

EL CERRITO CITY COUNCIL MINUTES

REGULAR CITY COUNCIL MEETING NOVEMBER 1, 2022 – 7:00 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/85498913253?pwd=SmoxNDhDUmJYS2U4Y1dLZmhpZGdIQT09>
Dial in: 1-408-638-0968 **Meeting ID:** 854 9891 3253 **Password:** 329268

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 **3:00 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 Quinto called the meeting to order at 07:02 PM. Present

In-Person: Mayor Quinto, Mayor Pro Tem Motoyama,
Councilmember Fadelli, Councilmember Rudnick **Present**

Remotely: Councilmember Abelson **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 the local emergency, update on public health services, and upcoming changes on delivery method for public meetings.

Mayor Pro Tem - reported on attendance at East Bay division meeting for Cal Cities, Enhanced Infrastructure Financing District (EIFD) Ad-hoc meeting; reminder to vote on November 8th.

Councilmember Rudnick - reported on attendance at East Bay division meeting for Cal Cities, reminder of available COVID vaccines.

Councilmember Abelson - reported on attendance at East Bay division meeting for Cal Cities, reminder of available COVID vaccines and flu shots.

Councilmember Fadelli - reported on attendance at the Chamber of Commerce Best of El Cerrito Awards event; announced upcoming event for holiday lights; removal of trees between school district and community center; reminder to vote on November 8th.

Mayor Quinto - reported on the 6 pm closed session and on attendance at East Bay division meeting for Cal Cities.

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, and consent item #5B from Jaleh Niazi.

Oral Public Comments:

Vanessa Warheit - commented on fire safety, removal of eucalyptus trees, available federal funding for increasing access to electronic vehicle charging.

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: Mayor Pro Tem Motoyama/Councilmember Rudnick

Action: Approved items A, C-F, and H-K on the consent calendar as indicated below. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

A. Family Court Awareness Month Proclamation

Action Proposed: At the request of Mayor Quinto, approve a proclamation recognizing November 2022 as Family Court Awareness Month in El Cerrito.

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

Action: Approved Proclamation

B. Human Rights in Iran Proclamation

Action Proposed: At the request of Mayor Quinto, approve a proclamation condemning the murder of Mahsa Amini and expressing support of human rights in Iran.

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

Pulled from Consent by Councilmember Rudnick

Oral Public Comments:

Pinole Mayor Vincent Salimi, Mo Samimi, Siamak Cyrus Khojateh, Esfandiar Imani, and Jaleh Niazi spoke in support of the proclamation and human rights for the women of Iran.

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Rudnick

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

C. United Against Hate Week

Action Proposed: Pass a motion to approve a proclamation declaring November 13 - 19, 2022 as United Against Hate Week in the City of El Cerrito.

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

Action: Approved Proclamation

D. Receive Monthly Disbursement and Check Register Reports for August 2022 and September 2022

Action Proposed: Receive and file the Monthly Disbursement and

Check Register Reports for the months of August 2022 and September 2022.

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

Action: Received and filed

E. FY 2022-23 First Quarter Cash and Investment Report

Action Proposed: Receive and file the City's quarterly cash and investment report.

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

Action: Received and filed

F. Environmental Quality Committee Appointment Recommendation

Action Proposed: Approve an Environmental Quality Committee recommendation to appoint Fred Bialy to the Environmental Quality Committee, effective November 8, 2022.

Contact: Christina Leard, Management Analyst III, Public Works Department; Will Provost, Operations and Environmental Services Division Manager, Public Works Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved appointment

G. Letter of Opposition on California Public Utilities Commission (CPUC) Rulemaking 20-08-020

Action Proposed: At the request of Mayor Quinto, pass a motion authorizing the Mayor to sign a letter urging the CPUC to issue a revised proposed decision in the Net Energy Meeting proceeding in order to expand access to distributed solar and storage technologies.

Contact: Holly M. Charl  ty, City Clerk, City Management
Pulled from Consent by Councilmember Fadelli.

Moved/Seconded: Councilmember Fadelli/Mayor Pro Tem Motoyama

Action: Approved letter **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Rudnick **Abstain:** Councilmember Fadelli **Noes:** None

H. Temporary Suspension of Advisory Body Pre-Meeting Requirement

Action Proposed: Pass a motion authorizing the City Clerk to suspend the pre-meeting requirement adopted by Resolution 2021-55 through the end of Fiscal Year 2022.

