



AGENDA

REGULAR CITY COUNCIL MEETING TUESDAY DECEMBER 20, 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/87828528272?pwd=UHpscS8xZWtleUZSRXF4dnI1T0tNdz09>
Dial in: 1-408-638-0968 **Meeting ID:** 878 2852 8272 **Password:** 255819

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.**

6:30 PM SAKURA KAI TAIKO DRUMMING PERFORMANCE

Please join us for a performance by the local Sakura Kai Taiko Drumming group from 6:30-6:45 PM in the external foyer in front of City Hall. *Performance subject to cancellation due to weather.*

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

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.

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.

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.

A. Declare and Certify the Results of the November 8, 2022 General Municipal Election

Action Proposed: Adopt a resolution confirming the results of the November 8, 2022 General Municipal Election and declaring the re-election of Gabriel Quinto; and election of Carolyn Wysinger to the office of City Council.

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

B. 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

C. 2nd Read and Adoption of an Ordinance Rezoning Properties Located in the San Pablo Avenue Specific Plan Area

1st Reading 12/06/2022

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2022-05 to rezone properties within the San Pablo Avenue Specific Plan area.

Contact: Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development

D. Transportation Impact Fee Annual Report for Fiscal Year 2021-22

Action Proposed: Receive and file the Transportation Impact Fee Annual Report for Fiscal Year 2021-22, ending June 30, 2022.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

6. PRESENTATIONS

A. Recognition of City Councilmember Janet Abelson

Action Proposed: Adopt a resolution in recognition of outgoing Councilmember Janet Abelson.

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

B. Swearing in of Newly Elected Councilmembers

Action Proposed: Administration of Oath of Office and Presentation of Certificates of Election for:

- Gabriel Quinto - re-elected to a term ending December 2026
- Carolyn Wysinger - elected to a term ending December 2026

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

7. PUBLIC HEARINGS

8. POLICY MATTERS

A. City Council Reorganization

The City Council will elect a Mayor and Mayor Pro-Tempore to serve a term of one year.

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

9. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

10. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, January 17, 2023 at 6:00 p.m.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/CouncilMeetingMaterials> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, 510-215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 510-215-4305, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 11:00 p.m., unless extended to a specific time determined by a majority of the Council.



AGENDA BILL

Agenda Item No. 5.A.

Date: December 20, 2022
To: El Cerrito City Council
From: Holly M. Charléty, City Clerk, City Management
Subject: Declare and Certify the Results of the November 8, 2022 General Municipal Election

ACTION PROPOSED

Adopt a resolution confirming the results of the November 8, 2022 General Municipal Election and declaring the re-election of Gabriel Quinto; and election of Carolyn Wysinger to the office of City Council.

BACKGROUND/ANALYSIS

On June 21, 2022 the City Council called a general municipal election for the purpose of electing two members to City Council for a term of four years. At the close of the nomination period, three candidates were qualified and appeared on the November 8, 2022 ballot.

The Contra Costa County Registrar of Voters has submitted to the City Clerk the official Certification for the Results of the Canvass and the official Statement of Votes cast for the City of El Cerrito General Municipal Election held on November 8, 2022 and the City Clerk has prepared the Certification of Election Results.

The Resolution (Attachment 1) confirms the results of the November 8, 2022 Election and declares the re-election of Gabriel Quinto, and the election of Carolyn Wysinger as members of the El Cerrito City Council.

STRATEGIC PLAN CONSIDERATIONS

This action aligns with Strategic Plan Goal A: Deliver Exemplary Government Services by maintaining an emphasis on providing excellent customer service.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

These actions are required pursuant to California Elections Code, and have been reviewed by the City Attorney.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution
3. County Canvass

RESOLUTION NO. 2022-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY OF EL CERRITO ON NOVEMBER 8, 2022 CONFIRMING THE CANVASS OF RETURNS, AND DECLARING THE RESULTS OF THE ELECTION AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of El Cerrito on Tuesday, November 8, 2022 as required by law; and

WHEREAS, the qualified electors, including vote-by-mail voters, cast ballots at said election upon the following offices:

Member, City Council	4-year term
Member, City Council	4-year term

WHEREAS, notice of the election was given in the time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes thereof were received and canvassed and the return thereof was ascertained, determined, and declared in all respects as required by the law, and the County Clerk of the County of Contra Costa has duly filed with the City Clerk a statement of votes of said election.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of El Cerrito:

SECTION 1: That the whole number of votes cast in the City of El Cerrito including vote-by-mail votes, at the November 8, 2022 General Election was **16,324** votes.

SECTION 2: That the following named were candidates for City Council for a term ending December 2026, and that it is determined and declared that each received the total number of votes including vote-by-mail votes, cast as follows:

City Council
(Top Two Elected)

Carolyn Wysinger	6,070
Gabriel Quinto	5,728
Vanessa Warheit	4,526

SECTION 3: The City Council does declare and determine that the following candidates were thereby elected to the El Cerrito City Council and are declared to be elected for terms ending December 2026:

**Carolyn Wysinger
Gabriel Quinto**

SECTION 4: That the Certificate of the Contra Costa County Clerk as to the Results of the Canvass of the City of El Cerrito November 8, 2022 General Municipal Election, is hereby approved and adopted as a statement of the votes of said election.

SECTION 5: That the Certification of the City Clerk including the Certificate of the Election by the County Clerk/Registrar of Voters and a complete Statement of the Results showing the number of votes cast at each attached hereto as Exhibit A, is approved and adopted.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on December 20, 2022, the El Cerrito City Council passed this resolution by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

CERTIFICATE OF COUNTY CLERK AS TO THE RESULTS OF THE CANVASS OF THE
CITY OF EL CERRITO
NOVEMBER 8, 2022 GENERAL ELECTION

State of California)
) ss.
County of Contra Costa)

I, DEBORAH COOPER, County Clerk in and for the County of Contra Costa, State of California, do hereby certify that, pursuant to the provisions of the Elections Code, I did canvass the returns of the votes cast in the **CITY OF EL CERRITO** in said county at the General Election held on November 8, 2022 for said city candidates submitted to the vote of the voters. I further certify that the statement of the votes cast, to which this certificate is attached, shows the whole number of votes cast in said City and each respective precinct therein, and that the totals of the respective columns and the totals as shown for each candidate are full, true, and correct.

WITNESS my hand and official seal this 2nd day of December, 2022.

DEBORAH COOPER, County Clerk



By: Rosa Mena
Rosa Mena, Deputy Clerk

**CONTRA COSTA COUNTY
GENERAL ELECTION
TUESDAY, NOVEMBER 8 2022
Official Results - Final**

Elector Group	Counting Group	Cards Cast	Voters Cast	Registered Voters	Turnout
Total	Early In-Person	4,032	1,008	701,969	0.14%
	Vote By Mail	1,432,362	358,318		51.04%
	Election Day	139,257	34,827		4.96%
	Total	1,575,651	394,153		56.15%

Precincts Reported: 1,265 of 1,265 (100.00%)

Voters Cast: 394,153 of 701,969 (56.15%)

Cards Cast: 1,575,651

GOVERNOR (Vote for 1)

Precincts Reported: 1,265 of 1,265 (100.00%)

		Early In-Perso	Vote By Mail	Election Day	Total	
Times Cast		1,008	358,318	34,827	394,153 / 701,969	56.15%
Candidate	Party	Early In-Person	Vote By Mail	Election Day	Total	
GAVIN NEWSOM	DEM	493	248,857	16,021	265,371	68.31%
BRIAN DAHLE	REP	508	104,237	18,387	123,132	31.69%
Total Votes		1,001	353,094	34,408	388,503	

LIEUTENANT GOVERNOR (Vote for 1)

Precincts Reported: 1,265 of 1,265 (100.00%)

		Early In-Perso	Vote By Mail	Election Day	Total	
Times Cast		1,008	358,318	34,827	394,153 / 701,969	56.15%
Candidate	Party	Early In-Person	Vote By Mail	Election Day	Total	
ELENI KOUNALAKIS	DEM	484	247,298	15,738	263,520	68.85%
ANGELA E. UNDERWOOD JACOBS	REP	502	100,645	18,078	119,225	31.15%
Total Votes		986	347,943	33,816	382,745	

SECRETARY OF STATE (Vote for 1)

Precincts Reported: 1,265 of 1,265 (100.00%)

		Early In-Perso	Vote By Mail	Election Day	Total	
Times Cast		1,008	358,318	34,827	394,153 / 701,969	56.15%
Candidate	Party	Early In-Person	Vote By Mail	Election Day	Total	
SHIRLEY N. WEBER	DEM	492	246,689	15,939	263,120	68.75%
ROB BERNOSKY	REP	493	101,172	17,933	119,598	31.25%
Total Votes		985	347,861	33,872	382,718	

CITY OF CONCORD, TREASURER (Vote for 1)

Precincts Reported: 109 of 109 (100.00%)

	Early In-Perso	Vote By Mail	Election Day	Total	
Times Cast	71	35,420	4,014	39,505 / 71,827	55.00%
Candidate	Party	Early In-Person	Vote By Mail	Election Day	Total
EDITH "PATTI" BARSOTTI		34	22,771	1,982	24,787 77.37%
D'MARCO J. ANTHONY		24	6,169	1,057	7,250 22.63%
Total Votes		58	28,940	3,039	32,037

CITY OF EL CERRITO, MEMBER, CITY COUNCIL (Vote for 2)

Precincts Reported: 15 of 15 (100.00%)

	Early In-Perso	Vote By Mail	Election Day	Total	
Times Cast	15	11,196	735	11,946 / 17,376	68.75%
Candidate	Party	Early In-Person	Vote By Mail	Election Day	Total
CAROLYN WYSINGER		8	5,733	329	6,070 37.18%
GABRIEL QUINTO		7	5,433	288	5,728 35.09%
VANESSA WARHEIT		10	4,254	262	4,526 27.73%
Total Votes		25	15,420	879	16,324

CITY OF HERCULES, MEMBER, CITY COUNCIL (Vote for 2)

Precincts Reported: 19 of 19 (100.00%)

	Early In-Perso	Vote By Mail	Election Day	Total	
Times Cast	11	8,189	640	8,840 / 17,031	51.91%
Candidate	Party	Early In-Person	Vote By Mail	Election Day	Total
DION BAILEY		6	5,434	344	5,784 42.26%
CHRIS KELLEY		5	4,002	239	4,246 31.02%
PAMELA VARGAS		4	2,001	176	2,181 15.93%
WILLIAM "BILL" HENDERSON		1	1,331	144	1,476 10.78%
Total Votes		16	12,769	903	13,688

TOWN OF MORAGA, MEMBER, TOWN COUNCIL - FULL TERM (Vote for 2)

Precincts Reported: 13 of 13 (100.00%)

	Early In-Perso	Vote By Mail	Election Day	Total	
Times Cast	5	7,493	548	8,046 / 11,477	70.11%
Candidate	Party	Early In-Person	Vote By Mail	Election Day	Total
STEVE WOEHLKE		5	4,917	291	5,213 51.32%
KERRY HILLIS		4	4,636	303	4,943 48.67%
Total Votes		9	9,554	594	10,157



AGENDA BILL

Agenda Item No. 5.B.

Date: December 20, 2022
To: El Cerrito City Council
From: Holly M. Charl  ty, City Clerk, City Management
Subject: 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.

BACKGROUND/ANALYSIS

All meetings of the City Council and the City's other legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means in order to slow the spread of COVID-19. As a result of Executive Order N-29-20, staff set up virtual meetings for all City Council meetings and other City legislative bodies. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means.

On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361") into law which provides the ability for legislative bodies to continue meetings via teleconferencing under specified conditions and includes a requirement that the legislative body make specified findings. AB 361 took effect upon the expiration of Executive Order N-29-20 on October 1, 2021. AB 361 allows a local agency legislative body to hold a meeting utilizing teleconferencing without complying with the standard teleconferencing requirements if certain conditions exist and the legislative body makes certain findings by a majority vote in order to use the bill's exemptions to the Brown Act teleconferencing rules. Any such findings are effective for a period of 30 days, after which such findings must again be declared in order to continue meeting under the provisions of AB 361.

To date, the City Council has adopted resolutions making the necessary findings for the period between October 5, 2021 through December 20, 2022. Staff is requesting that the City Council again adopt the proposed resolution, directing staff to continue facilitating all meetings of the City of El Cerrito and City Advisory Bodies pursuant to the requirements of AB 361 in order to better ensure the health and safety of the public. If adopted, this resolution would be in effect for the 30 day period of December 21, 2022 -

January 19, 2023.

The attached resolution makes the findings to confirm the current conditions to allow teleconference meetings pursuant to AB 361 for the City Council and on behalf of all of the commissions and committees created by the City Council pursuant to Government Code section 54952(b). The attached resolution also authorizes hybrid meetings held both via teleconference and in-person. This resolution will allow members of the public to safely observe and participate in local government teleconference meetings during the continued pandemic.

If a meeting is held via teleconference, including a hybrid meeting, the following requirements apply under AB 361:

1. Notices and agenda requirements remain the same under the Brown Act;
2. No physical location is required for public attendance or public comment. However, the public must be able to access and participate in the meeting through a call-in or an internet-based service, and instructions for how to participate must appear in the posted notices or agenda;
3. Teleconference meetings must protect the statutory and constitutional rights of the parties and the public;
4. If there is any disruption of the call-in or internet-based service, the agency must suspend the meeting until the problem is fixed;
5. Legislative bodies may allow public comments to be submitted prior to a meeting but must also allow the public to participate in real time through call-in or internet-based service;
6. If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting; and
7. When providing a public comment period, whether after each item or during a general comment period, a legislative body must allow reasonable time for members of the public to comment and must also include reasonable time for members to register with a third-party host if applicable.

In order to continue to hold teleconference or hybrid meetings, the City Council must continue to declare every 30 days that either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person, or (ii) State or local officials continue to impose or recommend measures to promote social distancing.

As long as there is not a change in public health conditions, city staff is planning to continue holding hybrid meetings for City Council which will allow for City Council, staff, presenters, and members of the public to attend either in-person or via zoom. Due to

staffing resources and limitations of technology, staff is planning for the continuation of city board, commission and committee meetings via zoom with no in-person option for attendance.

STRATEGIC PLAN CONSIDERATIONS

This action is aligned with Goal E: Ensure the Public's Health and Safety.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

The City Attorney has reviewed and legal considerations have been addressed.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. County Recommendation for Safe Public Meetings

RESOLUTION 2022-XX

A RESOLUTION AUTHORIZING CITY COUNCIL AND CITY ADVISORY BODY MEETINGS TO BE HELD VIA TELECONFERENCE FOR THE 30-DAY PERIOD BEGINNING DECEMBER 21, 2022 AND MAKING RELATED FINDINGS PURSUANT TO AB 361

WHEREAS, all meetings of the City of El Cerrito's legislative bodies are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business; and

WHEREAS, in addition to the City Council, the City's legislative bodies include all boards, commissions, and committees created by the City Council pursuant to Government Code section 54952(b) (hereafter "Advisory Bodies"); and

WHEREAS, on March 4, 2020, the State of California declared a statewide emergency over the COVID-19 pandemic; and

WHEREAS, on March 10, 2020, the County of Contra Costa adopted Resolution 2020-92 declared a countywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 13, 2020, the City Council adopted Resolution 2020-12 declaring a citywide emergency over the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Governor signed Executive Order N-29-20 suspending certain provisions of the Brown Act in order to allow local legislative bodies to conduct meetings telephonically or by other means; and

WHEREAS, as a result of Executive Order N-29-20, staff set up teleconference meetings for all City Council meetings and all Advisory Body meetings; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 which ended the applicable provisions of Executive Order N-29-20 on September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed AB 361 (2021) into law allowing legislative bodies to continue to conduct meetings via teleconferencing under specified conditions, including the requirement that the legislative body make specified findings. AB 361 (2021) took effect immediately; and

WHEREAS, AB 361 (2021) requires that, if a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, the legislative body shall make findings that it reconsidered the circumstances of the state of emergency and that either the state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, such conditions now exist in the City, specifically, a State of Emergency due to COVID-19 continues; and

WHEREAS, on October 21, 2022 the Contra Costa County Health Officer rescinded all active health orders pertaining to COVID-19 but confirmed that the recommendations for safely holding public meetings (last revised on December 7, 2022) remains in place; and

WHEREAS, the Contra Costa County Health Officer's recommendations for safely holding public meetings include, but are not limited to, holding online meetings, as they present the lowest risk of virus transmission, and imposing social distancing measures for in-person meetings; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, City remains concerned about COVID-19 and the health and safety of all individuals who intend to attend City Council and Advisory Body meetings; and

WHEREAS, the City Council hereby finds, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of City Advisory Body created by the City Council pursuant to Government Code section 54952(b), that the presence of COVID-19 and the Delta and Omicron variants would present imminent risks to the health or safety of attendees, staff, and members of the City Council and Advisory Bodies, should those bodies hold entirely in-person meetings, and that state or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, teleconference meetings may include hybrid meetings, in which all or some members of the City Council or Advisory Body meet in person while others attend by teleconference, and members of the public are either allowed to participate only by teleconference or both in person and by teleconference ("hybrid meetings"). The purpose of hybrid meetings is to allow for multiple modes of attending meetings while reducing the risks of COVID-19, including the Delta and Omicron variants; and

WHEREAS, the City shall ensure that all City Council and City Advisory Body meetings subject to AB 361 (2021), including hybrid meetings, comply with the provisions required by AB 361 (2021) for holding teleconferenced meetings.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby makes the following findings:

1. The above recitals are true and correct, and incorporated into this resolution.
2. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings pursuant thereto, the City Council hereby finds that:
 - a. The City Council has considered the circumstances of the state of emergency; and

- b. The state of emergency, as declared by the Governor, continue to directly impact the ability of the City Council and the Advisory Bodies, as well as staff and members of the public, from meeting safely in person; and
- c. The CDC and the Contra Costa County Health Officer continue to recommend social distancing due to COVID-19 and as a result of the presence of COVID-19 and the Delta and Omicron variants, meeting in person would present imminent risks to the health or safety of attendees, the members of City Council and the City's Advisory Bodies, and staff.

BE IT FURTHER RESOLVED that city staff is directed to facilitate any teleconference meetings of the City Council and City Advisory Bodies subject to AB 361 (2021), including any hybrid meetings, pursuant to the requirements of AB 361 (2021) in order to better ensure the health and safety of the public.

BE IT FURTHER RESOLVED that this resolution shall be in effect for the 30 day period of December 21, 2022 through January 19, 2023. The City Council may reconsider the circumstances necessitating this resolution within 30 days of the adoption of this resolution.

I CERTIFY that at a regular meeting on December 20, 2022, the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor



Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of December 7, 2022 in Covid-19 case rate, test positivity, Covid-19 hospitalizations, and Covid-19 wastewater surveillance are increasing. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant and it's subvariants the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart. If unable to host outdoors, consider ways to [increase ventilation and flow](#) of the indoor space to reduce the risk of COVID-19 while indoors.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 12-7-2022

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County



ORDINANCE NO. 2022-05

AN ORDINANCE OF THE CITY OF EL CERRITO REZONING PROPERTIES
LOCATED IN THE SAN PABLO AVENUE SPECIFIC PLAN AREA

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1: Rezone The zoning map of the City of El Cerrito is hereby amended such that certain real property currently zoned/described as: the 2.28-acre area bounded by Central Avenue, Richmond Street, the Ohlone Greenway, and Willow Street; and more particularly described in Exhibit A, are rezoned to San Pablo Avenue Specific Plan.

Section 2: Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 3: Effective Date. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a special meeting of the City Council on December 6, 2022 and passed by the following vote:

AYES:	Mayor Quinto; Mayor Pro Tem Motoyama; Councilmembers Abelson, Fadelli, and Rudnick
NOES:	None
ABSENT:	None
ABSTAIN:	None

ADOPTED AND ORDERED published at a regular meeting of the City Council held on December 20, 2022 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

APPROVED:

Gabe Quinto, Mayor

ATTEST:

Holly M. Charléty, City Clerk

ORDINANCE CERTIFICATION

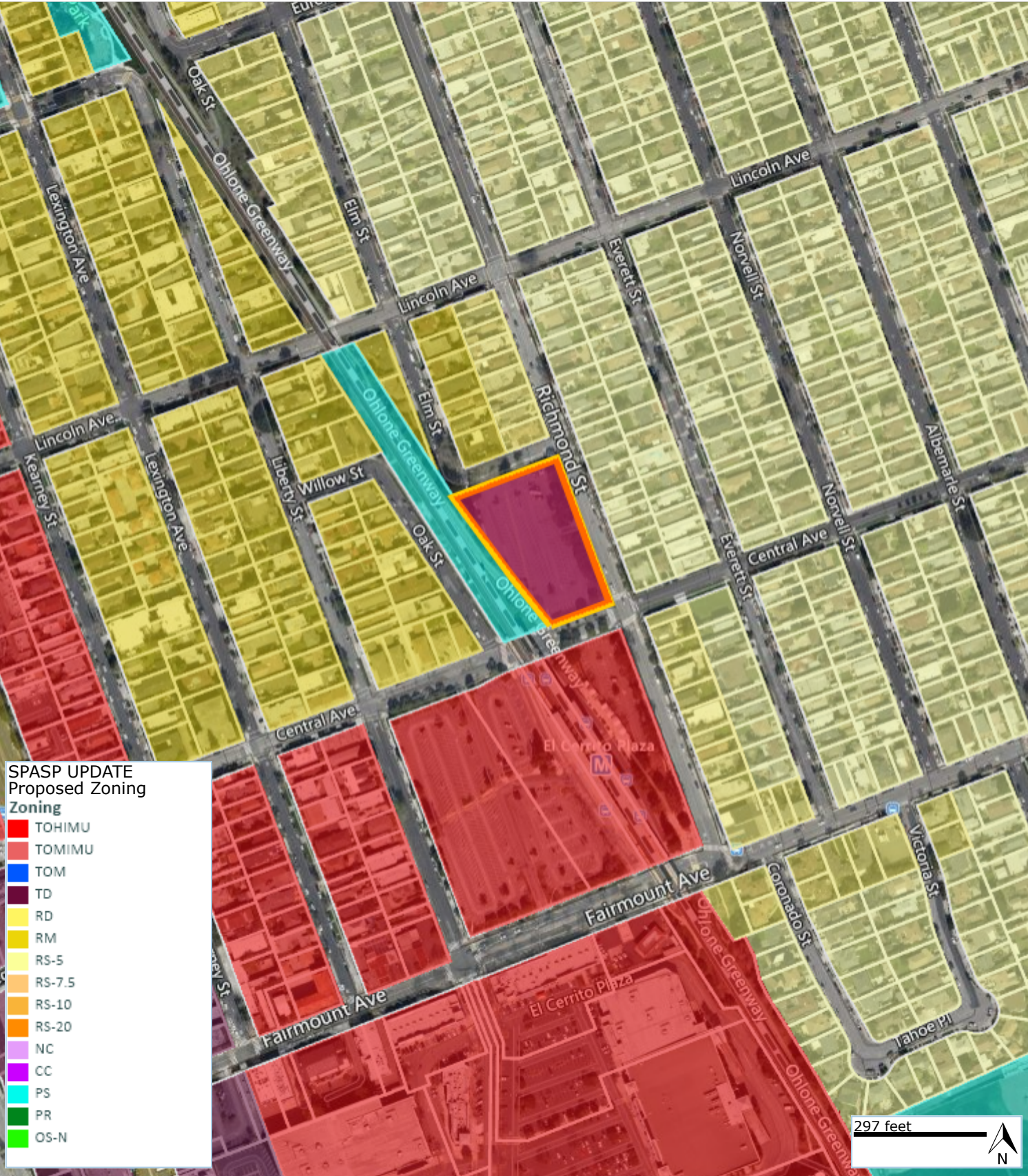
I, Holly M. Charléty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2022-05 of the City of El Cerrito; that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the 20th day of December, 2022; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this _
_____ day of December, 2022.

Holly M. Charléty, City Clerk

Exhibit A: Amended Zoning Map

Exhibit A



San Pablo Avenue Specific Plan Update Rezone





AGENDA BILL

Agenda Item No. 5.D.

Date: December 20, 2022
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Transportation Impact Fee Annual Report for Fiscal Year 2021-22

ACTION PROPOSED

Receive and file the Transportation Impact Fee Annual Report for Fiscal Year 2021-22, ending June 30, 2022.

BACKGROUND & ANALYSIS

The City of El Cerrito City Council passed Resolution 2018-70 adopting a Transportation Impact Fee (TIF) and amending the Master Fee Schedule to include the new TIF in December 2018 and adopted Ordinance No. 2019-1 adding Chapter 4.54 - Transportation Impact Fee to the El Cerrito Municipal Code, Title 4 - Revenue and Finance in January 2019. Following these actions, the TIF became effective on February 19, 2019. The TIF was established under authority granted by the Mitigation Fee Act, AB 1600, contained in Sections 66000 to 66025 of the California Government Code.

Pursuant to Government Code Section 66006, within 180 days after the end of each fiscal year, the City Council shall receive a report that includes the following information: a brief description of the TIF, the amount of the TIF schedule, the beginning and ending balance of the TIF account, the amount of the fees collected and the interest earned, information about the City's Capital Improvement Program (CIP) funded by the TIF, and the amount of any transfers and refunds.

City staff prepared the Annual Report (Attachment 1) as required by Government Code Section 66006. The TIF beginning and ending fund balance information for Fiscal Year 2021-22 is summarized below.

Beginning Balance - July 1, 2021	\$425,394.27
Fees Collected	\$119,866.02
Fees Returned	(\$2,479.00)
Interest Earned	\$0.00
Expenses	(\$394,549.40)
Ending Balance - June 30, 2022	\$148,231.89

Fees returned were for an Accessory Dwelling Unit (ADU) constructed under BD20-0773 at 600 Clayton Avenue. This fee was incorrectly charged in Fiscal Year 2020-21 when ADUs were no longer required to pay the fees and the fees were returned in Fiscal Year 2021-22. The list of building permits for which the TIF was collected during Fiscal Year 2021-22 is provided as part of the report.

During the fiscal year, funding from the TIF was allocated to the Del Norte Transit Oriented Development (TOD) Infrastructure/Complete Streets Project. The expenses totaled \$394,549.40. The total percentage of the expenses that were funded by the TIF was 52%. The City's 5-Year Capital Improvement Program has the ending account balance programmed for design and construction of the same project. The approximate construction start date is Summer 2023. No interfund transfers, loans nor refunds were made.

STRATEGIC PLAN CONSIDERATIONS

The Transportation Impact Fee is consistent with the City's Strategic Plan *Goal B - Achieve long-term financial sustainability* as it generates funding for transportation infrastructure and facilities to accommodate future development, and ensures development pays its fair share of transportation improvements.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

The Capital Improvement Fund, Non-Departmental Capital Outlay, Transportation Impact Fees Account (301-90-50 48610) receives all TIF revenues collected and all interest generated. TIF revenues can be used to pay for design, engineering, environmental review, permits, right-of-way acquisition, utility relocation, project management and construction of the eligible transportation improvements designated in Resolution 2018-70.

LEGAL CONSIDERATIONS

On December 6, 2022, a Notice of Availability, along with the Annual Report was posted on the City's website at <https://www.el-cerrito.org/Archive.aspx?AMID=113>. This notice, including the time and place of the City Council meeting, was also sent to interested parties that had previously requested to be notified regarding development fees. Receipt and filing of this report will allow the City to use TIF revenues to fund eligible transportation projects.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Notice of Availability and 2022 Transportation Impact Fee Annual Report



**NOTICE OF AVAILABILITY
OF THE
TRANSPORTATION IMPACT FEE ANNUAL REPORT
FOR
FISCAL YEAR 2021-22**

NOTICE IS HEREBY GIVEN that the Transportation Impact Fee Annual Report for Fiscal Year 2021-22 (ending June 30, 2022) is available for public review at <https://www.el-cerrito.org/Archive.aspx?AMID=113> and in the Office of the City Clerk, 10890 San Pablo Avenue, El Cerrito CA 94530, by appointment only during regular business hours. For further information on the report, please contact the Public Works Department at yortiz@ci.el-cerrito.ca.us or (510) 215-4382.

NOTICE IS FURTHER GIVEN that the City Council will consider accepting the Transportation Impact Fee Annual Report for Fiscal Year 2021-22 at a regular meeting on December 20, 2022 at 7:00 p.m., or thereafter, in the City Council Chambers, located at El Cerrito City Hall, 10890 San Pablo Avenue and using the video conferencing platform Zoom. If public health conditions do not allow for meeting in person, the meeting will be conducted by video conference only, in compliance with the Brown Act, as amended by AB 361 (2021). Please refer to the meeting agenda to determine whether the meeting will be in person and by video conference or by video conference only. You can find the agenda at www.el-cerrito.org/CouncilMeetingMaterials. It will also be posted at City Hall. The agenda will be available at least 72 hours before the meeting.

Any person wishing to submit public comments regarding this item may do so by attending in person or via Zoom, using the meeting information on the agenda, or in writing to cityclerk@ci.el-cerrito.ca.us. Full instructions for submitting public comments for city council meetings is available online at <http://el-cerrito.org/DocumentCenter/View/13983/Instructions-for-Public-Comments>. For further information on public comments, please contact the City Clerk at cityclerk@ci.el-cerrito.ca.us.

Posted on the City's website on 12/6/2022

Holly M. Charley, City Clerk

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification five days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).



**TRANSPORTATION IMPACT FEE
ANNUAL REPORT
FOR
FISCAL YEAR 2021-22**

DECEMBER 5, 2022

TABLE OF CONTENTS

A. Introduction	1
B. Annual Reporting Requirements	1
C. Transportation Impact Fee Description	2
D. Fee Schedule.....	3
E. Financial Summary	3
F. Project Descriptions	4
G. Additional Financial informaton	4

Attachment 1 - Building Permits List

A. INTRODUCTION

In January 2019, the City of El Cerrito City Council adopted Ordinance No. 2019-1 adding Chapter 4.54 - Transportation Impact Fee (TIF) to the El Cerrito Municipal Code (ECMC), Title 4 - Revenue and Finance. The TIF was established under authority granted by the Mitigation Fee Act, AB 1600, contained in Sections 66000 to 66025 of the California Government Code.

This report contains information on the City of El Cerrito's TIF for Fiscal Year 2021-22 (ending June 30, 2022).

B. ANNUAL REPORTING REQUIREMENTS

Pursuant to Government Code section 66006(b)(1), within 180 days after the end of each fiscal year, the City Council shall receive a report that includes the following information:

- A brief description of the TIF.
 - The amount of the fee (TIF schedule).
 - The beginning and ending balance of the TIF account for the prior fiscal year.
 - The amount of the fees collected, and the interest earned in the prior fiscal year.
 - Information from the City's current Capital Improvement Program (CIP) including:
 - Expenditure of fee revenue on transportation improvements and other program costs in the prior fiscal year, including expenditure amounts, identification of each public improvement on which fees were expended, and the total percentage of the cost of the public improvement that was funded with the TIF.
 - Programming of the ending account balance to specific transportation improvements and the timing of those improvements within the planning horizon of the City's current CIP, including an approximate construction start date for incomplete public improvement projects for which sufficient funds have been collected.
 - Description of any interfund transfers or loans, including identification of the public improvement on which the transfer or loan will be expended, any loan repayment dates, and the rate of interest on any loans made from the TIF account.
 - The amount of refunds made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.
-

Also, per Government Code 66006(b)(2), the report must be made available to the public at least 15 days prior to the regularly scheduled meeting of the City Council at which the report is considered, and mailed, at least 15 days prior to the meeting, to any interested party who files a written request with the City for mailed notice of the meeting.

C. TRANSPORTATION IMPACT FEE DESCRIPTION

To implement the goals and objectives of the City of El Cerrito's General Plan and related expert and specific plans, and to mitigate the impacts caused by future development in the City, certain transportation improvements must be constructed. The City Council has determined that a Transportation Impact Fee is needed to finance these transportation improvements and to pay for each development's fair share of the construction and acquisition costs of the necessary transportation improvements.

The City Council adopted Council Resolution 2018-70 setting the amount of the fee, describing the need for the fee, listing the types of transportation improvements to be financed, describing the estimated cost of these improvements, describing the reasonable relationship between the fee and the several types of future development, and setting time for payment of the fee.

The transportation improvements eligible for funding with the TIF are based on prior planning studies completed to support the City's growth and the impact of that growth on the transportation system. The focus of these improvements is to connect El Cerrito residents to employment and activity centers and major transit facilities within the City and in neighboring jurisdictions. These improvements are located and connect to San Pablo Avenue, the City's primary transportation corridor serving all modes. The TIF project list is a selection of projects from the following: San Pablo Avenue Specific Plan (SPASP), Active Transportation Plan (ATP) and Ohlone Greenway Master Plan, which were previously adopted by the City Council.

The City applies the TIF to building permits associated with New Construction and Intensification of Use as described in the TIF Administrative Guidelines approved by the City Manager in April 2019 and updated in June 2020. City staff, as part of their typical process of reviewing a proposed Development Project, determine the land use categories that are applicable and calculate the TIF based on the TIF Administrative Guidelines. This applies to both private and public Development Projects. The TIF payment is due at the time of building permit issuance.

The Capital Improvement Fund, Non-Departmental Capital Outlay, Transportation Impact Fees Account (301-90-50 48610) receives all Transportation Impact Fees collected and all interest generated, and is used to pay for design, engineering, environmental review, permits, right-of-way acquisition, utility relocation, project management and construction of the transportation improvements as designated in Council Resolution 2018-70.

D. FEE SCHEDULE

The amount of the TIF was originally established by City Council Resolution No. 2018-70 on December 18, 2018. Beginning July 1, 2019 and each July 1 thereafter, the TIF is to be adjusted as described in the TIF Administrative Guidelines. The annual fee adjustment is based on the annual percentage change in the Engineering News-Record Construction Cost Index for the San Francisco Bay Area for the prior 12-month period, from February of the prior year to February of the current year. The adjustment is then to be adopted by the City Council along with the City's Master Fee Schedule on an annual basis and implemented by July 1. The TIF in Fiscal Year 2021-22 was established by City Council Resolution No. 2021-23 on May 4, 2021 as summarized below.

Land Use	Fee
Residential	
Single Family	\$3,628 per dwelling unit
Multi-Family	\$2,539 per dwelling unit
Nonresidential	
Commercial	\$4.89 per square foot
Hotel/Motel	\$3.99 per square foot
Office	\$4.21 per square foot
Industrial	\$2.65 per square foot
Other*	\$ 3,628 per equivalent dwelling unit

Note: *Applies to development projects that do not clearly conform to one of the defined residential or nonresidential categories and is likely to be applicable only in exceptional cases. In such cases the fee would be based on an estimated trip generation rate adjusted for equivalent dwelling units (EDU) and multiplied by the same cost per EDU applied to the other land use categories, as described in the TIF Administrative Guidelines.

E. FINANCIAL SUMMARY

The table below summarizes TIF beginning fund balance, fees collected and returned, interest earned in the account, expenses, and ending fund balance for Fiscal Year 2021-22. The fees returned were for an Accessory Dwelling Unit (ADU) constructed under BD20-0773 at 600 Clayton Avenue. ADUs are not required to pay the fee and this fee was incorrectly charged in Fiscal Year 2020-21 and returned in Fiscal Year 2021-22.

Beginning Balance - July 1, 2021	\$425,394.27
Fees Collected	\$119,866.02
Fees Returned	(\$2,479.00)
Interest Earned	\$0.00
Expenses	(\$394,549.40)
Ending Balance - June 30, 2022	\$148,231.89

Attachment 1 contains the list of building permits with corresponding property addresses for which the TIF was collected during Fiscal Year 2021-22.

F. PROJECT DESCRIPTIONS

In Fiscal Year 2021-22, funding from the TIF was allocated to the Del Norte Transit Oriented Development (TOD) Infrastructure/Complete Streets Project. The expenses totaled \$394,549.40, the full amount of the expenses summarized above. The total percentage of the expenses that were funded with the TIF was 52%. The City's 5-Year Capital Improvement Program has the ending account balance programmed for design and construction of the same project. The approximate construction start date is Summer 2023.

G. ADDITIONAL FINANCIAL INFORMATION

No interfund transfers or loans were made.

No refunds were made pursuant to subdivision (e) of Section 66001 and any allocations pursuant to subdivision (f) of Section 66001.



Attachment 1

Building Permits List

Date Range Between 7/1/2021 and 6/30/2022

Fee Code: TIF

Permit Number	Address	Paid Amount
BD18-0782	1715 ELM ST	\$35,546.00
BD20-0464	1739 LEXINGTON AVE	\$2,094.68
BD20-0466	11090 SAN PABLO AVE	\$7,789.77
BD20-0467	2057 TAPSCOTT AVE	\$609.36
BD20-0710	102 RAMONA AVE	\$885.75
BD20-0835	2606 YUBA ST	\$736.31
BD21-0074	317 BEHRENS ST	\$927.15
BD21-0172	1715 ELM ST	\$6,719.16
BD21-0203	601 LEXINGTON AVE 6	\$15,234.00
BD21-0321	441 EVERETT ST	\$3,628.00
BD21-0570	6831 STOCKTON AVE	\$1,838.24
BD21-0828	832 EVERETT ST	\$2,539.00
BD21-0864	776 POMONA AVE UNIT B	\$1,015.60
BD21-1135	464 CARLSTON ST	\$3,628.00
BD21-1464	729 KEARNEY ST	\$36,675.00
Total for 15 Permits:		\$119,866.02

RESOLUTION 2022 – XX

Resolution in Recognition of Councilmember Janet Abelson for Twenty-Three (23) years of dedicated service to the City of El Cerrito and the East Bay Region

WHEREAS, Councilmember Janet Abelson has been a resident of El Cerrito since 1970; and

WHEREAS, she earned a Bachelor's degree in English and a MBA in Management from San Francisco State University; and

WHEREAS, Councilmember Abelson has played a leadership role in education through her long involvement in parent groups at Harding School, Portola Middle School, El Cerrito High School, and the Bayside Council of PTAs and has served as the Oral Historian/ Biographer since 2005 for the ECHS Archiving Project Board; and

WHEREAS, she was instrumental in developing the student bus pass program which provides free bus passes to low-income students in West Contra Costa County; and

WHEREAS, Councilmember Abelson was first elected to the El Cerrito City Council on November 2, 1999 and has served continuously for 23 years; and

WHEREAS, she served five times as the Mayor of El Cerrito in 2002, 2006, 2010, 2014, and 2017; and

WHEREAS, she has been a continuous advocate for people with disabilities and for improved accessibility in all modes of transportation and access; and

