EL CERRITO CITY COUNCIL MINUTES

REGULAR CITY COUNCIL MEETING
Tuesday, May 7, 2019 – 7:00 p.m.
City Council Chambers

Meeting Location
El Cerrito City Hall
10890 San Pablo Avenue, El Cerrito

7:00 PM **ROLL CALL - CONVENE REGULAR CITY COUNCIL MEETING**
Mayor Pardue-Okimoto called the meeting to order at 7:06 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE – *Councilmember Fadelli*

2. COUNCIL/STAFF COMMUNICATIONS

Damien Carrion, Fire Prevention Officer, provided an update on the department's efforts in keeping El Cerrito fire safe.

Councilmember Quinto reported attendance at League of CA Cities Legislation Day, hosted API Caucus luncheon, spoke at the West County Unified School District Board meeting, attended at Hazardous Materials Committee, and participated in CERT training.

Councilmember Abelson reported attendance at Fire Badge ceremony, volunteer appreciation dinner, and participated as a judge for the Why Plan Policy Summit.

Councilmember Fadelli reported attendance at Hillside Festival, League of CA Cities bocce tournament, opening of new art exhibit for Urban Nostalgia, Fire Badge ceremony, Fire education session, ribbon cutting of 10639 San Pablo Ave; announced appointment by Supervisor Gioia as substitute disaster coordinator in the county by Gioia; announce Bike to Work day May 9th and fix-it clinic on Saturday.

Councilmember Lyman announced new business owner of Ball Chiropractic and ribbon cutting on Saturday, reported efforts with regional representatives for support on grants submitted to work on fuel breaks.

Mayor Pardue-Okimoto reported attendance at the Hillside Festival, Fire Badge ceremony, Contra Costa Mayors Conference, and West County Mayors and Supervisors meeting.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Howdy Goudey announced the Environmental Quality Committee Fixit clinic this Saturday at the community center. Shared attendance at recycling market meeting and need for investment in programs to reduce waste generation.

Fred Bialy spoke in support of stopping the use of round up by the city and expressed concern about its use and link to health, financial risk around potential litigation, and ecological concerns.

Toby Blomé spoke on concern regarding the use of round up by the city, long term consequences of chemicals, and asked council to consider putting on agenda to make El Cerrito a glyphosate free city.

Robin Mitchell reviewed recent report on status of planet and ecosystem, and contributing factors such as plastic as a pollutant, and the need to reduce use of single use plastic and use of compostable items.

Susan Duncan thanked the Fire Department for their work, spoke on last meeting's discussion on goals, lack of discussion regarding fire prevention, and use of measure V funds. Requested council to send letter of support of AB38.

Paul Duncan spoke on the Marin County Grand Jury Report and parallels to the city, hope to inspire devoting more resources to fire prevention.

Scott Perry shared Make El Cerrito Fire Safety formation and efforts regarding fire safety to date, spoke on PGE protocols and strategy to respond and reduce liability.

Ed Crowley questioned why the 500 block on Bonnie drive and why is that street not on the list for street repairs.

Tom Schrey spoke in support of making the hills firesafe and reducing the fire load.

Sherry Drobner reviewed a survey circulating about the councilmembers, and concern about offensive nature of the questions related to tenant protections. Stated that data compiled should be looked at with relative skepticism.

Kate Bolton-Schmukler spoke regarding appreciation on efforts to protect tenants.

4. ADOPTION OF THE CONSENT CALENDAR

Moved/Seconded: Councilmembers Lyman/Quinto **Action:** Passed a motion to approve the consent calendar, recognizing the revised proclamation for item 4A in recognition of Cheryl Morse, and extending appreciation to all city clerks past and present. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. 50th Annual Municipal Clerks Week Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing the week of May 5 through May 11, 2019 as Municipal Clerks Week in the City of El Cerrito.
Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved supplemental proclamation

B. Bike to Work Day Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring May 9, 2019 at Bike to Work day in the City of El Cerrito.
Contact: Jennifer Peat, Management Assistant, Community Development Department

Action: Approved proclamation

C. National Public Works Week Proclamation

Action Proposed: Pass a motion to approve a proclamation designating May 19 through May 25, 2019 as National Public Works Week in the City of El Cerrito.
Contact: Precilla Mandujano, Management Assistant, Public Works Department

Action: Approved proclamation

Jeff Levin accepted the proclamation as Policy Director on behalf of East Bay Housing Organizations.

D. Affordable Housing Week Proclamation

Action Proposed: Pass a motion to approve a proclamation designating May 9 through May 19, 2019 as the 23rd Annual East Bay Affordable Housing Week: "Affordable Homes for All".
Contact: Aissia Ashoori, Management Analyst II, Community Development Department

Action: Approved proclamation

E. Asian Pacific American Month Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring the Month of May 2019 as Asian Pacific American Heritage Month in El Cerrito.
Contact: Kristen Cunningham, Human Resources Manager, City Management

Action: Approved proclamation

F. Jewish American Heritage Month Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring the Month of May 2019 as Jewish American Heritage Month in the City of El Cerrito.
Contact: Kristen Cunningham, Human Resources Manager, City Management

Action: Approved proclamation

G. 70th Anniversary of Rotary Club Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing the 70th anniversary of the El Cerrito Rotary Club and proclaiming May 7, 2019 as Rotary Club Day in El Cerrito.
Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved proclamation

H. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meetings of April 2, 2019, and April 16, 2019.
Contact: Holly M. Charléty, City Clerk, City Management

Action: Approved minutes

I. 2019 Patch Paving Project, City Project No. C3027.21A

Action Proposed: Adopt a resolution approving plans and specifications for the 2019 Patch Paving Project, City Project No. C3027.21A (Project); accepting the two bids submitted for the Project; authorizing the City Manager to execute a contract in the amount of $162,431 with Paving Construction Services, Inc. and to approve change orders in an amount not to exceed $32,500 for construction of the Project; and amending the Fiscal Year (FY) 2018-19 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A to appropriate an additional $74,000 in the Measure A Street Improvement Fund for the Project.
Contact: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Adopted Resolution 2019-30

J. **Environmental Quality Committee Appointment of Daniel Hamilton**

Action Proposed: Pass a motion to approve an Environmental Quality Committee recommendation to appoint Daniel Hamilton to the Environmental Quality Committee, effective May 7, 2019.
Contact: Will Provost, Environmental Analyst; Maria Sanders, Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved appointment

5. **PRESENTATIONS** - None

6. **PUBLIC HEARINGS** - None

7. **POLICY MATTERS**

A. **Rent Registry Ordinance** *Notice published on 4/27/2019*

Action: Introduce by title and waive any further reading of an Ordinance of the City of El Cerrito Amending Title 10 of the El Cerrito Municipal Code to Add Chapter 10.100, "Rent Registry" to Require That Property Owners Register Rents for and Provide Other Information Regarding Residential Rental Properties with the City Annually.
Contact: Aissia Ashoori, Affordable Housing Analyst; Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Aissia Ashoori, Affordable Housing Analyst, provided an overview of the rent registry ordinance proposed and answered questions raised by members of the council including recovery costs, applicability to types of units, staffing needs, timing for implementation and report back of data collected, privacy of data collected and what is protected under law, optional platform for tenants to disclose information in addition to landlords, how disclosed data would be presented to protect unique identifiers, and efforts to increase the number of registered rentals.

Public Comments:

Elizabeth Thorsnes expressed concern about violating privacy of tenants, questioned the need of some of the information requested, offered alternate option of a survey.

Howdy Goudey spoke in support of adoption, expressed need for stated intention of a higher compliance rate to reduce annual fee and increase business license revenue, need for process to allow tenants to verify information provided by landlord, consider providing aggregated data online to allow for access without fielding individual requests.

Robin Mitchell agree that information should be collected and shared that City of San Jose provides their data online.

Ed Crowley spoke on the high cost and offered services to complete the work.

Jeffrey Wright shared concern on perception, focusing on the right topics of municipal government, and that there has not been a problem shown.

Karina Ioffee stated there is a crisis in the community, people being priced out of the community, and renters treated as second class citizens.

Peter Pan spoke on associated costs of program, effect on the consumer, and opposition.

Rhovy Lyn Antonio with CA Apartment association expressed opposition to rent registry, disagreement on method of obtaining data, confidentiality, and protection from disclosure.

Jeff Levin with East Bay Housing Organizations, spoke in support and stall because of lack of data. Encourage staff to be more aggressive in identifying those not in compliance with business license, section 8 language, and disclosure of data collected.

Nicholas Galloro spoke in support of a registry, feels a large number are not reporting rental units, need a report back to disclose how many are now in compliance, and tenants should be able to know if their unit is legally registered.

Nathan Duram-Hammer with East Bay Rental Housing Association expressed this is an invasion of privacy and constitutional rights, expensive expansion of bureaucratic system, fees will go up and rents will increase.

Norma Labat spoke in opposition because it threatens generational property owned, vowed to parents that property would be protected but this will threaten her property.

Anna worked hard to purchase property, policy will only aide bad tenants, spoke about American economy and that policy will make rental market worse.

Eva Chow commented on effect on property owners not putting properties on the rental market because of the bureaucracy, will backfire and remove rentals from the market.

Council Discussion: Staff responded to comments and questions by members regarding the proprietary section of the resolution, disclosure of data, protection against subpoena, reports produced and public records disclosure guidelines.

Moved/Seconded: Councilmembers Lyman/Fadelli **Action:** Passed a motion to introduce the ordinance by tile and waive further reading; and approve the ordinance incorporating revisions to subsection 10.100.030 H2 to clarify the number of rental units in a building would only be expressed as a range if requested; that the types of reports described are the only records that would be released under a public records request; add a statement that the city would not disclose data from the database that would identify the rent for a specific rental unit; and add a statement that the city will not collect names or data about individuals. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, and Lyman **Noes:** Councilmember Quinto

B. Just Cause for Eviction Ordinance *Notice published on 4/27/2019*

Action Proposed: Introduce by title and waive any further reading of an Ordinance Amending Title 10 of the El Cerrito Municipal Code Chapter to Add Chapter 10.300, "Just Cause for Eviction and Prohibition on Harassment of Tenants" Related to Termination of Tenancy and Other Tenant Protections
Contact: Aissia Ashoori, Affordable Housing Analyst; Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Aissia Ashoori, Affordable Housing Analyst, provided an overview of the just cause for eviction ordinance proposed and answered questions raised by members of the council regarding role of Eden Council for Hope and Opportunity (ECHO), basis and models used for creating list for just cause, applicability to expired leases, clause stating not obligated to enforce, but has the right to; proving breach of contract; overlap of ordinance with state law and standard lease language; concern about added costs; and concern about using ECHO for both landlord and tenant guidance.

Public Comments:

Peter Pan stated additional housing created will be reduced by introduction of ordinances tonight as mom and pop aging landlords cannot support this.

Lisa Lau asked for no votes, expressed when dealing with bad tenants is least confrontational to let the lease expire, this will force landlords to pursue eviction which will hurt the tenants long term.

Claude Zamanian spoke regarding the amount of fees eventually being passed on to tenants, celebrating affordable housing tonight but not discussing to make housing more affordable.

Ilona Clark with United Richmond Housing Providers spoke about redundancy with state law, effect nullifies leases and makes every lease termination into an expensive process. Paves the way for full rent control, exemptions will be rolled back. Landlords and tenants need to work together.

Howdy Goudey spoke in support of protection, but feels does not cover enough units, why is the protection only being given to 1/3 of renters, shouldn't exempt for new construction.

Robin Mitchell being a landlord is a business and should be treated as such, and businesses have fees involved. Cannot claim that El Cerrito is affordable, should cover all property types.

Vincent Lau shared a need to increase rent based on economy, passing this will create lifelong tenancy for a bad tenant, stated he provides a good unit and should be able to take back if they want.

Ed Crowley stated property owners want long term tenants, and don't terminate for no reason, challenge is that violation of lease has a 3-day cure and can be repeated.

Ronnie Polonsky spoke about a neighbor requesting aide in getting groceries and loss job of job, was charged $200 as a penalty and rent recently raised. Sited recent circumstances for terminations of various renters, accept just cause as a first step.

Nicholas Galloro spoke in support of just cause but limited by only 1/3 of units. Sited circumstances of rent increases of tenants, and due process necessary to ensure people's rights are validated.

