

Mayor

Tessa Rudnick

Mayor Pro Tem

Carolyn Wysinger



Councilmembers

Paul Fadelli

Lisa Motoyama

Gabriel Quinto

EL CERRITO CITY COUNCIL MINUTES

TUESDAY, APRIL 2, 2024

SPECIAL CITY COUNCIL MEETING (5:30 PM)

Hillside Conference Room - 10890 San Pablo Ave, El Cerrito

REGULAR CITY COUNCIL MEETING (6:00 PM)

Council Chambers - 10890 San Pablo Ave, El Cerrito

Closed Captions Available Via Zoom:

<https://us06web.zoom.us/j/88499409046?pwd=3Z7IVZPsczsO7vINaFzJMN4znT6OIY.1>

Meeting ID: 884 9940 9046 **Password:** 738017 **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. *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**.

5:30 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

The special meeting was canceled due to a lack of quorum.

~~1. 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.

~~2. CLOSED SESSION CONFERENCE WITH NEGOTIATORS~~

Pursuant to Government Code Section 54856.8

Property: A portion of City property adjacent to the east side of the El Cerrito Plaza BART Station between Central Avenue and Fairmount Avenue **Agency negotiators:** Sean Moss, Planning Manager; Sky Woodruff, City Attorney
Negotiating parties: BART and The Related Companies of California, LLC
Under negotiation: Price and terms
Contact: Sky Woodruff, City Attorney, City Management

3. ADJOURN SPECIAL CITY COUNCIL MEETING

6:00 PM ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING
Councilmember Quinto called the meeting to order at 6:00 PM. **Present:** Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Absent:** Mayor Rudnick, Mayor Pro Tem Wysinger

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

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 - announced upcoming budget workshops on 4/6 and 4/20 and online survey to provide public input.

Councilmember Motoyama - announced upcoming Earth day and upcoming Spring Line Dance.

Councilmember Quinto - announced Mayoral Certificates of Recognition issued to El Cerrito Centenarians Betty Moore (102) and Jacqueline (Jackie) Hetman (104.)

5. PRESENTATIONS

A. El Cerrito Library Update and National Library Week Proclamation

Action Proposed: Receive and file an update from the El Cerrito Library and pass a motion to approve a proclamation declaring April 7-13, 2024 as National Library Week in the City of El Cerrito and encourage all residents to visit the library.

Contact: Heidi Goldstein, Senior Community Library Manager, Contra Costa County Library

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding usage and circulation, and central library card advertising.

Moved/Seconded: Councilmember Fadelli/Councilmember Motoyama

Action: Received and filed presentation and approved

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

B. AT&T Modernization Plans Presentation

Action Proposed: Receive and file a presentation on AT&T modernization plans including intent, and impact to customers. **Contact:** Brandon Baranco, Manager of External Affairs, AT&T

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding state requirement to create a transition plan versus AT&T creating the plan, copper system technology failure, who bears the responsibility of costs for transition, timing of transition, copper versus fiber during power outages, and recent AT&T data breach.

Action: Received and filed

6. 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.

Public Comments: Written comments submitted prior to and during the meeting are posted online as supplemental materials and incorporated into the official meeting record.

BL, Faith M., Alan Mayer, Lucinda Casson, Ilene Lee, Dean Kertesz, Arnon Oren, and Ellie Kim - spoke in opposition of a ceasefire resolution.

Sam Salkin - spoke in opposition of a ceasefire resolution, support of a strong library system, and distrust of AT&T institutions.

Nina Joe - spoke in support of a ceasefire resolution.

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 Motoyama

Action: Approve consent items A, B, D, F, H, and J as indicated below.
Ayes: Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto
Noes: None **Absent:** Mayor Rudnick, Mayor Pro Tem Wysinger

A. Committee on Aging Reappointment Recommendations

Action Proposed: Approve the Committee on Aging recommendation to re-appoint Katherine Cesa and Steve Lipson, effective April 2, 2024.

Contact: Bridget Cooney, Recreation Supervisor, Recreation Department

Action: Approved appointments

B. Urban Forest Committee Reappointment Recommendations

Action Proposed: Approve the Urban Forest Committee recommendations to reappoint Robert J. Hrubes Ph.D., and Catherine (Cassie) Hughes to the Urban Forest Committee, effective April 2, 2024.

Contact: Stephen Prée, Environmental Programs Manager/City Arborist; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved appointments

C. Earth Day Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring Saturday, April 20, 2024 as “Earth Day” in the City of El Cerrito and encouraging all residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Contact: Christina Leard, Management Analyst III; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Pulled from Consent by Councilmember Fadelli Discussion: Earth day events, plans to reinvest in developing events.

Moved/Seconded: Councilmember Motoyama/Councilmember Fadelli

Action: Approve Proclamation **Ayes:** Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None **Absent:** Mayor Rudnick, Mayor Pro Tem Wysinger

D. 2nd Reading and Adoption of an Ordinance to Revisions to City Board, Commission, and Committee Regulations

Action Proposed: Waive the second reading and adopt Ordinance 2024-01 amending section 2.04.220 of the El Cerrito Municipal Code related to meeting frequency and restrictions regarding concurrent appointments.

