



AGENDA

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

Rochelle Pardue-Okimoto – Mayor

Mayor Pro Tem Greg Lyman
Councilmember Paul Fadelli

Councilmember Janet Abelson
Councilmember Gabriel Quinto

7:00 PM ROLL CALL - CONVENE REGULAR CITY COUNCIL MEETING

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

2. 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.

3. 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. The Mayor may reduce the time limit per speaker depending upon the number of speakers. Kindly state your name and city of residence for the record. 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 are taken up at the time the City Council deliberates each action item. Individuals wishing to comment on any closed session scheduled after the regular meeting may do so during this public comment period or after formal announcement of the closed session.

4. 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.

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

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

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

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

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

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

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

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

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

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

5. PRESENTATIONS

6. PUBLIC HEARINGS

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

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

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

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

9. ADJOURN REGULAR CITY COUNCIL MEETING

The next regularly scheduled City Council meeting is Tuesday, May 21, 2019 at 7:00 p.m. in the City Council Chambers, 10890 San Pablo Avenue, El Cerrito.

The City of El Cerrito serves, leads and supports our diverse community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety and creating an economically and environmentally sustainable future.

- Council Meetings can be heard live on FM Radio, KECG – 88.1 and 97.7 FM and viewed live on Cable TV - KCRT- Channel 28 and AT&T Uverse Channel 99. The meetings are rebroadcast on Channel 28 the following Thursday and Monday at 12 noon, except on holidays. Live and On-Demand Webcast of the Council Meetings can be accessed from the City's website <http://www.el-cerrito.org/streamingmedia> and is streamed with closed caption. Copies of the agenda bills and other written documentation relating to items of business referred to on the agenda are on file and available for public inspection in the Office of the City Clerk, at the El Cerrito Library and posted on the City's website at www.el-cerrito.org prior to the meeting.
- In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (510) 215-4305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title I).
- ***The Deadline for agenda items and communications*** is eight days prior to the next meeting by 12 noon, City Clerk's Office, 10890 San Pablo Avenue, El Cerrito, CA. Tel: 215-4305 Fax: 215-4379, email cityclerk@ci.el-cerrito.ca.us
- IF YOU CHALLENGE A DECISION OF THE CITY COUNCIL IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE COUNCIL MEETING. ACTIONS CHALLENGING CITY COUNCIL DECISIONS SHALL BE SUBJECT TO THE TIME LIMITATIONS CONTAINED IN CODE OF CIVIL PROCEDURE SECTION 1094.6.
- The City Council believes that late night meetings deter public participation, can affect the Council's decision-making ability, and can be a burden to staff. City Council Meetings shall be adjourned by 10:30 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL PROCLAMATION
Designating May 5 through 11, 2019 as Municipal Clerks Week in the
City of El Cerrito

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The role of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at all levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, Presidential proclamations were signed in 1984, 1994, and 1996 recognizing Municipal Clerks Week and the essential role Municipal Clerks play in local government; and

WHEREAS, 2019 marks the 50th Anniversary of Municipal Clerks week.

NOW THEREFORE, the City Council of the City of El Cerrito, does hereby proclaim the week of May 5 through May 11, 2019 as Municipal Clerks Week, and extends appreciation to all municipal clerks for their vital service and dedication to the communities they represent.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Bike to Work Day is on May 9, 2019

WHEREAS, May is National Bike Month; and

WHEREAS, bicycling has multiple environmental and personal health benefits;
and

WHEREAS, the City of El Cerrito is committed to making the City a more bike-friendly city and encouraging increased bicycle use; and

WHEREAS, in 2013, the Council adopted a Climate Action Plan to reduce locally produced greenhouse gas emissions, help El Cerrito respond to the effects of climate change and create a safer and more sustainable El Cerrito, including strategies to increase bicycle use and reduce vehicle miles traveled; and

WHEREAS, in April 2016, the Council adopted a citywide Active Transportation Plan, an update to the City's Circulation Plan for Bicyclists and Pedestrians adopted in 2007; and

WHEREAS, the San Francisco Bay Area's 25th Bike to Work Day will take place on Thursday, May 9, 2019 with all nine Bay Area counties participating in the celebration; and

WHEREAS, as part of Bike to Work Day, energizer stations will be located along Bay Area commute routes where bicyclists can stop for refreshments, giveaways and bicycling information or simply to be 'cheered on' by fellow participants; and

WHEREAS, on Bike to Work Day, the City of El Cerrito will host an Energizer Station on the Ohlone Greenway at the El Cerrito BART Station 'wave' bike lockers; and

WHEREAS, drivers should remember to drive the speed limit, share the roadway and always watch for bicyclists; and

WHEREAS, the Council encourages everyone to consider participating in Bike to Work Day and other Bike Month activities, to participate in a bicycle safety class, and to consider bicycling more often.

NOW THEREFORE, the City Council of the City of El Cerrito, does hereby proclaim May 9, 2019 as Bike to Work Day in the City of El Cerrito, recognizing the value of increased bicycle use and encouraging participation in the 25th Annual Bike to Work Day and other bicycling activities during the month of May.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Designating May 19 through 25, 2019 as National Public Works Week in the
City of El Cerrito

WHEREAS, public works personnel focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of El Cerrito; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works personnel; and

WHEREAS, public works personnel of the City of El Cerrito are involved in the maintenance, planning, design, and construction of parks, playfields, open space, creeks, paths, storm drains, streets, transportation facilities, and public buildings, and operations of our recycling, solid waste and environmental programs; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in El Cerrito to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2019 marks the 59th annual National Public Works Week sponsored by the American Public Works Association; and

WHEREAS, the 2019 National Public Works Week theme is “It Starts Here” to represent the many responsibilities public works personnel take on to build, maintain, and support the infrastructure that helps our communities thrive.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim May 19 through May 25, 2019 as “National Public Works Week” in the City of El Cerrito and encourages all citizens and civic organizations to recognize the substantial contributions that public works personnel make every day to our health, safety, comfort, and quality of life.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Designating May 9 through May 19, 2019 as the 23rd Annual East Bay Affordable Housing Week: "Affordable Homes for All"

WHEREAS, quality affordable housing is vital to healthy, safe, vibrant, and diverse communities; and

WHEREAS, affordable homes are the solution to homelessness, and provide support to seniors, families, youth, veterans, and people with disabilities; and

WHEREAS, the 2017 El Cerrito Affordable Housing Strategy identifies the following four policy pillars to produce, preserve and protect affordable housing for very low, low and moderate-income households:

- A. Leverage Private Development to Address Affordable Housing Needs
- B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations
- C. Encourage Development of Missing Middle Housing Types
- D. Increase Local Funding to Continue Support of Low Income and Special Needs Housing Development

WHEREAS, creating new permanently affordable homes and preserving and improving existing housing helps our residents maintain community roots and encourages racial and economic diversity for generations; and

WHEREAS, affordable homes close to public transit and jobs reduce greenhouse gas emissions and provide low income families better access to opportunities and amenities; and

WHEREAS, empowering and engaging local resident leaders helps to shape better housing, tenant protections, and development policies; and

WHEREAS, non-profit organizations, local jurisdictions, community organizations, faith-based groups, and many others continue to build inclusive communities by providing shelter, homes and support for low-income people and those with special needs; and

WHEREAS, local jurisdictions such as El Cerrito, play an important role by raising local resources for affordable housing to leverage federal, state and other funds; and

WHEREAS, East Bay Housing Organizations has organized Affordable Housing Week for 23 years and will feature 17 events in 9 cities, acknowledging the need for and benefits of affordable housing.

NOW THEREFORE the City Council of El Cerrito, does hereby proclaim May 9 to May 19, 2019 as the 23rd Annual Affordable Housing Week in the City of El Cerrito; and will work to support affordable housing at the local, regional and state level; and will encourage residents of El Cerrito to participate in Affordable Housing Week activities by attending the Grand Opening Celebration of Hana Gardens Senior Apartments, hosted by Eden Housing, on May 13, 2019.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
Declaring the Month of May 2019 as Asian Pacific American Heritage Month in
El Cerrito

WHEREAS, the earliest Asian Americans immigrated to the United States in the 1800s and many Asian laborers contributed to the completion of the transcontinental railroad during the 1860s, and in the development of California's agricultural industry to this day; and

WHEREAS, Asian Americans and Pacific Islanders have played a critical role in the social, economic, and political development of California throughout its history; and

WHEREAS, Asian Americans and Pacific Islander immigrants have contributed greatly to California's economic success, rural growth and urban development; and

WHEREAS, Asian Americans and Pacific Islander entrepreneurs have led many of California's businesses to the pinnacle of their respective industries; and

WHEREAS, approximately 27 million Asian Americans and Pacific Islanders in the nation are one of the fastest growing ethnic populations in the country; and

WHEREAS, Asian Americans and Pacific Islanders represent 27.2 percent of El Cerrito's population, representing ancestries throughout Asia; and

WHEREAS, Asian Americans and Pacific Islanders will continue to be an important part of El Cerrito's cultural diversity and understanding; and

WHEREAS, Asian Americans and Pacific Islanders have a proud legacy of service and dedication to our community, our City, our State and our Country; and

WHEREAS, May has become a symbolic month in which Asian Americans and Pacific Islanders and supporters come together in various celebrations of culture, traditions and history.

NOW THEREFORE, the City Council of the City of El Cerrito hereby proclaims the month of May 2019 as Asian Pacific American Heritage Month in the City of El Cerrito and invites everyone to reflect on the notable accomplishments and outstanding services provided by Asian Americans and Pacific Islanders to the Nation, California and the City of El Cerrito.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

CITY COUNCIL OF THE CITY OF EL CERRITO PROCLAMATION
Declaring the Month of May 2019 as Jewish American Heritage Month in the City
of El Cerrito

WHEREAS, from our Nation's earliest days, Jewish Americans have been a critical part of the American story, greatly contributing to the religious, cultural, political, economic, and intellectual advancement of all people even while in the face of unspeakable discrimination and adversity, fighting tirelessly to realize their piece of the American dream with relentless spirit, and these remarkable achievements have enriched our country, stirred our conscience, and challenged us to extend the miracles of freedom and security; and

WHEREAS, as we celebrate the rich heritage of the Jewish American community, including those who live, work and play in the City of El Cerrito, we recognize that American Jews have worked to strengthen the promise of religious freedom and civil rights by coming together across all faiths to reject ignorance and intolerance, teach empathy and compassion, and root out hatred wherever it exists; and

WHEREAS, we are reminded that the vibrant culture of the Jewish people has not always been embraced and that Jewish communities continue to confront hostility and bigotry, including in America, therefore the City of El Cerrito shares an obligation to condemn and combat anti-Semitism and hatred wherever it exists; and

WHEREAS, May 2019 is recognized as Jewish American Heritage Month by Congressional resolution and by Presidential Proclamation; and

WHEREAS, during Jewish American Heritage Month, the City of El Cerrito celebrates the hard-fought progress won through the struggle and sacrifice of Jewish Americans, and we rededicate ourselves to building a world where diversity is cherished and faith is protected.

NOW THEREFORE, the City Council of the City of El Cerrito hereby approves a proclamation declaring May 2019 as Jewish American Heritage Month in the City of El Cerrito and calls upon all residents to celebrate Jewish Americans who have helped weave the fabric of not only American history, culture and society but also the City of El Cerrito, to visit www.jewishheritagemonth.gov to learn more about the heritage and contributions of Jewish Americans, and to observe this month with solemn remembrance, appropriate programs, activities, and ceremonies.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Recognizing the 70th Anniversary of the El Cerrito Rotary Club and proclaiming
May 7, 2019 as Rotary Club Day in El Cerrito

WHEREAS, the Rotary Club El Cerrito was chartered on May 2, 1949, and 2019 marks its 70th year of operations in the City of El Cerrito; and

WHEREAS, the Community of El Cerrito will help the El Cerrito Rotary Club celebrate this achievement at the Club's meeting on May 2, 2019; and

WHEREAS, the El Cerrito Rotary "The Friendly Club" has created positive impacts throughout our community, the State of CA, and across the world; and

WHEREAS, the El Cerrito Rotary has been a global citizen throughout its 70 years; recently providing international support to the Tilganga Eye Center in Kathmandu Nepal by establishing a Pediatric Ophthalmology Clinic, improving the lives of over 30,000 children and their families throughout Nepal; and

WHEREAS, in 2011 the El Cerrito Rotary Club collaborated with the Seva Foundation to raise \$17,000 to buy three surgical microscopes, aiding in teaching others to perform eye surgery, which have been used to perform over 17,000 surgeries to Cambodian people who would otherwise be blind; and

WHEREAS, past and current El Cerrito Rotary Club members have contributed in support of non-profits, including the El Cerrito Library Foundation, Contra Costa Civic Theatre, Alzheimer's Respite and Older Adults Day Program, Foster A Dream / Support to Foster Youth, MDS, El Cerrito Library Foundation, and the Milo Foundation.

NOW THEREFORE, the City Council of the City of El Cerrito, does hereby proclaim May 7, 2019 as Rotary Club Day in honor of the El Cerrito Rotary Club's 70th anniversary; and recognizing their efforts to improve the community and other positive impacts across the world.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING

Tuesday, April 2, 2019 – 6:15 p.m.

Hillside Conference Room

REGULAR CITY COUNCIL MEETING

Tuesday, April 2, 2019 – 7:00 p.m.

City Council Chambers

Meeting Location

El Cerrito City Hall

10890 San Pablo Avenue, El Cerrito

6:15 PM **ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING**
Mayor Pardue-Okimoto called the meeting to order at 6:26 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. ORAL COMMUNICATIONS FROM THE PUBLIC - None

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

Action Proposed: Conduct interviews of candidates for City Boards and Commissions. Interviews may result in an announcement of appointment at the meeting.

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

Action: Conducted two interviews.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The meeting adjourned at 6:59 p.m.

7:00 PM **ROLL CALL - CONVENE REGULAR CITY COUNCIL MEETING**

Mayor Pardue-Okimoto called the meeting to order at 7:08 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 Quinto

2. COUNCIL/STAFF COMMUNICATIONS

Councilmember Lyman reviewed current vacancies on Boards, commissions and commissions.

Councilmember Abelson reported attendance at EBMUD luncheon with Director Katz, Chamber of Commerce luncheon, Housing Committee and Community Services Policy Committee meetings for League of CA Cities; announced Earth Day events on April 13th.

Councilmember Quinto reported attendance at Environmental Policy Committee meeting for League of CA Cities, and EBMUD luncheon with Director Katz; spoke at the Water Education for Latino Leaders (WELL) Conference, hosted by the Latino Caucus of League of CA Cities.

Councilmember Fadelli reported attendance at arbor day events, including planting at Poinsett Park; attended Transportation and Public Works Policy Committee meeting for League of CA Cities; will be attending Rosie the Riveter annual benefit dinner.

Mayor Pardue-Okimoto reported attendance at Parks and Recreation Commission meeting and upcoming meeting locations; Chaired West County Mayors and Supervisors meeting.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Dave Weinstein shared details on upcoming Trail Trekkers Hillside Festival.

Paul Duncan commented on eucalyptus trees, seeing young trees and need to enforce prohibition.

Scott Perry commented on preparation for earthquakes and mitigation measures taken, fire events and lack of preparation by the City; Eucalyptus removal and needed mitigation.

Diane Straus commented on need to enforce ordinances in place regarding vegetation and trees.

Philip Zimmerman spoke regarding urban forest committee meeting attendance, polarization in voting, and effects of rent control.

Sherry Drobner announced a tenants' rights clinic being held on April 24th.

4. ADOPTION OF THE CONSENT CALENDAR

Moved/Seconded: Councilmembers Abelson/Quinto

Action: Passed a motion to approve consent calendar as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto

Noes: None

Councilmember Fadelli commented on the importance of meeting minutes and that he would like the content to be less generic.

A. Approval of Minutes

Action Proposed: Pass a motion to approve the minutes for the meetings of February 19, 2019, March 5, 2019, and March 19, 2019.

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

Action: Approved minutes

B. Action Proposed: Pass a motion to approve a proclamation designating April 13, 2019 as “Earth Day” in the City of El Cerrito and encourage residents and businesses to help make El Cerrito a greener, healthier, more sustainable place for all.

Contact: Precilla Mandujano, Management Assistant, Public Works Department

Action: Approved proclamation

Will Provost, Management Analyst II, accepted the proclamation and encourage participation in celebration and activities on April 13th.

C. Action Proposed: Pass a motion to approve a proclamation recognizing the week of April 7th as National Library week in El Cerrito.

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

Action: Approved proclamation

Heidi Goldstein, Library Manager, accepted the proclamation on behalf of Contra Costa County Libraries.

D. 2020 Census Support Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing the importance of and Partner in Support of the 2020 U.S. Census

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

Action: Approved proclamation

E. 2019 West Contra Costa County Subregional Transportation Mitigation Program Fee (STMP) 1st Reading Approved on 3/19/2019, Summary Published on 3/28/2019

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2019-02 amending Chapter 4.52 – West County Subregional Transportation Mitigation Program (STMP) of the El Cerrito Municipal Code.

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

Action: Adopted Ordinance 2019-02

F. Annual Parcel Assessment for the National Pollution Discharge Elimination System (NPDES) Program and Drainage Maintenance Activities for Fiscal Year 2019-20

Action Proposed: Adopt a resolution establishing the annual parcel assessment for the National Pollution Discharge Elimination System (NPDES) program and Drainage Maintenance activities at the current rate of \$38.00 per Equivalent Run-off 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 2019-20.

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

Action: Approved Resolution 2019-17

G. Accept Engineer's Report for Fiscal Year 2019-20, Order Improvements, and Set Public Hearing for Landscape and Lighting Assessment District No. 1988-1

Action Proposed: Approve a resolution accepting the Engineer's Report specifying assessments for the Landscaping and Lighting Assessment District for the Landscaping and Lighting Assessment District No. 1988-1 for Fiscal Year (FY 2019-20), intention to order improvements pursuant to the Landscape and Lighting Act of 1972, and set the time, date, and place of the public hearing as April 16, 2019 at 7:00 p.m.

Contact: Shannon Collins, Accounting Supervisor; Mark Rasiah, Finance Director, Finance Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved Resolution 2019-18

H. Calendar Years 2016 and 2017 Growth Management Program Compliance Checklist

Action Proposed: Adopt a resolution approving the Calendar Years 2016 and 2017 Growth Management Program (GMP) Compliance Checklist for allocation of Fiscal Years 2017-18 and 2018-19 Measure J, Local Street Maintenance and Improvement Funds by the Contra Costa Transportation Authority (CCTA).

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

Action: Approved Resolution 2019-19

I. Final Parcel Map for one-lot subdivision at 10300 San Pablo Avenue

Action Proposed: Adopt a resolution approving the Final Parcel Map for a one-lot subdivision consisting of 32 condominiums in the Transit-Oriented Mid-Intensity Mixed-Use (TOMIMU) district at 10300 San Pablo Avenue.

Contact: Julian Bobilev, Consulting Planner; Sean Moss, Acting Planning Manager, Community Development Department

Action: Approved Resolution 2019-20

5. PRESENTATIONS

A. Contra Costa Library Systemwide Report

Action Proposed: Receive and file an overview and update on the Contra Costa Library System, with a focus on the El Cerrito branch.

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

Presentation and Discussion: Heidi Goldstein, Library Manager, provided a presentation on upcoming events to celebrate library week, library card benefits, adult literacy programs, student outreach, usage statistics, special events, and summer lunch program. Presenter responded to comments regarding need for a new facility, and questions about Discover and Go program.

Action: Receive and File

6. PUBLIC HEARINGS

A. Adopt El Cerrito Parks and Recreation Facilities Master Plan and Adopt Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program *Notice published on 3/16/2019*

Action Proposed: Conduct a public hearing and upon conclusion, approve a resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and adopting the Parks and Recreation Facilities Master Plan.

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

Presentation and Discussion: Chris Jones, Recreation Director introduced and overviewed the item including purpose and scope; Lauren Ivey, Project Manager with Royston, Hanamoto, Alley, & Abbey, reviewed the content and structure of the master plan; Doug Svensson, with Applied Development Economics, reviewed financial impacts of the plan, including maintenance costs and capital projects and funding; and Gene Eisberg, with Lexington Planning, provided an overview of the California Environmental Quality Act (CEQA) review, mitigation monitoring and reporting program.

Presenters and staff responded to comment and questions raised by members of the council regarding performing pre-construction surveys in undeveloped areas, the pond at Arlington Park, what Centennial Park phase II entails, Cerrito Vista Park turf, Community Center sound system, Hillside Natural Area master plan; financial effects if Measure A does not pass, immediate work priorities, north side park needs, midtown activity center, East Bay Regional Parks as a possible source of funding, services for individuals with disabilities and ability to participate in the discussion

and access facilities, effects on scotch broom and eucalyptus tree removal, Central Park and relationship with Richmond, structure of future measure for pool, impacts of bond ratings, financial needs and significance on projects not estimated.

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Al Miller spoke on the importance of extending Measure A, effects on overlapping community interests depending on how Council decides to move forward.

Dave Weinstein commented on participation by Trail Trekkers in the process, support of the plan, but lack of attention to urban paths.

Tom Panas spoke on the urban forest, history of types of tree population, fire hazards, and recommended potential mitigation.

Moved/Seconded: Councilmembers Quinto/Lyman

Action: Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto

Noes: None

Council Discussion: Members commented on the important role recreation plays in quality of life, need to find ways to continue funding facilities, consideration of needs for other city facilities, extending Measure A as a potential funding source, recognizing needs identified in the plan; identifying priorities, funding sources, and next steps.

Moved/Seconded: Councilmembers Lyman/Abelson

Action: Passed a motion to adopt Resolution 2019-21, adding “WHEREAS the Parks and Recreation Commission reviewed the addition of Appendix J and language changes in the Master Plan that resulted from the more detailed information presented in Appendix J at their meeting on May 27, 2019; and”, and incorporating changes provided in the supplemental resolution.

Ayes: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

7. POLICY MATTERS

A. FY 2018-19 Mid-Year Budget Update

Action Proposed: Receive an update on City revenues and expenditures for the first six months of the fiscal year through December 31, 2018 and pass a motion to 1) Adopt a resolution authorizing amendment to the FY 2018-19 budget and approving new spending limits; and 2) Adopt a

resolution approving a correction to the method and a resulting adjustment to the FY 2018-19 annual Gann Appropriation Limit.

Contact: Mark R. Rasiah, Finance Director/City Treasurer

Presentation and Discussion: Karen Pinkos, City Manager, introduced the item and Mark Rasiah, Finance Director/City Treasurer, provided a presentation overviewing general fund budget, reserve status, proposed amendments, and special revenue fund status. Staff responded to questions raised by members of the council regarding presentation of amounts, and clarification on figures presented.

Public Comments:

Cordell Hindler commented on the presentation and recommended council approval.

Moved/Seconded: Councilmembers Lyman/Abelson

Action: Passed a motion to adopt Resolution 2019-22 authorizing amendment to the FY 2018-19 budget and approving new spending limits.

Ayes: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Moved/Seconded: Councilmembers Lyman/Quinto

Action: Passed a motion to adopt Resolution 2019-23 approving a correction to the method and a resulting adjustment to the FY 2018-19 annual Gann Appropriation Limit. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Fadelli reported that Solano County joined Marin Clean Energy (MCE).

Councilmember Lyman reported MCE is taking on unincorporated solano county and several contra costa communities are considering joining during open enrollment.

Councilmember Quinto reported attendance at Poinsett Park tree planting, Planning Commission meeting; will attend upcoming Human Relations Commission meeting.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting adjourned at 10:28 p.m.

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, April 16, 2019 – 6:30 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, April 16, 2019 – 7:00 p.m.
City Council Chambers

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

6:30 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Pardue-Okimoto called the meeting to order at 6:36 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. **ORAL COMMUNICATIONS FROM THE PUBLIC - None**

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

Action Proposed: Conduct interviews of candidates for City Boards and Commissions. Interviews may result in an announcement of appointment at the meeting.

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

Action: One interview was conducted.

3. **ADJOURN SPECIAL CITY COUNCIL MEETING**
The meeting adjourned at 7:05 p.m.

7:00 PM ROLL CALL - CONVENE REGULAR CITY COUNCIL MEETING
Mayor Pardue-Okimoto called the meeting to order at 7:14 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 Abelson*

2. **COUNCIL/STAFF COMMUNICATIONS**

Mayor Pardue-Okimoto reported that interviews were conducted at the 6:30 special meeting but no appointments were made.

Councilmember Fadelli announced he missed earth day and is looking forward to Hillside Festival in May.

Councilmember Lyman reported attendance at the April Mayors conference and was nominated, but not appointed, to serve on ABAG committee; reviewed current vacancies on Boards, Commissions and Committees.

Councilmember Abelson reported participation in Earth Day events and commended city staffer Laureteen Brazil on lunch menu selection; attended Chamber of Commerce luncheon.

Councilmember Quinto reported attendance at April Mayors conference, and Hazardous Material Commission meeting with Supervisor Glover.

3. **ORAL COMMUNICATIONS FROM THE PUBLIC**

Buddy Akacic commented on quality of food at Earth Day celebration, and volunteer awards dinner last year; referenced written comments submitted to Council regarding the Church of Christ and a permanent senior center.

Howdy Goudey reviewed needs and suggested budgeting for an emergency coordinator role combined with a volunteer coordinator role.

Robin Mitchell summarized an article on wind borne microplastics.

Andrew Perkins shared personal history and expressed concerns about living conditions at his residence at 539 Everett Street.

Dianne Brenner commented on the traffic on Arlington Blvd and the need for a sidewalk between Don Carrol Drive and Villanueva Drive.

4. **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: Councilmembers Abelson/Quinto

Action: Passed a motion to approve consent items A, B, C, and F as indicated below. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

A. Action Proposed: Pass a motion to approve a proclamation declaring April 16, 2019 as Education and Sharing Day in the City of El Cerrito and calling upon educators, volunteers, and residents to reach out to young people and work to create a better, brighter, and more hopeful future for all.

Action: Approved proclamation

Rabbi Yanki Bell commented on the Rabi recognized in the creation of the Education and Sharing day and thanked the Mayor and Council for the recognition and support.

B. Appointment of Member to Economic Development Committee

Action Proposed: Pass a motion to approve the appointment of Jason Somer to the Economic Development Committee, effective April 2, 2019.

Contact: Jennifer Peat, Management Assistant and Committee Liaison; Melanie Mintz, Community Development Director, Community Development Department

Action: Approved appointment

C. Cash & Investments Report for Quarter Ending March 31, 2019

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending March 31, 2019.

Contact: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department

Action: Received and filed

D. Regulation Managing Priority Polychlorinated Biphenyls (PCBs)-Containing Materials During Building Demolition Projects

Action Proposed: Adopt a resolution implementing a program to manage polychlorinated biphenyls (PCBs) in building materials during the demolition of certain buildings.

Contact: Mark Soltes, Building Official, Community Development Department; Will Provost, Clean Water Program Coordinator, Public Works Department

Moved/Seconded: Councilmembers Lyman/Fadelli

Action: Removed from consent by Councilmember Lyman. Will Provost, Management Analyst II, provided a brief presentation on the requested action. Passed a motion to adopt Resolution 2019-24. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto
Noes: None

E. Acceptance of Public Open Space Easements for Projects within the San Pablo Avenue Specific Plan Area

Action Proposed: Adopt a resolution authorizing the City Manager to accept grant deeds on behalf of the City of El Cerrito for Public Open Space Easements required for projects within the San Pablo Avenue Specific Plan area.

Contact: Sean Moss, Acting Planning Manager, Community Development Department

Moved/Seconded: Councilmembers Lyman/Quinto

Action: Removed from consent by Councilmember Lyman. Passed a motion to adopt the revised Resolution 2019-25 provided as supplemental material. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

F. Senate Bill 1 – The Road Repair and Accountability Act, List of Projects for Fiscal Year 2019-20

Action Proposed: Approve a resolution adopting a list of projects to receive funding from Senate Bill 1 – The Road Repair and Accountability Act, Road Maintenance and Rehabilitation Account revenues in Fiscal Year 2019-20.

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

Action: Approved Resolution 2019-26

5. PRESENTATIONS - None

6. PUBLIC HEARINGS

A. Public Hearing regarding Fiscal Year 2019-20 Storm Drain Annual Report and Method of Collecting Storm Drain Fees *Notice published on 4/3/2019 and 4/8/2019*

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution approving the Fiscal Year 2019-20 Storm Drain Annual Report and directing that Storm Drain Fees be collected on the property tax rolls.

Contact: Shannon Collins, Accounting Supervisor, Finance Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Mark Rasiah, Finance Director/Treasurer, Finance Department

Presentation: Shannon Collins, Finance Supervisor, provided an overview on the action being requested.

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments: None

Moved/Seconded: Councilmembers Lyman/Quinto

Action: Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

Councilmember Lyman requested that next year, the report includes information regarding why double lots are not charged differently.

Moved/Seconded: Councilmembers Lyman/Quinto

Action: Passed a motion to adopt Resolution 2019-27 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto

Noes: None

B. Public Hearing to Confirm the Diagram and to Levy the Assessment for Fiscal Year 2019-20 for Landscape and Lighting Assessment District No. 1988-1 Notice published on 4/5/2019

Action Proposed: Conduct a public hearing and upon conclusion adopt a resolution setting the annual Landscape and Lighting Assessment for Fiscal Year (FY) 2019-20 as \$72 per single-family residential parcel and as noted in the Engineer's Report for other classes of properties.

Contact: Shannon Collins, Accounting Supervisor, Finance Department; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department; Mark Rasiah, Finance Director/Treasurer, Finance Department

Presentation: Shannon Collins, Finance Supervisor, provided an overview on the action being requested.

Councilmember Lyman requested that the methodology for charges is revisited in the future.

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

Barbara Chan requested information regarding taxing and rates for commercial properties.

Moved/Seconded: Councilmembers Lyman/Abelson

Action: Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto

Noes: None

Moved/Seconded: Councilmembers Lyman/Abelson

Action: Passed a motion to adopt Resolution 2019-28 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto

Noes: None

C. Tentative Parcel Map and an Exception to Title 18 for Two Lots at 922 Clark Place Notice published on 4/5/2019

Action Proposed: Conduct a public hearing, and upon conclusion adopt a resolution approving the Tentative Parcel Map for a two-lot subdivision and an exception to Title 18 of the City's Municipal Code for a minor subdivision proposing a lot without frontage on a public street at 922 Clark Place.

Contact: Jeff Ballantine, Associate Planner; Sean Moss, Acting Planning Manager, Community Development Department

Presentation and Discussion: Jeff Ballentine, Associate Planner, provided an overview on the requested action, answered questions raised by members of the council regarding notification process and opportunity for public participation; the layout of the private road with regard to access of fire trucks; clarification that the proposed construction is a single family dwelling; and request for inclusion of notification details in the staff report moving forward.

Public Hearing: Mayor Pardue-Okimoto opened the public hearing.

Public Comments:

David Helfant a downhill neighbor, expressed concern about not receiving confirmation from owners that items detailed in the provided agreement, and included in the conditions of approval, will be completed. This includes the removal of an awning, signage about not backing down to road, and removal of portion of fencing and garage structure. Asked for delay of approval until agreement can be reached.

Moved/Seconded: Councilmembers Abelson/Quinto

Action: Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto
Noes: None

Council Discussion: Staff responded to questions from members of the council regarding process and options to add conditions of approval; confirmation that only the fence request was not in the current conditions of approval.

Mayor Pardue-Okimoto re-opened the public hearing

Kazuo Negishi, the applicant and owner commented that the fence was in place when property was purchased and is in good condition and stated that he cannot pay for the removal/relocation of the fence.

Owner and neighbor agreed that the fence will be removed/relocated at the neighbor's expense.

Moved/Seconded: Councilmembers Lyman/Quinto

Action: Passed a motion to close the public hearing. **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto
Noes: None

Moved/Seconded: Councilmembers Quinto/Abelson

Action: Passed a motion to adopt Resolution 2019-29 **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto
Noes: None

7. POLICY MATTERS

A. Strategic Plan Update and Progress Report

Action Proposed: Receive an update on the Strategic Plan and provide staff with direction on strategic goals and focus for the upcoming Fiscal Year 19-20.

Contact: Karen Pinkos, City Manager, City Management

Presentation and Discussion: Karen Pinkos, City Manager, provided a presentation overviewing the Strategic Plan, progress and accomplishments, areas to focus on into FY19/20, and future considerations.

Staff responded to comments and questions raised by members of the council regarding determination of available funding, and process of determining priorities; ensuring development projects move forward; focus on website and online services; exploring partnerships with other agencies; status of Measure V rebate program; electric vehicles infrastructure improvements; request for information regarding potential financial incentives for development of vacant lots; fostering recycling close to home; explore electric bike program, fleet of city own items, and tenant protections; public dissemination of goals in future years with a long term plan and history; exploring more environmentally responsible actions, ride share subsidies, and proactive maintenance plan for sidewalk health.

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Lyman - RecycleMore met and working on region's ability to comply with state law, formed a subcommittee to hire an interim director, and postponed discussion until after City managers met on outstanding language for the Joint Exercises of Powers Agreement cover west contra county.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting was adjourned at 9: 50 p.m. in memory of Cheryl Morse, former El Cerrito City Clerk.



OFFICE OF THE CITY CLERK

Date: May 7, 2019
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer
Subject: 2019 Patch Paving Project, City Project No. C3027.21A

ACTION REQUESTED

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.

BACKGROUND

The 2019 Patch Paving Project, City Project No. C3027.21A is a component of the Measure A funded Annual Street Improvement Program. This project will repair localized pavement failures (potholes) on the following 10 street segments:

STREET NAME	FROM	TO
Fairmount Avenue	San Pablo Avenue	Carlson Boulevard
Potrero Avenue	San Pablo Avenue	I-80
Potrero Avenue	I-80	West City Limits
View Drive	Scenic Avenue	Harvard Street
Ashbury Avenue	South City Limits	Fairmount Avenue
Richmond/Elm Street	Potrero Avenue	Blake Street
Elm Street	Blake Street	North of Manor Circle
Navellier Street	Potrero Avenue	Blake Street
San Mateo Avenue	South City Limits	North City Limits
Yolo Avenue	Central Avenue	El Dorado Street

The project work will also consist of restoring or enhancing traffic striping and pavement markings and restoring traffic detection loops affected by the pavement repairs.

The Project was informally bid in accordance with the Uniform Public Construction Cost Accounting Act (UCCAP) of the California Public Contract Code, as provided in Chapter 16.35 of the El Cerrito Municipal Code. As of January 2019, public projects of \$200,000 or less may be bid by informal procedures set by the UCCAP. On March 5, 2019, the Notice Inviting Informal Bids was sent to 52 contractors on the City's current list of contractors who have the required licensing for the work involved in this project.

Additionally, the notice along with a complete set of Contract Documents was sent to seven Builder and Construction Exchanges. The Notice Inviting Informal Bids was also posted on the City's website and on the BPXpress website, an online planroom. No addenda were issued.

ANALYSIS

Two bids were received by the due date March 21, 2019 with the following results:

Name and Location of Bidder	Grand Total
Paving Construction Services, Inc., Alviso	\$162,431
Kerex Engineering, Inc., Pleasant Hill	\$211,700
Engineer's Estimate	\$161,600

The bid from Paving Construction Services, Inc. of \$162,431 is less than one percent above the Engineer's Estimate. City staff recommends that City Council award a construction contract in the amount of \$162,431 to Paving Construction Services, Inc. as the lowest responsive and responsible bidder.

Considering the reasonable unit prices for patch paving, staff requests that Council allow staff to investigate the opportunity to include additional spot locations into the contract. The Public Works Department maintains a list of various types of pavement failures throughout the City. Although this project addresses a good portion of these locations, there are other locations that need attention particularly because of the heavy rainfall last season, which either worsened existing potholes or created new ones. Staff is therefore requesting a contract contingency amount of \$32,500, approximately 20%, to allow for additional repair locations and typical change orders such as quantity fluctuations and extra work items due to unforeseen conditions. This is approximately two times as high as the typical contingency percentage on projects.

STRATEGIC PLAN CONSIDERATIONS

Award of the construction contract for the Project is consistent with the following El Cerrito Strategic Plan Goals:

- Goal D – *Develop and rehabilitate public facilities as community focal points* by addressing ongoing and deferred maintenance of facilities and infrastructure; and
- Goal E – *Ensure the public's health and safety* by maintaining streets in a state of good repair.

ENVIRONMENTAL CONSIDERATIONS

The Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the Project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing. More specifically, restoration or rehabilitation of deteriorated or damaged facilities to meet current standards of public health and safety, unless it is

determined that the damage was substantial and resulted from an environmental hazard such as an earthquake, landslide, or flood, is exempt from CEQA.

FINANCIAL CONSIDERATIONS

The estimated expenditures for the construction phase of the project total \$228,231 as summarized below.

Construction Contract	\$162,431
Construction Contract Contingency (20%)	\$32,500
Construction Management and Materials Testing (including contingency)	\$29,300
Miscellaneous (printing, postage, etc.)	\$4,000
Total	\$228,231

Funding of \$205,000 for the Annual Street Improvement Program is included in the Fiscal Year (FY) 2018-19 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A. Of this amount, \$25,000 is for technical assistance to update the Pavement Management Program as required by the Metropolitan Transportation Commission every two to three years and \$25,000 is for the engineering and design of the Project and crack sealing and slurry sealing projects to be completed this summer and fall. The remaining budget of \$155,000 is for construction of the Project. This leaves a \$74,000 shortfall. As such, City staff is requesting a supplemental appropriation of this amount in the Measure A Street Improvement Fund from the existing fund balance to cover the estimated construction expenditures.

An amendment to the FY 2018-19 Adopted Budget is required to appropriate \$74,000 in this year's Measure A Street Improvement Fund within the Annual Program of Maintenance and Improvement pursuant to Measure A.

LEGAL CONSIDERATIONS

The City Attorney has reviewed the proposed actions and found that legal considerations have been addressed.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Resolution

RESOLUTION 2019-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO APPROVING PLANS FOR THE 2019 PATCH PAVING PROJECT, CITY PROJECT NO. C3027.21A (PROJECT); ACCEPTING THE TWO SUBMITTED BIDS; AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$162,431.00 WITH PAVING CONSTRUCTION SERVICES, INC. AND TO APPROVE CHANGE ORDERS IN AN AMOUNT NOT TO EXCEED \$32,500 FOR THE CONSTRUCTION OF THE PROJECT; AND AMENDING THE FISCAL YEAR 2018-19 ADOPTED BUDGET AND ANNUAL PROGRAM OF MAINTENANCE AND IMPROVEMENT PURSUANT TO MEASURE A TO APPROPRIATE AN ADDITIONAL \$74,000 IN THE MEASURE A STREET IMPROVEMENT FUND FOR THE PROJECT

WHEREAS, the 2019 Patch Paving Project, City Project No. C3027.21A (Project) is a component of the Measure A funded Annual Street Improvement Program and will repair localized pavement failures (potholes) on 10 street segments throughout the City; and

WHEREAS, the project work generally consists of repairing distressed pavement, and restoring or enhancing traffic striping and pavement markings and restoring traffic detection loops affected by the pavement repairs; and

WHEREAS, the Project was informally bid in accordance with the Uniform Public Construction Cost Accounting Act (UCCAP) of the California Public Contract Code, as provided in Chapter 16.35 of the El Cerrito Municipal Code; and

WHEREAS, on March 5, 2019, the Notice Inviting Informal Bids was sent to contractors on the City's current list of contractors who have the required licensing for the work involved in this project, sent to seven Builder and Construction Exchanges, and posted on the City's website; and

WHEREAS, two bids were received by the due date of March 21, 2019; and

WHEREAS, Pavement Construction Services, Inc. submitted the lowest responsible and responsive bid in the amount of \$162,431.00, which is less than one percent above the Engineer's Estimate; and

WHEREAS, funding for the Annual Street Improvement Program is included in the Fiscal Year (FY) 2018-19 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A; and

WHEREAS, the project work is an appropriate use of Measure A Street Improvement Funds; and

WHEREAS, an amendment to the FY 2018-19 Adopted Budget is required to cover the estimated expenditures of \$228,231 for construction of the Project; and

WHEREAS, the Project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) because the project is a repair to an existing facility involving negligible or no expansion of use beyond that presently existing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby approves plans for the 2019 Patch Paving Project, City Project No. C-3027.21A (Project), and accepts the two bids submitted for the Project.

BE IT FURTHER RESOLVED that the City Manager is authorized to execute a contract in the amount of \$162,431 with Pavement Construction Services, Inc. and to approve change orders in an amount not to exceed \$32,500 for the construction of the Project.

BE IT FURTHER RESOLVED that the FY 2018-19 Adopted Budget and Annual Program of Maintenance and Improvement pursuant to the Measure A is amended to appropriate an additional \$74,000 in the Measure A Street Improvement Fund for the Project.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on May 7, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor



Date: May 7, 2019
To: El Cerrito City Council
From: Will Provost, Environmental Analyst
 Maria Sanders, Operations + Environmental Services Manager
 Yvetteh Ortiz, Public Works Director/City Engineer
Subject: Environmental Quality Committee Appointment of Daniel Hamilton

ACTION REQUESTED

Approve an Environmental Quality Committee recommendation to appoint Daniel Hamilton to the Environmental Quality Committee, effective May 7, 2019.

BACKGROUND AND ANALYSIS

In December 2018, the City received an application to serve on the Environmental Quality Committee (EQC) from Daniel Hamilton. After submitting his application, Mr. Hamilton attended three regular meetings of the EQC - in January, February, and March 2019. At the April 9, 2019 meeting of the EQC, the Committee, after interacting with Mr. Hamilton and reviewing his qualifications, agreed that he should be considered for membership recommendation. Following a discussion, the Committee voted to recommend to the City Council that Mr. Hamilton be appointed to the Environmental Quality Committee.

Mr. Hamilton is a resident of El Cerrito and is passionate about serving the community in which he lives. He brings a variety of relevant experience to the EQC, having worked for and served local and regional governments, including in his current role as Sustainability Director for the City of Oakland. Mr. Hamilton is interested in using his more than 20 years of professional experience in city planning and sustainability to help create a “low-carbon El Cerrito” and moving the EQC’s projects forward. Mr. Hamilton holds an M.A. in Urban Planning and a B.A. in Architectural Studies from the University of Kansas.

He has attended at least three consecutive regular Committee meetings, as required by the enabling resolution (Resolution 2008-13) for the EQC. If the Council approves this recommendation, the number of Committee members will be 15 out of a possible membership total of 15.

STRATEGIC PLAN CONSIDERATIONS

The work of the members on the EQC is instrumental in helping the City achieve Goal F of the El Cerrito Strategic Plan, which is to “Foster environmental sustainability citywide.” The EQC initiates and supports a variety of activities that advance all the strategies under Goal F:

- Be a leader in setting policies and providing innovative programs that promote environmental sustainability;
- Promote environmental education to facilitate behavioral changes;
- Implement policies to promote waste diversion;
- Encourage alternative modes of transportation; and
- Implement the Climate Action Plan.

Reviewed by:



Karen Pinkos
City Manager

Attachments:

1. Application



May 7, 2019
Regular City Council Meeting

Agenda 4(J)

Environmental Quality Committee
Appointment of Daniel Hamilton

Attachment 1 Application

is available for review in hardcopy format at the
following locations:

Office of the City Clerk
10890 San Pablo Avenue
El Cerrito
(510) 215-4305

and

The El Cerrito Library
El Cerrito
6510 Stockton Avenue



OFFICE OF THE CITY CLERK

Date: May 7, 2019
To: El Cerrito City Council
From: Aissia Ashoori, Affordable Housing Analyst
 Melanie Mintz, Community Development Director
Subject: Rent Registry Ordinance

ACTION REQUESTED

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.

BACKGROUND

On August 15, 2017, the [*Affordable Housing Strategy*](#) (*Strategy*), was adopted through Resolution 2017-61. The *Strategy* identified four policy pillars, with associated strategies, action items and timelines, to achieve the City's affordable housing goals to protect, produce, and preserve housing. The proposed Ordinance would implement strategies identified in *Policy Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations*. As a reminder, the four policy pillars include:

- A. Leverage Private Development to Address Affordable Housing Needs
- B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations
- C. Encourage Development of "Missing Middle Housing" Housing Types that Serves Low- and Moderate-Income Households
- D. Increase Local Funding to Continue Support of Affordable and Special Needs Housing Development

Additional policy steps taken since the *Strategy* was adopted include the hiring of a dedicated Housing Analyst (January 2018) and adoption of an Inclusionary Zoning Ordinance (June 2018).

On August 21, 2018 staff held a study session with the City Council to discuss various tenant protection tools, both near-term and medium-term, and to receive direction and input towards the development of possible tenant protection policies. The Council further discussed tenant protection policies at subsequent City Council meetings held on December 18, 2018, January 15, 2019, February 19, 2019, and March 5, 2019.

As a result of the August study session, staff introduced four proposed ordinances for their first readings during the December 18, 2018 meeting for Council's consideration. The package of ordinances included the following: 1) Rent Review Program 2) Minimum Lease Term 3) Termination of Tenancy and 4) Tenant Relocation triggered by demolition or major remodel. After several hours of public testimony, three of the four ordinances

received motions to proceed: 1) Minimum Lease Term 2) Termination of Tenancy and 3) Tenant Relocation triggered by demolition or major remodel. In addition, the Tenant Relocation Ordinance was amended to include additional causes for relocation assistance, including rent increase(s) in excess of 20% over two (2) years and to add one (1) additional month of rent for a maximum of five (5) months' rent for Special-Circumstance Households, as defined in the draft Ordinance. The Rent Review Program was not approved. However, the City Council directed staff to return to Council to discuss Just Cause for Eviction and a Rent Registry to collect data to better understand the trends specifically occurring in El Cerrito. Both property owners and renters echoed that the need for local data was an important component to understanding this complex topic and to inform policy making.

The second reading of the three ordinances, including the proposed amendments, took place on January 15, 2019. The City Council deferred action on these ordinances to allow these policies to be discussed in conjunction with Just Cause Eviction and Rent Registry. As a result of both meetings in December and January, and in preparation for a subsequent study session to consider additional policies as a package, a City-wide mailing was sent to all residential addresses and rental business license holders announcing the February 19th City Council meeting. It is estimated to have been delivered to over 10,000 households and 600+ business license holders.

Staff returned to the February 19, 2019 City Council meeting to present a study session to discuss previously introduced policies as well as Tenant Relocation Assistance, Just Cause Eviction, and Rent Registry. There were over 150 attendees and many hours of public testimony. As a result, the study session was adjourned and continued to a Special Meeting on March 5, 2019. During the March 5th session, City Council expressed interest in collecting reliable data by way of a Rent Registry database. The Council also directed that the City recover costs of creating and maintaining the database and enforcing the provision of information through a per unit registration fee charge to rental property owners. The registry would be intended to act as a tool to gather data on rents, unit information, occupancy, etc. All rental property owners would be required to report their rents and other data to the City on an annual basis. The registry would not be intended to act as an enforcement mechanism that regulates actual rents being charged. Staff worked with the City Attorney to draft the proposed ordinance for City Council's consideration.

State Legislation

As the City continues to proceed in developing Tenant Protections, the State is also considering similar policies. Many of the proposed policies are a result of the recommendations contained in the [CASA Compact](#), *A 15-Year Emergency Policy Package to Confront the Housing Crisis in the San Francisco Bay Area*. How the State's policies will overlap with, complement, or supersede the City's policies has yet to be determined, depending upon the final form they take and whether they pass the Legislature. On March 14, 2019, State lawmakers introduced four housing bills in the State Assembly aimed to establish and amend state-wide rental housing policies.

1. AB 36, authored by Assemblymember Richard Bloom, would reform the Costa-Hawkins Rental Housing Act by allowing cities to apply rent stabilization to rental units older than 10 years old, including single family and condominiums.
2. AB 1482, authored by Assemblymember David Chiu, would establish anti-gouging rent law that would cap annual rent increases.
3. AB 1481, authored by Assemblymember Rob Bonta, would place limits on property owner's ability to evict tenants.
4. AB 724, authored by Assemblymember Buffy Wicks, would establish a state-wide rent data registry.

On Thursday, April 25, 2019 the Assembly Committee held a hearing for AB 1482 and AB 36. AB 1482 advanced and AB 36 was rejected. AB 724 passed its first committee early this month and AB 1481 is scheduled for its first hearing this week. Additional progress reports regarding these pending legislative actions will follow as they become available.

ANALYSIS

At its March 5, 2019 meeting, the City Council provided direction to staff to prepare an ordinance that would require the owners of residential rental property to annual submit information regarding rental units to the City. Consistent with that direction, staff proposes the following Chapter be added to Title 10: Public Peace, Morals and Welfare of the El Cerrito Municipal Code.

1. Chapter 10.100: Rent Registry

Rent Registry (Chapter 10.100)

The proposed Rent Registry chapter establishes an annual reporting requirement for residential rental property owners to submit data to the City regarding rents and other relevant information. The data collected by way of this ordinance will be used to inform the City Council and staff about the rental market, trends, and housing stock in El Cerrito. The City Council has not, at this time, provided any direction for the Rent Registry to be used to regulate rents in the City. However, participation in the program is mandatory. The Registry requirements contain multiple components, including:

1. *Initial Registration*: Requirement of property owners to register every rental unit within a specified period using forms provided by the City.
2. *Terminated Exemption*: Requirement of property owners to register previously exempt rental unit(s) within 30 days of being activated on the rental market.
3. *Registration Amendments*: Requirement of property owners to contact the City within 30 days of a change in the rental unit(s) ownership and/or property management, including contact information.
4. *Copy of Registration to Tenant*: Requirement of property owner to provide tenant(s) with copy of completed rent registry for their unit.
5. *Administrative Regulations*: Guidelines set forth by the Community Development Department to implement the ordinance.

6. *Protection of Privacy and Proprietary Information:* Information submitted will be kept and only released to the public in a manner that will protect the privacy of property owners and tenants and the proprietary information of property owners.

Although property owners have expressed concern due to privacy issues and that disclosing their rents might place them at a competitive disadvantage in the market, the City Attorney has confirmed that the information collected will be maintained to protect privacy and proprietary information as allowed by the Public Records Act to mitigate those and tenants' concerns.

To gather the best available data, staff will use the Registry to collect rent information and other relevant data points to track tenancy and property characteristics. The proposed data points are listed below and a report to the City Council will be provided approximately 12 months after adoption of the Rent Registry ordinance. That information may aid in future recommendations of policies to the City Council.

- Landlord Information
 - o Contact information: name, address, phone, email, etc.
 - o Number of Units/Properties Owned in El Cerrito
- Property Information
 - o Year Purchased
 - o Year Built
 - o Number of Units
 - o Unit Sizes
 - o Square Footage
 - o Occupancy Status
 - o List of Capital Improvement Projects (including major maintenance costs) completed in the last 24-months
- Rent History Information
 - o Current Rent
 - o Previous Years' Rents for the last 24-months
 - o Explain Increase
 - o Average Lease Term
 - o Average Tenancy
 - o Reason for Vacating

The repository for this data will be a newly created database. In order to ensure that the program is streamlined with current systems and processes, staff will utilize the existing business license software, as rental property owners are already required to maintain and renew their business license annually. Pairing of these databases will aid with program administration and create uniformity for the end user. Given that this is a brand-new module in the current business license renewal web tool, there will be upfront set-up costs as well as yearly maintenance fees. The City may recover any fees, costs, or charges incurred to administer this program. Therefore, property owners will be required to pay an annual rent registry registration fee for each residential rental unit to the City based on

cost recovery. Staff will encourage owners to digitally submit their information to achieve compliance. However, paper forms will be made available upon request.

Gathering the best available data will inform ongoing development of the City's housing policy. In addition to the Rent Registry, which will be mandatory for rental property owners, staff will also create a form on the City's website where tenants can voluntarily report rents and upload supporting documentation online. A paper form will also be available to those who wish to submit in-person or by mail.

Implementation Considerations

To assist with the administrative tasks that will be needed to successfully implement the Rent Registry, as well as assist the Housing Analyst with additional duties related to the implementation of tenant protection policies, staff has identified the need for an additional 0.5 FTE. Currently, a 0.5 FTE Administrative Clerk Specialist position exists in Administration that is vacant. Staff proposes that for FY 2019-20, the current 0.5 FTE position is upgraded to a full 1.0 FTE, with 0.5 FTE to be funded by fees collected for this program. This individual would perform a variety of clerical functions that include assisting the public, fielding inquiries, reviewing Rent Registry submissions both electronically and by paper, compiling and entering of data, assisting with processing business licenses and other permits, and any other necessary customer service and administrative duties.

Outreach Campaign

Staff will work with the Finance Department to utilize the City's business license renewal process to perform outreach for the Rent Registry simultaneously with the annual renewals. This will include mailings to all rental property business license holders, at least one public workshop, social media postings, a City webpage with ordinance and program materials, and other outreach materials as necessary.

Enforcement

As noted, participation in the program will be mandatory for all owners of residential rental property, unless the owner's unit is exempt as defined in the ordinance. Failure to participate would be a violation of the Municipal Code and subject to enforcement through any available tool, including but not limited to the imposition of administrative penalties under Chapter 1.14 or a citation. Failure to provide accurate information would also be a violation of the Municipal Code and subject to the same enforcement options.

STRATEGIC PLAN CONSIDERATIONS

The proposed development fulfills the City's Strategic Plan Goal C: Deepen a sense of place and community identity and specifically the strategy to promote strong neighborhoods.

ENVIRONMENTAL CONSIDERATIONS

This action is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061 (b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The Rent Registry that will result from adoption of this ordinance will be primarily implemented by Community Development staff (Affordable Housing Analyst, Administrative Clerk Specialist, and Code Enforcement) with support from the Finance Department and the City Attorney.

The entire estimated budget for this program is \$99,667 annually, plus additional start-up costs of \$15,000 to create/build out the database.

The start-up expense will be initially covered through the Community Development Department adopted FY 2018-19 operational budget; however, the first year (FY 2019-20) Rent Registry fee will be set through the Master Fee Schedule to include cost recovery for this startup cost. For the Administrative Clerk Specialist position, annual costs to administer this program will be approximately \$35,000, which will be funded through the Rent Registry Fee that will be collected for each rental property. Both revenue and expense for the program will be included in the FY 2019-20 budget.

A fee to all eligible rentals of \$44/unit is proposed to be charged to property owners the first year to cover start-up costs and collected concurrent with the business license renewal process for administrative efficiency, as detailed below. In the second year, the fee will be reduced to \$38/unit to cover the ongoing maintenance costs of the database. This means that the Rent Registry will be self-funded through this fee, including existing staff and new administrative support. The Rent Registry fees will be added to the City's Master Fee Schedule.

Staff	Annual Costs	One-Time Costs	Year 1: *Fee Per Unit	Year 2: *Fee Per Unit
Housing Analyst	\$40,000		\$44.00	\$38.00
Administrative Clerk Specialist	\$35,000			
City Attorney	\$6,667			
Code Enforcement Officer	\$15,000			
Database Provider	\$3,000	\$15,000		
Total	\$99,667	\$15,000	\$115,192	\$99,484

**Total residential rental units registered with the City = 2,618.*

Ongoing administration of this program will be monitored and reported back to the City Council after 12 months.

LEGAL CONSIDERATIONS

The proposed ordinances and recommended actions have been reviewed by the City Attorney and all legal considerations have been addressed.

Reviewed by:



Karen Pinkos
City Manager

Attachment:

1. Rent Registry Ordinance

ORDINANCE NO. 2019-XX

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.

WHEREAS, the City of El Cerrito, with direction from the City Council, has developed goals, objectives, policies, and action programs that directly address the City's housing needs; and

WHEREAS, 40% of El Cerrito residents are renters and an essential part of our community; and

WHEREAS, the El Cerrito Affordable Housing Strategy, adopted August 17, 2017, identifies four policy pillars for implementation over the next five years to produce, protect and preserve affordable housing for El Cerrito residents; and

WHEREAS, "Pillar B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations," recommends exploring tenant protection policies for tenants at risk of displacement; and

WHEREAS, the City does not currently track residential rents, and there is no current source for obtaining that information specific to El Cerrito, making it difficult to ascertain the effect of rents on the potential displacement of residents; and

WHEREAS, the City Council convened a study session on August 21, 2018 to discuss the tenant protection tools that could be achieved in the near-term and medium-term; and

WHEREAS, between August 2018, and February 2019, the City Council held three meetings at which potential tools to further the goals of the Affordable Housing Strategy were discussed. At its March 5, 2019, meeting, the City Council directed staff to analyze residential rents and rent increases through data collection. The direction included the preparation of an ordinance for City Council consideration that would require owners of residential rental properties to provide the City with information annually regarding rents for and other information regarding rental units. The City Council direction also included that the ordinance should include provisions to ensure that information should be collected and stored in a way to protect the privacy of tenants and property owner proprietary information that could result in a competitive disadvantage if released publicly; and

WHEREAS, City staff will continue to collaborate with a variety of stakeholders, including renters and property owners, to identify opportunities to collect data; and

WHEREAS, City staff will report back to City Council with its findings once data has been collected for a 12-month period; and

WHEREAS, the City Council finds and determines that the Rent Registry Ordinance codified in Chapter 10.100 is adopted pursuant to the City's police power authority to protect the public health, safety, and welfare.

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Incorporation of Recitals. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2. Amendment of Title 10 of the Municipal Code. Title 10, "Public Peace, Morals and Welfare", of the El Cerrito Municipal Code is hereby is amended to add Chapter 10.100, "Rent Registry" to read as follows:

Chapter 10.100 – RENT REGISTRY

10.100.010 - Findings and Purpose

A. Findings.

The City Council finds and declares as follows:

1. The City has a substantial government interest in regulating the relationship between Landlords and Tenants in order to increase certainty, stability, and fairness with the rental market.
2. The Ordinance codified in this Chapter is being adopted pursuant to the City's police power authority to protect the public health, safety, and welfare.

B. Purpose.

The purpose of this Chapter is to adopt regulations for Landlords to report residential rents and other information to the City on an annual basis. This registration process will allow the City to collect, monitor and analyze actual rents in El Cerrito and the characteristics of rental units. This data will be prepared in an annual report to the City Council. This Chapter supports the City's housing goals and protects public health, safety, and welfare for the residents of El Cerrito. This Chapter and its implementation are intended to protect the privacy of individual Tenants and the proprietary information of Landlords, the public release of which could result in a competitive disadvantage.

10.100.020 – Definitions

- A. **Business License** means the license required of Landlords pursuant to El Cerrito Municipal Code [Chapter 4.32 Business License Tax](#).
- B. **City** means the City of El Cerrito.

- C. **Department** shall mean the Community Development Department of the City of El Cerrito.
- D. **Community Development Director** means the director of the Community Development Department of the City of El Cerrito or his or her designee. A designated representative may include City staff and/or a Party or organization contracted by the City to provide the necessary services to implement the procedures contained in this Chapter.
- E. **Landlord** means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit or portion thereof, and includes any legal entity or other individuals, employees, agents, contractors, and subcontractors that comprise or represent the Landlord.
- F. **Rent** means a fixed periodic compensation paid by a Tenant at fixed intervals to a Landlord for the possession and use of a Rental Unit as defined by the rental agreement between the Landlord and Tenant. Rent excludes pass through costs and ancillary costs paid separately to the Landlord for parking, storage, utilities, water, garbage, or any other fee or charge associated with a Rental Unit.
- G. **Rent Registry Information** means the information required to be submitted to the City by a Landlord pursuant to this Chapter.
- H. **Rental Unit** means a habitable structure offered for Rent and used as a place of permanent or customary and usual abode of a Tenant. Rental Units include a single-family residence, a building, a group of buildings or a portion of a building used and/or designed as dwellings. A Rental Unit shall not include:
1. A room or any other portion of a dwelling that is occupied by the Landlord or a member of the Landlord's immediate family.
 2. Housing accommodations in hotels, motels, group housing, supportive housing, transitional housing, general residential care and bed and breakfasts as those terms are defined in the El Cerrito Municipal Code Chapter 19 and, by reference, in the San Pablo Avenue Specific Plan.
 3. An on-site manager's living unit.
 4. Any Rental Unit where the tenancy is an express condition of, or express consideration for, employment by a Landlord.
 5. Any Rental Units for which rents are controlled or regulated by any government unit, agency, or authority, or whose rent is subsidized by any government unit, agency or authority. This exception shall not apply to any Rental Unit for which rents are controlled pursuant to a rent stabilization ordinance, in the event that the City Council adopt such an ordinance.
 6. Any Rental Units acquired by the City or any other governmental unit, agency or authority, and are intended to be used for public purposes.
- I. **Tenant** means any renter, tenant, subtenant, lessee, or sublessee of a Rental Unit, or any group of renters, tenants, subtenants, lessees, sublessees of a Rental Unit, or any other person entitled to the use or occupancy of such Rental Unit, or any successor of any of the foregoing.

10.100.030 – Registration of Rental Units

- A. **Initial Registration.** A Landlord must register every Rental Unit that is subject to the provisions of this Chapter within thirty (30) days of receipt of notice from the City that registration is required. Registration must be completed using forms provided by the City. The forms provided by the City may include a secure internet website with an interface for submitting the information required by this Chapter. Registration is complete only when all required information has been provided to the City and all outstanding fees and penalties, if applicable, have been paid. Upon completion of the initial registration of a Rental Unit, the City shall issue a registration statement, which shall include the renewal date for the registration of the applicable Rental Units.
- B. **Registration Renewal.** Unless a registration statement provides otherwise, registration of Rental Units shall expire on June 30 of the year following issuance of a registration statement. Registration of Rental Units shall be renewed annually by June 30 or the date stated on the registration statement. Registration statements shall expire annually on June 30 or the date on the registration statement, unless renewed prior to the expiration date.
- C. **At minimum, the following information below shall be provided as part of initial and renewal registration of a Rental Unit. Failure to provide the information required or providing false information shall be a violation of the Municipal Code, chargeable as a misdemeanor or infraction.**
 - 1. The name, address, and phone number of the Landlord;
 - 2. The address of each Rental Unit for rent or lease;
 - 3. The number of bedrooms and bathroom in each Rental Unit, including square footage, for rent or lease;
 - 4. The current amount and date of the monthly rent received for each Rental Unit, identifying whether the monthly rent includes specified utilities (water/sewer, refuse/recycle, natural gas, electricity, etc.);
 - 5. The previous amount and date of monthly rent for the reporting period that covers the last 24-months;
 - 6. The occupancy status of each Rental Unit (e.g. vacant or occupied) and reason for vacancy, if applicable;
 - 7. Tenant history (e.g. new tenant or existing tenant, date of move-in and move-out);
 - 8. Whether or not the Tenant receives a housing voucher or rental subsidy (e.g. Section 8, VASH);
 - 9. History of capital improvements, including major maintenance costs, completed in the last 24-months;
 - 10. The Business License number applicable to each Rental Unit;
 - 11. Any other information deemed necessary by the Community Development Director to implement the provisions of this Chapter.

- D. Termination of Exemption. When a Rental Unit that was exempt from this Chapter becomes governed by this Chapter for the first time, the Landlord must register the Rental Unit with the City within thirty (30) days after the City provides notice that the exemption has ended.
- E. Registration Amendment. A Landlord shall notify the City if there is a change to the registration information for any Rental Unit. A Landlord shall contact the City within thirty (30) days of a change in a Rental Unit's ownership or management, or a change in the owner's or manager's contact information.
- F. Copy of Registration to Tenant: If requested by the City, a Landlord shall provide the Tenant(s) a true and correct copy of the completed registration form that pertains to their Rental Unit. The Landlord may redact any information that does not pertain to that unit except the name and address of the Landlord.
- G. Administrative Regulations. The Community Development Director may promulgate administrative regulations to implement the provisions of this Chapter.
- H. Proprietary Information.
 - 1. The City Council recognizes that the Rent Registry Information, if publicly disclosed, could reveal the rent that a Tenant pays for a Rental Unit or proprietary information of a Landlord that could create a competitive disadvantage for every Landlord required to comply with this Chapter. The City Council also recognizes that the Public Records Act (Gov. Code §§ 6250 *et seq.*) generally requires that the City make available to the public information in its possession that relates to the conduct of the public's business. The Public Records Act contains a number of exceptions intended to protect the privacy of individuals and the proprietary information of businesses that is in the City's possession only because of a legal requirement to provide it to the City in connection with a regulatory program. The City Council declares that the Rent Registry Information shall be received in confidence, and that the public interest in nondisclosure of the Rent Registry Information clearly outweighs the public interest in disclosure. Notwithstanding the foregoing, this section identifies limited Rent Registry Information that shall be made available to the public.
 - 2. The City anticipates that Rent Registry Information will be kept in a database. The database containing Rent Registry Information shall be created and maintained such that it can generate reports containing only the following, individually or collectively: (a) the number of Rental Units in a building; (b) the number and type of rooms in a Rental Unit; (c) the size of a Rental Unit, expressed in square feet; (d) the Rent for a Rental Unit, identified only by size and number and type of rooms; (e) average Rent for Rental Units by size or number of rooms for any period of time covered by the Rent Registry Information; or (f) the average length of occupancy or vacancy of a Rent Unit.

3. The Community Development Director may generate additional reports from the Rent Registry Information database for the purposes of this Chapter. Such reports shall be released to the public only if kept in the normal course of City business and only after redacting any Rent Registry Information that would improperly intrude into personal privacy of Tenants or reveal Landlord proprietary information that could result in a competitive disadvantage.
4. The Community Development Director, in consultation with the City Attorney, may authorize the release of other Rent Registry Information that would otherwise be confidential if they determine that the release is legally required or the public interest in disclosure would clearly outweigh the public interest in nondisclosure.

10.100.040 – Miscellaneous

- A. Annual Review. The Community Development Director shall annually prepare a report to the Council assessing the effectiveness of the program established under this Chapter and may recommend changes.
- B. Fees. For the sole purpose of reimbursing the City for reasonable regulatory costs of performing investigations, inspections, and audits necessary for the implementation and the administrative enforcement and adjudication of this Chapter, the Landlord of each Rental Unit subject to the provision of this Chapter shall pay a fee in an amount to be set by the City for each Rental Unit. The amount of the fee shall be included in the City's Master Fee Schedule and may be adjusted annually for inflation each July 1 using an appropriate index, as determined by City Council.
- C. Business License. All Landlord's shall possess a Business License, as required by El Cerrito Municipal Code [Section 4.32.260](#), for any Rental Unit subject to the provisions of this Chapter. Submission of Rent Registry Information shall be a prerequisite to a complete application for a Business License required by Section 4.32.260.

10.100.050 – Enforcement

In addition to any other remedy allowed by law, any person who violates this Chapter is subject to administrative penalties pursuant to El Cerrito Municipal Code Chapter 1.14 – Administrative Penalties.

Section 3. Compliance with the California Environmental Quality Act. Approval of this ordinance is exempt from environmental review under the general rule in California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed the

ordinance codified in this chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this chapter would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date and Publication. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on May 7, 2019 and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers
ABSTAIN: Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on May XX, 2019 and passed by the following vote:

AYES: Councilmembers
NOES: Councilmembers
ABSENT: Councilmembers
ABSTAIN: Councilmembers

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2019.

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charlety, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2019-XX of the City of El Cerrito, that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the XX day of May 2019; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this XX day of May 2019.

Holly M. Charléty, City Clerk



OFFICE OF THE CITY CLERK

Date: May 7, 2019
To: El Cerrito City Council
From: Aissia Ashoori, Affordable Housing Analyst
Melanie Mintz, Community Development Director
Subject: Just Cause for Eviction Ordinance

ACTION REQUESTED

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

BACKGROUND

On August 15, 2017, the [*Affordable Housing Strategy*](#) (*Strategy*), was adopted through Resolution 2017-61. The *Strategy* identified four policy pillars, with associated strategies, action items, and timelines, to achieve the City's affordable housing goals to protect, produce, and preserve housing. The proposed Ordinance would implement strategies identified in *Policy Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations*. As a reminder, the four policy pillars include:

- A. Leverage Private Development to Address Affordable Housing Needs
- B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations
- C. Encourage Development of "Missing Middle Housing" Housing Types that Serves Low- and Moderate-Income Households
- D. Increase Local Funding to Continue Support of Affordable and Special Needs Housing Development

On August 21, 2018 staff held a study session with the City Council to discuss various tenant protection tools, both near-term and medium-term, and to receive direction and input towards the development of possible tenant protection policies. These policies were discussed at subsequent City Council meetings held on December 18, 2018, January 15, 2019, February 19, 2019, and March 5, 2019. At the direction of Council on December 18th and March 5th, staff worked with the City Attorney to draft the proposed ordinance for the City Council's consideration.

Additional background information regarding City Council's deliberations are contained in the Rent Registry Agenda Bill.

Occupancy and Housing Stock in El Cerrito

Sixty percent (60%) of El Cerrito residents own their home and forty percent (40%) rent their home. *Table 1* itemizes the total number of residential properties in El Cerrito by building type.

***Table 1: Housing Types in El Cerrito**

Housing Types	Number of Units
Small Multi-family (2-4 units)	1,389
Large Multi-family (5+ units)	1,450
Single-Family	7,487
Single Attached	345
Total Number of Units	10,671

**Source: 2015-2023 Housing Element*

Existing State Law

California state law currently controls the termination of residential rental tenancies. Landlords are currently permitted to terminate tenancy pursuant to the procedures provided by *California Civil Code Section 1946.1 – Termination of Tenancy*. By state law, the following noticing periods are triggered when terminating tenancy:

- **3-Day Notice:** A landlord must provide a tenant with a 3-day notice to vacate if the tenant has violated their lease terms or engaged in improper conduct that is specified by state law.
- **30-Day Notice:** A landlord must provide a tenant a 30-day notice to vacate if the tenant has lived in the unit for less than one year.
- **60-Day Notice** – A landlord must provide a tenant a 60-day notice to vacate if the tenant has lived in the unit for one year or more.
- **90-Day Notice** – A landlord must provide a tenant a 90-day notice to vacate if the tenant receives subsidized housing.

Pending State Legislation

On March 14, 2019 State lawmakers introduced four housing bills in the State Assembly aimed to establish and amend state-wide rental housing policies.

1. **AB 36**, authored by Assemblymember Richard Bloom, would reform the Costa-Hawkins Rental Housing Act by allowing cities to apply rent stabilization to rental units older than 10 years old, including single family and condominiums.
2. **AB 1482**, authored by Assemblymember David Chiu, would establish a cap on annual rent increases, prohibiting rent gouging.
3. **AB 1481**, authored by Assemblymember Rob Bonta, would place limits on a property owner's ability to evict tenants.
4. **AB 724**, authored by Assemblymember Buffy Wicks, would establish a state-wide rent data registry.

On April 25, 2019 the Assembly Committee held a hearing for AB 1482 and AB 36. AB 1482 advanced and AB 36 was rejected. Also, AB 724 passed its first committee early this month and AB 1481 is scheduled for its first hearing this week. Additional progress reports regarding these pending legislative actions will follow as they become available.

Regional Adoption of Just Cause Eviction Ordinances

In the Bay Area, several cities have enacted Just Cause Eviction Ordinances, including Berkeley, East Palo Alto, Emeryville, Hayward, Mountain View, Oakland, Richmond, San Francisco, San Jose and Union City. In nearly all of the cities, the Ordinance is paired with rent regulations of some sort. In Emeryville, the Ordinance is not paired with any rent regulations.

ANALYSIS

At its March 5, 2019 meeting, the City Council provided direction to staff regarding the essential elements of a Just Cause for Eviction ordinance for El Cerrito. Pursuant to that direction, staff proposes the following Chapter be added to Title 10: Public Peace, Morals and Welfare of the Municipal Code.

1. Chapter 10.300: Just Cause For Eviction and Prohibition on Harassment of Tenants

Just Cause for Eviction and Prohibition on Harassment of Tenants (Chapter 10.300)

The proposed Just Cause for Eviction Ordinance establishes enumerated reasons for which a landlord can terminate tenancy for multi-family properties. As directed by the City Council, the Ordinance is limited to multi-family properties with five (5) or more units. The Ordinance would only apply to properties with a Certificate of Occupancy issued before January 1, 2015, in order to continue stimulating an increase in the supply of new housing through the [San Pablo Avenue Specific Plan](#) (adopted December 2014). In addition, landlords must provide tenants with a Notice of Tenants' Rights, as defined by the Ordinance, as a prerequisite to the issuance of a Termination of Tenancy. If these requirements are met, a landlord may terminate tenancy for the following causes only:

1. Failure to Pay Rent
2. Breach of Rental Agreement
3. Tenant Illegal Activities
4. Violations of Applicable Health and Safety Code
5. Unit Will be Substantially Renovated
6. Landlord Condominium Conversion
7. Landlord Will Remove Unit from Market
8. Landlord Will Move into Unit

As defined in the Ordinance, the Notice of Tenants' Rights must be provided to tenants by the landlord in a form prepared and translated by the City. The form will be posted and available for download on the City's website and in person at City Hall. The notice must be provided under the circumstances listed below and within 60 days of adoption of the Ordinance so that tenants are generally aware that the rules for terminating tenancies in El Cerrito is different from state law:

1. When entering a lease or rental agreement
2. When renewing a lease or rental agreement
3. With a Notice of Termination
4. At such times as required by the City of El Cerrito

The proposed Ordinance also prohibits harassment actions by the landlord including:

1. Interrupt or fail to provide housing services
2. Fail to perform repairs or maintenance
3. Fail to exercise to complete repairs and maintenance
4. Abuse of right to use landlord's right to access the property
5. Remove personal property of the tenant(s) from the rental unit
6. Influence the tenant to vacate the unit
7. Offer payment, in return for the tenant(s) vacating the unit
8. Threaten the tenant(s)
9. Interfere with the tenant(s) right to quiet use and enjoyment
10. Refuse to accept or acknowledge receipt of lawful rent
11. Refuse to cash a rent check for over thirty (30) days
12. Interfere with the tenant(s) right to privacy
13. Request information that violates the tenant(s) right to privacy
14. Other repeated acts or omissions of such significance as to interfere with or disturb the tenant(s)
15. Retaliate against the tenant(s) for the tenant(s) exercise of rights under the ordinance or State or Federal law.

Just Cause for Eviction policies serve as a tenant's defense to an unlawful detainer (noticed eviction). It shifts the burden of proof from the tenant to the landlord by allowing the tenant to dispute the validity of the eviction based on the enumerated causes specified in the Ordinance. Those who do not support Just Cause policy often argue that it complicates matters by making it difficult to get rid of bad tenants, and that it increases operation costs due to the legal process/fees associated with the unlawful detainer process.

As proposed, this ordinance shall not apply to:

1. A property with a Certificate of Occupancy that was issued after January 1, 2015
2. Single-family Dwelling Units
3. A duplex, triplex, or quadraplex
4. An Accessory Dwelling Unit
5. The entirety of a single owner-occupied residence, where the owner-occupant rents or leases two (2) or fewer bedrooms
6. A room or any other portion of any Rental Unit that is occupied by the Landlord or a member of the Landlord's immediate family
7. Housing accommodations in hotels, motels, group housing, supportive housing, transitional housing, general residential care, and bed and breakfasts
8. An on-site manager's living unit
9. Any Rental Unit where the tenancy is an express condition of, or express consideration for, employment by a Landlord
10. Any Rental Units whose rents are controlled or regulated by any government unit, agency, or authority, or whose rent is subsidized by any government unit, agency or authority

11. Any Rental Units acquired by the City or any other governmental unit, agency or authority, and are intended to be used for public purposes

“Mom and Pop” Landlords

During the various public meetings that have been held on this topic, many landlords identified themselves as “mom and pop” owners. The City Council asked staff to explore how a Just Cause policy may function for these landlords in contrast with larger, corporate ownership properties whose properties are often professionally managed with in-house legal representation. After speaking with both landlord types and the California Apartment Association, staff concluded that defining a Just Cause policy based on a landlord’s portfolio size rather than building type can become difficult to administer and complicated to track. Many “mom and pop” owners often hold properties in a Limited Liability Company (LLC) or as a Corporation, building by building, for liability and legal reasons while others might hold title in a trust or even as an individual. Some industry definitions may characterize “mom and pops” as those owning up to fifty (50) units while others may establish a threshold of less than five (5) units. Given the variances, staff suggests establishing this policy using building types.

Enforcement

Both landlords and tenants are permitted to exercise their rights under this ordinance by utilizing civil remedies. The City will not represent either party during the civil proceedings and all legal fees/costs will be at the expense of landlords and tenants. The City Council has not directed staff to allocate any portion of the General Fund to provide legal aid. However, there are various community resources that may be available to provide legal advice and representation, such as Bay Area Legal Aid, Contra Costa Senior Legal Services, and Contra Costa Bar Association: Lawyer Referral and Information Service.

Although the City would have no obligation to enforce the Ordinance, in the event that it determined that a violation warranted intervention, it would have the right to do so. Enforcement could include bringing an action for injunctive relief seeking compliance by landlords. As a reminder, the ordinance does require a Notice of Tenants’ Rights that the City will enforce. The City could also use its other code enforcement tools, including administrative remedies, citations, and the imposition of administrative penalties pursuant to El Cerrito Municipal Code Chapter 1.14 – Administrative Penalties.

Implementation Considerations

Staff recommends that a minimal contract be established with Eden Council for Hope and Opportunity (ECHO) Housing, a tenant and landlord services non-profit organization that offers housing counseling. ECHO would provide on-call information and resources to landlords, tenants, and other stakeholders regarding the Just Cause for Eviction Ordinance. Other functions would include fielding information requests, answering questions, clarifying processes/issues, preparation of reports for the City, and referrals to legal services, as needed. ECHO has locations in Contra Costa and Alameda Counties.

Outreach Campaign

Staff will work with the Finance Department to utilize the City's business license renewal process to perform outreach simultaneously with the annual renewals. This will include mailings to all rental property business license holders, at least one public workshop, social media postings, a City webpage with ordinance and program materials, and other outreach materials as necessary.

STRATEGIC PLAN CONSIDERATIONS

The proposed development fulfills the City's Strategic Plan Goal C: Deepen a sense of place and community identity and specifically the strategy to promote strong neighborhoods.

ENVIRONMENTAL CONSIDERATIONS

This action is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061 (b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

FINANCIAL CONSIDERATIONS

The entire program that will result from adoption of this ordinance will be primarily implemented by Community Development staff, the City Attorney and outside assistance from a third-party service provider. The entire estimated budget is \$50,000, which includes \$15,000 per year of on-call assistance required for the neutral, third-party service provider which will be procured through the City's Procurement Process. A proposed fee to all eligible rentals of \$35/unit will be charged to landlords through the business license renewal process. This means that the program will be self-funded through this fee and existing staff. Staff time is already included as part of the existing adopted operating budget which results in no net impact to the General Fund. If adopted, an additional \$15,000 will need to be added to the Department's FY 2019-20 budget to authorize this expense, however, the expense will be offset by additional revenues from the fee.

LEGAL CONSIDERATIONS

The proposed ordinance and recommended actions have been reviewed by the City Attorney and all legal considerations have been addressed.

Reviewed by:



Karen Pinkos, City Manager

Attachment:

1. Just Cause for Eviction Ordinance

ORDINANCE NO. 2019-XX

AN ORDINANCE OF THE CITY OF EL CERRITO AMENDING TITLE 10 OF THE EL CERRITO MUNICIPAL CODE TO ADD CHAPTER 10.300, "JUST CAUSE FOR EVICTION AND PROHIBITION ON HARRASSMENT OF TENANTS" RELATED TO TERMINATION OF TENANCY AND OTHER TENANT PROTECTIONS.

WHEREAS, the City of El Cerrito, with direction from the City Council, has developed goals, objectives, policies, and action programs that directly address the City's housing needs; and

WHEREAS, housing affordability continues to be a regional issue, especially for the residents of El Cerrito; and

WHEREAS, 40% of El Cerrito residents are renters and an essential part of our community; and

WHEREAS, the 2015-2023 Housing Element identifies "Goal H1, Existing Housing, Program H1.6, Eviction for Good Cause Ordinance, the City shall vet and consider adopting a Good Cause for Eviction Ordinance that would prohibit landlords from terminating tenancy without good or just cause"; and

WHEREAS, the El Cerrito Affordable Housing Strategy, adopted August 17, 2017, identifies four policy pillars for implementation over the subsequent five years to produce, protect and preserve affordable housing for El Cerrito residents; and

WHEREAS, "Pillar B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations," recommends exploring tenant protection policies for tenants at risk of displacement; and

WHEREAS, during the development of the Affordable Housing Strategy, City staff convened a Technical Advisory Group, that included other agencies and organizations specializing in displacement and affordable housing; and

WHEREAS, City staff met with and received input from a variety of stakeholders, including renters and property owners, to identify potential tenant protection programs in order to reduce the threat of displacement; and

WHEREAS, the City Council convened a study session on August 21, 2018 to discuss the tenant protection tools that could be achieved in the near-term and medium-term; and

WHEREAS, on March 5, 2019 the City Council provided direction to staff to develop a Just Cause for Eviction Ordinance; and

WHEREAS, the City Council finds and determines that the Just Cause for Eviction Ordinance codified in this Chapter is being adopted pursuant to the City's police power authority to protect the public health, safety, and welfare.

THE CITY COUNCIL OF THE CITY OF EL CERRITO DOES HEREBY ORDAIN
AS FOLLOWS:

Section 1. Incorporation of Recitals. The City Council finds that the above Recitals are true and correct and are incorporated herein by reference.

Section 2. Amendment of Title 10 of the Municipal Code. Title 10, "Public Peace, Morals and Welfare", of the El Cerrito Municipal Code is hereby is amended to add Chapter 10.300, "Just Cause for Eviction" to read as follows:

Chapter 10.300 – JUST CAUSE FOR EVICTION

10.300.010 - Findings and Purpose.

A. Findings.

The City Council finds and declares as follows:

1. The City has a substantial government interest in regulating the relationship between landlords and tenants in order to increase certainty, stability, and fairness in the residential rental market.
2. The Ordinance codified in this Chapter is being adopted pursuant to the City's police power authority to protect the public health, safety, and welfare.

B. Purpose.

The purpose of this Chapter is to establish and regulate the grounds for which a Landlord may terminate tenancy to recover possession of a residential Rental Unit. This intent of this Chapter is to mitigate the impacts of displacement and protect public health, safety, and welfare for the residents of El Cerrito.

10.300.020 – Definitions.

- A. **Business License** means the license required pursuant to El Cerrito Municipal Code [Chapter 4.32 Business License Tax](#).
- B. **Community Development Department Director** means the director of the Community Development Department of the City of El Cerrito or his or her designee. A designated representative may include City staff and/or a party or organization contracted by the City to provide the necessary services to implement the procedures contained in this Chapter.
- C. **City Manager** means the City Manager of the City of El Cerrito, or his or her designee.

- D. **Landlord** means an owner, lessor, or sublessor who receives or is entitled to receive Rent for the use and occupancy of any Rental Unit or portion thereof, and includes any legal entity or other individuals, employees, agents, contractors, and subcontractors that comprise or represent the Landlord.
- E. **Notice of Termination** means a written notice that includes all of the components identified in Section 10.300.060.
- F. **Owner-Occupied Residence** means a single dwelling unit in which an individual retains no less than fifty percent (50%) ownership interest in the individual unit, and resides in that unit as his or her permanent residence no less than ten (10) months of any calendar year.
- G. **Lease** means any form of a valid rental agreement for a Rental Unit, whether written or oral.
- H. **Rent** means a fixed periodic compensation paid by a Tenant at fixed intervals to a Landlord for the possession and use of Rental Unit as defined by the rental agreement between the Landlord and Tenant. Rent excludes pass through costs and ancillary costs paid separately to the Landlord for parking, storage, utilities, water, garbage, or any other fee or charge associated with a Rental Unit.
- I. **Rental Unit** means a dwelling unit located on a single parcel or one of multiple contiguous parcels under single ownership with five (5) or more total dwelling units that is offered for rent and used as a place of permanent or customary and usual abode of a Tenant. Rental Units include a building, a group of buildings or a portion of a building used and/or designed as dwellings.
- J. **Tenant** means any renter, tenant, subtenant, lessee, or sublessee of a Rental Unit, or any group of renters, tenants, subtenants, lessees, sublessees of a Rental Unit, or any other person entitled to the use or occupancy of such Rental Unit, or any successor of any of the foregoing.

10.300.030 - Applicability

- A. Except as provided in subsection (B), below, the provisions of this Chapter shall apply to all Rental Units within the City, including where a notice to vacate/quit any such Rental Unit has been served as of the effective date of this Chapter but where the Tenant has not yet vacated or an unlawful detainer judgment has not been issued.
- B. This Chapter shall not apply to the following:
 - 1. A Rental Unit with a Certificate of Occupancy is issued after January 1, 2015;
 - 2. Single-family dwelling unit as defined in Chapter 19 Zoning of the El Cerrito Municipal Code;

3. A duplex, triplex or quadraplex as defined in Chapter 19 Zoning of the El Cerrito Municipal Code;
4. An Accessory Dwelling Unit;
5. A room or any other portion of any Rental Unit that is occupied by the Landlord or a member of the Landlord's immediate family;
6. Housing accommodations in hotels, motels, group housing, supportive housing, transitional housing, general residential care and bed and breakfasts as those terms are defined in the El Cerrito Municipal Code Chapter 19 and, by reference, in the San Pablo Avenue Specific Plan;
7. An on-site manager's living unit;
8. Any Rental Unit where the tenancy is an express condition of, or express consideration for, employment by a Landlord;
9. Any Rental Unit for which rent is controlled or regulated by any government unit, agency, or authority, or for which rent is subsidized by any government unit, agency or authority. This exception shall not apply to any Rental Unit for which rents are controlled pursuant to a rent stabilization ordinance, in the event that the City Council adopts such an ordinance; and
10. Any Rental Unit acquired by the City or any other governmental unit, agency or authority, and are intended to be used for public purposes.

C. The provisions of this Chapter may not be waived, and any term of any Lease, contract, or other agreement which purports to waive or limit a Tenant's substantive or procedural rights under this Chapter are contrary to public policy, unenforceable, and void.

10.300.040 - Cause for Termination

No Landlord may terminate a residential tenancy of a Rental Unit, recover possession of a Rental Unit or otherwise endeavor to recover possession of a Rental Unit in the City unless the Landlord can demonstrate all of the following:

- A. That the Landlord possesses a valid business license pursuant to [Chapter 4.32 Business License Tax](#) of this Code; and
- B. That the Landlord has provided the Tenant with a notice of tenant rights in accordance with Section 10.300.070; and
- C. That the Landlord served a Notice of Termination pursuant to Section 10.300.060; and
- D. That the Landlord has not accepted and will not accept rent or any other consideration in return for the continued use of the Rental Unit beyond the term of the terminated tenancy in compliance with California Civil Code Sections 1945, 1946 and 1946.1; and
- E. The existence of one of the following grounds for termination:
 1. Failure to Pay Rent. The Tenant has failed to pay Rent to which the

- Landlord is legally entitled pursuant to the Lease or rental agreement within three (3) days of receiving written notice from the Landlord demanding payment in accordance with California Code of Civil Procedure Section 1161.2. However, this subsection shall not constitute grounds for eviction where the Tenant has withheld Rent pursuant to applicable law.
2. Breach of Rental Agreement. The Tenant has violated a material term of the rental agreement.
 3. Tenant Illegal Activities. The Tenant has used the Rental Unit for an illegal purpose, including but not limited to the unlawful distribution of a controlled substance as contemplated by California Civil Code Section 3486, or the unlawful use, manufacture, or possession of weapons and ammunition as contemplated by California Civil Code Section 3486.
 4. Violations of Applicable Health and Safety Code. The Tenant created or is maintaining a dangerous and unsanitary condition as described in the El Cerrito Municipal Code or applicable Federal and State law, and that condition has not been promptly abated or repaired as contemplated by applicable law.
 5. Unit Will be Substantially Renovated. The Landlord, after having obtained all necessary permits from the City to imminently begin and diligently complete the permitted work, seeks in good faith to undertake substantial repairs or planned capital improvements or other necessary rehabilitation that will temporarily remove the Rental Unit from the rental market because the Rental Unit will imminently become unfit for human habitation.
 6. Landlord Condominium Conversion. Landlord is converting the Rental Unit to a condominium in accordance with Chapter 19.45 of the El Cerrito Municipal Code and applicable State law.
 7. Landlord Will Remove Unit from Market. Landlord will, within 60 days, demolish the Rental Unit or otherwise remove the Rental Unit from any residential rental use or purpose for a minimum of five years. Removal of the Rental Unit from the market includes a Landlord's election to sell the Rental Unit to a bona fide purchaser. If a Landlord terminated tenancy and removed a Rental Unit from the residential rental market and seeks to return the same dwelling unit to the residential rental market prior to the expiration of the five-year period, the Landlord shall comply with Section 100.300.040(F).
 8. Landlord Will Move into Unit. Landlord, or one of Landlord's parents or children, will, within 60 days, move into and reside in the Rental Unit as his or her permanent residence for no less than 10 months of any calendar year and for no less than two consecutive years from the termination of tenancy. If a Landlord seeks to return the dwelling unit to the residential rental market prior to the expiration of the two-year period, the Landlord shall comply with Section 10.300.040(F).
- F. For a termination of tenancy pursuant to subsections 10.300.040(E)(6), (7) or (8) the Tenant has a right to return to and rent the Rental Unit when returned to the residential rental market. The Landlord must notify the Tenant, upon Notice

of Termination of Tenancy, of the right to receive an offer to return to and rent the Rental Unit when the Landlord returns the Rental Unit to the rental market. The Tenant is entitled to receive an offer to return and rent the Rental Unit upon the following circumstances: (1) the Tenant has provided to the Landlord a current mailing address at which to receive an offer of the right to return; and (2) the Tenant delivers to the Landlord an affirmative written acceptance of the offer to return to and rent the Rental Unit within thirty (30) days of delivery by the Landlord of the offer to return. For purposes of this subsection, "deliver" and "delivery" include deposit with the United States Postal Service of a sealed, addressed envelope, with first-class postage paid. Except as otherwise provided in this Chapter, a Tenant's right to return shall terminate after five (5) years.

10.300.50 - Prohibition on Harassment of Tenants and Other Prohibited Activities

- A. No Landlord may do any of the following in bad faith, with ulterior motive, or without honest intent:
1. Interrupt, fail to provide, or threaten to interrupt or fail to provide any housing services under a rental agreement, including but not limited to utility services and other amenities and services agreed to by contract.
 2. Fail to perform repairs or maintenance required by contract or by State, County, or local housing, health, or safety laws;
 3. Fail to exercise due diligence to complete repairs and maintenance once undertaken, including the failure to follow industry-appropriate safety standards and protocols;
 4. Abuse or otherwise improperly use Landlord's right to access a Rental Unit;
 5. Remove personal property of a Tenant from a Rental Unit;
 6. Influence or attempt to influence a Tenant to vacate a Rental Unit by means of fraud, intimidation, or coercion (including but not limited to threats based on immigration status);
 7. Offer payment or any other consideration, in return for a Tenant vacating a Rental Unit, more often than once every six (6) months;
 8. Threaten a Tenant by word or gesture with physical harm;
 9. Interfere with a Tenant's right to quiet use and enjoyment of a Rental Unit;
 10. Refuse to accept or acknowledge receipt of lawful rent from a Tenant;
 11. Refuse to cash a Rent check for over thirty (30) days;
 12. Interfere with a Tenant's right to privacy;
 13. Request information that violates a Tenant's right to privacy;
 14. Other repeated acts or omissions of such significance as to substantially interfere with or disturb a Tenant's comfort, repose, peace, or quiet enjoyment, and that cause, are likely to cause, or are intended to cause a Tenant to vacate a Rental Unit; or
 15. Retaliate against a Tenant for the Tenant's exercise of rights under this Chapter or the Municipal Code or State or Federal law.
- B. Nothing in this section prohibits the lawful eviction of a Tenant by appropriate legal means and in compliance with this Chapter.

10.300.060 – Notice of Termination

- A. In order terminate a residential tenancy of a Rental Unit or otherwise recover possession of a rental unit, a Landlord must send a Tenant a Notice of Termination that contains the reason for termination of the tenancy in accordance with Section 10.300.040(E). This requirement is in addition to any other notice requirements imposed by local, State or Federal law.
- B. A Landlord must provide a copy of the Notice of Termination to the City within ten days of delivery to a Tenant. Notices of termination may be submitted via the City's website or by mail to the Community Development Department Director.

10.300.070 - Notice of Tenant Rights

- A. Every Landlord shall provide to each Tenant in a Rental Unit a notice of Tenant rights under this Chapter in the predominant languages spoken in the City, as determined by the City Manager, upon the occurrence of the events listed in subsection (B), below. Each notice shall include a proof of service. The City shall provide notices for Landlord use. The use of the City provided forms shall be prima facie evidence that a Landlord has provided the proper notice. The notice shall contain the information and be in substantially the same form as follows:

The City of El Cerrito regulates the relationship between most Landlords and Tenants within the City. Generally, a landlord may only terminate your tenancy for specific reasons, which are set forth in Chapter 10.300 of the El Cerrito Municipal Code. Examples of such reasons include, but are not limited to, a failure to pay Rent on time as agreed to in the rental contract. In addition to State and Federal Laws, Chapter 10.300 of the El Cerrito Municipal Code creates certain rights for Landlords and tenants. Visit the City of El Cerrito website for more information.

- B. A Landlord shall provide a Tenant with the Notice of Tenant rights in accordance with subsection (A) of this section in the following circumstances:
 - 1. Within sixty (60) days of the effective date of this Chapter;
 - 2. When entering a Lease or rental agreement;
 - 3. When renewing a Lease or rental agreement;
 - 4. With a Notice of Termination;
 - 5. At such times as required by the City of El Cerrito, which may include, but are not limited to, when this Chapter is significantly amended.

10.300.080 - Civil Remedies

- A. Whenever a Landlord retaliates against a Tenant for the exercise of any rights under this Chapter or engages in activities prohibited under this Chapter, the Tenant may institute a civil proceeding for money damages or

injunctive relief, or both. This section creates a private right of action to enforce all terms, rights, and obligations under this Chapter.

- B. Any Tenant who receives a Notice of Termination may bring a civil action against the Landlord to contest the validity of each necessary component and pre-condition for service of the Notice of Termination as required by this Chapter and to request injunctive relief to halt the termination of tenancy.
 - 1. A Landlord's inability to demonstrate compliance with any individual component of or pre-condition to serve a Notice of Termination as required by this Chapter will invalidate, nullify, and avoid the effect of a notice of termination. If a Notice of Termination is invalidated, the Tenant(s) will be entitled to costs and reasonable attorney fees incurred to invalidate the Notice of Termination.
 - 2. If a Landlord can demonstrate compliance with each pre-condition to serve the Notice of Termination to the Tenant(s) by a preponderance of the evidence, the Notice of Termination will be deemed valid and the Landlord is entitled to costs and reasonable attorney fees incurred to defend the Notice of Termination.
- C. Any Tenant may bring a civil action to determine the applicability of this Chapter to the tenancy, including but not limited to a determination of whether the dwelling unit is a Rental Unit.

10.300.090 – Fees

For the sole purpose of reimbursing the City for the reasonable costs of maintaining property records and related administrative systems required by this Chapter, the Landlord of each Rental Unit shall pay a fee in an amount to be set by the City for each Rental Unit.

Section 3. Compliance with the California Environmental Quality Act. Approval of this ordinance is exempt from environmental review under the general rule in California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The city council hereby declares that it would have passed the ordinance codified in this Chapter, and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of this Chapter would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date and Publication. This Ordinance shall take effect and be enforced thirty days after the date of its adoption. Prior to the expiration of fifteen

days from the passage thereof, the ordinance or a summary thereof shall be posted or published as may be required by law, and thereafter the same shall be in full force and effect.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council on May 7, 2019 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

ADOPTED AND ORDERED published at a regular meeting of the City Council held on May XX, 2019 and passed by the following vote:

AYES:	Councilmembers
NOES:	Councilmembers
ABSENT:	Councilmembers
ABSTAIN:	Councilmembers

APPROVED:

Rochelle Pardue-Okimoto, Mayor

ATTEST:

Holly M. Charl  ty, City Clerk

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May XX, 2019.

Holly M. Charl  ty, City Clerk

ORDINANCE CERTIFICATION

I, Holly M. Charl  ty, City Clerk of the City of El Cerrito, do hereby certify that this Ordinance is the true and correct original Ordinance No. 2019-XX of the City of El Cerrito, that said Ordinance was duly enacted and adopted by the City Council of the City of El Cerrito at a meeting of the City Council held on the XX day of May 2019; and that said Ordinance has been published and/or posted in the manner required by law.

WITNESS my hand and the Official Seal of the City of El Cerrito, California, this XX day of May 2019.

Holly M. Charl  ty, City Clerk



OFFICE OF THE CITY CLERK

Date: May 7, 2019
To: El Cerrito City Council
From: Aissia Ashoori, Affordable Housing Analyst
 Melanie Mintz, Community Development Director
Subject: Discuss and Consider the Formation of a Tenant Protections Task Force

ACTION REQUESTED

Consider the adoption of a resolution to form the City of El Cerrito Tenant Protections Task Force to discuss and develop policy options for Council's consideration.

BACKGROUND

The [Affordable Housing Strategy](#) (*Strategy*) was adopted by the City Council in August 15, 2017 to focus on the City's housing goals that aim to protect, produce, and preserve affordable housing for low-moderate income households. In order to achieve these goals, the *Strategy* identified four policy pillars along with various policy tools for consideration and implementation. The proposal to form a Task Force specifically aims to address *Policy Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations*.

Over the course of the last nine months, Community Development staff has been before City Council several times to review, discuss, and recommend various tenant protection policies for review and consideration in the *Strategy*. While City Council asked for two policies to come back as proposed ordinances at their March 5, 2019 meeting, they also asked for staff to develop a proposal for the formation of a Task Force to discuss and make recommendations on the remaining items still being discussed as a part of the package of possible tenant protection policies.

The City currently has a number of standing boards, commissions, and committees that provide advice and support on specific subjects. The City Council has the ability to establish a task force to convene for a limited period of time to work on a specific objective, in this case, to make a recommendation to the Council on various tenant protection policies. Task forces are established by City Council resolution.

ANALYSIS/DISCUSSION

Tenant protection policies are a complex topic in which stakeholders have a wide variety, and sometimes, seemingly opposing viewpoints. In discussing this topic with other cities, stakeholders, and professionals, staff has come to the conclusion that hiring a skilled facilitator to work with the proposed Tenant Protections Task Force would provide the best framework to support identifying and arriving at a recommended set of solutions to support the City Council's affordable housing and tenant protection goals.

Defining the Task

It is staff's understanding that the City Council intended to form the Task Force to try to build consensus between tenants and landlords, as well as review, assess, discuss, and receive input on Tenant Protection policies previously considered but not adopted by the Council. Those policies include, but are not limited to, the following:

- Rent Review Program
- Tenant Relocation Assistance, Demolition
- Tenant Relocation Assistance, Rent Increase

Selection/Appointment

The City Council directed that the criteria for service on the Task Force would be that members must be El Cerrito residents, divided equally between Tenants and Landlords, with an emphasis on owners of residential rental properties of diverse types. Staff is proposing that the City Council appoint a subcommittee of two members of the City Council who would participate in the selection process. The subcommittee would interview applicants and create a recommendation of members for City Council approval. This is consistent with how the most recent task force, the Centennial Task Force, was selected. Alternatively, the entire City Council could conduct interviews of applicants, or, the interview process could be delegated to staff with City Council approval of the final roster. Staff is recommending that the Task Force be comprised of eight (8) members.

Task Force Framework

Staff recommends that the Task Force meetings be led by a professional facilitator/mediator, as this neutral role will establish strategic guidance for the Task Force throughout its duration in order to maintain structure as members work through managing decisions and outcomes respectfully. This foundation creates the much-needed dialogue to form consensus so that the Task Force can develop and deliver recommendations for the City Council.

Staff proposes that the Task Force convene at least three meetings. All meetings will be noticed in accordance with the Brown Act and are open to the public. The Task Force would sunset six months after its formation and be supported by the Housing Analyst in the role as staff liaison.

STRATEGIC PLAN CONSIDERATIONS

The proposed development fulfills the City's Strategic Plan Goal C: Deepen a sense of place and community identity and specifically the strategy to promote strong neighborhoods.

ENVIRONMENTAL CONSIDERATIONS

This action is exempt from the requirements of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15061 (b)(3). The activity is covered by the

general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.

FINANCIAL CONSIDERATIONS

Staff recommends that a professional facilitator/mediator be engaged in the Tenant Protections Task Force process. The costs of the services are estimated at between \$10,000-\$15,000 and would be handled through the City's procurement process and covered through the Community Development's Department's adopted operational budget.

LEGAL CONSIDERATIONS

The proposed resolution has been reviewed by the City Attorney and all legal considerations have been addressed.

Reviewed by:



Karen Pinkos
City Manager

Attachment:

1. Resolution
2. Public Comments

RESOLUTION 2019-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO CREATING
THE TENANT PROTECTIONS TASK FORCE**

WHEREAS, the City of El Cerrito, with direction from the City Council, has developed goals, objectives, policies, and action programs that directly address the City's housing needs; and

WHEREAS, during the development of the El Cerrito Affordable Housing Strategy, City staff convened two Technical Advisory Group meetings, that included affordable housing and displacement representatives and other subject matter experts to collect input and develop policies, strategies, and recommendations most appropriate to El Cerrito; and

WHEREAS, the El Cerrito Affordable Housing Strategy, adopted August 17, 2017, identifies four policy pillars for implementation over the next five years to produce, protect and preserve affordable housing for El Cerrito residents; and

WHEREAS, "Pillar B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations," recommends exploring tenant protection policies for tenants at risk of displacement; and

WHEREAS, among Pillar B's strategies included two to be advanced in the "immediate" term, including: Strategy 4-2: *Consider enacting an ordinance to regulate the demolition of existing housing units, including requiring tenant relocation assistance* and Strategy 6-1: *Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities*; and

WHEREAS, the City Council intends to bring together landlords and tenants in order to find common ground.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of El Cerrito hereby establishes a Tenant Protections Task Force, with the necessary staff liaison assigned by the City Manager, with the following duties and responsibilities:

- 1) To serve in an advisory capacity to the City Council with regard to Tenant Protection policies within the City of El Cerrito.
- 2) To review, analyze, and make recommendations to the City Council on the following items:
 - a. Rent Review programs
 - b. Tenant Relocation Assistance due to Demolition policy
 - c. Tenant Relocation Assistance due to Rent Increase policy
 - d. Other recommendations considered by the Task Force with respect to Tenant Protections

BE IT FURTHER RESOLVED, that this Task Force shall be open to only El Cerrito residents, to be divided equally between Tenants and Landlords, with an emphasis on owners of residential rental properties of diverse types; and that the City Council's intention is to appoint an initial group of eight individuals to serve as members of the Task Force.

BE IT FURTHER RESOLVED, that the meetings of this Task Force will be public and shall comply with the Brown Act.

BE IT FURTHER RESOLVED, that this Task Force shall convene at least three times, with a limited duration of six months from appointment of its members, to complete its work.

BE IT FURTHER RESOLVED that this resolution shall become effective immediately upon passage and adoption.

I CERTIFY that at a regular meeting on May 7, 2019 the City Council of the City of El Cerrito passed this Resolution by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

IN WITNESS of this action, I sign this document and affix the corporate seal of the City of El Cerrito on May 7, 2019.

Holly M. Charléty, City Clerk

APPROVED:

Rochelle Pardue-Okimoto, Mayor

April 28, 2019

Dear Mayor and City Council Members,

I understand that on May 7th you will be revisiting the tenant protection measures that were previously discussed at the March 5th meeting. Upon rereading the summary of the discussions, the final voting and the direction to the staff, I have a few thoughts that I would like to share.

- 1) Adopting a Just Cause for Eviction Ordinance without a temporary cap on rent increases is truly an exercise in futility. With that being said, I propose that you move forward and accept the Just Cause for Eviction ordinance, with the intent that you will implement an anti-gouging cap on rent increases in your meetings to follow.

What's at stake? Renters at risk for increased rents and further displacement

- Shortly after your March 5th discussion, Bornstein Law posted an alert on their website to property owners: [El Cerrito Alert](#)

Although some version of rent control is on the horizon, what the ordinance will look like is far from resolved, and so El Cerrito owners are urged to participate in the discussion and contact elected officials.

*For our part, Bornstein Law will keep you updated on any changes in the law and stand ready to provide proper counsel to future-proof your business. **It may be prudent for landlords to have a heart-to-heart conversation about whether current rents are sustainable, particularly if rents have not been raised in a long while. Now is the time to undergo this exercise, as El Cerrito may soon restrict an owner's latitude in adjusting rents. (March 11th, 2019)***

Prolonged discussions about tenant protections are signaling to landlords to raise rents. The lack of the full council to understand what is at stake and recognize that real protection is only going to be "real" if there is a system to limit excessive increases. Only the Mayor and Council member Lyman had an understanding of this matter.

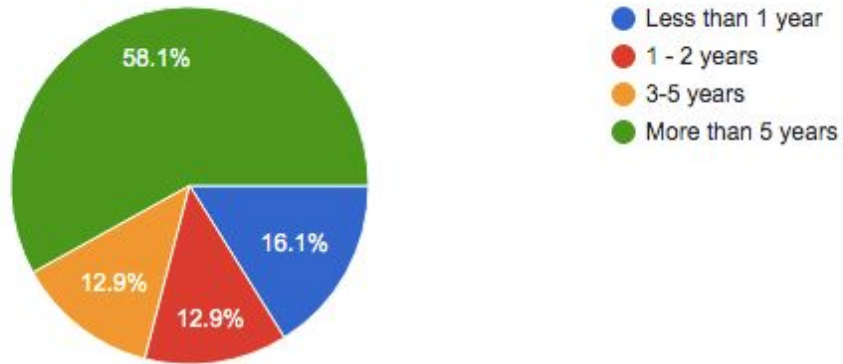
If you are seriously concerned about displacement, retake up the matter of the anti-gouging cap on rent increases and make it retroactive to the March 5th meeting so that El Cerrito renters are not at risk of losing their capacity to remain in the community.

How do we know that renters are at risk?

El Cerrito Progressives and friends (tenants and homeowners) canvassed 1000 rental units speaking to renters when available. Below are a few results from 31 residents (by no means exhaustive, but more data than you had previous to this effort.)

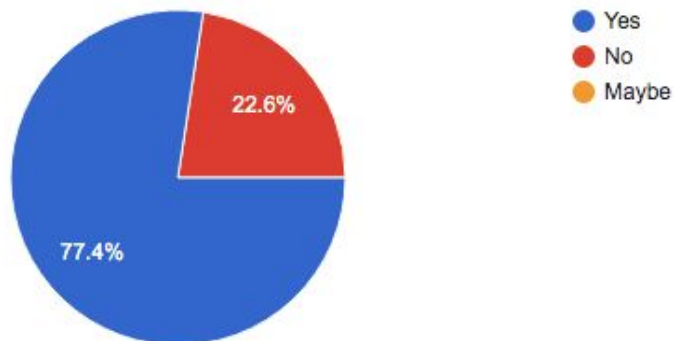
How many years have you lived in this unit

31 responses



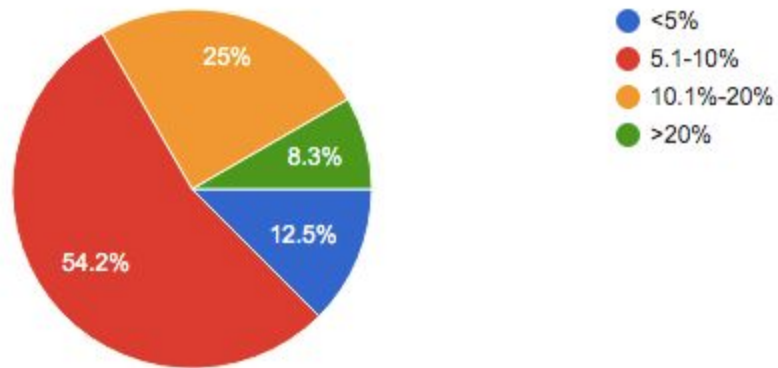
Was your rent increased in the last 12 months

31 responses



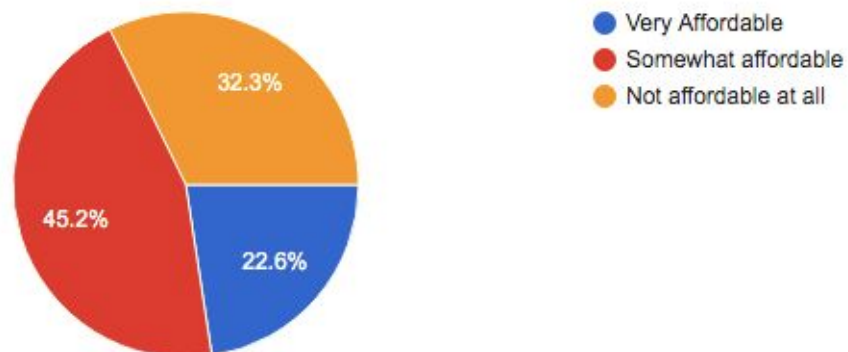
If #2 was yes, How much has your rent increased in the past 12 months?

24 responses



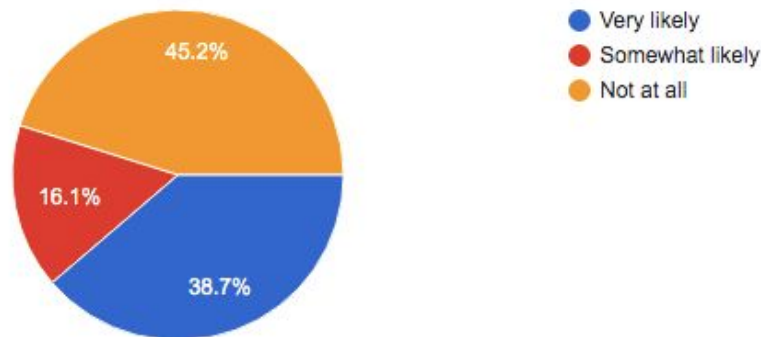
Do you feel your rent is affordable for your living situation

31 responses



How likely are you to move if you get a rent increase of more than 10% of your rent?

31 responses



Based on the graphs above, the risk for displacement with new rent increases will likely see more than half of those residents seeking to move outside of the city. Please note that close to 60% of the renters we spoke to were long term residents. Over three quarter of the renters had an increase in the last year, and close to half of the increases were over 10%.

Finally, on April 24th, the first Tenant Rights Clinic sponsored by El Cerrito Progressives, Tenants Together and Las Ceibas Cooperative found that many low income renters were being held hostage by landlords who refused to make repairs, knowing that renters did not want to risk their “relatively” lower rent for houses, duplexes or apartments. Included in our group were several people at risk of being evicted due to rental increases and their failure to afford these increases.

This final piece of information from the clinic speaks to the inadequacy of residencies covered by the Just Cause Eviction motion as passed by the Council. Limiting Just Cause for Eviction to only those units of 5 or more is protecting only 14% of the renters.

2) On the Task Force.

The concept of a task force, as submitted by the Human Relations Commission, was in fact to take on and review all the tools in the tool box, including rent stabilization. The task force, in my estimation, is to be a venue where the tenants and landlords can possibly craft a type of rent stabilization suitable for our community, and make a recommendation to the Council. But again, the HRC Resolution prefaced all of this with the need for an anti-gouging cap on rent increases, knowing that once discussion began, landlords would move to hike rents.

As far as the task force is concerned, an outside facilitator (familiar with housing issues) should vet applications and make recommendations to the Council members as a method of onboarding task force members. Obviously, the Council would interview and make final approval. Because we are specifically speaking about displacement, the most vulnerable renters should have the loudest voice. Renters who are recent to the community and better economically equipped may be easier to get as participants but should not be overrepresented. Many tenants will be hesitant to come forward if they fear retaliation from their landlord and staff seriously consider how to mitigate this concern. What alternative methods can we employ to ensure that we do not silence the voices of those we purport to want to hear?

On Tuesday, May 7th you will have an opportunity to move forward with an imperfect plan for tenant protections. Hopefully, the community task force will continue this effort and new recommendations will lead to stronger protections, and a more perfect plan. If you want policies to stop displacement of a 25 year resident who just cannot afford his last rent raise, or the 15 year resident told by the new owner that her apartment in prime property and rents are going up, or the two families sharing a three bedroom apartment to afford a roof over their head - then you know that more needs to be done. Be courageous and limit rent increases while this process continues, and if need be adopt regulation for a longer term.

Sincerely,
Sherry Drobner, Ed.D.
[REDACTED]
El Cerrito



SUPPLEMENTAL AGENDA MATERIALS

CITY COUNCIL MEETING May 7, 2019

AGENDA ITEM 4(A) – Municipal Clerks week Proclamation

1. Revised proclamation

AGENDA ITEM 7(A) – 7(C) Rent Registry; Just Cause for Eviction; Task Force

1. Powerpoint presentation
2. Public comments

Materials received at the meeting under public comments

EL CERRITO CITY COUNCIL PROCLAMATION
Designating May 5 through 11, 2019 as Municipal Clerks Week in the
City of El Cerrito

WHEREAS, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

WHEREAS, The role of the Municipal Clerk is the oldest among public servants; and

WHEREAS, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at all levels; and

WHEREAS, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, The Municipal Clerk serves as the information center on functions of local government and community; and

WHEREAS, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and

WHEREAS, Presidential proclamations were signed in 1984, 1994, and 1996 recognizing Municipal Clerks Week and the essential role Municipal Clerks play in local government; and

WHEREAS, 2019 marks the 50th Anniversary of Municipal Clerks week.

NOW THEREFORE, the City Council of the City of El Cerrito, does hereby proclaim the week of May 5 through May 11, 2019 as Municipal Clerks Week, and extends appreciation to all municipal clerks, past and present, for their vital service and dedication to the communities they represent.

Dated: May 7, 2019

Rochelle Pardue-Okimoto, Mayor

THE CITY OF EL CERRITO
RENT REGISTRY ORDINANCE
AGENDA ITEM: 7A

MAY 7, 2019

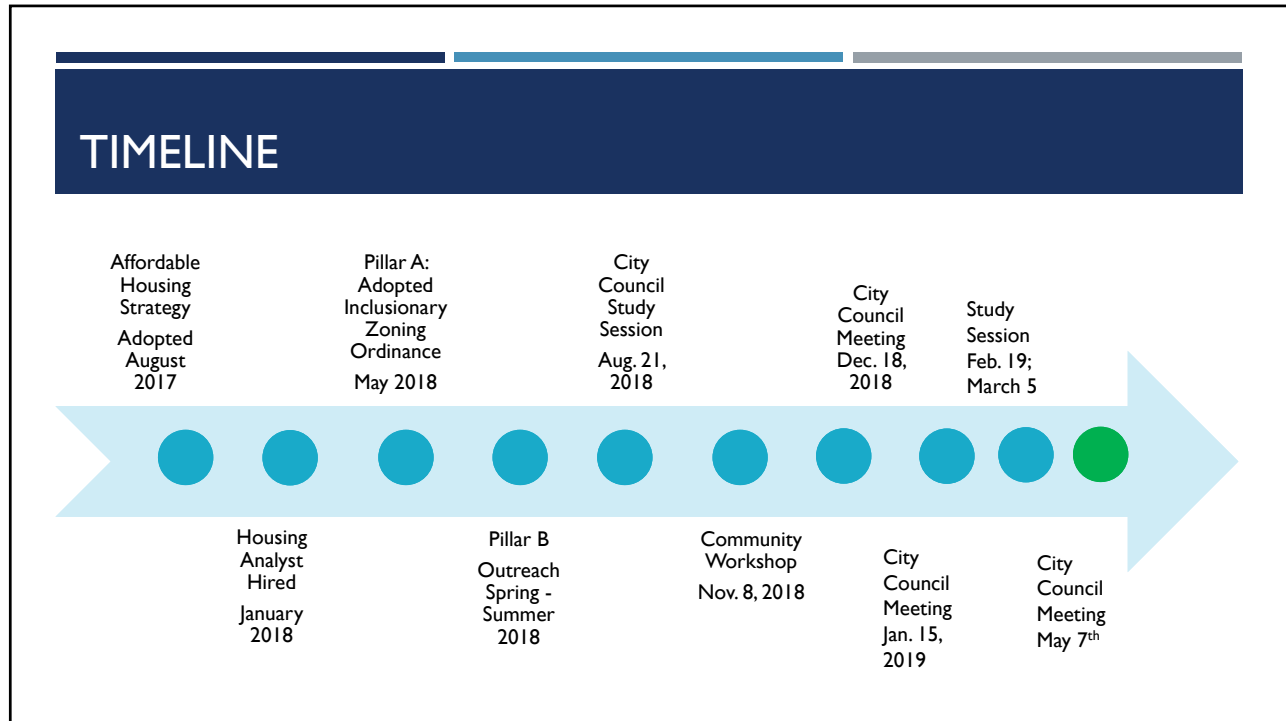


1

OVERVIEW OF TONIGHT'S AGENDA

- Project Schedule
- Background
- Rent Registry Ordinance
- Implementation/Financial Considerations
- Next Steps
- Questions and Comments

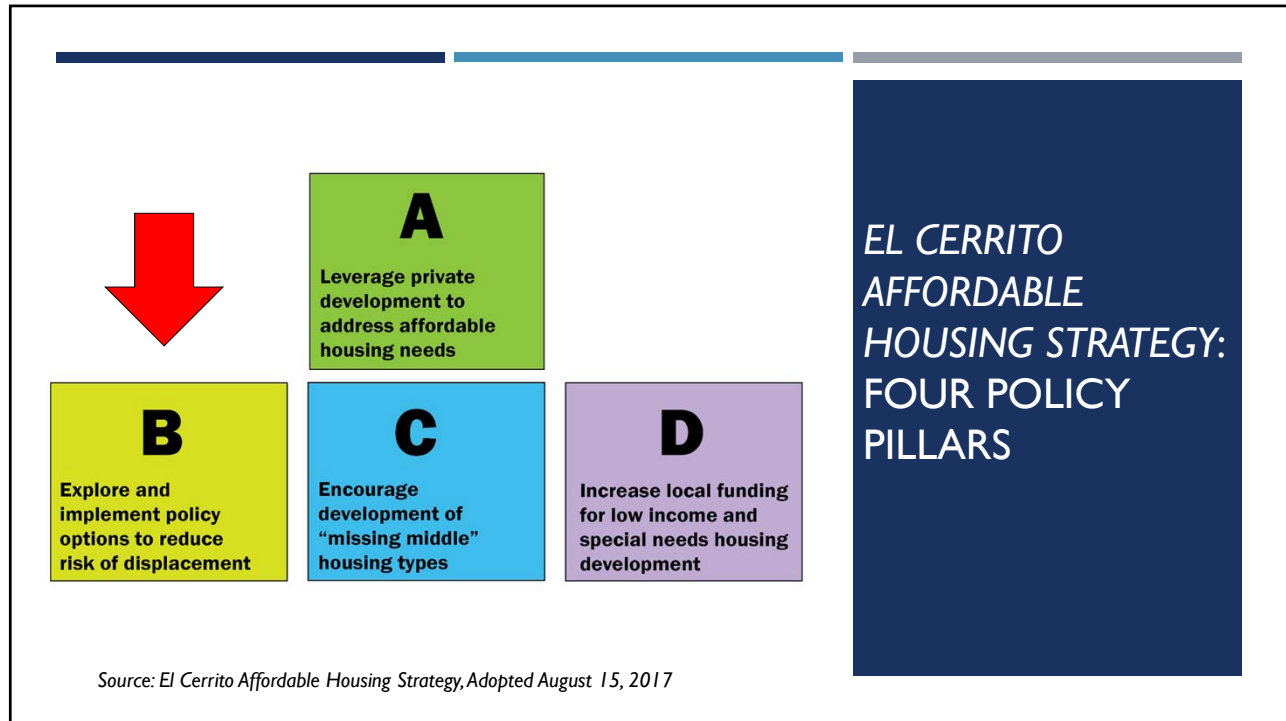
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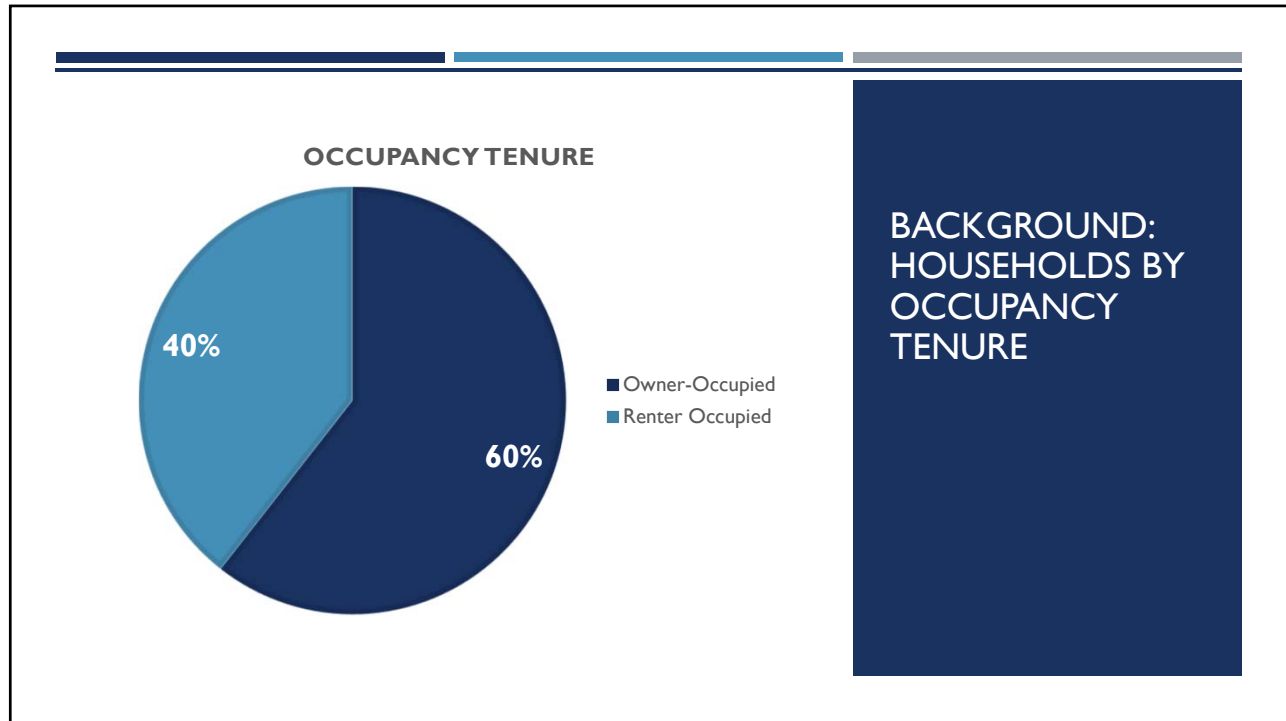
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PILLAR B STRATEGIES: HIGH PRIORITY IMPLEMENTATION ACTIONS

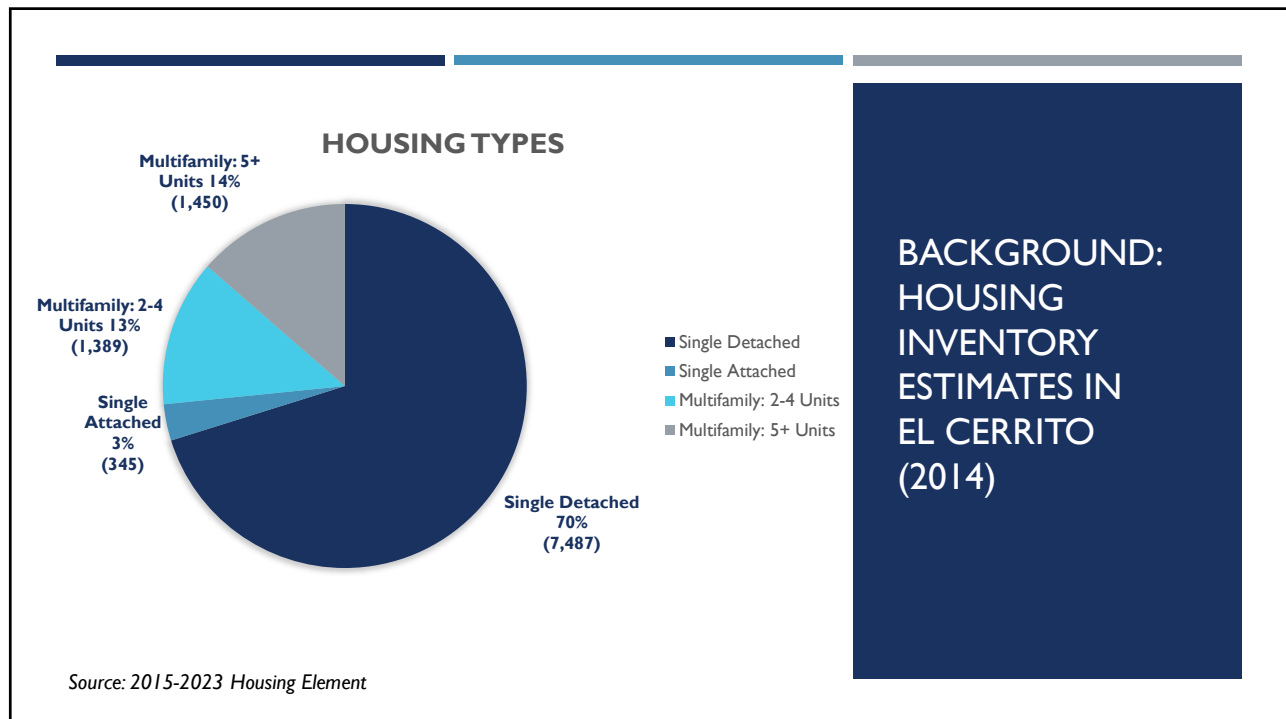
Strategy 6: Explore potential tenant protection policies.

6-1. Continue to study potential tenant protection options and evaluate the success of existing programs in peer cities.

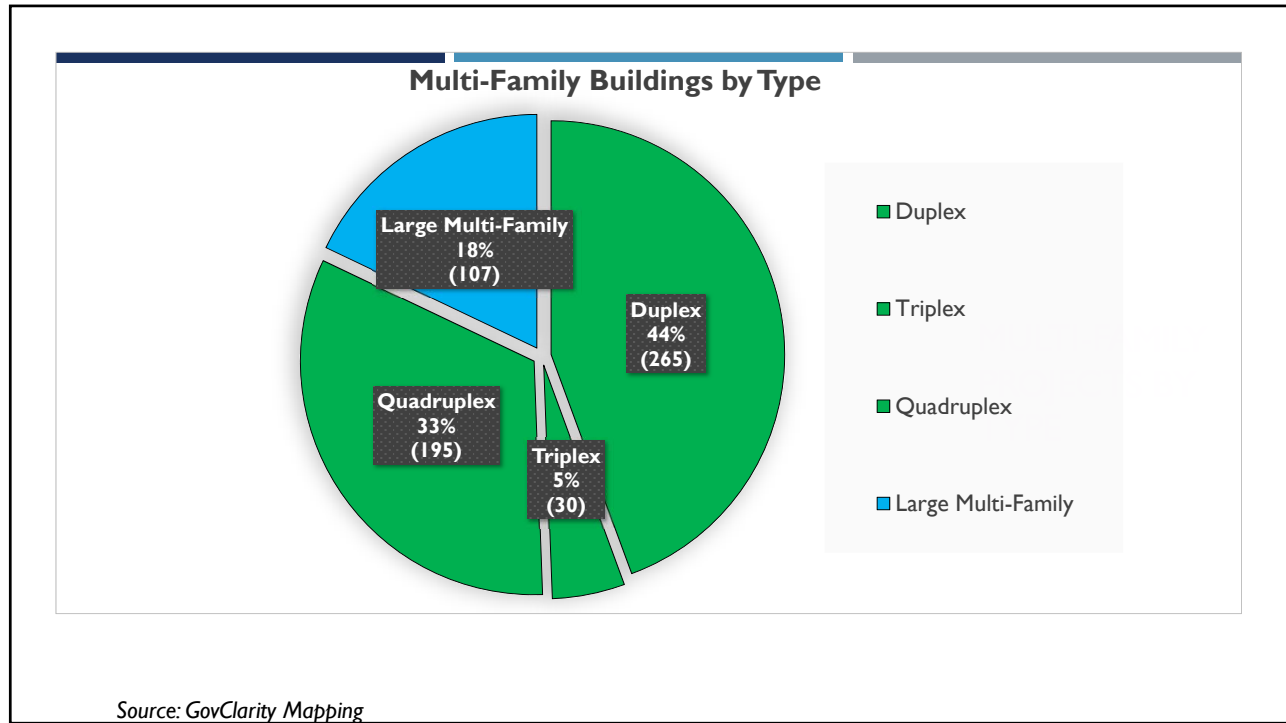
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7



8



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RENT REGISTRY

EL CERRITO MUNICIPAL CODE, CHAPTER 10.100

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EL CERRITO MUNICIPAL CODE

- El Cerrito Municipal Code – *Title 10 – PUBLIC PEACE, MORALS AND WELFARE*
- *Chapter 10.100 – RENT REGISTRY*
- This ordinance codifies the City's police power authority to protect public health, safety, and welfare

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SECTIONS

10.100.010 - Findings and Purpose

10.100.020 - Definitions

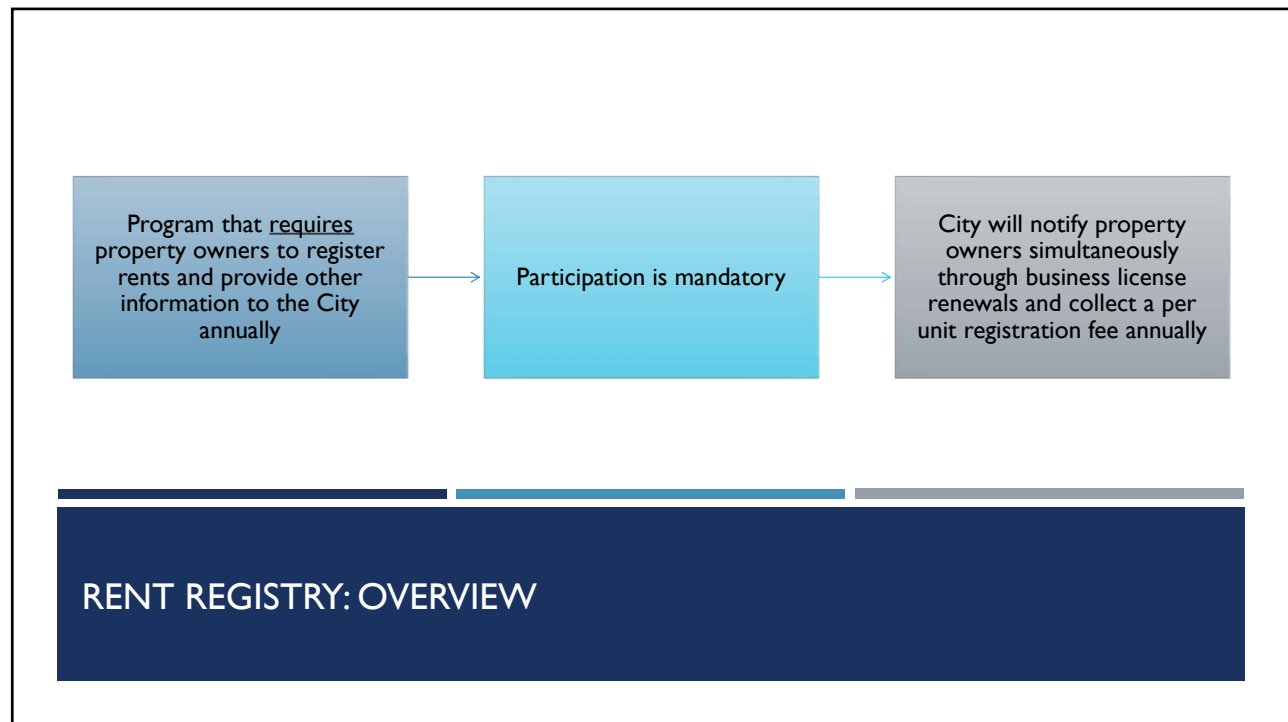
10.100.030 - Registration of Rental Units

10.100.040 - Miscellaneous

10.100.050 - Enforcement

TITLE 10 – PUBLIC PEACE, MORALS AND WELFARE
CHAPTER 10.100 – RENT REGISTRY

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RENT REGISTRY: APPLICABILITY



- **Applies to all rental properties, including single-family residences and multi-family buildings, with some exceptions**
- **Exceptions:**
 - A room or any other portion of any property occupied by landlord or landlord's immediate family
 - Hotels, motels, bed and breakfasts, etc.
 - On-site manager's living unit
 - Tenancy that is condition of employment by a landlord
 - Units whose rents are controlled by any government agency
 - Units acquired by the City intended to be used for public purposes

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RENT REGISTRY: DATA COLLECTION			
OWNER INFORMATION	PROPERTY/UNIT INFORMATION	RENT HISTORY	TENANT HISTORY/ OCCUPANCY STATUS
• Name • Contact Information • Number of Units Owned in El Cerrito • Business License Number	• Address • Number of Units • Unit Number • Square Footage • Number of Bedrooms • Number of Bathrooms • History of Capital Improvements / Major Maintenance	• Previous Rent (24-month period) • Current Rent • Date of Rent Increase	• Date of Move-In • Date of Move-Out • Occupancy Status • Reason for Move-Out • Housing Voucher Recipient

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RENT REGISTRY: PROPRIETARY INFORMATION

- Public Records Act (Gov. Code §§ 6250 et seq.)
 - Generally requires that the City make available information that relates to the conduct of the public's business
 - Contains a number of exceptions intended to protect the privacy of individuals and the proprietary information of businesses in the City's possession only because of a legal requirement to provide it to the City in connection with a regulatory program

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RENT REGISTRY: IMPLEMENTATION

- Fees: \$44 per eligible rental unit annually (cost-recovery)
- New Database
- Staff
 - Existing: Housing Analyst
 - Newly Identified Staff: Administrative Clerk-Specialist (0.5 FTE)
- Administrative Regulations: Created by the Community Development Department
- Enforcement: Violations Subject to Administrative Penalties
- Annual Review to the City Council

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RENT REGISTRY: NEXT STEPS

- May 21, 2019: City Council (2nd reading)
- Database Build Out
- June 20, 2019: Ordinance Effective
- Outreach:
 - Business License Mailing
 - Public Workshop
 - City Website
 - Social Media
 - Newsletter

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RENT REGISTRY: DISCUSSION

Questions & Answers

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THANK YOU!



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THE CITY OF EL CERRITO
JUST CAUSE FOR EVICTION ORDINANCE
AGENDA ITEM: 7B

MAY 7, 2019



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OVERVIEW OF TONIGHT'S AGENDA

- Just Cause for Eviction Ordinance
- Overview
- Applicability
- Process and Noticing Requirements
- Causes For Termination
- Harassment Protections
- Implementation/Financial Considerations
- Next Steps
- Questions and Comments

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JUST CAUSE FOR EVICTION AND PROHIBITION ON HARASSMENT OF TENANTS

EL CERRITO MUNICIPAL CODE, CHAPTER 10.300

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EL CERRITO MUNICIPAL CODE

- El Cerrito Municipal Code – *Title 10 – PUBLIC PEACE, MORALS AND WELFARE*
- *Chapter 10.300 – JUST CAUSE FOR EVICTION AND PROHIBITION ON HARASSMENT OF TENANTS*
- This ordinance codifies the City’s police power authority to protect public health, safety, and welfare

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SECTIONS

10.300.010 – Findings and Purpose

10.300.020 – Definitions

10.300.030 – Applicability

10.300.040 – Cause for Termination

10.300.050 – Prohibition on Harassment of Tenants & Other Prohibited Activity

10.300.060 – Notice of Tenant Rights

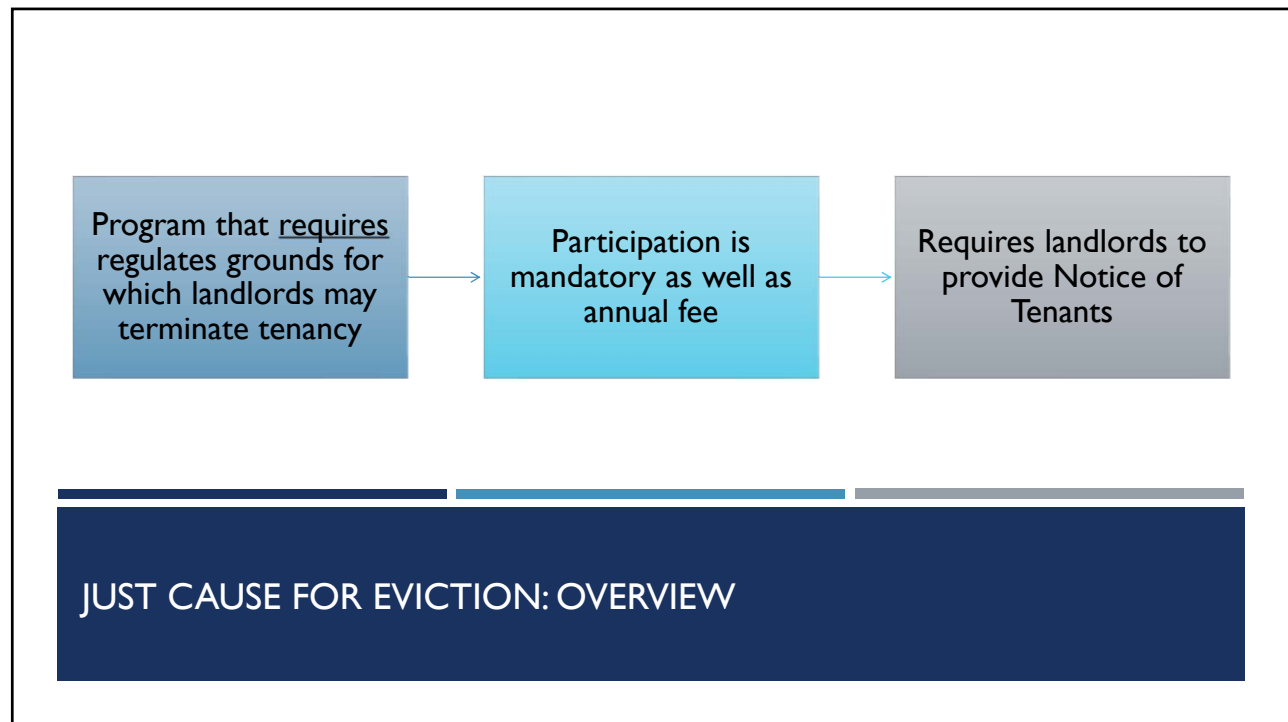
10.300.070 – Notice of Termination

10.300.080 – Civil Remedies

10.300.090 – Fees

**TITLE 10 – PUBLIC PEACE, MORALS AND WELFARE
CHAPTER 10.300 – JUST CAUSE FOR EVICTION AND PROHIBITION ON HARASSMENT OF TENANTS**

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JUST CAUSE FOR EVICTION: APPLICABILITY

- **Applies to all rental properties with five or more rental units, with some exceptions**
- **Exceptions:**
 - A rental unit with a Certificate of Occupancy issued after 1/1/2015
 - Single-family residence
 - A duplex, triplex or quadraplex
 - Accessory Dwelling Units (ADU)
 - A room or any other portion of any rental unit occupied by landlord or landlord's immediate family
 - Hotels, motels, bed and breakfasts, etc.
 - On-site manager's living unit
 - Tenancy that is condition of employment by a landlord
 - Units whose rents are controlled by any government agency
 - Units acquired by the City intended to be used for public purposes

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JUST CAUSE FOR EVICTION: PROCESS & NOTICING REQUIREMENTS

*Step 1: Landlord Requirements	*Step 2: Notice of Tenants Rights	*Step 3: Notice of Termination	Step 4: Civil Remedies
Must demonstrate the following: • Current Business License with the City • Unit is Registered as Rental with the City	Landlord must provide each tenant a Notice of Tenant rights upon: • Within 60-days of ordinance effective date • When entering a Lease Agreement • When Renewing a Lease Agreement • Notice of Termination	If issued, landlord must provide notice that contains the reason(s) for Termination of Tenancy Must provide a copy of the notice to the City within 10 days of delivery	Disputes are resolved in the following manner: • Pursued through civil action • City not involved unless steps 1-2 are not met

**Steps 1-3: Landlord Requirements*

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JUST CAUSE FOR EVICTION: CAUSE FOR TERMINATIONS

For-Cause (tenant caused):

- Failure to Pay Rent
- Breach of Rental Agreement
- Tenant Illegal Activities
- Violations of Health & Safety Code

No-Fault (landlord caused):

- Unit Will be Substantially Renovated
- Condominium Conversion
- Landlord Will Remove Unit from Market
- Landlord Will Move into Unit

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JUST CAUSE FOR EVICTION: ENHANCED HARRASSMENT PROTECTIONS

- Interrupt or fail to provide housing services
- Fail to perform repairs and/or complete repairs once undertaken
- Abuse of landlord's right to access the property
- Removal of tenants personal property
- Influence or attempt to influence a tenant to vacate the property
- Offer payment or other consideration in return for vacating a rental
- Threaten the tenant by word or harm
- Refuse to cash or accept a rent check
- Violations of the tenants right to privacy
- Other repeated acts to substantially interfere with or disturb tenant
- Retaliation against tenant for exercising rights of the ordinance

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JUST CAUSE FOR EVICTION: IMPLEMENTATION

- Fees: \$35 per eligible rental unit (cost-recovery)
- Existing Staff:
 - Housing Analyst
 - City Attorney
- Additional Resources: 3rd Party Designated Service Provider
- Enforcement: Civil Remedies and Administrative Penalties
- Annual Review to the City Council

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JUST CAUSE FOR EVICTION: IMPLEMENTATION

- Eden Council for Hope and Opportunity (ECHO Housing)
 - Provides tenant and landlord services
 - Services include: general inquiries, counseling, program reporting
 - Contract not-to-exceed \$15,000
 - Provides services to other jurisdictions in Alameda and Contra Costa Counties

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JUST CAUSE FOR EVICTION: NEXT STEPS

- May 21, 2019: City Council (2nd reading)
- June 20, 2019: Ordinance Effective
- Outreach:
 - Business License Mailing
 - Public Workshop
 - City Website
 - Social Media
 - Newsletter

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DISCUSSION

Questions & Answers

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THANK YOU!



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THE CITY OF EL CERRITO
TENANT PROTECTIONS TASKFORCE
AGENDA ITEM: 7C

MAY 7, 2019



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TONIGHT'S AGENDA

- Background
- Purpose
- Process
- Parameters
- Next Steps
- Questions and Comments

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TENANT PROTECTIONS: BACKGROUND

Outreach actions and meetings to date:

- *Affordable Housing Strategy*: Adopted August 2017
 - Convened Technical Advisory Group (TAG) & Community Workshops
 - Inclusionary Zoning Ordinance: Adopted June 2018
- Met with a variety of stakeholders and jurisdictions: Spring - Summer 2018
- Tenant Protections Study Session: August 21, 2018
- Community Workshop: November 8, 2018
- Introduction of Tenant Protection Ordinances: December 18, 2018
- Citywide Mailing: February 2019
- Study Session: February 19, 2019
- Study Session (continued); Special Meeting: March 5, 2019

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TASKFORCE: PURPOSE

- To serve in an advisory capacity to the City Council with regard to the Tenant Protection policies within the City of El Cerrito
- To review, analyze and make recommendations on the following:
 - Rent Review Program
 - Tenant Relocation Assistance, Demolition
 - Tenant Relocation Assistance, Rent Increase

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TASKFORCE: PROCESS

Staff would like to confirm the following processes:

- Selection/Appointment
- Taskforce Framework

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TENANT PROTECTIONS TASKFORCE: PARAMETERS

- Subcommittee of the City Council
- Professional Mediator/Facilitator
- Staff Liaison
- 8 Members
 - Made up equally of landlords and tenants who reside in El Cerrito
- Convene at least three times:
 1. Background/Foundation
 2. Negotiate/Brainstorm
 3. Recommendations
- Taskforce to Sunset Six Months After Formation
- Dissolve Upon Conclusion

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TENANT PROTECTIONS TASKFORCE: NEXT STEPS

- ASAP: Appoint the City Council Subcommittee Members
- June: Taskforce Interviews
- July - September: Taskforce Meetings
- October: Recommendations to the City Council

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TENANT PROTECTIONS TASKFORCE: DISCUSSION

Questions & Answers

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THANK YOU!

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EXISTING RENTAL PROGRAM FEES

PROGRAM	FEE & FREQUENCY	SAMPLE RENTAL UNIT FEE
*Residential Rental Inspection Program	\$241 - single-family \$211 - 1 st multi-family \$120 - each additional multi-family unit <i>*Rental inspections to occur every 2 years</i>	<i>Large MF: 5-units</i> \$211 <u>\$480</u> \$691
Business License Fee	\$75 - Enrollment \$24 - Renewal	\$24
Business License Tax – Per Unit	\$111 - per unit	\$555
Total:		\$1,270 current (\$579) \$1,349 proposed (\$658)

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CALIFORNIA APARTMENT ASSOCIATION

5478 Buskirk Avenue
Pleasant Hill, CA 94523
(925) 398 - 7551

May 7, 2019

El Cerrito City Council
City of El Cerrito
10890 San Pablo Avenue
El Cerrito, CA 94530

May 7, 2019 City Council Meeting Agenda Items #7 A – C

Dear Mayor Pardue-Okimoto and Members of the City Council,

The California Apartment Association's Contra Costa Division (CAA Contra Costa) is the non-profit trade association representing rental housing providers in Contra Costa County. The association and its members steadfastly oppose the proposed ordinances to impose Just Cause Eviction requirements and a Rent Registry on El Cerrito rental housing providers. The ordinances fail to address the issues of housing affordability and will lead to increased costs, bureaucracy, and legal challenges for the city, housing providers, and El Cerrito renters. The El Cerrito City Council should reject these proposals and focus on implementing programs that will provide reliability and stability for El Cerrito residents and those who provide housing in your community.

Rent Registry

There is no rational reason for the city to create a bureaucracy just to gather data. If the city's goal is to obtain rental rates and eviction trends, that information can be gathered from census data, public websites, third-party data providers, and the courts. A much more effective use of public resources would be to provide funds to help families and homeless individuals in need with direct rental subsidies, not an administrative program with an annual price tag of at least \$100,000.

The rent registry invades the privacy of rental owners and renters. Making the information available to the public makes it easy for tenants and neighbors to find private information such the rent all neighbors pay, why a certain family moved away, or how small the apartment is where a family with six children live thus subjecting some families to possible eviction for overcrowding. The ordinance would require property owners to provide the exact square footage of their units. Under state law a property owner is not allowed to demand entry against a tenant's wishes to collect this information.

Rental registry often exists only in jurisdictions that have rent control. It has no purpose in El Cerrito. A six-dollar figure is better spent on other city priorities and currently, AB 724 (Wicks) would create a statewide system thus rendering this proposal redundant to efforts that the state may very well implement.



Just Cause Eviction

The City Council must not forget that over 100 local rental housing owners and El Cerrito residents expressed strong opposition to a Just Cause Eviction law at the February 19, 2019 City Council meeting citing the dangers of this law on the community.

Just Cause eviction laws make it difficult to remove problem or nuisance tenants. Although that is not the intention, that is very well the outcome. There have been hundreds of cases where owners had a dangerous tenant that they wanted to remove in Just Cause jurisdictions but were unable to meet the burden of proof to prove cause. Why? Because other tenants who witness the disrupting behavior do not want to get involved. Without that proof, it is extremely difficult to move forward with an eviction. By that time, several good tenants may have moved out because the landlord “won’t do anything” about removing the bad tenant.

This can happen with gang related conduct, drug related conduct, excessive noise or partying, or tenants that have unauthorized occupants that are causing any of the aforementioned issues.

If this ordinance passes, the city will force property owners to spend thousands of dollars to remove a bad element out of a neighborhood. There is no provision in any Just Cause ordinances that expedites the removal of a troublesome tenant or waives attorney and legal fees to remove a disorderly neighbor. The so-called protections the city wants to give to law-abiding renters will also be extended to disruptive tenants. In a city where the majority of rental buildings are family-owned and do not have an on-site manager, this is too much risk to take.

Other issues in the ordinance include the prohibition of harassment of tenants. This is unnecessary as over half of the listed 15 provisions are already illegal under state law or typically covered in standard lease agreements. These are existing renter protections that renters can fully exercise under state law. If other actions such as discrimination based on sex, gender, religious affiliation, or familial status are suspected, those are also already covered in laws related to Fair Housing and are also enforceable in the state and federal levels. The city should use the funds proposed for the rent registry to conduct educational and outreach workshops for renters to educate them on their existing renter protections and avenues of how they can be enforced. Public interest law firms and tenant rights group exist to assist tenants in discrimination matters at no cost to the renters. They don’t need a just cause law to enforce what is already given to them.

Lastly, rental housing business is a partnership that typically involves a contract in a form of a lease agreement between two parties. The city should respect that most lease agreements come in fixed terms which have expiration dates. If the housing providers have met their contractual obligations during that tenancy, they should be able to recover their unit at the end of a fixed-term lease without the penalty of a Just Cause eviction.



CALIFORNIA APARTMENT ASSOCIATION

5478 Buskirk Avenue
Pleasant Hill, CA 94523
(925) 398 - 7551

Recommendations

Mediation Program

The city and its residents will be well serviced focusing on renter protection programs that are more reasonable, cost-effective, and less adversarial. CAA Contra Costa supports the recommendations of city staff to explore a non-binding mediation program to resolve issues between renters and housing providers. Doing so will allow for the city to gather data on cases such as “excessive” rent increases or wholesale evictions. If verifying claims of disputes is an objective, then the city should invest in a mediation program that would actually bring parties together vs against each other.

Minimum Lease

CAA Contra Costa supports city staff’s December 2018 recommendation to implement a minimum lease ordinance as an alternate to Just Cause. Doing so will achieve the following: security, reliability, and predictability for renters. Requiring a lease ordinance, will provide housing stability for renters and housing providers, give renters security that they cannot be evicted from their unit during the agreed upon terms, and their rent will be reliable because rents cannot fluctuate during a fixed-term lease. A Just Cause will extend these protections to bad tenants and expose housing providers to costly legal fees. The city has an opportunity to avoid this costly mistake by following staff’s original recommendation.

CAA Contra Costa seeks to continue its partnership with the city to meet its housing goals, which includes exploring ways to improve communications between local housing providers and renters. As you enter your deliberation, it is important to recognize that California law already provides some of the strongest tenant protections for illegal or retaliatory evictions and those laws continue to be developed. Just this legislative session, the state is already considering a rent registry program and various versions of eviction controls statewide. Given El Cerrito’s size and resources, it is more prudent to wait for the result of these state lawmakers’ efforts before implementing new complex and expensive laws.

Sincerely,

Rhovy Lyn Antonio
Vice President of Public Affairs
CAA Contra Costa

Holly Charléty

Subject: RE: El Cerrito City Council Meeting, May 7, 2019

From: George Gager [REDACTED]

Sent: Monday, May 6, 2019 5:44 PM

To: Janet Abelson <jabelson@ci.el-cerrito.ca.us>; Gabe Quinto <GQuinto@ci.el-cerrito.ca.us>; Paul Fadelli <PFadelli@ci.el-cerrito.ca.us>; Greg Lyman <GLyman@ci.el-cerrito.ca.us>; Rochelle Pardue-Okimoto <RPardueOkimoto@ci.el-cerrito.ca.us>

Cc: Aissia Ashoori <AAshoori@ci.el-cerrito.ca.us>; Melanie Mintz <MMintz@ci.el-cerrito.ca.us>

Subject: El Cerrito City Council Meeting, May 7, 2019

Dear Mayor and Members of the El Cerrito City Council:

The purpose of this letter is to communicate my personal comments regarding Item 7 on the Agenda of your meeting scheduled for May 7, 2019. Specifically, this item contains three Resolutions covering the creation of a:

- A. Rent Registry Ordinance
- B. Just Cause for Eviction Ordinance
- C. Tenant Protections Taskforce

My comments on these three resolutions are based on a lifetime of experience studying the affordable housing needs of communities like El Cerrito in more than 41 states. I am also willing and available to donate my time and services to El Cerrito as our community continues to grow and evolve into one of the Bay Area's best places to live and raise a family.

General Comments and Suggestions:

Rent Registry Ordinance: The benefits of this ordinance reach far beyond our need to understand the demand for rental housing here in our community. Rental housing, especially in the single-family marketplace, is largely an unregulated business. In addition to creating a local database of rental housing, this ordinance would help the Council meet its fiduciary obligations to monitor the economic impact of rental real estate revenues within our local economy.

Today, housing is often rented on websites with no record of the transaction. This ghost economy and its hidden revenue has a significant impact on our property taxes, sales taxes, and our schools. Building an accurate database of the rental housing in El Cerrito will give us the tools to evaluate and manage the housing market in our community. Unless this ordinance is passed and enforced, we will have not have access to the information we will need to continue to ensure the ongoing beauty, stability and growth of our community.

When marijuana became legal there was wide support for regulating and monitoring the sale and delivery of related products within our community. We limit and license the pot shops and delivery services because having too many will change the character of our community. The economic and social impact of local housing trends on our community, is equally important.

Just Cause for Eviction Ordinance: This is a complex ordinance. We could all understand the need for this ordinance if it only applied to handicapped tenants. But, what about the seniors who have raised our families, fought our wars, taught our children, and built our communities? What about our young families struggling to save for the future while they raise their children and just try to pay the bills every month? What about those of us who are fighting illnesses beyond our control?

Yes, this ordinance places restrictions on the actions a landlord can take, but when the landlord is at risk those restrictions do not apply. When the tenant is at risk, however, we must ask the landlord to accommodate the needs of

the tenant. When the landlord tries to take advantage of the tenant, his customer, we must place limits on those actions, as we do, in other commercial ventures.

Tenant Protections Taskforce: This is a simple and logical ordinance that will allow El Cerrito to plan for its future. Similar efforts led a taskforce to the create of the San Pablo Avenue Specific Plan, a form-based code that was one of the first of its kind in the greater Bay Area.

Specific Comments, Suggestions and Typos:

1. On page 59 of 74, Just Cause for Eviction Ordinance, paragraph 10.300.040 E. 7. should refer to paragraph 10.300.040 F., not 100.300.040 F.
2. Each of these three proposed ordinances lacks any reference to, or protections for, the needs of our special needs and handicapped population as called for in the City's recently passed Affordable Housing Strategy. The Rent Registry Ordinance does not provide for information to be provided on whether a unit occupied by a handicapped tenant, or complies with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, or similar State Statutes. The Just Cause for Eviction Ordinance does not provide any reasonable protections for handicapped, or other special needs tenants who may require additional time to relocate. Lastly, the Tenant Protections Taskforce is not charged with addressing the needs of handicapped tenants who will obviously require special protections.
3. On Page 43 of 74, Rent Registry Ordinance, paragraph 10.100.020 H. Rental Units, this section states "A Rental Unit shall not include:"
 5. Any Rental Units for which rents are controlled or regulated by any government unit, agency, or authority, or whose rent is subsidized by any government unit, agency or authority. This exception shall not apply to any Rental Unit for which rents are controlled pursuant to a rent stabilization ordinance, in the event that the City Council adopt such an ordinance.

Then, on page 44 of 74, Rent Registry Ordinance, paragraph 10.100.020 I. Tenant, requires that the information collected include:

- C. 8. Whether or not the Tenant receives a housing voucher or rental subsidy (e.g. Section 8, VASH);

These two Sections represent a conflict that could be quickly resolved by changing the language in Section H. to include all subsidized units. The City staff should have all available information on every type of rental unit within the City. The presence of a subsidy should not relieve the landlord from the obligation to report data. Also, Section 8 Vouchers are portable. A unit might have a Section 8 tenant this year, but not next year.

4. On page 59 and 60 of 74 paragraph 10.300.040 F. provides certain rights under which a tenant may return to a unit for up to 5 years. As an alternative the City could maintain a waiting list of tenants who had been previously evicted, under similar circumstances, to use in the event the original tenant no longer wanted to, or was unable to return.

Closing Statement:

If we allow the unregulated pursuit of profit present in today's real estate marketplace, we will surrender control of our communities. The conversion of owner-occupied housing to rentals is a growing force in the Bay Area. Should developers decide who lives in El Cerrito, at what cost, and under what terms? Your votes will determine our future.

Lastly, please take the time to read the article at https://www.huffpost.com/entry/los-angeles-evictions_n_5ccc8b02e4b0e4d757325671. This real-life story places these proposed ordinances in a context we can all understand.

Best,
George Gager, [REDACTED] El Cerrito, CA

Holly Charléty

Subject: RE: City Council Meeting May 7, 2019

From: [REDACTED]

Sent: Tuesday, May 7, 2019 7:31 AM

To: Gabe Quinto

Subject: City Council Meeting May 7, 2019

Gabriel Quinto,

Please vote no today on Just Cause and Rent Registry for the city of El Cerrito. Our concerns were sent to you back in February in the attached email .

Tom and Dennie Hansen

-----Original Message-----

From: taaho [REDACTED]

To: gquinto <gquinto@ci.el-cerrito.ca.us>

Sent: Fri, Feb 15, 2019 12:27 pm

Subject: City Council Meeting Feb 19, 2019

Affordable Housing Strategy

City Council Meeting Feb 19, 2019

Gabriel Quinto

Our family has a long history with the City of El Cerrito . My wife's folks came here in the 1930's and operated the Idaho Motel. During the second world war my father-in-law worked the night shift as a pipefitter at the shipyard and maintained the motel during the day. In 1949 they

sold the motel and purchased our current apartments with a loan from the Mechanics bank. Both my wife and I graduated from El Cerrito high school.

For the past 25 years that we have operated the apartments, we have not evicted any tenants, we have maintained low rental rates, we have three tenants that have been with us for 20 years, the average length of residency of current tenants is 13 years.

I believe that implementing the proposed tenant protection "controls" are not necessary and would add costs to the city and to me. Add this to the ever increasing expenses that landlords already face such as:

- property taxes,
- state and federal income taxes,
- utilities (water, garbage, sewer and electricity),
- business licenses,
- inspection fees .
- plus whatever other new fees are established.

We do hope you will not implement these proposed controls.

Tom and Dennie Hansen



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510-663-3830
EBHO.org

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Alain McLaughlin, portrait photography • Rob Roebrick, graphic design



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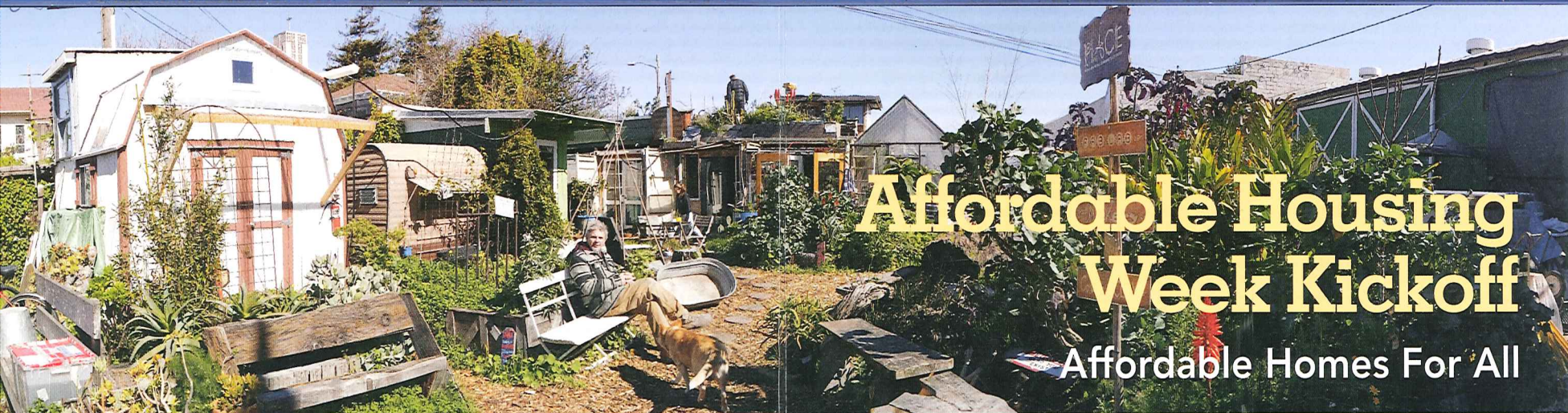
MAY 07 2019

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For her dedicated work within local government to create affordable housing and end homelessness in Contra Costa County and beyond.

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\$45 per EBHO member • \$75 per non-EBHO member

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aledbury@ebaldc.org

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leah.cerri@edenhousing.org

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Email for location details
Contact: Betsy Morris, betsy@kali.com

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Fruitvale BART Station, Oakland
Contact: Dana Kleinhesselink, 510-535-6924
DanaK@unitycouncil.org

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5:30–7:00 pm

Location TBD

Contact: Elissa Dennis

edennis@communityeconomics.org

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Hosted by Lowney Architecture

9:30–10:30 am

Lowney Office

360 17th St #200, Oakland

Contact: Corissa Bryson

corissa@lowneyarch.com

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rsvp@midpen-housing.org

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1738 Riviera Ave, Walnut Creek

Contact: Arlene Skjerly, askjerly@rcdhousing.org

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Time and locations will vary—

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Hosted by City of Oakland

10:00 am–12:00 pm

Lake Merritt Sailboat House

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Contact: Maryann Leshin

mleshin@oaklandca.gov

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3780 Stanley Blvd, Pleasanton

Contact: Jonathan Astmann, 510-809-2769

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East Bay/Silicon Valley

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Contact: Patti Wang Cross

PWCross@habitatebsv.org

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leah.cerri@edenhousing.org

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Hosted by Richmond Neighborhood
Housing Services

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Kennedy High school

4300 Cutting Blvd, Richmond

Contact: Nikki Beasley

nikkibeasley@eastbaynhs.org

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Housing Justice for All: Community Conversations • May 4–6

MAY 07 2019

Survey generated by Voxloca on behalf of “concerned citizens” of El Cerrito

5/7/2019

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- 5 - I don't know

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Which one of the five members of the City Council do you deem MOST TRUSTWORTHY?

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- 3 - Councilmember Janet Abelson
- 4 - Councilmember Paul Fadelli
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Question 3/10

In 2020, these three COUNCILMEMBERS are up for re-election, who is your TOP CHOICE?

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- 5 - Improving our library and parks
- 6 - None of these

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What should the City Council SPEND \$50,000 of the city's budget on?

- 1 - A database to track rent and evictions
- 2 - New equipment at neighborhood park
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If the City Council RAISES NEW TAXES where should it be spent?

1 - New library

2 - More police officers

3 - New city employees to regulate landlords

4 - An affordable housing fund

5 - None -- Don't raise taxes

Reply with a number from 1 to 5 to this message

Question 9/10

Several Councilmembers are proposing a law to force a landlord to SUBSIDIZE A TENANT'S RENT, even those with good-paying jobs. Do you agree?

1 - YES, good idea

2 - NO, bad idea

Reply with a number from 1 to 2 to this message

Question 10/10

Several Councilmembers are proposing a law to offer a CONFLICT RESOLUTION PROGRAM for landlord and tenant disputes. Do you agree?

1 - YES, good idea

2 - NO, bad idea

Reply with a number from 1 to 2 to this message



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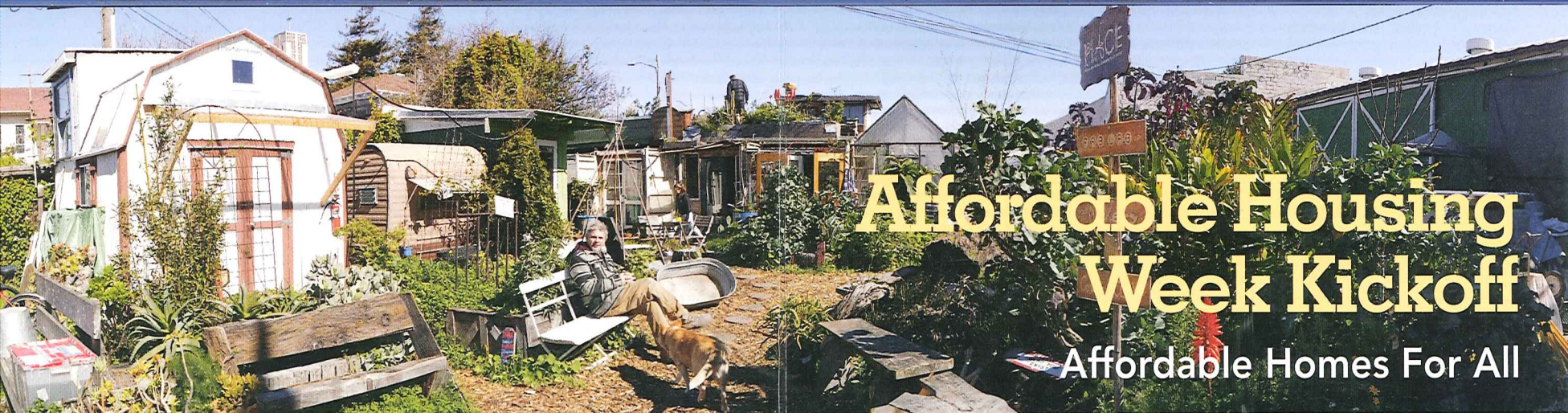
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Reply with a number from 1 to 5 to this message

Question 9/10

Several Councilmembers are proposing a law to force a landlord to SUBSIDIZE A TENANT'S RENT, even those with good-paying jobs. Do you agree?

1 - YES, good idea

2 - NO, bad idea

Reply with a number from 1 to 2 to this message

Question 10/10

Several Councilmembers are proposing a law to offer a CONFLICT RESOLUTION PROGRAM for landlord and tenant disputes. Do you agree?

1 - YES, good idea

2 - NO, bad idea

Reply with a number from 1 to 2 to this message