current status of COVID, potential action on legislation without ending local emergency, clarification on legislation in place for the temporary eviction moratorium, conflict with any active county or state legislation, and availability of state programs and funding relief.

Public Comments:

Sherry Drobner - Spoke regarding the county moratorium ending, concern for tenants affected by COVID.

Linda Cain - commented on unknown facts that can affect the community.

Moved/Seconded: Councilmember Fadelli/Mayor Pro Tem Motoyama

Action: Approved Resolution No. 2022-74 revised to add a resolved clause stating "If public health conditions change dramatically or applicable health orders require it, staff is directed to return to the City Council to consider repealing this resolution, which would result in the continuation of the declaration of a local emergency." **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Fadelli, Councilmember Rudnick **Noes:** Councilmember Abelson

City Council provided staff direction when retuning with legislation regarding ending the eviction moratorium, that data be provided regarding the need and use of the moratorium as well as outcomes.

B. FY 2021-22 General Fund Budget Quarterly Update through June 2022

Action Proposed: Receive and file the FY 2021-22 General Fund Budget Quarterly Update through June 2022.

Contact: Sandra Dalida, Finance Director/City Treasurer, Finance Department

(Heard out of Order)

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding real property transfer tax, salary saving and professional services, status of surplus goal of one million, bond rating process, and next steps.

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Rudnick **Action:** Received and filed. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

6. PRESENTATIONS

A. East Bay Municipal Utility District (EBMUD) Wildcat Pipeline Project Update

Action Proposed: Receive and file a presentation from East Bay Municipal Utility District (EBMUD) regarding the upcoming large-diameter Wildcat Pipeline project.

Contact: Gus Cicala, P.E., Associate Civil Engineer; Mona Favorite-Hill, Senior Community Affairs Representative, EBMUD

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding pavement repairs and restoration, leaking on Rockway, north side improvements and the City's complete streets project, piping beyond the project section, largest project advantages, affected trees and access to non-potable water. **Action:** Received and filed.

B. Presentation by Contra Costa County Health Services on Measure X

Action Proposed: Receive and file a presentation by Contra Costa Health Services regarding engaged and initiated activities with the support of Measure X funding.

Contact: Lavonna Martin, Deputy Director, Contra Costa County Health Services

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding the housing fund disbursement, REVIEW (Motoyama to Quinto), number of unhoused (Review report back of info requested by Rudnick), and checks and balance process for use of Measure X funding.

Oral Public Comments

Vanessa Warheit - commented on the 988 number in connection with the county a3 program.

Action: Received and filed.

C. PUBLIC HEARINGS

A. Cost Hearing Regarding Fire Hazard Abatement of a Public Nuisance for Properties Identified and pursuant to El Cerrito Municipal Code Chapter 16.26

Notice published 9/10/2022

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution confirming the cost of abatement of public nuisance conditions resulting from the presence of weeds, rubbish, litter or other flammable material on private properties designated in Exhibit A to the

resolution as authorized by El Cerrito Municipal Code Chapter 16.26.
Contact: Chase Beckman, Fire Marshal, Fire Department; David Yun, Fire Prevention Officer, Fire Department
Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding clarification of invoice cost for the San Pablo Ave vacant lot, and calculation of the administration costs.

Public Hearing: Mayor Quinto opened the public hearing.

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 Sue and Paul Duncan. No oral public comments.

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

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Motoyama **Action:** Approve Resolution No. 2022-73 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Fadelli, Councilmember Rudnick **Noes:** None **Absent:** Councilmember Abelson

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

Councilmember Fadelli - reported on attendance at the Contra Costa Transportation Authority workshop, Contra Costa County Elections group meeting, and the Annual Gala for Rosie the Riveter.

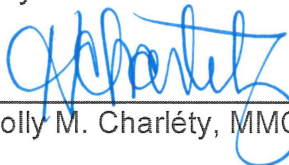
10. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 9:38 PM in honor of long time El Cerrito resident William C. Jones Jr.



Gabe Quinto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of September 20, 2022 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk