

EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING TUESDAY DECEMBER 06, 2022 – 5:00 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/86967707751?pwd=MWtvTUhBL1VxZkkybWJaOG1XZm1QQT09>
Meeting ID: 869 6770 7751 **Password:** 288948 **Dial in:** 1-408-638-0968

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 subjectline **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 **2:00 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.**

5:00 P.M. ROLL CALL – CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Quinto called the meeting to order at 5:00 PM.
Present: Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Absent:** None

1. **PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF A MOMENT OF SILENCE**
2. **TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS**
3. **PUBLIC HEARING (CONTINUED FROM 11/15/2022)**

A. San Pablo Avenue Specific Plan Update - Continued Hearing
Public Hearing adjourned from 11/15/2022, notice published 11/19/2022

Action Proposed: Continue the public hearing and 1) Adopt a resolution certifying the Supplemental Environmental Impact Report (SEIR) for the San Pablo Avenue Specific Plan, adopting Environmental Impact Findings, Findings Regarding Alternatives, adopting a Statement of Overriding Considerations, and adopting the Mitigation Monitoring and Reporting Program (MMRP); 2) Adopt a resolution amending Figure 5: the Land Use & Circulation Map of the El Cerrito General Plan; 3) Adopt a resolution amending the San Pablo Avenue Specific Plan; and 4) Introduce and waive the first reading of an ordinance to rezone properties within the San Pablo Avenue Specific Plan area.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding capacity of units included in the plan, changes to the open space policy, clarification of shadow standards, effects on the proposed development at Bay Area Rapid Transit (BART) stations, electricity and electric vehicle, amendments, review of recommendations by the Environmental Quality Committee, how to capture technological changes, effects of recent legislation changes, enforcement protocols, and confirmed inclusion of Planning Commission recommendations included in staff recommendations, collaboration with the City of Richmond, and how the plan will work in conjunction with the climate action plan.

Public Hearing: Mayor Quinto opened the public hearing.

Public Comments: All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Fred Bialy, Howdy Goudey, and Robin Mitchell.

Oral Public Comments:

Howdy Goudey - spoke regarding the responsibility to make meaningful climate action commitments now and not delay to a future date.

Robin Mitchell - commented on support of the inclusion of more climate action and electrification requirements in adoption of the plan and need for

immediate action.

Danielle Watters Westbrook - spoke in favor of adoption of the recommendations made by the Planning Commission and Environmental Quality Committee and take bolder climate actions.

Fred Bialy - commented on the need to take action now rather than postpone action to a later date.

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 Abelson/Councilmember Rudnick
Action: Approved Resolution 2022-90 with revised EIR provided in supplemental materials **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Rudnick
Action: Approved Resolution 2022-91 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Rudnick
Action: Approved Resolution 2022-92 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Motoyama/Councilmember Fadelli
Action: Introduced by title and waived the first reading of the ordinance. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

City Council recessed from 6:18 to until 6:30.

7. PRESENTATIONS

B. Proclamation Honoring Maintenance Superintendent Bill Driscoll in Retirement (Heard out of Order)

Action Proposed: Pass a motion to approve a proclamation recognizing and honoring Maintenance Superintendent Bill Driscoll in retirement after serving the City of El Cerrito for 24 years.

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

Staff and Councilmembers provided well wishes and gratitude for over 2 decades of service to El Cerrito.

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

4. **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 city hall public hours returning to regular business hours beginning in January, open every other Friday by appointment only; and the current community survey being conducted. Announced the movement of Consent Item 6.C. to Policy.

Councilmember Rudnick - Reported on attendance at the Bay Area Network of Jewish Officials meeting.

Mayor Pro Tem Motoyama - reported attendance at the Enhanced Infrastructure Financing District (EIFD) subcommittee meeting, the Contra Costa Mayors conference, and the Marin Clean Energy (MCE) Executive committee meeting.

Councilmember Abelson - announced her decision to retire from the City Council.

Councilmember Fadelli - reported on attendance at a tour of new Mayfair development at Del Norte; community outreach on the United Against Hate regional campaign; and commented on support for County election officials.

Mayor Quinto - reported on attendance at Richmond City Council meeting, retirement event for Amy Worth, and Cal Cities Leadership summit.

5. **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.

Oral Public Comments:

Greg Lyman - announced the upcoming Sundar Shadi holiday display from December 17 through December 26, 2022.

Linda Cain - spoke regarding senior services and need for a location.

6. ADOPTION OF THE CONSENT CALENDAR

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

Moved/Seconded: Councilmember Rudnick/Mayor Pro Tem Motoyama **Action:** Approved Consent Items A & B as indicated below. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

A. Approve the 2023 Regular Meeting Schedule for City Council and provide staff direction to return with an ordinance to modify the regular meeting start time from 7:00 PM to 6:00 PM.

Action Proposed: Pass a motion to 1) approve the regular meeting schedule for 2023, modifying the regular meeting start time to 6:00 PM, reducing to the third Tuesday of the month for January, July, August and September, adding a Council Retreat on February 4th, and adding three 4:00 PM meetings for bi-annual advisory body interviews; and 2) direct staff to return with legislation to formally modify the regular meeting start time from 7:00 PM to 6:00 PM.

Contact: Holly Charléty, City Clerk, City Management

Approved schedule and directed staff to return with ordinance for time change.

B. Approve Contract Request with Maze and Associates Accountancy Corporation for Accounting Temporary Services

Action Proposed: Adopt a resolution authorizing the City Manager to increase the professional services agreement for temporary accounting staff with Maze & Associates Accountancy Corporation by \$65,000.00 and extend the terms through June 30, 2023.

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

Action: Approved Resolution 2022-93

9. POLICY ITEMS

C. Adoption of a Side Letter between the City of El Cerrito and the El Cerrito Police Employees' Association (Moved from Consent to Policy, heard out of order)

Action Proposed: Adopt a resolution approving a side letter agreement between the City of El Cerrito and the El Cerrito Police Employees' Association Memorandum of Understanding (MOU) to modify the language on salaries and other working conditions and address recruitment and retention concerns.

Contact: Shannon Bassi, Senior Human Resources Analyst

Presentation and Discussion: Presenters and staff responded to

comments and questions raised by members of the council regarding impact of officers leaving for incentives offered by neighboring agencies, impact of current vacancies.

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Motoyama
Action: Approved Resolution 2022-94 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

8. PUBLIC HEARINGS (NOT TO BEGIN PRIOR TO 7PM)

A. Proposed East Bay Sanitary Garbage & Organic Waste Collection and Post-Collection Rates and Integrated Waste Management Fees - - Effective January 1, 2023

Notice published 11/26/22 and 12/2/22

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution establishing maximum allowable East Bay Sanitary (EBS) garbage and organic waste collection and post-collection rates, effective January 1, 2023.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding the volatility of the post-collection recycling market, rate inclusive of administrative costs, conversion of organic materials into renewable resources, increased fees for additional legislation, future edible foods processing, multi-unit collection efforts, and illegal dumping abatement.

Public Hearing: Mayor Quinto opened the public hearing.

No public comments

Moved/Seconded: Councilmember Fadelli/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/Councilmember Abelson
Action: Adopted Resolution 2022-95 **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

7. PRESENTATIONS

A. Federal Update from Congressman Desaulnier (Heard out of Order)

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

Action: Received and filed

8. PUBLIC HEARINGS (NOT TO BEGIN PRIOR TO 7PM)

B. Temporary Outdoor Dining and Retail Program Urgency Ordinance

Notice Published 11/26/22; 4/5 vote required for adoption; exempt from CEQA per Section 15061(b)(3)

Action Proposed: Conduct a public hearing and upon conclusion adopt an interim urgency ordinance extending the Temporary Outdoor Dining and Retail Program to support business recovery. A four-fifths vote of the City Council is necessary to adopt an interim urgency ordinance.

