

Mayor
Tessa Rudnick
Mayor Pro Tem
Carolyn Wysinger



Councilmembers
Paul Fadelli
Lisa Motoyama
Gabriel Quino

EL CERRITO CITY COUNCIL MINUTES

TUESDAY, SEPTEMBER 17, 2024

SPECIAL CITY COUNCIL MEETING (5:00 PM)

Hillside Conference Room - 10890 San Pablo Ave, El Cerrito

<https://us06web.zoom.us/j/84360458127?pwd=gJU6JOC8iqdfUx1kiOIbxsPDaTLXKc.1>

Meeting ID: 843 6045 8127 **Passcode:** 736616 **Dial in:** 1-408-638-0968

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/88143098465?pwd=YQBN7tduggKTHHHnNatlmJR9bpTRJX.1>

Meeting ID: 881 4309 8465 **Password:** 968523 **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**.

5:00 PM

ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Rudnick called the meeting to order at 5:00 PM.

Present: Mayor Rudnick, Mayor Pro Tem Wysinger, Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **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.

3. **CLOSED SESSION CONFERENCE WITH NEGOTIATORS**

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Alexandra Orologas, Assistant City Manager; Shannon Bassi, Senior Human Resources Analyst; Glenn Berkheimer, Labor Negotiator; and Sky Woodruff, City Attorney. **Employee Organizations:** Police Employees Association (PEA); and Public Safety Management Association.

Contact: Sky Woodruff, City Attorney, City Management

The City Council convened to closed session at 5:02 PM. No reportable action.

4. **COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS**

Action Proposed: Staff requests that City Council conduct interviews and, at the conclusion of interviews, confer with staff regarding the ongoing recruitments, any remaining vacancies, and the scheduling of further special meetings to conduct interviews (if applicable). Council may decide to make appointments at the conclusion of the meeting.

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

Moved/Seconded: Mayor Rudnick/Councilmember Motoyama **Action:** Conducted 1 interview and made the following appointment. 1) Michael Wheeler to Planning Commission for a partial term of 9/17/2024 - March 1, 2028. **Ayes:** Mayor Rudnick, Mayor Pro Tem Wysinger, Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None

5. **ADJOURN SPECIAL CITY COUNCIL MEETING**

The special meeting adjourned at 5:52 PM

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

*Mayor Rudnick called the meeting to order at 6:01 PM. **Present:** Mayor Rudnick, Mayor Pro Tem Wysinger, Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **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. 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 - congratulated Finance Director Crystal Reams on achieving her Certified Public Accountant license; announced the United Against Hate Week event on 9/26 at the Rialto Theater, 9/29 Play Like a Girl + event, 10/25 Senior Resource Fair, and Free Senior Social hours on Wednesdays and Thursdays at the Community Center.

Housing Manager Aissia Ashoori - announced the award of a \$39 million dollar grant to the City of El Cerrito from the California Strategic Growth Council for the El Cerrito Plaza Transit Oriented Development project.

Fire Chief Eric Saylor - announced recognition received by the Strike Team Leader on the Park Fire for Captain Rune Hoyer-Nielsen's leadership and response.

Councilmember Fadelli - announced 9/23 East Bay Wildfire Coalition meeting.

Councilmember Motoyama- announced the El Cerrito Art Association Artists Reception on 10/4 at the Community Center, the 10/10, 10/12-13, and 10/19 Albany Film Festival in El Cerrito, and the 10/20 Free Folk Festival at the Community Center.

Mayor Rudnick - reported on a 9/9 Wall of Fame Ad-Hoc Meeting and the recommendation to approve Patricia Durham for the Wall of Fame, announced the expansion of the Ad-Hoc charge to include review of the program to return with recommendation before the end of the year.

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.

Buddy Akacic – commented on the Stockton Avenue veteran's building condition and use for senior services, and the need for a senior center in El Cerrito.

Dean Kertesz and Lucinda Casson – spoke in support of the United Against Hate Week proclamation.

Eyal Shahr – spoke regarding antisemitism and in opposition to a council resolution regarding a ceasefire.

Linda Cain – commented regarding the need for a senior center in El Cerrito.

6. PRESENTATIONS

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: Approved the consent calendar as indicated below. **Ayes:** Mayor Rudnick, Mayor Pro Tem Wysinger, Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None

A. Hispanic Heritage Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring September 15, 2024 - October 15, 2024 as Hispanic Heritage Month, by recognizing and celebrating the histories, cultures, and contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America.

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

Action: Approved proclamation modifying the first whereas clause to read "whose ancestors came from Africa, Spain...."

B. Suicide Prevention Awareness Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring September as Suicide Prevention Awareness Month in the City of El Cerrito.

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

Action: Approved Proclamation

C. United Against Hate Week

Action Proposed: Pass a motion to approve a proclamation declaring September 21 - 27, 2024 as United Against Hate Week in the City of El Cerrito.

Contact: Will Provost, Assistant to the City Manager, City Management

Action: Approved Proclamation

D. Monthly Disbursement and Check Register Report for August 2024

Action Proposed: Receive and file the Monthly Disbursement and Check Register Report for the month of August 2024.

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

Action: Received and filed

E. 2nd Reading and Adoption of an Ordinance to Reauthorize an Existing Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration

Notice published 7/13/2024, 1st Reading 7/16/2024

Action Proposed: Waive the Second Reading and Adopt Ordinance 2024-02 Amending and Restating Chapter 4.62 of the El Cerrito Municipal Code to Reauthorize an Existing Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration

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

Action: Adopted Ordinance 2024-02

F. Spending Authority for Certain Vendors Expected to Exceed \$45,000 for FY 2024-25

Action Proposed: Adopt a resolution approving spending authority for vendors expected to exceed \$45,000 in Fiscal Year 2024-25.

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

Action: Approved Resolution No. 2024-60

G. Consulting Services Agreements for On-Call Engineering and Project Management Services

Action Proposed: Adopt a resolution authorizing the City Manager to execute consulting services agreements with three firms, Bellecci, Tetra Tech, Theis Engineering and Associates, Inc to provide On-call Engineering and Project Management services for three years with options to extend for an additional two years in an amount not to exceed \$250,000 per fiscal year for each agreement.

Contact: A'shanti Coleman, Management Assistant; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution No. 2024-61

H. Resolution to Amend the City's Classification Plan

Action Proposed: Adopt a resolution amending the City's Classification Plan to 1) authorize revisions to the existing classifications of Childcare Aide, Plan Checker I/II, Assistant Engineer,

Engineering Technician II, Information Technology Technician and 2) authorize the new classification of Engineering Technician I.

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

Action: Approved Resolution No. 2024-62

8. PUBLIC HEARINGS

A. Fire Hazard Abatement

Exempt from CEQA review pursuant to Sections 15304 and 15308, Notice published 9/7/2024

Action Proposed: 1) Adopt a resolution declaring that 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 3) 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: Councilmember Quinto/Councilmember Motoyama

Action: Approved Resolution No. 2024-63 (Declaring Properties).

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

Public Hearing: Mayor Rudnick opened the public hearing.

No comments

Moved/Seconded: Councilmember Quinto/Councilmember Fadelli

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

Moved/Seconded: Councilmember Motoyama/Councilmember Fadelli

Action: Approved Resolution No. 2024-64 (Overriding Objections).

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

B. Development Agreement for the 1715 Elm Street Project

Notice Published on 9/7/2024

Action Proposed: Waive the first reading of and introduce an ordinance approving a Development Agreement for the 1715 Elm

Street project to extend the term of the Agreement with the original developer for 5 years. **Contact:** Sean Moss, Planning Manager; Jeff Ballantine, Senior Planner, Community Development Department
Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding completion timeline, below market rate units and pricing, and use of historical house leased to the city.

Public Hearing: Mayor Rudnick opened the public hearing.

No public comments.

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

Moved/Seconded: Councilmember Motoyama/Councilmember Quinto
Action: Waived the first reading and introduced an Ordinance to Approve a Development Agreement for the 1715 Elm Street Project to Extend the Term of the Agreement with the Original Developer for 5 Years. **Ayes:** Mayor Rudnick, Mayor Pro Tem Wysinger, Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None

9. POLICY MATTERS

A. Police Equipment and Services Agreement with Axon Inc.

Proposed: Adopt a resolution authorizing the City Manager to enter into five-year agreement with Axon Inc. to supply police equipment and services in an amount not to exceed \$159,000 annually, for a total contract amount not to exceed \$785,192.

Contact: Paul Keith, Chief of Police, Police Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding public access tracking on the transparency portal, public access to body worn camera footage, deploying camera footage when weapons removed from holster, increased benefits and potential expansion of other services, additional functionality of current license plate readers, taser capacity, budget cycle, which agency vehicles will be affected, length of time footage is stored, and other agencies using products.

Moved/Seconded: Councilmember Quinto/Mayor Rudnick

Action: Approved Resolution No. 2024-65. **Ayes:** Mayor Rudnick, Mayor Pro Tem Wysinger, Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None

B. FY 2023-24 General Fund Budget Quarterly Update through June 2024

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2023-24 through June 2024.

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 the un-needed reduction in fund balance, expenditure calculations, and advanced access to presentation materials.

Action: Received and filed

C. Roll Forward of Incomplete Purchase Orders from FY 2023-24

Action Proposed: Adopt a resolution authorizing the carry forward of \$604,623.85 from the General Fund and \$12,348,520.48 from special revenue and enterprise funds for purchase orders authorized during FY 2023-24 but expected to be completed in FY 2024-25.

Contact: Crystal Reams, Finance Director/City Treasurer, Finance Department; Claire Coleman, Budget/Financial Services Manager, Finance Department

Moved/Seconded: Councilmember Motoyama/Councilmember Quinto

Action: Approved Resolution No. 2024-66. **Ayes:** Mayor Rudnick, Mayor Pro Tem Wysinger, Councilmember Fadelli, Councilmember Motoyama, Councilmember Quinto **Noes:** None

D. Voting Direction for League of California Cities 2024 Annual Conference Resolutions Packet

Action Proposed: Pass a motion to authorize and provide direction to the annual conference voting delegate on how to vote on the proposed resolutions packet for 2024.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding legal risk in support of the proposed resolution and council perspectives.

Action: General consensus to not take action and let the voting delegate get more information at the conference and make the decision on the Council's behalf.

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.*

Mayor Pro Tem Wysinger - reported on attendance at a school collaborative meeting regarding the closure of Stege Elementary School.

Councilmember Motoyama - reported on attendance at the Arts and Culture Commission meeting, Park and Recreation Commission meeting, and Marin Clean Energy Executive Committee meeting.

Councilmember Quinto - reported on attendance at two Local Area Foundation Commission (LAFCO) meetings, and Stationary Source Committee for the Bay Area Air Quality Management District meeting.

Councilmember Fadelli - reported on attendance at Contra Costa Transportation Authority meeting.

Mayor Rudnick - reported on attendance at the Contra Costa Mayors Conference meeting, and RecycleMore meeting.

11. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, October 1, 2024 at 6:00 p.m.

The regular meeting adjourned at 8:04 PM

DocuSigned by:

Tessa Rudnick

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Tessa Rudnick, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the City Council meeting of September 17, 2024 as approved by the El Cerrito City Council.

DocuSigned by:

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Holly M. Charlety, MMC, City Clerk