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

Action: Approved suspension of requirement

I. State Coastal Conservancy Grant Funding for the Hillside Natural Area Fire Resilience and Forest Conservation Management Plan

Action Proposed: Adopt a resolution approving the grant of funds in the amount of \$145,000 from the State Coastal Conservancy for the Hillside Natural Area Fire Resilience and Forest Conservation Management Plan.

Contact: Stephen Prée, Environmental Programs Manager/City Arborist; Will Provost, Operations and Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2022-83

J. Consultant Services Agreements for On-Call Transportation Engineering Services

Action Proposed: Adopt a resolution authorizing the City Manager to execute consultant services agreements with four consultant firms, Fehr & Peers, W-Trans, CHS Consulting Group, and TJKM, to provide on-call transportation engineering services for three years with an option to extend for an additional two years in an amount not to exceed \$200,000 per fiscal year for each agreement.

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

Action: Approved Resolution No. 2022-84

K. General Services Agreement for Maintenance at the El Cerrito Swim Center

Action Proposed: Adopt a resolution rejecting the bid received from USA Management LLC and accepting the other two submitted bids; and authorizing the City Manager to execute an agreement with Two Brother's Pool and Spa in an annual amount not to exceed \$60,000 in Fiscal Year 2022-23 to provide pool maintenance services for a period of three years, with the option to annually extend the contract for three years thereafter, contingent upon funding being appropriated by the City Council in future City budgets.

Contact: Beth Frazer, Recreation Supervisor, Recreation Department; Christopher Jones, Recreation Director, Recreation Department

Action: Approved Resolution No. 2022-85

6. PRESENTATIONS

A. Federal Update from Congressman Desaulnier

Action Proposed: Receive and file a presentation from Congressman Desaulnier regarding federal updates and partnership throughout his tenure as El Cerrito's federal representative.

Contact: Holly M. Charléty, City Clerk, City Management
Item not presented, to be rescheduled.

7. PUBLIC HEARINGS

A. Fire Hazard Abatement

*Exempt from CEQA review pursuant to Sections 15304 and 15308,
Notice published 10/22/2022*

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; Chase Beckman, Fire Marshal, Fire Department

Public Hearing: Mayor Quinto opened the public hearing.
No Public Comments

Moved/Seconded: Councilmember Fadelli/Councilmember Rudnick

Action: Adopted Resolution (Identifying Properties) No. 2022-86.

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

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember

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

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem

Motoyama **Action:** Adopted Resolution (Overriding Objections) No. 2022-87. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

B. 2nd Read and Adoption of Building and Fire Code Ordinance

1st public hearing and reading 10/18/2022; Notice published 10/22/2022

Action Proposed: Conduct a public hearing, and upon conclusion, waive the second reading and adopt Ordinance 2022-03 which adopts the 2022 California Green Code, Administrative, Building, Fire, Plumbing, Mechanical, Electrical, Energy, Residential, Existing Building Code, 2021 International Property Maintenance Code, and Related Construction

Codes as applicable to all construction within the City of El Cerrito, with local modifications as outlined in the Ordinance.

Contact: Keith Marks, Building Official; Melanie Mintz, Community Development Director, Community Development Department

Public Hearing: Mayor Quinto opened the public hearing.
No public comments.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

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

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember

Abelson **Action:** Adopted Ordinance No. 2022-3. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

8. POLICY MATTERS

A. FY 2022-23 General Fund Budget Quarterly Update through September 2022

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2022-23 through September 2022.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding the timing of when the total tax amount will be known for December, factors in Community Development and Recreation increases in revenue, expenses categorized as other purchased services under general expenditures, increase of administration expenses, emphasis on department budgets, and status of cannabis tax money.

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.

Councilmember Fadelli - reported on efforts of West Contra Costa Transportation Advisory Committee (WCCTAC) regarding San Pablo Ave planning.

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, November 15, 2022 at 7:00 p.m.

The regular meeting adjourned at 8:17 PM

A handwritten signature in black ink, appearing to read "Gabe Quinto", written over a horizontal line.

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 November 1, 2022 as approved by the El Cerrito City Council.

A handwritten signature in blue ink, appearing to read "Holly M. Charléty", written over a horizontal line.

Holly M. Charléty, MMC, City Clerk