WHEREAS, Councilmember Abelson served on the West Contra Costa Transportation Authority Commission (WCCTAC) for 20 years; and

WHEREAS, she was appointed by WCCTAC to serve on the Contra Costa Transportation Authority (CCTA) in July 2001 and served continuously for 18 years; and

WHEREAS, Councilmember Abelson served on the Metropolitan Transportation Commission (MTC) Advisory Council as well as the MTC Elderly and Disabled Advisory Committee for 12 years; and

WHEREAS, Councilmember Abelson has served on the Bay Area Rapid Transit (BART) Accessibility Task Force for more than 20 years; and

WHEREAS, she has served on the AC Transit Accessibility Advisory Committee for over 30 years; and

WHEREAS, Councilmember Abelson served the League of California Cities in various capacities, including membership in several statewide policy committees and as

Past Chair of the Community Services and Administrative Services committees, as well on the Board of the East Bay Division, serving as its President in 2015; and

WHEREAS, Councilmember Abelson has served multiple years as Council liaison for each of the 13 City advisory bodies, and has served continuously on the Committee on Aging for more than 20 years; and

WHEREAS, Councilmember Abelson was an advocate and active member of the annual El Cerrito Earth Day event for many years, leading the activities that included over thirty work parties and a community celebration each Earth Day; and

WHEREAS, she played a lead in the creation of the City of El Cerrito's innovative Environmental Quality Committee; and

WHEREAS, she has been active in the Contra Costa Mayors Conference, the El Cerrito Democratic Club, Soroptimist International of El Cerrito, El Cerrito Chamber of Commerce, the League of Women Voters, California Walks, and many other local and regional organizations.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of El Cerrito, that it hereby proclaims extreme gratitude and recognition for Councilmember Janet Abelson for her 23 years of dedicated service to the City of El Cerrito, County of Contra Costa, and the East Bay regional area.

I CERTIFY that at a regular meeting on December 20, 2022 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on December _____, 2022.

Holly M. Charléty, City Clerk

APPROVED:

Gabe Quinto, Mayor

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

I, Holly M. Charléty, Clerk of the City of El Cerrito, State of California, do hereby certify, that at a General Election held in the City on the 8th day of November 2022

Gabriel Quinto

was re-elected to the office of

CITY COUNCILMEMBER

As appears by the official returns of the election, and the statement of votes cast now on file in Office of the City Clerk.

In Witness Whereof, I have hereunto affixed my hand and official seal this 20th day of December, 2022.

Holly M. Charléty, City Clerk

CERTIFICATE OF ELECTION

STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

I, Holly M. Charléty, Clerk of the City of El Cerrito, State of California, do hereby certify, that at a General Election held in the City on the 8th day of November 2022

Carolyn Wysinger

was elected to the office of

CITY COUNCILMEMBER

As appears by the official returns of the election, and the statement of votes cast now on file in Office of the City Clerk.

In Witness Whereof, I have hereunto affixed my hand and official seal this 20th day of December, 2022.

Holly M. Charléty, City Clerk



OATH (OR AFFIRMATION) OF OFFICE

*I, _____, do solemnly swear (or affirm) that as a member of the **El Cerrito City Council** I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.*

Signature

Subscribed and sworn to me this _____ day of December 2022.

Holly M. Charléty, City Clerk

Selection of City Council Officers

Adopted December 1, 2020 Resolution No. 2020-59

At the first regular City Council Meeting in December of each year or when appropriate, the City Council shall select from among its members a Mayor and a Mayor Pro Tempore (Mayor Pro Tem) to serve for the following year in accordance with the following process:

A newly elected Councilmember, who is not an incumbent, will serve a minimum of one year on the City Council before qualifying to serve as Mayor.

Mayor Pro Tem will replace the outgoing Mayor.

Mayor Pro Tem will be the Councilmember who has received the highest number of votes, compared to the other Councilmembers elected at the same time. Preference will be given to those who have not yet served as Mayor. This process continues until all Councilmembers elected in the same year have served as mayor.

An appointed Councilmember shall join the rotation only after first being elected.

Newly elected and re-elected Councilmembers are added onto the existing order of rotation in the order of the number of votes received, from the highest number of votes to the lowest.

A Councilmember may decline to serve as Mayor or Mayor Pro Tem. This will drop the Councilmember back one position in the rotation.

This format will be followed unless altered by a majority vote of the City Council. The City Council has the ultimate discretion to elect or not elect any Councilmember for any office.

The new Mayor and Mayor Pro Tem shall take office upon a majority vote of the Council. The term of office for the Mayor and Mayor Pro Tem shall be for one calendar year or until the next rotation occurs.

At any time during the term of office for a Mayor or Mayor Pro Tem, an agenda item may be requested by vote of a majority of the City Council to consider removal of a Mayor or Mayor Pro Tem from their appointed role. Subsequently, the formal action of removing a member from their appointed role shall require the vote of a super majority. In the case of removal, the City Council shall select a new member to complete the remaining term of office in place of the removed member.

Most recent Election results for all members		
2020	Lisa Motoyama	8,365
	Paul Fadelli	7,131
	Tessa Rudnick	7,015
2022	Carolyn Wysinger	6,070
	Gabriel Quinto	5,728
Year	Mayor	Mayor Pro Tem
2022	Gabriel Quinto	Lisa Motoyama
2021	Paul Fadelli	Gabe Quinto
2020	Gregory B. Lyman	Paul Fadelli
2019	Rochelle Pardue-Okimoto	Gregory B. Lyman
2018	Gabriel Quinto	Rochelle Pardue-Okimoto



SUPPLEMENTAL AGENDA MATERIALS PUBLIC COMMENT INDEX

REGULAR CITY COUNCIL MEETING

December 20, 2022

(Revised December 21, 2022)

The following Public Comments were **received by 4:00:00 p.m. 12/6/2022**, were provided directly to City Councilmembers in advance of the meeting, and were posted online as supplemental materials at www.el-cerrito.org/CouncilMeetingMaterials

Public Comments – Items Not on the Agenda

1. Cordell Hindler
2. Mary Beth Bykowsky for California Department of Insurance
3. Howdy Goudey
4. Robin Mitchell
5. David Weinstein (received at the meeting)

Agenda Item 6A – Recognition of City Councilmember Janet Abelson

1. Leslie Reckler

From: [Cordell Hindler](#)
To: [City Clerk](#)
Subject: Public Comments- Not on Agenda
Date: Saturday, December 17, 2022 1:57:18 PM

Good Evening Mayor Quinto, Council Members and Staff,

I have some comments for the Record

1. for a Future Agenda, the Council Should Consider Inviting Danny Wan to Provide a Presentation on how the Port of Oakland is Recovering from the Pandemic
2. I am in Full Support of 5.B on the Consent Calendar

Sincerely
Cordell

El Cerrito City Council - Public Comments

December 20, 2022

My name is Mary Beth Bykowsky and I am an Outreach Analyst in the California Department of Insurance, also known as CDI. I am happy to give an update on the nation's first wildfire safety regulation to help drive down cost of insurance.

We have heard from thousands of Californians about the need to see discounts for wildfire safety and greater transparency, so we took action.

CDI worked with the state's emergency response and preparedness agencies, including CAL FIRE and the Governor's Office of Emergency Services, to create a consistent list of actions you can take to protect yourself from wildfires. At CDI, we call it the Safer from Wildfires (SFW) 1-2-3 Plan.

Insurance Commissioner Ricardo Lara has directed insurance companies to provide discounts to consumers under the new SFW framework with transparency about risk rating.

The Regulation requires insurance companies to submit new rates that recognize the benefit of safety measures such as upgraded roofs and windows, defensible space, and community wide programs such as Firewise USA and the Fire Risk Reduction Community (FRRC) designation developed by the state's Board of Forestry and Fire Protection, which currently includes the counties of Los Angeles, Santa Barbara and Butte, as well as cities and local districts. <https://bof.fire.ca.gov/projects-and-programs/fire-risk-reduction-community-list/>

Insurance companies have until mid-April 2023 to submit their new rates to CDI for approval. We are urging communities and homeowners to take advantage of this time frame to harden their homes and communities.

Step One – Protect the Structure

Step Two – protect the immediate surroundings.

Step Three of the framework is an effort to obtain a community-level mitigation designation. This will most likely involve at least one, if not more, local government agencies (Fire, Emergency Services, Planning, etc.). This is an important part of California's efforts to ensure communities are prepared against wildfire.

For the first time, the new Regulation requires insurance companies to give you the wildfire risk score for your property. And they have to tell you what factors were used to determine the score.

The Regulation also requires insurance companies to notify the policyholder or applicant in writing of the right to appeal the wildfire risk score or other wildfire risk classification. And it also includes both residential and commercial insurance lines.

It is important to note that CDI does not have the authority to force insurers to write coverage. But this regulation attacks the root cause of non-renewals, which is wildfire risk, and they will make Californians safer. The regulation allows insurance companies to consider additional factors going forward, as fire science continues to improve and to respond to local conditions.

With accurate pricing of insurance, we expect to see more insurance options for people through a more competitive market.

Additionally, the Department expects the FAIR Plan to comply with the new regulation and offer discounts for wildfire risk mitigation and structure hardening. The FAIR Plan currently offers a 10% discount on policies in a participating Firewise Community.

Thank you for your time.

Mary Beth Bykowsky
Outreach Analyst
Community Relations and Outreach Branch
California Department of Insurance
MaryBeth.Bykowsky@insurance.ca.gov

Safer from Wildfires in



Governor's Office of
Planning and Research



CALIFORNIA
Public Utilities Commission

Safer from Wildfires is an interagency partnership between Insurance Commissioner Ricardo Lara and the emergency response and readiness agencies in Governor Gavin Newsom's administration to protect lives, homes, and businesses by reducing wildfire risk.

With California experiencing devastating, climate change-intensified wildfires, homes and businesses need insurance they can rely on. Commissioner Lara is using every tool available to improve insurance for our communities. Drawing on the direct experience of first responders and the latest research on wildfires, the partnership created a consistent approach to reducing risk with a list of achievable and effective actions to help make existing homes and businesses safer from wildfires. The ultimate goal is protecting consumers by reducing wildfire risk in their communities, making insurance available and affordable for all Californians.

This "ground up" approach for wildfire resilience has three layers of protection — for the structure, the immediate surroundings, and the community — to prevent wildfires from catching and spreading to other homes and businesses in the neighborhood.

Commissioner Lara is working to increase available incentives for wildfire safety. To view the list of insurance companies currently offering discounts visit insurance.ca.gov.

1 Protecting the structure



- Class-A Fire rated roof
- Maintain a 5 foot ember-resistant zone around a home (including fencing within 5 feet)
- Noncombustible 6 inches at the bottom of exterior walls
- Ember and fire-resistant vents (See [Low-Cost Retrofit List](#), and Chapter 7A)
- Upgraded windows (Double paned or added shutters)
- Enclosed eaves

2 Protecting the immediate surroundings



- Cleared vegetation and debris from under decks
- Removal of combustible sheds and other outbuildings from the immediate surroundings of the home, to at least a distance of 30 feet
- Defensible space compliance (including trimming trees, removal of brush and debris from yard, and compliance with state law and local ordinances)

3 Working together as a community



- A community should have clearly defined boundary and a local risk assessment in consultation with the local fire district or state fire agency; an identified evacuation route, cleared of vegetative overgrowth, and evacuation plan contingencies; clear funding sources to implement community mitigation activities and meet clear risk reduction goals; and integrated and up-to-date local planning documents pertinent to community wildfire risk.
- Current examples include the Fire Risk Reduction Community designation under development by the Board of Forestry, Firewise USA communities in good standing, and Shelter-in-Place designations.



California Department of Insurance

Insurance Protection for All Californians

Protecting Consumers by:

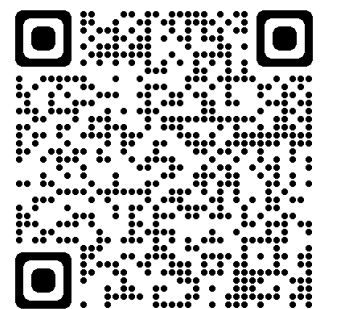
- Resolving consumer complaints
- Investigating and prosecuting insurance fraud
- Overseeing insurer solvency
- Licensing agents and brokers
- Conducting market conduct reviews

Providing Services by:

- One-on-One insurance assistance
- Assisting with catastrophes
- Providing insurance informational guides
- Making in person presentations on potential scams, understanding insurance



For more information visit us at www.insurance.ca.gov
or call us at **1-800-927-4357**



Dec. 20, 2022

City Council
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

RE: Relationship between advisory bodies, Council and staff

Dear Mayor Quinto, Mayor pro-tem Motoyama and Council members,

While I may make critical comments at times, I want to be clear that my comments are always directed at practices, policies and decisions, not individuals of staff or Council, and my comments are made in the spirit of trying to make the City a better place. This comment relates to the relationship of the Environmental Quality Committee (EQC) to the City Council and staff. I am currently chair of the EQC; however, the contents of this letter are my personal comments and I am not speaking for the EQC.

The members of the EQC have a wide range of personal and professional experience and expertise regarding environmental policies and issues. This knowledge has been used to make 5 formal recommendations over roughly the past 3 years. There has been a consistent lack of engagement with these recommendations and the prevailing policy places them in the Council's general public comment record, as opposed to a more prominent part of the agenda that allows Council to comment if they choose. As a result, the EQC voted unanimously on Oct. 11, 2022, to send a memo to the City Manager, in good faith, to try to engage staff in a dialog about improving the method of handling EQC input, in continued hope of bettering the City and our relationship to it. The content of the memo is attached following this letter.

After waiting for two months and repeatedly asking for updates and feedback, it was reported back to the EQC, at their Dec. 12 meeting, that the memo was received by the City Manager, but "no action would be taken."

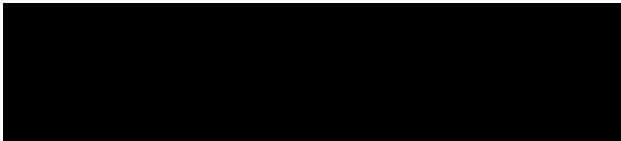
In Resolution 2008-13, Council expressly assigns the EQC the responsibility "to serve in an advisory capacity to the City Council, staff, other boards, commissions, and committees, and the residents of the City with regard to environmental quality issues within the City of El Cerrito." However, in trying to exercise that responsibility, the EQC has been repeatedly denied a timely well-reasoned response or dialog of any kind, which undermines the ability of the EQC to serve the community. This pattern has culminated in the most striking denial of all, choosing to offer

no response to a memo explicitly asking for a dialog about ways to improve communication between the EQC, Council, staff and other advisory bodies.

Offering no reaction at all to a well intentioned proposal to improve outcomes for the City, with regards to Council established advisory bodies, is highly disrespectful behavior and it should not be normalized as an acceptable business practice in the City of El Cerrito.

Please provide direction to staff to remedy this damaging disregard of the EQC's effort to help improve the City. The dismissive treatment of the EQC erodes the spirit of volunteerism in the City and diminishes our community potential.

Thanks for your time and consideration,



Howdy Goudey
El Cerrito, CA

From Resolution 2008-13:

“NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby establishes an Environmental Quality Committee, with the necessary staff liaison assigned by the City Manager, with the following duties and responsibilities:

- To serve in an advisory capacity to the City Council, staff, other boards, commissions, and committees, and the residents of the City with regard to environmental quality issues within the City of El Cerrito;
- To recommend programs, policies, and ordinances to the City Council and promote the City's environmental quality efforts; and
- Promote and foster public awareness, education, interest and support for environmental quality efforts, foster volunteer opportunities, and educate El Cerrito residents regarding environmental quality and issues relating to environmental impacts.

The memo on the following page was sent to the City Manager following the Oct. 11th meeting of the EQC where a unanimous vote of 9 Ayes, zero Noes (3 absent) took place to approve sending the memo.

Report from EQC's Goals Subcommittee on improved communication with City Council, staff, other boards. Oct. 10, 2022

Introduction. The Environmental Quality Committee has been serving the city since the advisory committee was created 14 years ago, with a purpose that includes “to serve in an advisory capacity to the City Council, staff, other boards, commissions and committees.”

In an effort to better utilize the skills of the EQC, which includes many people in environmental professions and academia, and to improve communications between the EQC and other city operations, the EQC makes the following recommendations.

They answer to concerns among members of the EQC, and some members of the public, that some EQC recommendations in the recent past have not been presented to the council in an effective way, and have not elicited response or dialog.

In addition, the EQC's role in advising city staff and other committees has been hindered because there is no effective path for such communications to occur.

The EQC hopes to work with the city manager and/or the manager's designees to develop these ideas in order to boost the EQC's ability to help the city address the ongoing climate crisis and other environmental concerns.

Our recommendations:

How EQC proposals and other ideas are presented. We propose that EQC policy proposals be presented to the City Council and other committees and commissions in the form of written EQC reports that would be prepared by members of the EQC and generally vetted by the EQC's staff liaison.

These would be short of “staff reports,” requiring very little staff time, and would represent the views not of city staff but of the majority of the EQC.

These could come before Council or other committees as agenda items, either on the consent calendar or action items, or could be included within a council packet, for example, as part of a larger matter (for example, Climate Action Plan or San Pablo Specific Plan revisions.)

Currently, the presentation of EQC proposals and other advice to the council and other boards comes through 3-minute public comment, or informally through the EQC liaison. This does not give our proposals the weight they deserve. A distinction needs to be seen between general public comment and a report from an official advisory body.

The EQC should play a role early in the process of developing environmental policies. The EQC could more often serve as a sounding board for public input by hosting public hearings on proposed policies.

This is something the EQC has done periodically, starting with the animal ordinance in 2009, which arose from public comment to the EQC before we hosted hearings and the council passed an ordinance allowing for the keeping of chickens and goats.

But often, environmental policy has come down to the EQC from staff and council after it has been substantially developed, and the EQC can only comment, somewhat after the fact.

It would be good to clarify how the EQC communicates with city staff. One of our charges is to oversee how city staff actions affect the environment. We are cognizant that city staff is busy and that frequent communication, especially from individual members, would be a problem.

But once a majority of the EQC reaches a conclusion about city operations that affect the environment for good or ill, and when the EQC has developed recommendations, we need a formal way to present them, and when warranted, receive feedback and/or take part in a discussion.

Mayor and City Council Members

My name is Robin Mitchell and I am currently the chair of the Urban Forest Committee. However, my remarks are personal and do not represent that committee.

As a member of the Urban Forest Committee, I have been attending the Environmental Quality Committee meetings regularly, in order to inform the EQC about the Urban Forest Committee activities and to learn about the EQC activities, so that we can collaborate when it seems appropriate.

I am familiar with the letter that the EQC wrote to City Staff in an effort to improve communications between that committee and the City Council, as well as other committees and commissions and I believe those recommendations should be taken seriously by the city.

The most important aspect of the recommendation concerns the fact that right now, the only way that the EQC, and presumably any other committee, can communicate to the City Council is through the 3 minute public comment period, which is an extremely limited method of communicating important policy topics.

This avenue of communication does not allow for a thorough presentation of the topic, and most importantly, does not allow dialog between the EQC and the City Council on that topic during public meetings, dialog which could occur if the presentation was agendaized.

The way the communication exists now, there is no possibility of collaboration between the EQC or other advisory body and the City Council to thoroughly understand the topic and come to an agreement about the best path forward.

Thoroughly discussing the communication recommendations from the EQC, and coming up with a method to communicate effectively to the City Council, would benefit all the advisory bodies.

Many of the members of the advisory bodies are experts in their fields, and they can contribute significantly to improving the city if a sound communication mechanism is developed.

In terms of the peril that our planet is in due to global warming, the clock is ticking and we don't have a moment to lose. A few years ago we had 10 years to try to do something, and we now have even less time. So recommendations from the EQC, the Urban Forest Committee, and other advisory bodies, is more critical than ever and the council would be wise to develop a method of communicating effectively with those advisory bodies to take advantage of their expertise.

CITY OF EL CERRITO
CITY CLERK

DEC 20 2022

RECEIVED
AT THE MEETING OF

OUIJA BOARD DRIVES FOUR WOMEN INSANE

WHOLE TOWN CRIPPLED BY OCCULTISM EPIDEMIC

EL CERRITO, Cal. March 13.
—Ouija-mania, a peculiar madness
resulting from overindulgence in
the little board credited by many
with occult instrumentality, has
descended heavily upon this little
community.

What California Lunacy Commission Says About the Ouija Board

"We have had many commitments to State Asylums during the
past few months on account of the Ouija board. These persons who
have been adjudged insane by the commission might have shown in-
sanity by other means, but the ouija board at present occupies a prime
place in demonstrating insanity.

"It is a fact that since the war the people generally have gone
into spiritualistic things and certain individuals have become demented
on this account.

"There are other fads that have surpassed the ouija board in produc-
ing insanity. The latter, however, hold front place today. It attracts
a certain mold of mind, and unfortunately many mental upsets are the
result. I am surprised at this El Cerrito affair. Before we get
through probably we will have many more, though less marked."

The Ouija board is a little manufactured device sold commercially,
and is used today by hundreds of thousands of Americans in an ef-
fort to get "messages" from the beyond. It consists of two parts; a
board containing the alphabet, and a little triangle on wooden pegs
which the manipulator moves over the alphabet in spelling out "com-
munications."

The El Cerrito Historical Society presents:

When El Cerrito Went 'Insane': The Ouija-Mania Incident of 1920

A presentation by historian Chris Sterba

Free. **Attendance is limited. Please RSVP!**

This is the Society's annual meeting. The talk follows a brief
business meeting with elections of officers

Our program focuses on one of the strangest events in the history of El Cerrito, one that
brought our small city national attention. In March 1920, seven people were arrested on
charges of insanity after conducting Ouija board sessions and engaging in bizarre rituals
to ward off evil spirits. Many others were also involved. Chris will discuss how El
Cerrito's "Ouija-mania" incident reflected changes in American life after World War I
and the influenza epidemic of 1918.

**Sunday, January 29, from 4 to 5:30 p.m. in the Garden Room
of the El Cerrito Community Center, 7007 Moeser Lane.**

The meeting is free and will also be available to watch on Zoom:

<https://us02web.zoom.us/j/82016218895?pwd=K3pxanBuVk41L0doSHB3U3pnNHBwZz09>
Meeting ID: 820 1621 8895 Passcode: 002811.

6699006833,,82016218895#,,,*002811# US (San Jose)

Rsvp to davidsweinstein@yahoo.com. Light refreshments will be served.

From: [LesMac Gmail Account](#)
To: [City Clerk](#)
Subject: Public Comment - December 20, 2022, Agenda Item #6. A. Recognition of City Councilmember Janet Abelson
Date: Thursday, December 15, 2022 9:58:19 PM

Caution! This message was sent from outside your organization.

Dear Councilmember Abelson,

I am sending you my heartfelt congratulations and deep thanks for your decades of public service to the city of El Cerrito, West Contra Costa Schools, and the many commissions, boards and organizations that have been lucky to be guided by your presence and leadership.

There are few that have contributed so much, and you leave our immediate and wider community forever impacted for the better.

I am wishing you a great next chapter. See you at the Older Adult School!

Most Sincerely,

Leslie Reckler