

EL CERRITO CITY COUNCIL MINUTES

SPECIAL CITY COUNCIL MEETING
Tuesday, August 21, 2018 – 6:30 p.m.
Hillside Conference Room

REGULAR CITY COUNCIL MEETING
Tuesday, August 21, 2018 – 7:00 p.m.
City Council Chambers

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

ROLL CALL

Present: Councilmembers Abelson, Fadelli, Lyman, Pardue-Okimoto, and Mayor Quinto

CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Quinto convened the special City Council meeting at 6:30 p.m.

ORAL COMMUNICATIONS FROM THE PUBLIC

There was one speaker – Cordell Hindler.

COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

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

Action: One interview completed.

ADJOURNMENT

The meeting adjourned at 6:50 p.m.

ROLL CALL

Present: Councilmembers Abelson, Fadelli, Lyman, Pardue-Okimoto, and Mayor Quinto

CONVENE REGULAR CITY COUNCIL MEETING

Mayor Quinto convened the regular City Council meeting at 7:05 p.m.

- 1. PLEDGE OF ALLEGIANCE TO THE FLAG OR OBSERVATION OF MOMENT OF SILENCE**

2. COUNCIL/STAFF COMMUNICATIONS

Mayor Quinto announced that the Council appointed Richard Fernandez to the Arts and Culture Commission for a term concluding March 2022 and appointed Amei Papitto to the Arts and Culture Commission for a term concluding March 2021.

Mayor Quinto shared that at the August's Mayors' Conference the chair of the American Medical Association spoke about the opiate epidemic and its impact in Contra Costa County, including El Cerrito. The Mayor reported that he invited the Chair to speak on this topic at a future Council meeting.

Mayor Quinto congratulated Joe Beckles, General Manager, 24 Hour Fitness Center, on their grand opening and encouraged residents to support this new business.

Mayor Quinto reported that there were over 40 neighborhood parties that participated in El Cerrito's National Night Out.

Councilmember Abelson announced that she attended the Advanced Leadership Workshop at the League of California Cities meeting in June and that the focus of the workshop was on City finances. She also attended the East Bay Division Meeting of the League in July and that the topic of discussion was the measures on the November ballot.

Councilmember Abelson noted that Janet Bilbas, Recreation Supervisor and coordinator of Senior Services, is retiring. She said that she has done an outstanding job and will be missed.

Mayor Pro-Tem Pardue-Okimoto reported that she attended the Mayor's Ribbon Cutting Ceremony for the new 24 Hour Fitness Center. She stated she has already signed up for some classes and encouraged others to support this new business.

Mayor Pro-Tem Pardue-Okimoto stated that she also attended a "Save Alta Bates" meeting. This committee is reviewing a health care study that was prepared by U.C. Berkeley. This study will show how the closure of Alta Bates will impact health care in this region of the East Bay. She urged members of the public to participate in efforts to keep the hospital open, including participating in a "Stroller Brigade" as part of the Solano Stroll.

Councilmember Fadelli added his support for the new 24 Hour Fitness Center and the revitalization of the area and the shopping center.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Cordell Hindler, Richmond, stated that having El Cerrito police coming into his area and the southern areas of Richmond is unacceptable.

D.D. Lum, El Cerrito, expressed concern that many of the older, untrimmed and dying trees could fuel a wildfire in El Cerrito. She asked the City to come up with a plan for dealing with dry and dead trees.

Audra Golddie Williams, El Cerrito, Cheerleading Coach, El Cerrito High School, gave an overview of the program and invited everyone to attend the first football game of the season on Friday, August 24.

Heidi Goldstein, Senior Community Library Manager, announced a donation from Kensington residents and life partners, Eugene Troy and James Delodge. This donation is being used to provide for the first LGBT collection of books in Contra Costa County, which will be housed at the El Cerrito Library. She invited community members to attend the rolling out of this collection at a fun event at the Library on September 4.

Al Miller, El Cerrito, President of the Library Foundation, gave an update on the "One City, One Book" program. He stated the book selected this year is *The 57 Bus*, a story about two teenagers involved in a tragic event on the 57 Bus in Oakland. Two hundred books will be distributed free to the library and at other locations.

Michael Fischer, El Cerrito, Library Commissioner, gave a report on library services. He stated that for the same period June/July of this year versus last year circulation is up 6%, registration is up 30%, and computer logins are up 50%. He stated there are two books clubs meeting each month. During the summer the Library increased their "Free Lunch for Children" program from two to three days a week. He noted that there are a lot of one-time programs and on-going activities. Mr. Fischer reported that a working group is being formed to study how best to obtain funding for a new 21st century library.

4. ADOPTION OF THE CONSENT CALENDAR

Action: Moved, seconded (Abelson/Purdue-Okimoto) and carried unanimously to approve the Consent Calendar as noted with the exception of 4A which was removed by Councilmember Fadelli.

A. Approval of Minutes

Approve the Minutes for meetings of. 1) June 11, 2018; 2) June 18, 2018; 3) June 19, 2018; 4) July 16, 2018; and 5) July 17, 2018.

Action: Removed from the Consent Calendar by Councilmember Fadelli to provide a correction to the minutes of June 18, 2018. Moved, seconded (Abelson/Purdue-Okimoto) and carried unanimously to approve the minutes with a correction to the minutes of June 18, 2018.

B. 2018 Curb Ramp and Sidewalk Repair Program

Adopt a Resolution: 1) approving plans and specifications for the 2018 Curb Ramp and Sidewalk Repair Program, City Project Nos. C3077A and C3024; 2) rejecting the bid submitted by HM Construction, Inc. as non-responsive and accepting the other five submitted bids for the project; and 3) authorizing the City Manager to execute a contract in the amount of \$469,460 with Kerex Engineering, Inc. and to approve change orders in an amount not to exceed \$47,000 for the construction of the project.

Action: Adopted Resolution No. 2018-47.

D. Parking Time Limit Modification on east side of San Pablo Avenue between Manila Avenue and Madison Street

Adopt a Resolution authorizing the modification of the parking time limit from two to four hours on the east side of San Pablo Avenue between Manila Avenue and Madison Street.

Action: Adopted Resolution No. 2018-48.

E. Letter of Support for Innovative Clean Transit

Approve authorizing Mayor Quinto to sign on to the letter signed by other mayors in January 2018 and send letters to the California Air Resources Board, and other appropriate bodies, in support of taking strong action to accelerate the deployment of zero-emission buses statewide, as requested by Mayor Quinto.

Action: Approved authorizing letter be sent by the Mayor.

F. Compensation Agreements regarding Disposition of the former El Cerrito Redevelopment Agency Properties

Adopt a Resolution authorizing the City Manager to enter into Compensation Agreements with the County of Contra Costa and its related entities and with the affected taxing entities regarding the disposition of the former El Cerrito Redevelopment Agency properties and authorizing the City Manager to take all actions necessary to implement the agreements.

Action: Adopted Resolution No. 2018-49.

5. PRESENTATIONS

A. Introduction of Danielle Gabriel, Poet Laureate

Presentation: Maya Williams provided an overview of the Poet Laureate program. Judith Tannenbaum, Arts and Culture Commissioner, praised and thanked outgoing Poet Laureate Maw Shein Win and introduced and welcomed new Poet Laureate Danielle Gabriel. Poet Laureates Maw Shein Win and Danielle Gabriel gave a reading of their poems.

Speakers: Cordell Hindler, Richmond, read his own poem.

B. Presentation by MCE on Electric Vehicles

Presentation: Justin Marquez, MCE Community Affairs Coordinator, and Brett Wiley, MCE Customer Program Manager, gave a presentation on electric

vehicles and answered questions raised by members of the Council related to electric vehicles, rates, rebates and new programs available through MCE.

Speakers: Cordell Hindler, Richmond, said he appreciated the presentation and would like to see more charging stations.

Howdy Goudy, El Cerrito, thanked the Council and MCE for the presentation. He stated that El Cerrito was an early adopter of electric vehicles and charging stations. However, he felt that there hasn't been a lot of action taken since then to uphold the City's policy positions.

Action: Received presentation.

6. PUBLIC HEARINGS – None

7. POLICY MATTERS

A. Study Session: *El Cerrito 2017 Affordable Housing Strategy*, Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations

Receive a presentation regarding tenant protection tools, discuss policy and program options and provide staff direction and input towards development of additional affordable housing policies and programs.

Presentation: Aissia Ashoori, Affordable Housing Analyst, presented the staff report.

Council Discussion and Questions:

Councilmember Abelson suggested that in future reports staff include a glossary to include a definition of the terms being used. She questioned how the budget and fees would be calculated and who would pay the fees. She expressed concern that if the fees are too high, developers will not build housing in El Cerrito. She stated that she is not sure what programs she would support until she knows what the fiscal impact will be. She also stated her belief that there is an association between income levels, the ability to use public transportation, and housing and that was not addressed in this report.

Councilmember Fadelli stated he would like to see the cost and fees associated with implementing all of the programs labeled as "near term tools" in the staff report. He expressed concern about the staffing levels required to implement these programs. He also questioned whether or not the City should be proceeding with consideration of rent control while there is uncertainty about the passage of Proposition 10.

Mayor Pro-Tem Pardue-Okimoto stated her belief that the annual registration fees charged by other cities to administer the rent stabilization and just cause for eviction programs, even if passed on to renters, would provide a level of certainty and stability to renters. She questioned why there is a large difference in the operating budgets between the cities of Berkeley and Richmond for their rent stabilization programs. She suggested that staff might obtain more information on East Palo Alto's program as the city has a comparable population to El Cerrito.

Councilmember Lyman stated the purpose of any of these programs is to ensure affordable housing for those of low and moderate incomes. He said he agrees with Councilmember Fadelli that the City should look at the cost of the programs identified as "near term tools".

Councilmember Lyman stated his concern that rent stabilization may not do what it is intended to do, which is to provide quality housing for people with very low, low and moderate incomes. He said that he assumes the cost of the programs will be passed on to the renters. He questioned whether a rent stabilization program could be designed with a means test; if the cost of capital improvements can be part of the program; and whether new owners, with higher mortgages, would have the ability to increase rents to cover these expenses. He stated his support for obtaining more information on the programs identified as "near term tools". He suggested that more information needs to be collected and reviewed on the "medium term tools" programs.

Mayor Quinto questioned how many units in El Cerrito accept Section 8. He stated his desire to see more effort put into expanding this program. He also questioned the difference in fees being charged in the cities of Albany and San Leandro.

Staff Response:

Staff responded to questions raised by members of the Council.

Aiissia Ashoori gave an overview of the County's Section 8 Housing Program and the City's intent to host workshops for tenants and landlords to educate and increase awareness and participation in the program.

She informed the Council, that upon their direction, staff would do fee studies for each program the Council wanted more information on. She stated that each program would have a different cost and this cost would be paid for by the landlords from a per unit registration fee.

Staff responded to questions raised by members of the Council regarding rent stabilization programs. Staff stated that they are not aware of any programs that include a means test; but if this is the Council direction, staff could look in to how that could be designed and what the cost would be. Staff reported that the capital improvement expenses could be incorporated into the program. From a policy standpoint and City resources, staff indicated that it would be better for the City to wait until after the November election for staff to do more work on developing a rent stabilization program.

Speakers: Sherry Drobner, El Cerrito, suggested the City freeze rents while they continue studying what programs to implement. She stated that people are being displaced and some are living in their cars or in shelters.

Robin Mitchell, El Cerrito, stated her support for a moratorium on rent increases until the Council decides what programs they may implement. She said that she is in favor of rent stabilization, just cause for eviction, and relocation costs, and this should apply to all housing, including single family units.

Howdy Goudy, El Cerrito, said that the Council's decision should be based on what is best for the community and not for profits. He stated that he cares that the City provide affordable, safe housing for everyone.

Ilona Clark, Richmond, owner of a duplex in the Richmond Annex, suggested that there be outreach to landlord associations in the East Bay because they have been working under rent control in several cities for a long time and could give some perspective. She stated the City needs to obtain accurate rental rates as she believes there are many El Cerrito renters paying below market rates. Ms. Clerk suggested that the Council consider providing incentives for landlords charging below market rates and stated her belief that if you incentivize the right things, you will get the right results.

William Smith, Alameda, former chair of the County of Alameda Planning Commission, stated that the affordable housing problem requires agencies to put policies in place to control raising rents. He reported that the City of Alameda did put a rent increase moratorium in place to allow the City time to get everything in place. He expressed his belief that this was very effective.

Jeff Nalle, El Cerrito, stated his belief that long-term tenants have a greater stake in their community. He said that he wants to keep El Cerrito a diverse community where neighbors aren't forced to move every couple of years. He expressed his support for a moratorium on rent increases while the City comes up with programs. He said he would like to see just cause for evictions included as part of any programs implemented.

Christina Redse, Richmond, informed the Council that she has been a renter, a homeowner and a small landlord. She stated that she shares the ideals of taking care of community members, especially those with lower incomes. She reported that Richmond's rent stabilization program is running at a deficit of almost \$2 million. She said that this program has been very divisive and has hurt many of the small and elderly landlords. She suggested the Council implement the

programs that will accomplish their goals, and to not implement failed policies.

Susan Stanley, El Cerrito, stated that she was recently asked to vacate the place that she has lived in for 16 years, so her landlord could remodel. She said she was given the option of paying a large rent increase to delay moving for a year, but so far she has been unable to find a place that meets her needs and that she will be able to afford when she retires.

Jeffrey Bloomsfield, El Cerrito, reported that his rents have increased approximately \$1800 a year for the past three years. He stated that he has been trained as a mediator and that mediation works best if each side has a little bit of give and that there is incentive to reach an agreement.

Elena Lieberman, Concord, informed the Council that she is a property manager in Oakland, sits on a panel for the City of Concord that does rent review, and owns a warehouse in Oakland. She stated that she is opposed to rent control and just cause for eviction. She said that she has been a victim of the City of Oakland's rent control hearing and appeal process and that it is not fair to landlords.

Elizabeth Thorsnes, an El Cerrito resident and landlord, noted that the data being reported on asking rents is not necessarily the same as the actual rents being charged. She stated that she knows of landlords that are charging below market rents, especially those who rent to low income residents. She also stated her belief that 92% of the rental units in El Cerrito are properties with less than 20 units. She asked that the Council obtain an actual breakdown on how many units are owned by each landlord and the average and medium rent for a two-bedroom unit. She also suggested the City determine how many properties are being managed by a property manager rather than the owner of the property.

Jeffrey Wright, El Cerrito, stated that he was a property owner in Richmond, but that he divested himself of all of his property due to the implementation of rent control. He said that Richmond's rent stabilization program is running at a deficit and the general fund is having to subsidize this program. He encouraged the City to look at ways to increase participation in the Section 8 program and to also consider a mediation program.

Helen Dickey, an El Cerrito homeowner, expressed her concern that so many people are leaving the City due to the high cost of housing, and that teachers, in particular, cannot afford to live here.

E. Scott Collier, M.D., El Cerrito, stated that the four-plex that he has been renting a unit in for four years was sold last year and the new owner has increased rents to the point that several people have had to leave. He stated that he and the remaining other renters have been asked to leave as the owner is refurbishing and flipping the property.

Jeffrey Levin, El Cerrito, a Policy Director with East Bay Housing Organizations, informed the Council that they were one of the groups that was consulted by staff in preparation of this report. He said that EBHO is a strong supporter of rent

stabilization and just cause for eviction and that the two need to go together. He also recommended that the Council include, as part of its programs, relocation assistance extended to any case of a no-fault eviction and funding that would provide assistance to tenants who are facing eviction. He said he is also supportive of the Council implementing a moratorium on rent increases and a no cause for eviction program in the interim as he felt that if word gets out that the City is considering rent control there will be a wave of rent increases and evictions.

Makalia Aga, El Cerrito, stated that she has rented the same unit for 24 years, but that the new owner has raised her rent by 20% every year since 2015. She asked that the Council implement a rent increase moratorium until the Council decides what programs it is going to put in place.

Mike Vasilas, a Richmond resident and small housing provider in Richmond, felt that Richmond's rent stabilization program continues to be one of the most divisive issues in the city. He said that the program is supposed to provide a fair return on investments; but there is no legal definition for what this would be. He shared his experience of having to wait 20 months for a hearing to receive a 22-page application to start from scratch. He said this same roadblock exists for a landlord trying to recoup capital expenditures. Mr. Vasilas stated that the small housing providers, who for the most part were charging lower rents, have lost faith in the system and in the ability to maintain their properties. He cautioned the Council to take its time in evaluating what is best for El Cerrito.

Ed Crowley, El Cerrito, stated that he rents one single family unit, but that this talk is making him think that he should sell his property and take what profit he can. He expressed his belief that the majority of landlords that own single family homes will sell their homes to buyers that will live in these homes and not rent them, reducing the rental stock. He said that rent control with just cause for eviction gives renters an equity stake in the property. He also stated his belief that rent control programs have been abused in other cities because they don't require a means test.

Rhovy Lyn Antonio, California Apartment Association, stated their opposition to any form of rent control, just cause for eviction and a rent moratorium. She stated that these are failed policies that do not produce more housing stock. She noted that these are not affordable housing programs because they are not means tested. She said that under these programs there is no guarantee that those with lower incomes will receive low priced, subsidized housing. She said that rent control hinders property owners from providing safe, quality housing. Ms. Antonio reported that the majority of property owners in El Cerrito are independent landlords who live in El Cerrito or in other parts of the County and who own less than 25 units, many of these units are duplexes and four-plexes. She stated that CAA wants to find fair and equitable solutions that do not pit one group against another and that adding housing inventory is the true solution to our housing shortage. She also stated that CAA does not oppose the programs proposed by staff as "near term tools".

Council Discussion:

Mayor Pro-Tem Pardue-Okimoto expressed interest in moving forward with both the near term and medium-term proposals. She said she understands the reasoning for not acting on the medium-term proposals immediately, but that she is in favor of rent stabilization, mediation that is binding, just cause for eviction and harassment protection. She also stated that she will propose a rent increase moratorium if she hears of more outrageous increases and if this is the response to these discussions.

Councilmember Lyman thanked everyone for coming out and expressing their opinions. He noted this is a divisive topic. He pointed out that rent stabilization is a system where landlords are subsidizing their current tenants, whether they are low, moderate or high-income earners. He also noted that the City does have a lot of conscientious landlords, who do offer below market rents. He asked that the landlords provide staff with data on the distribution of ownership and information on rents being charged so that the City has accurate data to help in developing the right programs for El Cerrito. He reported that the City's population is approximately 30% below median income and 30% of the residents are renters. Councilmember Lyman said that it is incumbent upon the Council to protect those individuals, to maintain El Cerrito's culture and to develop a program that is fair to both renters and landlords.

Councilmember Abelson agreed with statements made by Councilmember Lyman. She noted that many seniors are in the situation that they own a home; but have very low income. She stated that the data collected needs to include information on the senior population. Councilmember Abelson said that she hopes the focus of future discussions is on helping low income people, not the wealthy. She stated that she does not have enough information to get behind any proposal at this time. She said her biggest concern is the City's fiscal health and that she wants to make sure that the City does not implement a program that would negatively impact the City's finances. She also reiterated her desire to see a connection with transit included in future studies and discussions.

Councilmember Fadelli thanked the staff for their work and the audience for their input. He noted that this is a difficult time in the Bay Area for housing stock and renters, and that the Council's emphasis should be on affordability. He stated that the Council has made good decisions in the past in developing policies such as the Affordable Housing Strategy, prioritizing affordability, financing and displacement issues, and with the recent Inclusionary Policy. He also pointed out that this is a delicate balancing act and that the City does not want to disrupt meeting State mandated housing goals for very low-income residents. He stated that Council needs to obtain additional information and that all options need to be kept on the table as the Council continues this discussion.

Mayor Quinto agreed with statements made by Councilmembers Abelson, Fadelli and Lyman. He stated that he wants to make sure that the City keeps its diversity, including keeping seniors and low-income people in El Cerrito. He

noted that the City needs to look at the rent control programs of the surrounding cities and determine what is not working. He stated his belief that they do not protect mom and pop landlords; rents are higher than those in El Cerrito; and a lot of hedge fund companies are purchasing properties and raising rents. He felt that Richmond made mistakes when developing their program by not listening to their mom and pop landlords, but rather modeling their program after programs implemented in San Francisco, Oakland, and Santa Monica. Mayor Quinto said that he wants to make sure that the City does the simple things that can be done now, such as mediation and working with the County to increase Section 8 housing in El Cerrito. He stated that he would like to see that a program that provides for relocation expenses if tenants are displaced by their landlords. The Mayor stated his appreciation to everyone working on this, staff and citizens, and said that the City will work together with the residents, renters, landlords and seniors and will look at this carefully and slowly. He asked that landlords not take advantage by gouging rents.

Actions: Staff reiterated next steps per Council's direction to include: 1) obtain additional data to include the distribution of ownership and actual rents being collected in El Cerrito; 2) price out the cost of the four proposals identified as "near term tools"; 3) provide workshops for tenants and landlords with an effort to educate and increase Section 8 participation within the City; 4) present information on the near term proposals to the Council within 90 to 120 days; 5) after learning the results on Proposition 10 provide additional information on the medium-term proposals.

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

Mayor Pro-Tem Pardue-Okimoto reported that the Urban Forest Committee is continuing to work on an ordinance and they are also interested in hearing back from management on a tree list.

Councilmember Lyman reported that he attended a RecycleMore meeting in July. He stated that they continue to have discussions on the Joint Exercise Power Authority (JEPA). He informed the Council that the Board has not been able to reach agreement on points such as what constitutes adequate voting and how any departing entities get disbursements. The Board asked the City Managers to work on this. He noted that the City Manager, Councilmember Fadelli and he have been in discussion about what choices the City has as an independent city that is a partner in the JEPA. He said that they may be coming to the Council in September with additional news or a recommendation.

Councilmember Lyman also informed the Council that at this meeting he asked that the discussion of a regional straw ban be placed on a future agenda; but that he was told it was not appropriate for RecycleMore to take this up on a regional basis. He pointed out that it is his understanding that one of the benefits for participation in a regional organization is to take up regional issues.

9. ADJOURNMENT

The meeting adjourned at 10:35 p.m.

A handwritten signature in black ink, appearing to read "Gabriel Quinto", written over a horizontal line.

Gabriel Quinto, 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 August 21, 2018 as approved by the El Cerrito City Council.

A handwritten signature in blue ink, appearing to read "Sherry M. Kelly", written over a horizontal line.

Sherry M. Kelly
Acting City Clerk