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

Action: Approved Ordinance 2024-01

E. Authorize Annual Report for Landscaping and Lighting Assessment District for Fiscal Year 2024-25

Action Proposed: Adopt a resolution directing NBS Local Government Solutions (NBS), as the designated Engineer of Work, to prepare and file the annual Landscaping and Lighting Assessment District No. 1988-1 report for Fiscal Year (FY) 2024-25.

Contact: Crystal Reams, Finance Director/City Treasurer, Finance Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Pulled from Consent by Councilmember Motoyama

Discussion: Required general fund contributions, and renewals.

Moved/Seconded: Councilmember Motoyama/Councilmember Fadelli

Action: Approve Resolution No. 2024-18 **Ayes:** Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None **Absent:** Mayor Rudnick, Mayor Pro Tem Wysinger

F. Parking Time Limit Modification in front of 11224 San Pablo Avenue

Action Proposed: Approve resolution authorizing the Public Works Director/City Engineer to install forty (40) feet of green curb marking with a parking time restriction of 20 minutes in front of 11224 San Pablo Avenue.

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

Action: Approved Resolution No. 2024-19

G. Annual Parcel Assessment for the National Pollutant Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2024-25

Action Proposed: Adopt a resolution establishing the annual parcel assessment for the National Pollutant Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of \$38.00 per Equivalent Runoff Unit (ERU) and authorizing the Contra Costa County Flood Control & Water Conservation District to adopt Stormwater Utility Area (SUA) levies based on said amount for Fiscal Year (FY) 2024-25.

Contact: Christina Leard, Management Analyst III; Yvetteh Ortiz, Public Works Director/City Engineer

Pulled from Consent by Councilmember Motoyama Discussion: Use and plans for settlement funds received, updated regulations and staffing needs, single use bag bans.

Moved/Seconded: Councilmember Motoyama/Councilmember Fadelli

Action: Approve Resolution No. 2024-20 **Ayes:** Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None **Absent:** Mayor Rudnick, Mayor Pro Tem Wysinger

H. Amendment to the Joint Exercise of Powers Agreement between the City of El Cerrito and the West Contra Costa Transportation Advisory Committee (WCCTAC)

Action Proposed: Adopt a resolution authorizing the City Manager to execute an Amendment to the Joint Exercise of Powers Agreement between the City and the West Contra Costa Transportation Advisory Committee (WCCTAC).

Contact: Jarrett Mullen, Sustainable Transportation Program Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2024-21

I. Contract for Utility Users Tax Administration Services

Action Proposed: Adopt a resolution authorizing the City Manager to execute a contract with Hinderliter De Llamas & Associates (HdL) for utility users tax administration services.

Contact: Claire Coleman, Budget/Financial Services Manager, Finance Department

Pulled from Consent by Councilmember Fadelli Discussion: Duration of the request, report back on UUT income a year after the contract commences, and amount of current annual revenues received.

Moved/Seconded: Councilmember Motoyama/Councilmember Fadelli

Action: Approve Resolution No. 2024-22 **Ayes:** Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None **Absent:** Mayor Rudnick, Mayor Pro Tem Wysinger

J. Agreement for Swim Center Activity Pool Slide and Tower Replacement

Action Proposed: Adopt a resolution authorizing the City Manager to enter into an agreement with Splashtacular to provide a Swim Center Activity Pool Slide Tower Replacement for an amount not to exceed \$168,950.

Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Chris Jones, Recreation Director, Recreation Department

Action: Approved Resolution No. 2024-23

8. PUBLIC HEARINGS

9. POLICY MATTERS

A. Consideration of Distribution of FY 2022-23 General Fund Surplus in accordance with the Comprehensive Financial Policies

Action Proposed: Adopt a Resolution authorizing the distribution of FY 2022-23 General Fund Surplus funds in the amount of \$5,928,706.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding current status of the Section 115 investment policy, replacement and maintenance reserve calculations, the reason surplus was so high this year, what portion of the surplus is from Real Property Transfer Tax (RPTT) revenues, potential reduction to RPTT projections, and Financial Advisory Board involvement in policy and procedure.

Public Comments: Written comments submitted prior to and during the meeting are posted online as supplemental materials and incorporated into the official meeting record.

Moved/Seconded: Councilmember Motoyama/Councilmember Fadelli
Action: Approved Resolution No. 2024-24 **Ayes:** Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None **Absent:** Mayor Rudnick, Mayor Pro Tem Wysinger

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.*

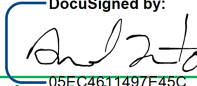
Councilmember Fadelli - reported East Bay Economic Development Alliance Legacy award awarded to the to the Contra Costa Transportation Authority, announced the first meeting of the Wildfire Prevention Group of the East Bay on 4/29.

Councilmember Motoyama - reported on attendance at El Cerrito Lobbying day in Sacramento, Association of Bay Area Governments executive Committee meeting, Cal Cities Housing, Community, and Economic Development Policy Committee meeting, Rosie the Riveter National Historic Park event, and St. Peters Church Good Friday Breakfast event.

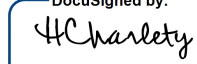
Councilmember Quinto - announced upcoming Cal Cities Board of Directors meeting.

11. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 7:26 PM

DocuSigned by:

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Gabe Quinto, Councilmember

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of April 2, 2024 as approved by the El Cerrito City Council.

DocuSigned by:

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Holly M. Charlety, MMC, City Clerk