Contact: Sean Moss, Planning Manager; Diego Romero, Assistant Planner; Aissia Ashoori, Housing-Economic Development Manager, Community Development Department; Yvetteh Ortiz, City Engineer/Public Works Director

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding park-lets, options for El Cerrito Plaza businesses,

Public Hearing: Mayor Quinto opened the public hearing.

Oral Public Comments:

Howdy Goudey - spoke regarding the need to incorporate climate action restrictions to outdoor heating units that use fossil fuels.

Linda Cain - spoke in support of incorporating outdoor heating units using non-fossil fuels.

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Motoyama

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 Fadelli

Action: Failed motion to adopt the ordinance, amending guidelines to encourage non-fossil fuel alternatives for space heating unit.

Ayes: Mayor Pro Tem Motoyama, Councilmember Fadelli **Noes:** Mayor Quinto, Councilmember Abelson, Councilmember Rudnick

Moved/Seconded: Councilmember Abelson/Councilmember Rudnick
Action: Adopted Urgency Ordinance 2022-04 **Ayes:** Mayor Quinto, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** Mayor Pro Tem Motoyama

9. POLICY MATTERS

A. City Council Wall of Fame Nomination Ad-Hoc Committee Recommendation

Action Proposed: Consider the Wall of Fame Ad-Hoc Committee's recommendation to induct Norman La Force into the El Cerrito Wall of Fame and direct the City Clerk to return to the City Council with a resolution confirming the appointment and schedule the formal induction ceremony at a future City Council meeting pending availability of all parties involved.

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

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Motoyama

Action: Approved the City Council Ad-Hoc recommendation to induct Norman La Force into the Wall of fame and directed the City Clerk to return with a resolution confirming the appointment and schedule the formal induction ceremony. **Ayes:** Mayor Quinto, Mayor Pro Tem Motoyama, Councilmember Abelson, Councilmember Fadelli, Councilmember Rudnick **Noes:** None

B. Consulting Services Agreement with Cascadia Consulting Group to update the City of El Cerrito Climate Action Plan

Action Proposed: Adopt a resolution authorizing the City Manager to execute a consulting services agreement with Cascadia Consulting Group, to develop a Climate Action and Adaptation Plan (CAAP) and a policy or ordinance to prohibit natural gas in new construction citywide concurrent with the development of the CAAP, in the amount not to exceed \$147,335, and amending the Fiscal Year 2022-23 Adopted Budget to appropriate \$147,335 from the General Fund Unreserved Fund Balance to cover the costs for this work.

Contact: Christina Leard, Management Analyst III; Will Provost,

Operations and Environmental Services Division Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding available grants, survey and outreach plan, equity considerations and approach, tracking of appropriations approved against the unreserved general fund, status of the receipt of American Rescue Plan Act funds, consultant staff assignments, electrification efforts and timeline, and protection of transformers and micro-grids.

Oral Public Comments:

Howdy Goudey - spoke on council actions taken at the meeting not supporting that the council is willing to make real climate action and questioned funds being spent on the approval of the update.

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Rudnick

Action: Adopted Resolution 2022-96. **Ayes:** Councilmember Quinto, Mayor Motoyama, Councilmember Abelson, Councilmember Fadelli, Mayor Pro Tem Rudnick **Noes:** None

10. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

Motoyama - announced the continuation of service on the Cal Cities Housing, Community, and Economic Development Policy Committee.

Rudnick - announced her Cal Cities presidential appointment to the Public Policy Committee.

Mayor Quinto - announced the continuation of service on the Cal Cities Environmental Policy Committee.

11. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 9:45 PM

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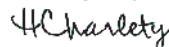


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Lisa Motoyama, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of December 6, 2022 as approved by the El Cerrito City Council.

DocuSigned by:



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Holly M. Charléty, MMC, City Clerk

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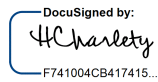
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Lisa Motoyama

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Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	2/27/2023 3:21:25 PM
Certified Delivered	Security Checked	2/28/2023 12:40:21 PM
Signing Complete	Security Checked	2/28/2023 12:45:06 PM
Completed	Security Checked	2/28/2023 12:45:06 PM
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