

Mayor
Lisa Motoyama
Mayor Pro Tem
Tessa Rudnick



Councilmembers
Paul Fadelli
Gabriel Quinto
Carolyn Wysinger

EL CERRITO CITY COUNCIL MINUTES

TUESDAY, AUGUST 15, 2023

SPECIAL CITY COUNCIL MEETING (5:00 PM)

Hillside Conference Room - 10890 San Pablo Ave, El Cerrito

Join Via Zoom:

<https://us06web.zoom.us/j/88356546802?pwd=K0VRczVrZng2R3hLaWtmSFdTVVBRZz09>

Meeting ID: 883 5654 6802 **Password:** 812934 **Dial in:** 1-408-638-0968

REGULAR CITY COUNCIL MEETING (6:00 PM)

City Council Chambers - 10890 San Pablo Ave, El Cerrito

Join Via Zoom:

<https://us06web.zoom.us/j/87060673799?pwd=TWdzN1BxNFI4eWlEdEhQQ2hPZ1R3UT09>

Meeting ID: 870 6067 3799 **Password:** 667066 **Dial in:** 1-408-638-0968

View (Regular Meeting Only):

1. Cable T.V. Broadcast on KCRT Channel 28
2. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials

Accommodations: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at 510- 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations. Closed Captions available via zoom.

Conduct: This meeting shall be conducted pursuant to the El Cerrito [City Council Rules of Order and Procedure](#), including adjourning by 11:00 PM unless extended to a specific time determined by a majority of the Council.

Public Comments:

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.
3. *By Phone* at 1-408-638-0968, dial *9 to "raise your hand".
4. *By Email* to cityclerk@ci.el-cerrito.ca.us identified in the subject line as

Public Comments – Agenda Item #.

Written comments received by **2:00 p.m. the day of the meeting** 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 will be posted **after the meeting**.

5:00 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Motoyama called the meeting to order at 5:07 PM.

Present: Mayor Motoyama, Mayor Pro Tem Rudnick, Councilmember Fadelli, Councilmember Quinto, Councilmember Wysinger (arrived at 5:35 PM) **Absent:** None

1. CONSIDER AND TAKE ACTION ON ANY REQUEST FROM A COUNCILMEMBER TO PARTICIPATE IN THE MEETING REMOTELY DUE TO EMERGENCY CIRCUMSTANCES PURSUANT TO AB 2449

2. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

None

3. CLOSED SESSION CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8

Property: 10936 San Pablo Ave El Cerrito, CA 94530 (Assessor Parcel Number 502-411-006)

Agency negotiators: Karen Pinkos, City Manager; Melanie Mintz, Community Development Director

Negotiating parties: Life in Christ International Ministry of the Assemblies of God

Under negotiation: Price and terms

Contact: Sky Woodruff, City Attorney, City Management

City Council convened closed session at 6:08 PM. No reportable action.

4. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 6:04 PM

6:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Motoyama called the meeting to order at 6:11 PM.

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

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

2. CONSIDER AND TAKE ACTION ON ANY REQUEST FROM A COUNCILMEMBER TO PARTICIPATE IN THE MEETING REMOTELY DUE TO EMERGENCY CIRCUMSTANCES PURSUANT TO AB 2449

3. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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 - Update on the August 9 cyber intrusion on the City's system.

Mayor Pro Tem Rudnick - spoke regarding the devastation in Hawaii and recognized Recreation for the end of a successful set of summer programs.

Councilmember Fadelli - commented on the success of National Night Out.

Mayor Motoyama - reported out on closed session; announced upcoming August 19th ribbon cutting for Freddie's Lifestyle Shop; thanked staff regarding cyber attack response and Keep El Cerrito Fire Safe efforts in obtaining Measure X funds for hillside fire safety work.

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, Joan Setka, Cathy Taruskin, Gary Prost, Sue Duncan, and Scott Tipping.

Oral Public Comments:

Sue Duncan - spoke regarding the wildfire in Maui and prior events and need for fire protection in El Cerrito.

Howdy Goudey - commented on consent item 7E regarding lack of local data used in analysis and need for the general practice for new infrastructure to track local transportation trends.

Ira Sharenow - spoke regarding real property transfer tax revenues and need for additional senior services.

Linda Cain - commented on the wildfire in Maui and risk of wildfire in El Cerrito.

Mariella Sanding - Contra Costa County Meds Coalition Coordinator spoke in support of the proclamation for international Overdose Awareness Day.

6. PRESENTATIONS

A. Pacific Gas and Electric (PG&E) Presentation

Action Proposed: Receive and file a presentation from Pacific Gas and Electric (PG&E) on the agency's programs, local projects and updates relevant to El Cerrito.

Contact: Sarah Yoell, Local Government Affairs Manager – Bay Area; Ed Aparis, Local Government Affairs Representative, Pacific Gas and Electric

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding Public Safety Power Shutoff (PSPS) alerts, difference between PSPS alerts and weather alerts, information related to pole fire on Terrace, data used to identify High Fire Risk Area in the city, plans for undergrounding utilities, local representatives, and substation work.

Action: Received and filed

7. **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 Fadelli/Councilmember Quinto

Action: Approve items A-D and F-H on the consent calendar as indicated below.

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

A. **Crime Prevention Committee Appointment of Jon Bashor**

Action Proposed: Approve a Crime Prevention Committee recommendation to appoint Jon Bashor to the Crime Prevention Committee, effective August 15, 2023.

Contact: Sergeant Aaron Leone, El Cerrito Police Department

Action: Approved appointment

B. **International Overdose Awareness Day Proclamation**

Action Proposed: Approve a proclamation recognizing August 31, 2023 as International Overdose Awareness Day.

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

Action: Approved proclamation

C. **Resolution in Support of Exonerating Port Chicago 50**

Action Proposed: At the request of Mayor Motoyama, adopt a resolution to support local, state, and federal efforts to exonerate Port Chicago 50.

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

Action: Approved Resolution 2023-57

D. **Final Subdivision Map for one-lot, six residential condominium subdivision at 601 Lexington Avenue**

Exempt from CEQA pursuant to Section 15268(b)(3)

Action Proposed: Adopt a resolution approving the Final Subdivision Map for a one-lot subdivision consisting of 6 condominiums in the Multifamily (RM) zoning district at 601 Lexington Avenue.

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

Action: Approved Resolution 2023-58

E. Funding Agreement between the Contra Costa Transportation Authority and City of El Cerrito for Cost Sharing Commitments to Design and Construct the Countywide Smart Signals Project

Action Proposed: Adopt a resolution approving the funding agreement between the Contra Costa Transportation Authority and the City of El Cerrito for Cost Sharing Commitments to Design and Construct the Countywide Smart Signals Project, and authorizing the City Manager to execute the agreement in a form approved by the City Attorney.

Contact: Marielle Cuison, Associate Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Pulled from Consent by Mayor Motoyama.

Discussion: Addressed questions regarding traffic pattern analytics, outdated systems, and data collection concerns.

Moved/Seconded: Councilmember Fadelli/Councilmember Quinto

Action: Approved Resolution 2023-59. **Ayes:** Councilmember Quinto, Councilmember Fadelli, Mayor Pro Tem Rudnick, Mayor Motoyama, Councilmember Wysinger **Noes:** None

F. Amendment to Professional Services Agreement with Krisch & Company for Temporary Finance Staffing

Action Proposed: Adopt a resolution to authorize the City Manager to amend the professional services agreement with Krisch & Company (formerly Maze and Associates) for temporary Finance staffing support by \$230,134 for a total amount not to exceed amount of \$480,134.

Contact: Crystal Reams, Finance Director/City Treasurer

Action: Approved Resolution 2023-60

G. Monthly Disbursement and Check Register Report for April - July 2023

Action Proposed: Receive and file the Monthly Disbursement and Check Register Report for the months of April 2023 through July 2023. **Contact:** Crystal Reams, Finance Director/City Treasurer, Finance Department

Action: Received and filed

H. FY 2022-23 Fourth Quarter Cash and Investment Report

Action Proposed: Receive and file the City's second quarterly cash and investment report for the period April 1, 2023 through June 30, 2023.

Contact: Crystal Reams, Finance Director/City Treasurer, Finance Department

Action: Received and filed

8. PUBLIC HEARINGS

A. Contract Amendment between the City of El Cerrito and the Board of Administration of The California Public Employees' Retirement System (CalPERS) Related to Employee Members of United Professional Firefighters Association (Local 1230)

Notice Published 8/5/2023

Action Proposed: Conduct a public hearing and upon conclusion 1) adopt a Resolution of Intention to amend the contract between the City of El Cerrito and the Board of Administration of the California Public Employees' Retirement System (CalPERS), for all employees in the United Professional Firefighters Association (Local 1230); and 2) introduce by title and waive any further reading of an Ordinance amending the City's existing California Public Employees' Retirement System (CalPERS) contract.

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

Public Hearing: Mayor Motoyama opened the public hearing.

No public comments.

Moved/Seconded: Councilmember Quinto/Mayor Pro Tem Rudnick

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

Moved/Seconded: Mayor Pro Tem Rudnick/Councilmember

Wysinger **Action:** Approved Resolution 2023-61, introduced and waived further reading of Ordinance 2023-03 **Ayes:** Councilmember Quinto, Councilmember Fadelli, Mayor Pro Tem Rudnick, Mayor Motoyama, Councilmember Wysinger **Noes:** None

B. Fire Hazard Abatement

Exempt from CEQA review pursuant to Sections 15304 and 15308, Notice published 8/5/2023

Action Proposed: 1) Adopt a resolution declaring weeds, rubbish, litter,

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

Contact: Traviss Crumpacker, Fire Prevention Officer; Chase Beckman, Fire Marshal, Fire Department

Moved/Seconded: Mayor Pro Tem Rudnick/Councilmember Fadelli

Action: Approved Resolution 2023-62 (Declaring Public Nuisance).

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

Public Hearing: Mayor Motoyama opened the public hearing.

No public comments.

Moved/Seconded: Councilmember Quinto/Councilmember Wysinger

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

Moved/Seconded: Mayor Pro Tem Rudnick/Councilmember Wysinger

Action: Approved Resolution 2023-63 (Overriding Objections)

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

C. Adoption of the 2023-2031 6th Cycle Housing Element Update

Notice Published 8/5/2023

Action Proposed: Conduct a public hearing and consider adoption of a Resolution amending the El Cerrito General Plan to repeal the 2015- 2023 Housing Element and adopt an amended Housing Element for the period of 2023-2031, including consideration of an addendum to the 1999 General Plan Environmental Impact Report (EIR), 2014 San Pablo Avenue Specific Plan EIR and 2022 San Pablo Avenue Specific Plan Supplemental EIR, for certification to the California Department of Housing and Community Development.

Contact: Aissia Ashoori, Housing Manager; Sean Moss, Planning Manager; Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding budget for updating the safety element, rent registry and tenant displacement addressed in the report, and degree of substantive changes.

Public Hearing: Mayor Motoyama opened the public hearing.

Oral Public Comments:

Howdy Goudey - commented regarding lack of public interaction and participation in the plan review, the need for bolder actions and additional units.

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

Moved/Seconded: Councilmember Wysinger/Mayor Pro Tem Rudnick
Action: Approved Resolution 2023-64 **Ayes:** Councilmember Quinto, Councilmember Fadelli, Mayor Pro Tem Rudnick, Mayor Motoyama, Councilmember Wysinger **Noes:** None

9. POLICY MATTERS

A. Amendment to City Comprehensive Financial Policies Related to Year-End Surpluses and the Emergency Disaster Relief Fund

Action Proposed: Adopt a resolution amending the City of El Cerrito Comprehensive Financial Policies to a) revise Section 2.7 regarding year-end surplus, b) revise section 4.1 regarding the Emergency Disaster Relief Fund.

Contact: Crystal Reams, Finance Director/City Treasurer, Finance Department; Karen Pinkos, City Manager, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding the Financial Advisory Board recommendation made and member reservations that voted against the recommendation, definition of disaster (natural, manmade, financial, etc.), rational for the reference of "at a minimum" in proposed section 2.7.3, and option for funding more.

Oral Public Comments:

Ira Sharenow - commented on services funded with Measure V revenues, current and past surplus amounts.

Howdy Goudey - spoke regarding investments in prevention and preparedness being equally important to having reserves for events that may occur.

Linda Cain - spoke in support of being prepared for disasters and funding library services during such events.

Moved/Seconded: Mayor Pro Tem Rudnick/Councilmember Quinto
Action: Approved Resolution 2023-65, removing language referring to current cash reserve amount in section 4.2, and updating reference in section 5.1.1. from the Comprehensive Annual Financial Report (CAFR) to Annual Comprehensive Financial Report (ACFR) in Exhibit A to the Resolution. **Ayes:** Councilmember Quinto, Councilmember Fadelli,

Mayor Pro Tem Rudnick, Mayor Motoyama, Councilmember Wysinger **Noes:** None

B. Study Session on General Fund Reserve Balance

Action Proposed: Conduct a study session and provide direction/possible action to staff regarding the allocation of the City's General Fund Reserve Balance.

Contact: Crystal Reams, Finance Director/City Treasurer; Karen Pinkos, City Manager, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding Section 115 trust investment options, risk of investments, and priority of the EDRF funding with any surplus.

Oral Public Comments:

Farhad - speaking as a resident, not as a FAB member, in favor of the recommendation.

Ira Sharenow - commented on Section 115 returns and risk as compared to Local Agency Investment Fund (LAIF), and in favor of paying down debt directly.

Howdy Goudey - Commented on investment policy restrictions to investments in fossil fuels.

Moved/Seconded: Councilmember Fadelli/Councilmember Wysinger

Action: Directed staff to designate one million dollars from the general fund to fund the initial deposit for the Section 115 Trust.

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

Moved/Seconded: Councilmember Quinto/Mayor Pro Tem Rudnick

Action: Directed staff to establish a Section 115 Trust with Public Agency Retirement Services (PARS) **Ayes:** Councilmember Quinto, Councilmember Fadelli, Mayor Pro Tem Rudnick, Mayor Motoyama, Councilmember Wysinger **Noes:** None

Moved/Seconded: Mayor Pro Tem Rudnick/Councilmember Wysinger

Action: Directed staff to designate nine million dollars from the general fund to create and fund an Emergency Disaster Relieve Fund (EDRF) **Ayes:** Councilmember Quinto, Councilmember Fadelli, Mayor Pro Tem Rudnick, Mayor Motoyama, Councilmember Wysinger **Noes:** None

10. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS *Mayor and City Council communications regarding local and regional liaison assignments, committee reports, and any required reporting under AB 1234 for meetings (as defined by the Brown Act) attended at the public's expense.*

Councilmember Quinto - Reported work with Cal Cities on green hydrogen vendors at the annual conference.

Councilmember Fadelli – reported on Contra Costa Transportation Authority (CCTA) event demonstrating a Presto car at the El Cerrito Plaza farmers market.

Councilmember Wysinger - reported attendance at the National League of Cities Summer conference meeting, expecting appointment as member at large for the Board of the LGBTQ constituency group and to the Federal Advocacy Group for Public Safety.

Mayor Motoyama - reported attendance at Association of Bay Area Governments (ABAG) executive committee and was appointed to the Housing Subcommittee; attended St. Peters pastor appreciation event, spoke on housing at the El Cerrito Democratic club, attended the West County Mayors and Supervisors meeting, National Night Out, East Bay Economic Development Alliance Executive Committee, presented at the Contra Costa Mayors Conference, met with the City Advisory Body Ad Hoc, and met with members of Keep El Cerrito Fire Safe.

11. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, September 19, 2023 at 6:00 p.m.

The regular meeting adjourned at 9:38 PM

DocuSigned by:

Lisa Motoyama

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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 August 15, 2023 as approved by the El Cerrito City Council.

DocuSigned by:

HCharlety

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Holly M. Charlety, MMC, City Clerk