Jeffrey Wright concerned about ability of tenant to force a landlord at the end of lease into renting in perpetuity to the tenant, compared rent controls in neighboring cities, and focus on municipal government.

Patricia Wilson shared she sold properties owned in Richmond after rent controls implemented and experience with tenants, and there are better ways to do this, didn't want to raise rents, wanted partners in renters.

Rhovy Lyn Antonio with CA Apartment Association spoke in opposition. Stated there is no state law that a fixed term lease expires into month to month. Shared this forces landlord to go to court every time they want to get their unit back, staff alternative in minimum lease terms would list just cause reasons.

Jeff Levin with East Bay Housing Organization spoke in support of just cause, it's about tenant protections and preserving diversity of El Cerrito. Would like to see it cover all units, commented on specifics on right to withdrawal units from rental market.

Nathan Duram-Hammer with East Bay Rental Housing Association commented that property owners are not in the business of evicting tenants, generally avoided at all costs. Policy forces eviction and trips to court, one bad tenant can put a provider underwater, just cause protects the actions of bad tenants, and rent restrictions equals rent increases.

Eva Chow spoke regarding available units on the market under $2000 available in El Cerrito and Albany.

Moved/Seconded: Councilmembers Abelson/Quinto **Action:** Passed a motion to extend the meeting by 30 minutes to 11:00 p.m. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Tyra Wright stated providing housing is a business and there are fees associated with a business, but a contract is a contract, and this ordinance proposes mandating the extension of a lease indefinitely. Expiration of a lease is a reason for just cause.

Sherry Drobner asked the council to speak with tenants in the city, shared what has been shared with her in doing so, and support of just cause.

Norma Labat shared research on Zillow for recent homes sold because of just cause.

Council Discussion: Staff responded to comments and questions regarding eviction notices for listed causes, other reasons for terminating are prohibited, clarification that an adopted ordinance can be repealed, removal of units from market, and definitions of a unit.

Moved/Seconded: Councilmembers Abelson/Quinto **Action:** Passed a motion to extend the meeting by 30 minutes to 11:30 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Lyman/Fadelli **Action:** Passed a motion to introduce by title and waive any further reading of the Ordinance proposed. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Fadelli and Lyman **Noes:** Abelson and Quinto

C. Tenant Protections Taskforce

Action: Discuss and consider adopting a resolution for the formation of a Tenant Protection Taskforce.

Contact: Aissia Ashoori, Affordable Housing Analyst; Melanie Mintz, Community Development Director, Community Development Department

Presentation and Discussion: Aissia Ashoori, Affordable Housing Analyst provided an overview of the proposed Tenant Protection Taskforce and answered questions raised by members of the council regarding selection options for selection of members.

Moved/Seconded: Councilmembers Abelson/Lyman **Action:** Passed a motion to extend the meeting by 30 minutes to 12:00 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Public Comments:

Howdy Goudey requested council consider including a third category of homeowners who are not landlords or tenants for impartial aspect. Consider all pillar B strategies as the reference to responsibility and scope of discussion.

Robin Mitchell expressed that an even number of members would not work, adding a third as homeowner will help. Should also represent different unit types, with no limitation on number of meetings.

Nicholas Gallon stated an equal number doesn't make sense based on the imbalance of tenants versus landlords.

Rhovy Lyn Antonio with CA Apartment Association stated with creation of task force, homeowners should have a seat at the table. Create a fair process if you are going to create more regulation.

Peter Pan spoke of need for members to not have recently moved to the city, volunteered for the task force.

Jeff Levin with East Bay Housing Organizations suggested scope expand to include all options presented in the tenant protection toolbox offered in August, add 1 to 3 neutral homeowners on the task force, and range of both owners and tenants.

Moved/Seconded: Councilmembers Lyman/Abelson **Action:** Passed a motion to continue the item to policy items on May 21. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Abelson reported that Contra Costa Transit Authority is looking at expanding projects.

Councilmember Fadelli reported Bates Fields JPA two cities have not paid into the reconstruction of the field, and increased cost for restroom renovations.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 11:30 p.m.

Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the regular City Council meeting of May 7, 2019 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk