

EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, January 15, 2019 – 6:15 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, January 15, 2019 – 7:00 p.m.
City Council Chambers

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

6:15 p.m. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING
Mayor Pardue-Okimoto called the meeting to order at 6:17 p.m.
Present: Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto.

1. **ORAL COMMUNICATIONS FROM THE PUBLIC** – None
2. **CLOSED SESSION**
CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Initiation of Litigation pursuant to Government Code Section 54956.9(d)(4): One potential case.
3. **POSSIBLE REPORT OUT OF CLOSED SESSION** – None
4. **ADJOURN SPECIAL CITY COUNCIL MEETING**
The meeting was adjourned at 7:06 p.m.

7:00 p.m. 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 Quinto*
2. **COUNCIL/STAFF COMMUNICATIONS**

City Manager Pinkos introduced the new City Clerk, Holly M. Charl  ty; thanked Interim City Clerk, Sherry Kelly for her service; and shared she would like to bring back the prior City Clerk, Cheryl Morse, to recognize her retirement when she is feeling better.

Councilmember Fadelli reported attendance at the Chamber of Commerce lunch today, the Trail Trekker meeting last week regarding fire hazards, and East Bay League of Cities meeting. Glad to have minimum wage going into effect in the

City. Mentioned another year without holiday lights in El Cerrito Plaza. For economic development is something to potentially talk about, getting lights in mature trees.

Councilmember Lyman – echoed Councilmember Fadelli's comments on the chamber lunch. Announced Martin Luther King parade is next Monday, with a viewing of *Cracking the Codes* on the preceding Sunday. March is renewal time for terms on Boards and Commissions, now is the time to consider serving.

Councilmember Quinto – Met with Sierra Club Executive Board members, the discussion included fire prevention. Last week attended East Bay League of Cities meeting which also included discussion on fire prevention. Is a member of the Environmental Quality Committee for the League of Cities, and supports asking the Governor for more money for Cities for fire prevention. On January 3rd attended ribbon cutting for grand opening of the Richmond Ferry. Attended Contra Costa Mayors Conference, Contra Costa Transit Authority (CCTA) talked about how funding was secured for ferry service in Richmond, and Councilmember Abelson played a huge part. Was nominated as Vice-Chair of the Contra Costa Mayors Conference.

Councilmember Abelson – Added that ferry service was funded primarily by Measure J (1/2 cent sales tax in Contra Costa County), not just the community but the County. Locally was able to select projects that would be included in the Measure. Attended installation of John Gioia as the president of the Board of Supervisors for Contra Costa County today.

Mayor Pardue-Okimoto – attended Contra Costa Mayors Conference, first time as a voting member. Congratulated Councilmember Quinto on selection as Vice-Chair of the committee. Reviewed new ferry service fees. At the meeting, the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) came together for a committee on housing and will share recommendation to solve housing crisis in greater bay area and will provide a presentation at a future conference. Shared Sprinkler Fitters are doing a job search. Today attended Alta Bates subcommittee, City of Berkeley sent letter to Alta Bates requesting specific retrofit costs. Will provide another update after next meeting in March.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

James-Joseph A. Diliberto regarding establishing open air museum on property, requested contact with Ohlone.

Nick Zamorano regarding Eucalyptus Trees, reviewed recent events and concerns about areas within the City.

Paul Duncan regarding fire safety in the Hillside Natural area, establishing evaluation routes, specific action plan, requested Liaison to work with the group.

Marlene George regarding fire safety, attended urban forestry committee meeting, working to collaborate on the City Tree and Shrub ordinance amendments.

Gary Prost regarding what other cities are doing about fire safety.

Susan Duncan regarding Camp fire article and take aways.

Scott Perry regarding need and lack of evacuation routes and need for cooperation with Sunset Cemetery and golf course.

Dave Weinstein regarding updates on Trail Trekker accomplishments and goals.

Sherry Drobner regarding residents working on fire safety, thanked Fire Chief, paramedics, and Council for care when husband had a stroke during December council meeting.

Robin Mitchell regarding Trail Trekkers presentation on fire safety, encourage city to have similar presentations for the public.

4. **ADOPTION OF THE CONSENT CALENDAR**

Action: Passed a motion to approve the consent calendar as indicated below.

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

A. Minutes

Approve the Minutes for the meetings of: 1) November 20, 2018; 2) December 4, 2018; and 3) December 18, 2018.

Action: Approved minutes

B. Transportation Impact Fee Program

Waive second reading and adopt Ordinance No. 2019-01 adding Chapter 4.54 – Transportation Impact Fee to the Municipal Code.

First reading adopted by unanimous vote of the Council on December 18, 2018.

Action: Adopted Ordinance No. 2019-01

C. Municipal Pooling Authority Board Members

Adopt a Resolution designating the Human Resources Manager as Primary Board Member and the Assistant City Manager as Alternate Board Member to the Municipal Pooling Authority of Northern California (MPA).

Action: Adopted Resolution No. 2019-01

D. Successor Agency Recognized Obligation Payment Schedule

Adopt a Redevelopment Successor Agency Resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule (ROPS) 19-20 (July 1, 2019-June 30, 2020).

Action: Adopted Redevelopment Successor Agency Resolution No. 2019-01

5. **PRESENTATIONS - None**
6. **PUBLIC HEARINGS - None**
7. **POLICY MATTERS**

A. Tenant Protections Ordinances

At the December 18, 2018 meeting, the Council introduced three ordinances amending the Municipal Code to add: 1) minimum terms for residential leases ("Minimum Lease Terms"); 2) new regulations for the termination of residential tenancies ("Termination of Tenancy"); and 3) a requirement to provide tenant relocation assistance under specified circumstances ("Tenant Relocation") (together the "Tenant Protection Ordinances"). Prior to introduction, the Council amended the Tenant Relocation Ordinance to modify the circumstances that qualify for tenant relocation assistance to require such assistance for qualifying tenants displaced as a result of a 20% rent increase over a two-year period and to include an additional payment of one month's rent for special circumstances households. Other non-substantive changes were also made to the Tenant Protection Ordinances prior to introduction. All three ordinances were introduced by unanimous vote of the Council.

Staff recommends that the City Council, by motion:

1. Defer action on the three Tenant Protection Ordinances introduced at the December 18, 2018 City Council meeting.
2. Reaffirm direction given to staff at the December 18, 2018 City Council meeting to prepare a Just Cause for Eviction Ordinance and a Rent Registry Ordinance.
3. Direct staff to return with an integrated package of ordinances, for Council consideration, that includes the Tenant Protection Ordinances, with appropriate amendments, a Just Cause for Eviction Ordinance, and a Rent Registry Ordinance.

Presentation: Sky Woodruff, City Attorney provided an oral report on the item.

Council Discussion: Members of the Council questioned staff on various aspects of the item including intent of action requested tonight; clarification on the 20% increase trigger for relocation assistance; conflicts with Costa-Hawkins; protections of mom and pop landlords; clarification on calculations for relocation costs; and timeline if action is deferred tonight.

Public Comments:

Bill Kuhlman – regarding support of deferring action, helping landlords be successful.

Eric Mayers – regarding support of staff recommendation, in favor of rights for both landlords and tenants.

Elizabeth Thorsnes – regarding support of a rent registry.

Robin Mitchell – regarding delays causing displacements, advocated for rent moratorium and just cause eviction, urged review of Human Relations Commission (HRC) resolution presented at December Council meeting.

Howdy Goudey – regarding need for measures that can apply under Costa-Hawkins, support of a complete package, that will provide equal protections to tenants and landlords

Sherry Drobner – regarding importance of data on mom and pop landlords, study sessions not allowing for public dialogue, support of HRC resolution task force, temporary rent cap and just cause eviction.

Ilona Clark – regarding support of just cause, opposition of that further restricting housing amid a housing shortage. Supportive of a rent registry.

Rhovy Lyn Antonio –CA Apartment Association, regarding member concerns on rent trigger for relocation and just cause eviction, concerns about lack of process and being a form of rent control.

Jeffrey Wright – regarding just cause as a precursor to rent control, Richmond's program, facts from recent election and Richmond Council actions, and support of staff recommendation.

Jeffrey Levin –regarding support of just cause and rent registry, but not of taking action tonight, consideration of costs, and request for interim protections for tenant.

Peter Pan – regarding opposition of just cause and challenge with eviction.

Council Discussion:

Councilmember Lyman – Stated support for more time to work on full package. Clarified that the Council was not considering just cause tonight. Stated a desire to focus on displacement. Want to avoid consequences of tougher screening at the application phase. Stated desire and goal of limiting displacement of current population.

Councilmember Abelson – Stated concern about rushing through comments last discussion. Meeting with staff that can provide more open dialogue with the public but limited for Council attending because of the Brown Act; clarified terms for eviction.

City Attorney Woodruff - Stated that several workshops were held before bringing this to Council in December. Holding additional workshops could be a challenge as it would increase the timeline.

Mayor Pardue-Okimoto – Stated she believes that El Cerrito voted in favor of Proposition 10 because they feel rents are out of control and want to protect those being displaced. Reported that there is work being done on state wide laws on these issues, and summarized elements being focused on. Expressed desire for fair return for landlords, but protection of renters.

Action: Passed a motion to approve the staff recommendation as proposed, amending item number three to include the return date of February 19th.

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

B. Annual Review of Comprehensive Financial Policy

Presentation by Mark Rasiah, Finance Director.

Presentation: Mark Rasiah, Finance Director, presented the staff report and answered questions raised by members of the council.

Public Comments:

Marlene Keller – Member of Financial Advisory Board (FAB) regarding importance of time spent reviewing and updating the policy, focusing on reserve policy.

Action: Passed a motion to extend the meeting by 15 minutes to 10:45 p.m.

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

Dick Patterson – Chair of FAB spoke regarding need for reserve fund.

Action: Receive and File.

C. Exclusive Negotiating Right Agreement – 6111 Potrero Avenue and 11335-41 San Pablo Avenue

Adopt a Resolution authorizing execution of an Exclusive Negotiating Rights Agreement with ("Proposed Purchaser") for the disposition of 6111 Potrero Avenue and 11335-41 San Pablo Avenue (APNs 513-372-018 and -015)

Presentation: Melanie Mintz, Community Development Director, presented the staff report and answered questions raised by members of the council.

Action: Passed a motion to extend the meeting by 15 minutes to 11:00 p.m.

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

Deepak Agarwal, potential purchaser, provided the council with an overview of restaurant ownership and experience.

Public Comments:

Robin Mitchell – expressed disappointment property not used for affordable housing and questioned public process for bidding.

Jeff Levin – Look forward to redevelopment of property, shared concerns about public process and affordable housing options.

Kim Marienthal – Co-developer for proposed project spoke on benefits of the project.

Action: Passed a motion to extend the meeting by 10 minutes to 11:10 p.m.

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

Action: Passed a motion to adopt Resolution No. 2019-02. **Moved/Seconded:** Councilmembers Lyman/Quinto **Ayes:** Mayor Pardue-Okimoto; Councilmembers Abelson, Fadelli, Lyman, and Quinto **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Councilmember Lyman – Financial Advisory Board discussing regarding real property tax and governance of Measure V. Crime Prevention Committee has several sub committees, including one focused on membership recruitment and one on revitalizing neighborhood watch program.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The meeting was adjourned at 11:01 p.m.



Rochelle Pardue-Okimoto, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the special and regular City Council meetings of January 15, 2019 as approved by the El Cerrito City Council.



Holly M. Charléty, MMC, City Clerk