



AGENDA

REGULAR CITY COUNCIL MEETING MARCH 2, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto • Councilmember Janet Abelson
Councilmember Lisa Motoyama • Councilmember Tessa Rudnick

Join via Zoom:

<https://zoom.us/j/92180752680?pwd=SG9hckJtYmMrSVpWNUFhQTVMck9MZz09>

Meeting ID: 921 8075 2680 **Passcode:** 071139
or Dial In: 1-408-638-0968

Pursuant to Executive Order N-29-20, teleconference restrictions of the Brown Act have been suspended, as well as the requirement to provide a physical location for members of the public to participate in the meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via Zoom using the meeting information listed above.

Each period for public comment will be announced. Public Comments may be submitted one of two ways:

- Via Zoom using the “[Raise Hand](#)” icon to request to speak. If joining by phone, dial *9 to "raise your hand."
- Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #**.

To ensure City Council receives your written comments prior to taking action, they must be received by **4:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting**. **No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

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. Approval of Minutes

Action Proposed: Pass a motion to approve the City Council Meeting minutes from January 19, February 1, February 2, February 16, and February 23, 2021.

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

B. Women's History Month Proclamation

Action Proposed: Pass a motion to approve a proclamation designating March as "Women's History Month" and March 8, 2021 as "International Women's Day" in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

C. Arbor Week Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring March 7 through March 14, 2021 as Arbor Week in the City of El Cerrito.

Contact: Stephen Prée, Environmental Programs Manager, Public Works Department

D. Environmental Quality Committee Appointment Recommendations

Action Proposed: Approve an Environmental Quality Committee recommendation to appoint Buddy Akacic and Chris Lynch to the Environmental Quality Committee, effective March 2, 2021.

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

E. Urban Forest Committee Reappointment

Action Proposed: Approve an Urban Forest Committee recommendation to reappoint Cathy Bleier to the Urban Forest Committee effective March 2, 2021.

Contact: Stephen Prée, Environmental Programs Manager; Will Provost, Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

F. Resolution Recognizing March 10, 2021 as the 62nd Anniversary of the Tibetan National Uprising, and Affirm Support to the People of Tibet

Action Proposed: Adopt a resolution declaring: 1) March 10, 2021, the 62nd anniversary of the Tibetan national uprising, as “Tibet Day” in the City of El Cerrito; and 2) Declaring El Cerrito's expression of solidarity with the Tibetan people and their just, peaceful, and nonviolent movement to remind the world of the ongoing suppression of human rights and freedom in Tibet and the continuous degradation of culture, religion, land, and identity of the Tibetan people by China.

Contact: Alexandra Orologas, Assistant City Manager, City Management

G. California Office of Emergency Services (Cal OES) Form 130 - Designation of Authorized Agents

Action Proposed: Adopt a resolution designating the City Manager, Finance Director and Public Works Director as the City's agents to provide required assurances and execute agreements for the purposes of obtaining financial assistance from the Federal Emergency Management Agency (FEMA) and the State of California Governor's Office of Emergency Services (Cal OES) for disaster aid; approving the corresponding Cal OES Form 130; and authorizing the City Manager to file the Cal OES Form 130 with Cal OES and submit all related documentation.

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

H. Designating Primary and Alternate Board Members to the Municipal Pooling Authority of Northern California (MPA)

Action Proposed: Adopt a resolution designating the Assistant City Manager as Primary Board Member and the City Manager as Alternate Board Member to the Municipal Pooling Authority of Northern California (MPA).

Contact: Alexandra Orologas, Assistant City Manager, City Management

5. PRESENTATIONS

A. Introduction of Eevelyn Mitchell, Poet Laureate

Action Proposed: Receive and file a brief introduction to the City's new Poet Laureate.

Contact: Alexandra Orologas, Assistant City Manager, City Management

B. City of El Cerrito CalPERS Retirement Plan Presentation

Action Proposed: Receive and file a presentation from NHA Advisors regarding the City of El Cerrito CalPERS retirement plan.

Contact: Craig Hill, Managing Principal, NHA Advisors

C. Year One Rental Registry Data and Tenant Protections Task Force Recommendations Report

Action Proposed: Receive and file a presentation on Year One Rent Registry Data and the Tenant Protections Task Force Recommendations Report

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

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. FY 2020-21 General Fund Budget Update for January 2021

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through January 2021.

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

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, March 16, 2021 at 7:00 p.m. via teleconference.

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. 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/CouncilMeetingMaterials> 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: 510-215-4305, 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 11:00 p.m., unless extended to a specific time determined by a majority of the Council.

EL CERRITO CITY COUNCIL DRAFT MINUTES

CONCURRENT SPECIAL MEETING OF THE
EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY
AND REGULAR CITY COUNCIL MEETING
JANUARY 19, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabriel Quinto • Councilmember Janet Abelson
Councilmember Lisa Motoyama • Councilmember Tessa Rudnick

Join Via WebEx:

<https://elcerrito.webex.com/elcerrito/onstage/g.php?MTID=ec20f0b1caaea1ff4edfadb847febc7ab>

Event Number: 146 226 3580

Event Password: Join0119

or

Dial In: 1-408-418-9388

Access Code: 146 226 3580

Pursuant to Executive Orders N-25-20 and N-29-20, Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

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 1. Via WebEx using the “[Raise Hand](#)” feature to request to speak. Each period of public comment will be announced.

****Please note** - If a member of the public can join via phone **only**, a request to speak may be submitted via email to cityclerk@ci.el-cerrito.ca.us. The request must contain in the subject line **Request to Speak – Agenda Item #** and must include a name and the full phone number that will be used to call in.

2. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda** or **Public Comments – agenda item #**.

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Written comments received after the deadline will be provided to the City Council and included with supplemental materials after the meeting. **No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE SPECIAL EL CERRITO REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND REGULAR CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 07:00 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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.

City Manager Pinkos - provided an update on COVID health orders and vaccines, Martin Luther King Jr. Day car caravan and socially distanced celebration, and timeline for upcoming budget discussions.

Mayor Pro Tem Quinto - announced Mayor Conference appointments of Mayor Fadelli to the Contra Costa Elections Citizen Advisory Committee, Lisa Motoyama to the East Bay Economic Development Alliance Executive Committee, and Councilmember Rudnick to the East Bay Regional Communications System Authority Board.

Mayor Fadelli - announced El Cerrito ranked #2 in a Climate Leader survey in Contra Costa County and welcomed new Councilmembers.

3. COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda. Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Cordell Hindler, Gary Prost and Nick Zamorano; consent item 4C from Nick Zamorano, Marlene George and Dave Weinstein; consent item 4D from Howdy Goudey; and presentation item 5A from Al Miller and Pamela Austin.

Oral Public Comments:

Dave Weinstein - spoke in support of outsourcing curbside portion of recycling services, not more.

Fred Bialy - commented on concern regarding climate emergency and recommended a more significant greenhouse gas emissions clause.

Howdy Goudey - requested further discussion on item 4D regarding more stringent threshold for greenhouse gas emissions.

Rishi Singh - spoke regarding mental health, community engagement, and a social emotional taskforce.

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: Councilmember Quinto/Councilmember Abelson **Action:** Motion to Approved item A, B, and E on the consent calendar as indicated below.
Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Approval of Minutes for 11/17/2020, 11/19/2020, 12/01/2020, and 12/15/2020

Action Proposed: Pass a motion to approve the City Council meeting minutes for November 17, November 19, December 1, and December 15, 2020.

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

Action: Approved minutes, amending the 11/17/2020 special meeting minutes to reflect 3/1/2021 as the term expiration of Cathy Bleier.

B. FY 2020-21 Second Quarter Cash and Investment Report

Action Proposed: Receive and file the City's Quarterly Investment Report for the Quarter ending December 31, 2020.

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

Action: Received and filed

C. Consulting Services Agreement with R3 Consulting Group, Inc. for the Evaluation of Recycling Collection Operations and Outsourcing Feasibility

Action Proposed: Adopt a resolution authorizing the City Manager to execute a consulting services agreement with R3 Consulting Group, Inc. in the amount of \$60,610 for the evaluation of recycling collection operations and outsourcing feasibility.

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

Moved/Seconded: Councilmember Quinto/Councilmember Motoyama

Action: Pulled from consent by Councilmember Rudnick. Approved Resolution 2021-01. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

D. Authorize Amendment of Professional Services Agreement between City of El Cerrito and Moore Iacofano Goltsman (MIG) to update San Pablo Avenue Specific Plan and Environmental Impact Report utilizing grant funds.

Action Proposed: Adopt a Resolution authorizing the City Manager to amend a Professional Services Agreement with Moore Iacofano Goltsman (MIG) to provide services to complete an update of the San Pablo Avenue Specific Plan Form Based Code and Supplemental Environmental Impact Report.

Contact: Melanie Mintz, Community Development Director; Sean Moss, Planning Manager, Community Development Department

Moved/Seconded: Councilmember Abelson/Councilmember Rudnick

Action: Pulled from consent by Councilmember Rudnick. Approved Resolution 2021-02. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

E. REDEVELOPMENT AGENCY SUCCESSOR AGENCY ITEM Approve Draft Annual Recognized Obligations Payment Schedule 21-22 (July 1, 2021 - June 30, 2022)

Action Proposed: Adopt a Successor Agency resolution reviewing and authorizing submittal of the draft Recognized Obligations Payment Schedule 21-22.

Contact: Shannon Collins, Finance Supervisor, Finance Department

Action: Approved SA Resolution 2021-01

5. PRESENTATIONS

A. El Cerrito Library Update

Action Proposed: Receive and file and update on activities at the El Cerrito Public Library.

Contact: Heidi Goldstein, Senior Community Library Manager, El Cerrito Public Library

Action: Received and filed an update on Library activities.

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. Adoption of a Side Letter between the City of El Cerrito and the El Cerrito Police Employees' Association

Action Proposed: Adopt a resolution approving an agreement between the City of El Cerrito and the El Cerrito Police Employees' Association extending the Memorandum of Understanding (MOU) and modifying language on salaries and other working conditions.

Contact: Kristen Cunningham, Human Resources Manager; Alexandra Orologas, Assistant City Manager, City Management

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding overall impact on funding reserves.

Moved/Seconded: Councilmember Quinto/Councilmember Motoyama

Action: Approved Resolution 2021-03. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

B. Ordinance Amending Rules of Order

Notice Published on 1/9/2021

Action Proposed: Introduce by title and waive any further reading of an Ordinance amending Section 2.04.050 and 2.04.220 regarding Rules of Order.

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

Public Comments: All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Cordell Hindler.

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Passed a motion introducing by title only Ordinance 2021-01.

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

C. Urban Forest Committee Term Limits

Action Proposed: At the request of Councilmember Abelson and the members of the Urban Forest Committee, discuss potential modifications to term limitation for the committee and provide direction to staff.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding future discussion on all committees, meeting frequency, and potential merge of Urban Forest Committee with Park and Recreation Committee.

Oral Public Comments:

Dave Weinstein - spoke in support of no term limits for committees and potentially holding meetings without staff.

Howdy Goudey - spoke regarding committees being held to the same standards, in support of no term limits unless there are no vacancies and continuing monthly meetings.

Sherry Drobner - spoke in support of incorporating more citizen involvement in the work of the city, and opposition to meeting less frequently.

Al Miller - commented on prior Committee of the Whole, non-staffed meetings, and meeting frequency.

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Quinto
Action: Motion directing staff to return with a resolution setting term limits at three terms. **Ayes:** Mayor Fadelli, Councilmember Abelson, Mayor Pro Tem Quinto, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS *Mayor and City Council communications regarding local and regional liaison assignments and committee reports.*

A. 2021 City Council Local Liaison Assignments

The Mayor will announce the 2021 City Council Liaison Assignments to City Boards, Commissions, and Committees and to Regional Bodies.

Members of the Council announced their regional and local liaison assignments for 2021.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 09:14 PM

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of January 19, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING

February 1, 2021 – 3:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto • Councilmember Janet
Abelson Councilmember Lisa Motoyama • Councilmember
Tessa Rudnick

Join Via WebEx:

<https://elcerrito.webex.com/elcerrito/onstage/g.php?MTID=ed2535727eafb7a1f99228b333f871916>

Event Number: 146 108 5957

Event Password: Join0201

or

Dial In: 1-408-418-9388

Access Code: 146 108 5957

Pursuant to Executive Orders N-25-20 and N-29-20, Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

This meeting will not be broadcast or livestreamed online. Members of the public can view the live meeting via WebEx using the meeting information listed above. Public Comments may be submitted one of two ways, and are **limited to items on the special meeting agenda only:**

1. Via WebEx using the “[Raise Hand](#)” feature to request to speak. Each period of public comment will be announced.

****Please note** - If a member of the public can join via phone **only**, a request to speak may be submitted via email to cityclerk@ci.el-cerrito.ca.us. The request must contain in the subject line **Request to Speak – Agenda Item #** and must include a name and the full phone number that will be used to call in.

2. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **public comments – agenda item #.**

To ensure that the City Council receives your written comments prior to taking action, they must be received by **12:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Written comments received after the deadline will be provided to the City Council and included with supplemental materials after the meeting. **No written comments will be read into the record.**

3:00 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 3:02 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

None

2. COMMISSION INTERVIEWS, STATUS AND APPOINTMENTS

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

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

City Council conducted 14 interviews and made the following appointments:

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama

Action: Re-appointed Buddy Akacić to the Human Relations Commission for a term of 3/1/2021-3/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Rudnick

Action: Re-appointed George Gager, Bill Nichols, and Blake Washington to the Arts and Culture Commission each for a term of 3/1/2021-3/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Re-appointed Eugene Park to the Civil Service Commission for a term of 3/1/2021-3/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Abelson

Action: Appointed Jennifer Kaczor to the Park and Recreation Commission for a term of 3/1/2021-3/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Rudnick/Councilmember Abelson

Action: Re-appointed Michael Fischer and John "Barry" Koops to the Contra Costa County Library Commission for a term of 7/1/2021- 7/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Motoyama/Councilmember Abelson
Action: Appointed Andrea Lucas and re-appointed Gyan Singh to the Design Review Board each for a term of 3/1/2021-3/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Councilmember Abelson/Councilmember Motoyama
Action: Appointed Ruth Cazden and re-appointed Farhad Farahmand and William Ktsanes to the Financial Advisory Board 3/1/2021-3/1/2025.
Ayes: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama **Noes:** Councilmember Rudnick

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Motoyama
Action: Appointed Linda Klein and re-appointed Leslie Mendez to the Planning Commission each for a term of 3/1/2021-3/1/2025. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

3. **ADJOURN SPECIAL CITY COUNCIL MEETING**
The special meeting adjourned at 7:25 PM.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of February 1, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING

February 2, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via WebEx:

<https://elcerrito.webex.com/elcerrito/onstage/g.php?MTID=ec9e60cc610d95c6efa465e47e5078a19>

Event Number: 146 926

9036 Event Password:
Join0202 or

Dial In: 1-408-418-9388

Access Code: 146 926 9036

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7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 7:01 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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.

City Manager Pinkos - provided an update on local health restrictions and vaccinations.

Councilmember Motoyama - reported on interviewing with the state auditor.

Mayor Pro Tem Quinto - reported on interviewing with the state auditor, attendance at New Mayor and Councilmember meeting with East Bay division of Cal Cities, appointment to Cal Cities statewide Board, attendance at Hazardous Materials Commission meeting.

Mayor Fadelli - reported attendance at Cal Cities New Mayors Conference and legislative kickoff meeting, West County Mayors meeting, reported County approval of restrictions to delivery fees.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

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All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Cordell Hindler, Gary Prost, Cathy Hanville, and Sue Duncan.

Oral Public Comments:

Miguel Gravelle - spoke against any further recreation reductions.

Rishi Singh - commented on community connections and a social emotional taskforce.

Sherry Drobner - commented on meeting platform.

Howdy Goudey - spoke regarding climate action subcommittee

Megan Wier - spoke against any recreation reductions.

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: Mayor Pro Tem Quinto/Councilmember Abelson **Action:** Motion to approve the consent calendar as indicated below. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Black History Month Proclamation

Action Proposed: Pass a motion to approve a proclamation declaring February as Black History Month in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved proclamation

B. Lunar New Year Proclamation

Action Proposed: Pass a motion to approve a proclamation recognizing the cultural and historical significance of Lunar New Year in the City of El Cerrito.

Contact: Alexandra Orologas, Assistant City Manager, City Management

Action: Approved proclamation

C. Modification to Climate Action Subcommittee Assignment

Action Proposed: Pass a motion to assign Councilmember Rudnick to serve on the Climate Action Subcommittee with Councilmember Abelson in place of former Councilmember Lyman.

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

Action: Approved assignment

D. 2nd Reading and Adoption of Ordinance amending Section 2.04.050 and 2.04.220 regarding Rules of Order

Action Proposed: Pass a motion to waive the second reading and adopt Ordinance 2021-01 amending Section 2.04.050 and 2.04.220 regarding Rules of Order.

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

Action: Adopted Ordinance 2021-01

E. Urban Forest Committee Reappointment

Action Proposed: Approve an Urban Forest Committee recommendation to reappoint Robin Mitchell to the Urban Forest Committee, effective March 1, 2021.

Contact: Stephen Pree, Environmental Programs Manager; Will Provost, Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department

Action: Approved appointment

F. Adopt a Resolution to Set Urban Forest Committee Term Limits

Action Proposed: At the direction of the City Council on 1/19/2021, adopt a resolution setting the term limits for the Urban Forest Committee to three full four-year terms.

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

Action: Approved Resolution 2021-04

5. PRESENTATIONS

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. FY 2020-21 General Fund Budget Update for December 2020

Action Proposed: Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through December 2020 and direct staff on mid-year budget modifications to the FY 2020-21 Adopted Budget.

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

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding charges for services, net changes in fund balance, modifications and timing of figures becoming actuals, upcoming CAFR presentation content, source of payment for TRAN, separate reporting for Recreation versus other fees for service, property taxes vs. property transfer taxes, use of potential federal relief funds, correlation of reserve balance to credit rating, additional cuts for consideration by department, need for increased revenue, CalPERS obligations and upcoming presentation, and redevelopment agency lawsuit.

Public Comments:

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for this item were received from Nicol U., Anna Misharina, Yann Jacob, Leah Katz Ahmadi, Sara and Mark

Haller, Maia Bazjanac, Mary, Joshua Sassman, Daniel Schulman, Sarah Klauer, Justine Clifford, and Leslie Adams.

Oral Public Comments:

Cathy Hanville - commented on insufficient level of reductions proposed and need to reduce in all departments.

Dan Schulman - spoke regarding lack of options for reductions and need for increased reductions.

Debra - spoke regarding need for increased reductions, financial implications of the TRAN.

Sherry Drobner - spoke on reductions and need for more details on impacts of reductions, and public safety reductions.

Moved/Seconded: Councilmember Motoyama/Councilmember Rudnick
Action: Passed a motion directing staff to return with options for cuts to achieve a fund balance of \$664,000, and for \$1,000,000 in cuts from all departments for the current fiscal year, including impacts and resulting fund balance. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

Councilmember Rudnick - reported attendance at RecycleMore Board meeting, Save Alta Bates Taskforce, and Arts and Culture Commission meeting.

Mayor Pro Tem Quinto - commented on upcoming Urban Forest Committee attendance.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 9:48 PM.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of February 2, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING

February 16, 2021 – 5:30 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via WebEx:

<https://elcerrito.webex.com/elcerrito/j.php?MTID=m43776c7bb7774a7bd1bc468dd30825aa>

Event Number: 187 549

0252 Event Password:

Join0216 or

Dial In: 1-408-418-9388

Access Code: 187 549 0252

Pursuant to Executive Orders N-25-20 and N-29-20, Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

This meeting will not be broadcast or livestreamed online. Members of the public may join to provide public comment using the WebEx meeting information listed above. Following public comments, the City Council will convene to closed session and the meeting will be closed to the public.

Public Comments may be submitted one of two ways, **and are limited to items on the special meeting agenda only:**

1. Via WebEx using the “[Raise Hand](#)” feature to request to speak. Each period of public comment will be announced.

****Please note** - If a member of the public can join via phone **only**, a request to speak may be submitted via email to cityclerk@ci.el-cerrito.ca.us. The request must contain in the subject line **Request to Speak – Agenda Item #** and must include a name and the full phone number that will be used to call in.

2. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **public comments – agenda item #**.

To ensure that the City Council receives your written comments prior to taking action, they must be received by **2:30 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Written comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

5:30 PM ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 05:34 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

None

2. CLOSED SESSION CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Agency Designated Representatives: Karen Pinkos, City Manager; Glenn Berkheimer, Labor Negotiator; Alexandra Orologas, Assistant City Manager; and Sky Woodruff, City Attorney.

Employee Organizations: Service Employees International Union (SEIU) Local 1021; and Management/Confidential Employees.

Contact: Sky Woodruff, City Attorney, City Management

City Council convened to closed session at 5:35 PM. No reportable action.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 6:39 PM.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of February 16, 2021 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

REGULAR CITY COUNCIL MEETING

February 16, 2021 – 7:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto · Councilmember Janet Abelson
Councilmember Lisa Motoyama · Councilmember Tessa Rudnick

Join Via WebEx:

<https://elcerrito.webex.com/elcerrito/onstage/g.php?MTID=e2105783112c60cabd6ced8d8017830dd>

Event Number: 187 739 2771

Event Password: Join0216

or

Dial In: 1-408-418-9388

Access Code: 187 739 2771

Pursuant to Executive Orders N-25-20 and N-29-20, Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

Members of the public can watch or listen to City Council meetings as follows:

1. Cable T.V. Broadcast on KCRT Channel 28
2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via WebEx using the meeting information listed above.

Public Comments may be submitted one of two ways:

1. Via WebEx using the “[Raise Hand](#)” feature to request to speak. Each period of public comment will be announced.

****Please note** - If a member of the public can join via phone **only**, a request to speak may be submitted via email to cityclerk@ci.el-cerrito.ca.us. The request must contain in the subject line **Request to Speak – Agenda Item #** and must include a name and the full phone number that will be used to call in.

2. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **Public Comments – Not on the Agenda or Public Comments – agenda item #.**

To ensure that the City Council receives your written comments prior to taking action, they must be received by **2:30 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Written comments received after the deadline will be provided to the City Council and included with supplemental materials **after the meeting. No written comments will be read into the record.**

7:00 P.M. ROLL CALL – CONVENE REGULAR CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 7:07 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. TELECONFERENCE AND PUBLIC COMMENT INSTRUCTIONS

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.

City Manager Pinkos - provided an update on current health orders and vaccinations, announced Mayor Quinto's appointment to the League of CA Cities (Cal Cities) Board of Directors and the Advancing Equity Advisory Committee.

Mayor Pro Tem Quinto- reported on attendance at Cal Cities board meeting.

Councilmember Abelson - encouraged COVID vaccinations and social distancing protocols.

Councilmember Rudnick - commented on a desire to switch from Webex to Zoom.

Mayor Fadelli - reported correspondence sent to congressional delegates in support of municipal funds from COVID Stimulus bill, reported attendance at Contra Costa Mayor's Conference.

3. ORAL COMMUNICATIONS FROM THE PUBLIC

Remarks are typically limited to 3 minutes per person. The Mayor may reduce the time limit per speaker depending upon the number of speakers and may limit the total time for public comment to facilitate the completion of business on the agenda.

Comments regarding non-agenda, presentation and consent calendar items will be heard first. Comments related to items appearing on the Public Hearing or Policy Matter portions of the Agenda will be heard prior to the City Council taking action on each item.

All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments for matters not on the agenda were received from Dave Weinstein; and presentation item 5C from Ira Sharenow.

Oral Public Comments:

Cathy Hanville - requested pursuing an ordinance on stronger reserve policies.

Dave Weinstein - reported on recent activities of El Cerrito Trail Trekkers and the El Cerrito Historical Society.

Tom Panas - commented on importance of public safety.

Glen Nethercut - commented in support of the police department.

Rishi Singh - spoke on community connections and social emotional wellness.

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: Councilmember Abelson/Mayor Pro Tem Quinto **Action:** Motion to approve the consent calendar as indicated below. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

A. Contra Costa Library Commissioner Update

Action Proposed: 1) Receive and file and update from the Contra Costa Library Commissioner and 2) Pass a motion authorizing the Mayor to send a letter in support of Assembly Constitutional Amendment No.1, requiring a 55% majority for approval of library bonds.

Contact: Michael Fischer, Contra Costa Library Commissioner

Action: Received and filed and approved letter in support.

B. Transmittal of the Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2020.

Action Proposed: Receive and file the Comprehensive Annual Financial Report (CAFR) for the year ending June 30, 2020.

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

Action: Received and filed

C. Construction Contract Award for Hillside Natural Area Fire Road Repairs, Cal OES ID No. 13-21796-00, Site 6, City Project No. C5046

Action Proposed: Adopt a resolution approving plans and specifications for the Hillside Natural Area Fire Road Repairs, Cal OES ID No. 13-21796-00, Site 6, City Project No. C5046 (Project); rejecting the bid submitted by ERA Construction as non-responsive and accepting the other ten bids submitted for the Project; and authorizing the City Manager to execute a contract in the amount of \$98,756.00 with Maggiora & Ghilotti Bros, Inc. and to approve change orders in an amount not to exceed \$10,000 for the construction of the Project.

Contact: Ana Bernardes, Engineering Manager/Senior Engineer; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Action: Approved Resolution 2021-05

5. PRESENTATIONS

B. Proclamation for Professional Staff of the Year

Action Proposed: Pass a motion to approve a proclamation commending and congratulating Police Executive Assistant Elizabeth Lopez as the 2020 Professional Staff of the Year.

Contact: Paul Keith, Chief of Police, Police Department

Heard out of order. **Moved/Seconded:** Councilmember Abelson/Councilmember Rudnick **Action:** Approved proclamation.

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

A. Proclamation for Officer of the Year

Action Proposed: Pass a motion to approve a proclamation commending and congratulating Corporal Stephanie Ware as the 2020 Officer of the Year.

Contact: Paul Keith, Chief of Police, Police Department

Heard out of order. **Moved/Seconded:** Councilmember Rudnick/Councilmember Motoyama **Action:** Approved Proclamation.

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

C. FY2019-20 Comprehensive Annual Financial Report (CAFR)

Action Proposed: Receive and file a presentation from Badawi & Associates regarding the FY 2019-20 Comprehensive Annual Financial report (CAFR).

Contact: Ahmed Badawi, President, Badawi & Associates

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding benchmarks and potential affects to noting a going concern, source documentation for data in the CAFR, pension trust fund, clarification on outstanding amount of Redevelopment litigation, best practices in pension liability , childcare participants, building reserves, frequency of changing independent auditor, and impacts of continued use of a Tax Revenue Anticipation Note (TRAN) loan on the going concern.

Oral Public Comments:

Denise Sangster - commented on interactions with Council, pension liability, and addressing risk.

Fred Bialy - spoke on public safety impacts to budget reductions.

Action: Received and filed.

6. PUBLIC HEARINGS

7. POLICY MATTERS

A. FY 2020-21 Mid-Year Budget Update

Action Proposed: 1) Receive an update on City revenues and expenditures for the first six months of the fiscal year through December 31, 2020 and 2) Adopt a resolution authorizing amendments to the FY 2020-21 budget.

Contact: Karen Pinkos, City Manager, City Management; Mark R Rasiah, Finance Director/City Treasurer, Finance Department

Presentation and Discussion: Presenters and staff responded to comments and questions raised by members of the council regarding public safety concerns, and time needed to conduct more analysis on proposed reductions.

Public Comments: All written comments submitted prior to and during the meeting were posted online as supplemental materials and incorporated into the official meeting record. Written public comments on this item were received from Dennis Horte, Andre Basler, Ira Sharenow, R.J. Lane, Al Miller, John Bowen, Kevin O'Neal, Matt Reed, Paul Schneider, Anita Goldstein, Laura Tolkoff, Mary Milton, Mohammad and Parisa Samimi, Jeff O'Brien and family, Laurie Stern and Gary Lazar, Karen Taberski, Meina Wu, Nick Zamorano and Marlene George, Toni Mayer and Alan Lazere, Jonathan Nadel, Tomi Nagai-Rothe, John Sellers, Michael Nadel, Helen A. Sellers, Ted Nirgiotis, Rhiannon McNeely, Suzanne Brooks, Hok and Norma Gouw, Barbara and Kenneth J. Berniker, Monica R. Sagullo, Michael Chanowitz, Amy Kisch and Robert Saywitz, Alice Supton, Matt Chayt, Tanya Edgar, Steve DeMello, Debbie Hamati, Mary K. Firestone, Patricia Bogy, Judith Brown, Daniel Schulman, Sandra Sprague, Eija Ramos and Borna Jabbarpour, Marlene Keller and Chris Fritz, Jacquelyne L. Olson, Golestan School, Russell and Irene Wells, Ann Manheimer, Sue Piper from Oakland Firesafe Council, Eleanor Rosch, Ariel Myers, Cynthia Asprodites, Thomas A. Schaaf, Ben McClinton, Jim and Susan Perero, Arthur Swislocki, MD, Tim Clarke, Bob and Carol Gray, Brian Richmond, PhD, Patty Coluse, Tom Boardman, Damian I. Cano, Guadalupe Cano, Gabriel Cano, Diane Straus, Leslie D. Adams, Charlie Soldavini, Shawn Stedman, Ann Fallon, Catherine Tajaali de Neergaard, Eleanor Young, Roxanna Rawson, Alain Henon, Laurie Schrey, Paul Duncan, Judith Sam, Gwen Fox, The Swanson Family, David Block, and Linda Lipscomb.

Oral Public Comments:

Fred Bialy - spoke in support of slow and measured approach for reductions.

Denise Sangster - spoke on need to increase revenue and against closure of fire station or reducing police. personnel.

Toby Blome - spoke against option for larger amount of reductions and reduction of fire staffing and need for more analysis.

Sherry Drobner - spoke regarding disappointment in information provided and support of reducing police personnel.

Howdy Goudey - commented on the process for evaluating and recommending options for additional cost savings and public consideration to pay more for public safety services provided.

John Stashik - commented in support of adopting option for lower reductions and opposition to reductions in public safety.

Mike Hernandez - Police Officers Association President, commented on concessions made by police personnel to date and impacts of making reductions to police personnel.

Susan Duncan - spoke in opposition of closing fire station and danger of wildfire in the city.

Rayah Jaymes - commented on need accurate reporting of equity statistics.

Dave Weinstein - spoke in opposition to cuts in public safety.

Moved/Seconded: Councilmember Abelson/Mayor Pro Tem Quinto **Action:** Motion to Approve Resolution 2021-06. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

Moved/Seconded: Mayor Pro Tem Quinto/Councilmember Motoyama **Action:** Passed a motion to extend the meeting to 11:10 PM. **Ayes:** Mayor Fadelli, Mayor Pro Tem Quinto, Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Noes:** None

8. CITY COUNCIL LOCAL & REGIONAL LIAISON ASSIGNMENTS

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

Mayor Pro Tem Quinto - reported on attendance at Urban Forest Committee meeting.

9. ADJOURN REGULAR CITY COUNCIL MEETING

The regular meeting adjourned at 11:04 PM.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Regular City Council meeting of February 16, 2021 as approved by the El Cerrito City Council.

Holly M. Charléty, MMC, City Clerk

EL CERRITO CITY COUNCIL DRAFT MINUTES

SPECIAL CITY COUNCIL MEETING

February 23, 2021 – 5:00 p.m.

Members:

Mayor Paul Fadelli

Mayor Pro Tem Gabe Quinto • Councilmember Janet Abelson
Councilmember Lisa Motoyama • Councilmember Tessa Rudnick

Join Via WebEx:

<https://elcerrito.webex.com/elcerrito/j.php?MTID=m7501038bd9aaebdec826811307cccce>

Event Number: 187 495

0074 Event Password:

Join0223 or

Dial In: 1-408-418-9388

Access Code: 187 495 0074

Pursuant to Executive Orders N-25-20 and N-29-20, Teleconference Restrictions of the Brown Act Have Been Suspended, as Well as the Requirement to Provide a Physical Location for Members of the Public to Participate in the Meeting.

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2. Radio Broadcast on FM 88.1 Or 97.7
3. Livestream Online at www.el-cerrito.org/CouncilMeetingMaterials
4. Via WebEx using the meeting information listed above.

Public Comments may be submitted one of two ways, **and are limited to items on the special meeting agenda only:**

1. Via WebEx using the “[Raise Hand](#)” feature to request to speak. Each period of public comment will be announced.

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2. Via email to cityclerk@ci.el-cerrito.ca.us. Email must contain in the subject line **public comments – Agenda Item #**.

To ensure that the City Council receives your written comments prior to taking action, they must be received by **2:00 p.m. the day of the meeting**. All written comments received by this deadline will be provided to the City Council and posted online in advance of the meeting.

Written comments received after the deadline will be provided to the City Council and included with supplemental materials after the meeting. **No written comments will be read into the record.**

5:00 P.M. ROLL CALL - CONVENE SPECIAL CITY COUNCIL MEETING

Mayor Fadelli called the meeting to order at 5:02 PM.

Present: Mayor Fadelli, Mayor Pro Tem Quinto (left at 7:38 PM), Councilmember Abelson, Councilmember Motoyama, Councilmember Rudnick **Absent:** None

1. ORAL COMMUNICATIONS FROM THE PUBLIC

All persons wishing to speak should sign up with the City Clerk. Remarks are typically limited to 3 minutes per person and to items on the special meeting agenda only.

None

2. CLOSED SESSION - AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Pursuant to Government Code Section 54957.6

Contact: Sky Woodruff, City Attorney, City Management

The City Council convened to closed session at 5:03 PM. No reportable action.

3. ADJOURN SPECIAL CITY COUNCIL MEETING

The special meeting adjourned at 8:12 PM.

Paul Fadelli, Mayor

This is to certify that the foregoing is a true and correct copy of the minutes of the Special City Council meeting of February 23, 2021 as approved by the El Cerrito City Council.

Holly M. Charl  ty, MMC, City Clerk

EL CERRITO CITY COUNCIL PROCLAMATION
Designating the Month of March as “Women’s History Month”
and March 8, 2021 as “International Women’s Day.”

WHEREAS, Women of every race, class, and ethnic background have made historic contributions to the growth and strength of the United States, the state of California, and the City of El Cerrito in countless recorded and unrecorded ways; and

WHEREAS, Women have played and continued to play a critical economic, cultural, and social role in every sphere of the life of our nation and in the City of El Cerrito by constituting a significant portion of the labor force working inside and outside the home; and

WHEREAS, Women have played a unique role throughout our history by providing the majority of the volunteer labor force; and women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in the United States and throughout the Bay Area; and

WHEREAS, Women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and the peace movement, to create a more fair and just society for all; and

WHEREAS, locally, women have played a key role in the City of El Cerrito’s history as leaders in the community, in our schools and universities, and at City Hall; and the City proudly recognizes the importance of issues affecting women and girls and supports further sustainable change in their well-being and advancement; and

WHEREAS, International Women’s Day is celebrated globally on March 8th and addresses the social, economic, and political barriers still facing women and girls while celebrating their achievements and the progress that have been made in support of women’s equality.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim March 2021 as Women’s History Month and March 8, 2021 as International Women’s Day in the City of El Cerrito, and encourages residents to reflect on, honor, and celebrate the history, courage, commitment, accomplishments, and contributions of women, not only in El Cerrito but throughout America.

Dated: March 2, 2021

Paul Fadelli, Mayor

EL CERRITO CITY COUNCIL PROCLAMATION
Designating March 7 through March 14, 2021 as Arbor Week

WHEREAS, the first documented Arbor Day was held in 1594 in the Spanish village of Mondonedo, and was initiated in America in 1872 by J. Sterling Morton, who proposed that a special day be set aside for the planting of trees, being quoted as saying "Other holidays focus upon the past; Arbor Day focuses on the future"; and

WHEREAS, the American Arbor Day, was first observed in April 1872 with the planting of one million trees in Nebraska and is now observed on seasonally appropriate dates throughout the world; and

WHEREAS, in California, Arbor Day is observed in March, as part of California Arbor Week starting on the birthday of Luther Burbank, a prodigious California plant breeder who enhanced the diversity, beauty, disease resistance and flavor of ornamental and edible plants by producing hundreds of new varieties of plants and trees; and

WHEREAS, trees planted in urban areas play a significant role in meeting the State's greenhouse gas emission reduction targets and the City's Climate Action Plan by sequestering carbon as well as reducing energy consumption; and

WHEREAS, trees directly contribute to improving air quality by reducing air pollution, removing airborne particulates from the atmosphere, and helping to purify the air; and

WHEREAS, trees play a significant role in maintaining water resources by reducing surface runoff, preserving water quality, and protecting urban water resources; and

WHEREAS, trees provide essential habitats for much of California's wildlife, including many listed, threatened, and endangered species; and

WHEREAS, trees enhance the aesthetic quality of life in urban communities by providing a natural buffer for surface noise and natural recreational resources for California's children, youth, and families; and

WHEREAS, a healthy and thoughtfully developed and managed urban forest is a valuable and distinctive natural resource, augmenting the economic base through the provision of resources, community character, and enhancement of the living environment; and

WHEREAS, in order to support the City's urban forest, in 2019 the City of El Cerrito adopted an amended Public Tree and Shrub Ordinance to protect public trees, set guidelines for planting, pruning, and removal, and to define the elements of the City's urban forestry program; and

WHEREAS, resulting from that effort, in January 2020, the City of El Cerrito achieved recognition from the Arbor Day Foundation as a Tree City USA for the first time, by meeting four established standards of sound urban forestry management; and

WHEREAS, the City of El Cerrito met the Tree City USA standards for a second year in January 2021; and

WHEREAS, in becoming a Tree City USA, the City of El Cerrito joined a nationwide movement of more than 3,500 communities that have made the commitment to manage and expand their urban forest by maintaining a tree board or department, having a community tree ordinance, spending at least \$2 per capita on urban forestry, and maintaining an annual Arbor Day observance and proclamation.

NOW THEREFORE, the City Council of the City of El Cerrito does hereby proclaim March 7 through March 14, 2021 as El Cerrito Arbor Week and urges all citizens to observe and celebrate by planting and caring for trees and participating in City Arbor Week activities for our own benefit and for the benefit of future generations.

Dated: March 2, 2021

Paul Fadelli, Mayor



AGENDA BILL

Agenda Item No. 4.D.

Date: March 2, 2021
To: El Cerrito City Council
From: Will Provost, Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Environmental Quality Committee Appointment Recommendations

ACTION PROPOSED

Approve an Environmental Quality Committee recommendation to appoint Buddy Akacic and Chris Lynch to the Environmental Quality Committee, effective March 2, 2021.

BACKGROUND AND ANALYSIS

Applications to serve on the Environmental Quality Committee (EQC) were received from Buddy Akacic and Chris Lynch. Prior to the February 9, 2021 Regular EQC Meeting, two members of the EQC interviewed Mr. Akacic and Mr. Lynch and agreed that they should be considered for membership recommendation. During the EQC's Regular Meeting that followed, the Committee voted to recommend to the City Council that Mr. Akacic and Mr. Lynch be appointed to the Environmental Quality Committee.

Mr. Akacic is a resident of El Cerrito with a demonstrated commitment to serving the City of El Cerrito. He currently serves on multiple Boards, Committees, and Commissions, including the Human Relations Commission, the Tenant Protections Task Force, and the Committee on Aging. In his application, Mr. Akacic noted his passionate commitment for diversity and inclusion, as well as his belief that climate change is a critical issue. He holds a Master of Science degree from the University of Oregon.

Mr. Lynch is a resident of El Cerrito with a background in data science and public health. He currently works for Contra Costa Health Services. In his application, he noted his "strong commitment to protecting the environment for future generations" and his interest in working at the local level to positively impact the community. Mr. Lynch also brings prior experience in policy development, legislative advocacy, fund raising, and community organizing. He holds a Bachelor of Science Degree in Public Health from Indiana University.

Buddy Akacic and Chris Lynch have both demonstrated through their applications and interviews with the EQC that they are committed to working on environmental issues in El Cerrito and to furthering the mission of the Environmental Quality Committee. Mr. Akacic and Mr. Lynch have both attended at least three regular Committee meetings, as required for appointment to the EQC. If the City Council approves this recommendation, the number of Committee members will be 14 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.

ENVIRONMENTAL CONSIDERATIONS

The Environmental Quality Committee supports the City in developing programs and policies that help protect the local environment, while also engaging in activities that have a direct impact on environmental quality (e.g. volunteer work parties).

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

Application(s) on file with the City Clerk



AGENDA BILL

Agenda Item No. 4.E.

Date: March 2, 2021
To: El Cerrito City Council
From: Stephen Prée, Environmental Programs Manager; Will Provost, Operations + Environmental Services Manager; Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: Urban Forest Committee Reappointment

ACTION PROPOSED

Approve an Urban Forest Committee recommendation to reappoint Cathy Bleier to the Urban Forest Committee effective March 2, 2021.

BACKGROUND

On February 4, 2021, the City received an application from Cathy Bleier for reappointment to the Urban Forest Committee (UFC). At its regular meeting on February 8, 2021, the UFC voted unanimously in favor of a motion to recommend to the City Council that Ms. Bleier be reappointed to the UFC.

ANALYSIS

Ms. Bleier has served on the Urban Forest Committee since March 2013. She previously served as Vice Chair and Chair and has been a dedicated contributor to the UFC, co-authoring the bird and wildlife section of the City's tree list, researching and applying for urban forestry grants, helping each year with the City's annual Arbor Week celebrations, and serving on ad-hoc subcommittees.

Ms. Bleier has lived in El Cerrito for 30 years, and she received her Masters of Science from U.C. Berkeley and held a license as a Registered Professional Forester. She retired from Cal Fire where she performed forest and rangeland research, and managed programs dealing with climate change and watershed assessment.

STRATEGIC PLAN CONSIDERATIONS

The work of the UFC members helps the City achieve Goal C to "Deepen a sense of place and community identity" and Goal F of the El Cerrito Strategic Plan, which is to "Foster environmental sustainability citywide."

As stated in its enabling Resolution 2007-96, the Committee was established to assist the City in its "stewardship of its urban forest, including establishing a citywide commitment to a healthy, growing forest, and creating a coordinated, high quality forestry management program."

ENVIRONMENTAL CONSIDERATIONS

The Urban Forest Committee supports the City in developing programs and policies that help protect the local environment, while also engaging in activities that have a direct impact on trees and environmental quality (e.g. tree planting).

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

Application(s) on file with the City Clerk

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO RECOGNIZING MARCH 10, 2021 AS "TIBET DAY" IN THE CITY OF EL CERRITO AND AFFIRMING SUPPORT TO THE PEOPLE OF TIBET

WHEREAS, On March 10, 2021, Californians, including Tibetan Americans, residing in El Cerrito and surrounding regions will gather to commemorate the 62nd anniversary of the Tibetan National Uprising against Chinese invasion and occupation of Tibet; and

WHEREAS, the City of El Cerrito has a diverse ethnic population, including Tibetan Americans, who are concerned about human rights and freedom in the United States and throughout the world, and

WHEREAS, the United States has a long history of support to the Tibetan people, including the passage of the Tibetan Policy Act of 2002 (subtitle B of title VI of Public Law 107–228; 22 U.S.C. 6901 note), signed into law on September 30, 2002, which encapsulates policy and programmatic initiatives and supports the aspirations of the Tibetan people to safeguard their distinct identity; and

WHEREAS, on October 17, 2007, His Holiness the 14th Dalai Lama was awarded the Congressional Gold Medal in recognition of his many enduring and outstanding contributions to peace, nonviolence, human rights, and religious understanding; and

WHEREAS, the Tibetans living in El Cerrito was pleased to welcome His Holiness the Dalai Lama, a true champion of world peace and religious harmony, when he visited the Tibetan Community Center in Richmond in February 2014; and

WHEREAS, The State Department's 2017 Country Reports on Human Rights Practices said this about the situation in Tibet: "The most significant human rights issues included: disappearances; torture by government authorities; arbitrary detentions, including political prisoners; and government curtailment of the freedoms of speech, religion, association, assembly, and movement"; and

WHEREAS, Tibetan Americans, including those residing in El Cerrito City, have been expressing concern at the Chinese Government's:

- (1) travel restrictions against Tibetans and United States citizens;
- (2) restrictive regulations on religious affairs in Tibet;
- (3) censorship of Buddhist literature and information in Tibet;
- (4) demolition of Tibetan Buddhist sites;
- (5) imprisonment of Tibetan prisoners of conscience; and
- (6) declarations that "Decision-making power over the reincarnation of the Dalai Lama and over the end of survival of his lineage resides with the central government of China";

WHEREAS, Tibetan Americans residing in California have been facing discriminations at the hands of Chinese consulates while applying for visas to visit Tibet; and

WHEREAS, the Reciprocal Access to Tibet Act (passed by Congress) signed into law by President Donald Trump on December 19, 2018 highlights China's attempts to isolate Tibet and seeks to promote access for United States diplomats and other officials, journalists, and other citizens, including Tibetan Americans, to Tibet; and

WHEREAS, since 2009, 155 Tibetans have self-immolated to protest against China's rule in Tibet and most Tibetans publicly call for the return of the Dalai Lama to Tibet;

WHEREAS, the City of El Cerrito has a long history of support for Tibet and the Tibetan people; and

WHEREAS, The El Cerrito City Council affirms the determination of the Tibetan people in Tibet and outside, including the Tibetan Americans, to retain their heritage and protect it from destruction against overwhelming odds through non-violent and peaceful means:

NOW, THEREFORE BE IT RESOLVED by the El Cerrito City Council that March 10, 2021, the 62nd anniversary of the Tibetan national uprising, shall be officially recognized as "Tibet Day."

BE IT FURTHER RESOLVED that El Cerrito City Council supports the initiatives on Tibet in the United States Congress.

BE IT FURTHER RESOLVED, that the City of El Cerrito stands in solidarity with His Holiness the Dalai Lama, the Tibetan people and their just, peaceful and non-violent movement to remind the world of the occupation and ongoing suppression of human rights and freedom in Tibet and the continuous degradation of culture, religion, land and identity of the Tibetan people by China.

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

I CERTIFY that at a regular meeting on March 2, 2021 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 March _____, 2021.

Holly M. Charl  ty, City Clerk

APPROVED:

Paul Fadelli, Mayor



AGENDA BILL

Agenda Item No. 4.G.

Date: March 2, 2021
To: El Cerrito City Council
From: Yvetteh Ortiz, Public Works Director/City Engineer, Public Works Department
Subject: California Office of Emergency Services (Cal OES) Form 130 - Designation of Authorized Agents

ACTION PROPOSED

Adopt a resolution designating the City Manager, Finance Director and Public Works Director as the City's agents to provide required assurances and execute agreements for the purposes of obtaining financial assistance from the Federal Emergency Management Agency (FEMA) and the State of California Governor's Office of Emergency Services (Cal OES) for disaster aid; approving the corresponding Cal OES Form 130; and authorizing the City Manager to file the Cal OES Form 130 with Cal OES and submit all related documentation.

BACKGROUND AND ANALYSIS

To be eligible for state and federal financial assistance after any state disaster proclamation or presidential disaster declaration, the City Council must designate City agents responsible for providing required assurances and executing agreements with FEMA and Cal OES on behalf of the City and approve the corresponding Cal OES Form 130. In March 2018, the City Council adopted Resolution 2018-08 designating the City Manager, Finance Director and Public Works Director as the City's agents for this purpose. These positions were designated by title, instead of specific names, to be effective for all open and future disasters declared by the state or federal government up to three (3) years following the date of approval. Because the designation will expire as of March 6, 2021, City staff recommends that the City Council adopt a new resolution taking the same approach so as to expedite processing of financial assistance applications in the future.

STRATEGIC PLAN CONSIDERATIONS

The City's Strategic Plan articulates the mission of the City to serve, lead, and support our diverse and transit-rich community by providing exemplary and innovative services, public places and infrastructure, ensuring public safety, and creating an economically and environmentally sustainable future. Adoption of this resolution is consistent with the Strategic Plan Goal E – Ensure the public's health and safety by maintaining disaster preparedness programs and ensuring emergency response plans are current.

ENVIRONMENTAL CONSIDERATIONS

The requested action does not constitute a “Project” under the California Environmental Quality Act (CEQA) Section 15378 and therefore is exempt from any further consideration under CEQA. Projects that may be funded by FEMA and Cal OES financial assistance will require project-specific environmental review.

FINANCIAL CONSIDERATIONS

Adoption of the resolution will permit the City to obtain financial assistance for all open and future disasters declared by the state or federal government up to three (3) years following the date of approval.

LEGAL CONSIDERATIONS

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

Reviewed by:

A handwritten signature in blue ink, appearing to read 'Karen Pinkos', is written over a faint, larger version of the same signature.

Karen Pinkos, City Manager

Attachments:

1. Resolution
2. Exhibit A to Resolution, Cal OES Form 130

RESOLUTION 2021-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO DESIGNATING THE CITY MANAGER, FINANCE DIRECTOR AND PUBLIC WORKS DIRECTOR AS THE CITY'S AGENTS TO PROVIDE REQUIRED ASSURANCES AND EXECUTE AGREEMENTS FOR THE PURPOSES OF OBTAINING FINANCIAL ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CAL OES) FOR DISASTER AID; APPROVING THE CORRESPONDING CAL OES FORM 130; AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND FILE THE CAL OES FORM 130 AND SUBMIT ALL RELATED DOCUMENTATION

WHEREAS, to be eligible for state and federal financial assistance after any state disaster proclamation or presidential disaster declaration, the City Council must designate authorized agents responsible for providing required assurances and executing agreements with FEMA and Cal OES on behalf of the City and approve the corresponding Cal OES Form 130; and

WHEREAS, in March 2018, the City Council adopted Resolution 2018-08 designating the City Manager, Finance Director and Public Works Director as the City's agents by title of position effective for all open and future disasters declared by the state or federal government up to three (3) years following the date of approval; and

WHEREAS, because the designation will expire as of March 6, 2021, a new resolution is needed so as to expedite processing of financial assistance applications in the future.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of El Cerrito that it hereby designates the City Manager, Finance Director and Public Works Director as the City's agents to provide required assurances and execute agreements for the purposes of obtaining financial assistance from FEMA and Cal OES for disaster aid; approving Cal OES Form 130, attached to the Resolution as Exhibit A; and authorizing the City Manager to file the Cal OES Form 130 with Cal OES and submit all related documentation.

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

I CERTIFY that at a regular meeting on March 2, 2021 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 March _____, 2021.

Holly M. Charléty, City Clerk

APPROVED:

Paul Fadelli, Mayor

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE City Council OF THE City of El Cerrito
(Governing Body) (Name of Applicant)

THAT City Manager, OR

Finance Director, OR

Public Works Director
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of El Cerrito, a public entity
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of El Cerrito, a public entity established under the laws of the State of California,
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

☒ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this 2nd day of March, 2021

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

(Name and Title of Governing Body Representative)

CERTIFICATION

I, Holly M. Charléty, duly appointed and City Clerk of
(Title)

City of El Cerrito, do hereby certify that the above is a true and correct copy of a
(Name of Applicant)

Resolution passed and approved by the City Council of the City of El Cerrito
(Governing Body) (Name of Applicant)

on the 2nd day of March, 2021.

(Signature)

(Title)



AGENDA BILL

Agenda Item No. 4.H.

Date: March 2, 2021
To: El Cerrito City Council
From: Alexandra Orologas, Assistant City Manager, City Management
Subject: Designating Primary and Alternate Board Members to the Municipal Pooling Authority of Northern California (MPA)

ACTION PROPOSED

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

BACKGROUND/ANALYSIS

The City of El Cerrito is a member of the Municipal Pooling Authority of Northern California. The Municipal Pooling Authority (MPA) is a Joint Powers Authority established in 1978 for the purpose of providing liability insurance to municipal agencies in Contra Costa County. The governing documents of the MPA require that the City Council of each member city appoint one Board member and one alternate Board member to the Board of Directors of the Authority. MPA governing documents also require the City to appoint its City Manager or the department head or staff person responsible for the City's risk management function as the primary board member, and that the alternate Board member have the same qualifications as the primary Board member. It has been the responsibility of the Human Resources Division to perform the risk management functions for the City. In January 2019, the Human Resources Manager was designated as the primary Board member to the MPA, and the Assistant City Manager as the alternate. However, as of February 2021, the Assistant City Manager is now the Interim Human Resources Manager who also serves as the City's Risk Manager. This resolution will allow the Assistant City Manager to serve as the Primary Board Member going forward, and further designates the City Manager as the Alternate Board Member.

STRATEGIC PLAN CONSIDERATIONS

Adoption of this resolution is consistent with Strategic Plan Goal A: Deliver exemplary government services.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Resolution

RESOLUTION 2021-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL CERRITO
DESIGNATING A PRIMARY AND ALTERNATE BOARD MEMBER TO THE MUNICIPAL
POOLING AUTHORITY OF NORTHERN CALIFORNIA

WHEREAS, the City of El Cerrito is a member of the Municipal Pooling Authority
of Northern California, and

WHEREAS, the governing documents of the Municipal Pooling Authority of
Northern California require the City Council of each member city to appoint one Board
member and to appoint one alternate Board member to the Board of Directors of the
Authority; and

WHEREAS, the governing documents of the Municipal Pooling Authority of
Northern California require that the City shall appoint its City Manager or the department
director or staff person responsible for the City's risk management function as the primary
Board member, and that the alternate Board member shall have the same qualifications
as the primary Board member.

NOW THEREFORE, BE IT RESOLVED, that the City Council does hereby
designate the Assistant City Manager as the City's Board member to the Municipal
Pooling Authority of Northern California.

BE IT FURTHER RESOLVED, that the City Manager is hereby designated as the
City's alternate Board member to the Municipal Pooling Authority of Northern California.

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

I CERTIFY that at a regular meeting on March 2, 2021, the El Cerrito City Council
passed this resolution by the following vote:

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

IN WITNESS of this action, I sign this document and affix the corporate seal of
the City of El Cerrito on March _____, 2021.

Holly M. Charl  ty, City Clerk

APPROVED:

Paul Fadelli, Mayor

CITY OF EL CERRITO

CALPERS PENSION COSTS UPDATE

INTRODUCTION TO COST MANAGEMENT AND ALTERNATIVE REPAYMENT STRATEGIES



NHA | ADVISORS
Financial & Policy Strategies.
Delivered.

MARCH 2, 2021

Executive Summary of Presentation

- ▶ City of El Cerrito has a projected \$70.3M Unfunded Accrued Liability (UAL) for 6/30/2021 with CalPERS
 - ▶ 70% increase (from \$41.4M) over last 7 years
 - ▶ Annual UAL payments (UAL) projected to grow from \$4.9M (2021) to \$6.9M (2026)
- ▶ Other City debt liabilities
 - ▶ \$3.9M of Other Post-Employment Benefits (OPEB) net liability (6/30/2019)
 - ▶ \$23.3M of COPs, sales taxes revenue bonds, tax and revenue anticipation notes and leases
- ▶ Rapidly increasing (and uneven) repayment shape of UAL is causing added pressure on City's budget
- ▶ Planning for, and evaluating options to manage these rising costs are important for budget predictability and fiscal health
 - ▶ Cost management strategies - Section 115 Trust, UAL Pay Down and UAL Restructuring

Table of Contents

- I. Background on CalPERS Costs
- II. Historical and Projected CalPERS Costs
- III. Common Cost Management Strategies
- IV. UAL Restructuring Concept & Strategy
- V. Conclusion



I. BACKGROUND ON CALPERS COSTS

CalPERS Pension 101

Retirement Plan Overview

- ▶ City has 2 primary CalPERS plans
 - ▶ **Miscellaneous: 428 covered members** including 108 active
 - ▶ **Safety: 267 covered members** including 71 active
- ▶ Plans include Classic (hired prior to 2013) employees and PEPRA Plans

MISCELLANEOUS PLANS			SAFETY PLANS		
Benefit Group	# of Actives	Benefit Formula	Benefit Group	# of Actives	Benefit Formula
Miscellaneous	63	2.7% @ 55	Safety	44	3% @ 50
PEPRA Miscellaneous	45	2% @ 62	PEPRA Safety Fire	8	2.7% @ 57
			PEPRA Safety Police	19	2.7% @ 57
Total	108	-	Total	71	-

CalPERS Pension 101

Payments Made to CalPERS Annually

- ▶ Each year, the City makes two types of payments to PERS:
 - ▶ **Normal Cost (NC)** = Annual cost for current employees
 - ▶ **Unfunded Accrued Liability (UAL):** Actuarial Liability MINUS Actuarial Value of Assets
 - ▶ “How much we currently have vs. how much we need to have in the future when people actually retire”
 - ▶ Shortfall not repaid all at once; amortized over a longer period of time with the City paying down a portion each year (principal and interest)
 - ❑ CalPERS currently amortizes this debt at a rate of 7%
 - ❑ Various components (layers or bases) of the UAL with amortization periods ranging from 1 to 29 years

Why CalPERS Costs are Trending Higher

**Historical
PERS Returns**
5-Year: 6.3%
10-Year: 8.5%
20-Year: 5.5%
30-Year: 8.0%

Then ...

- ▶ PERS investment returns were robust (10%+)
 - ▶ Retirement plans were “Super-Funded” through the 1990s
 - ▶ Earnings on funds were more than adequate to cover retirement costs
- ▶ Super-funded status induced widespread retirement benefits enhancements

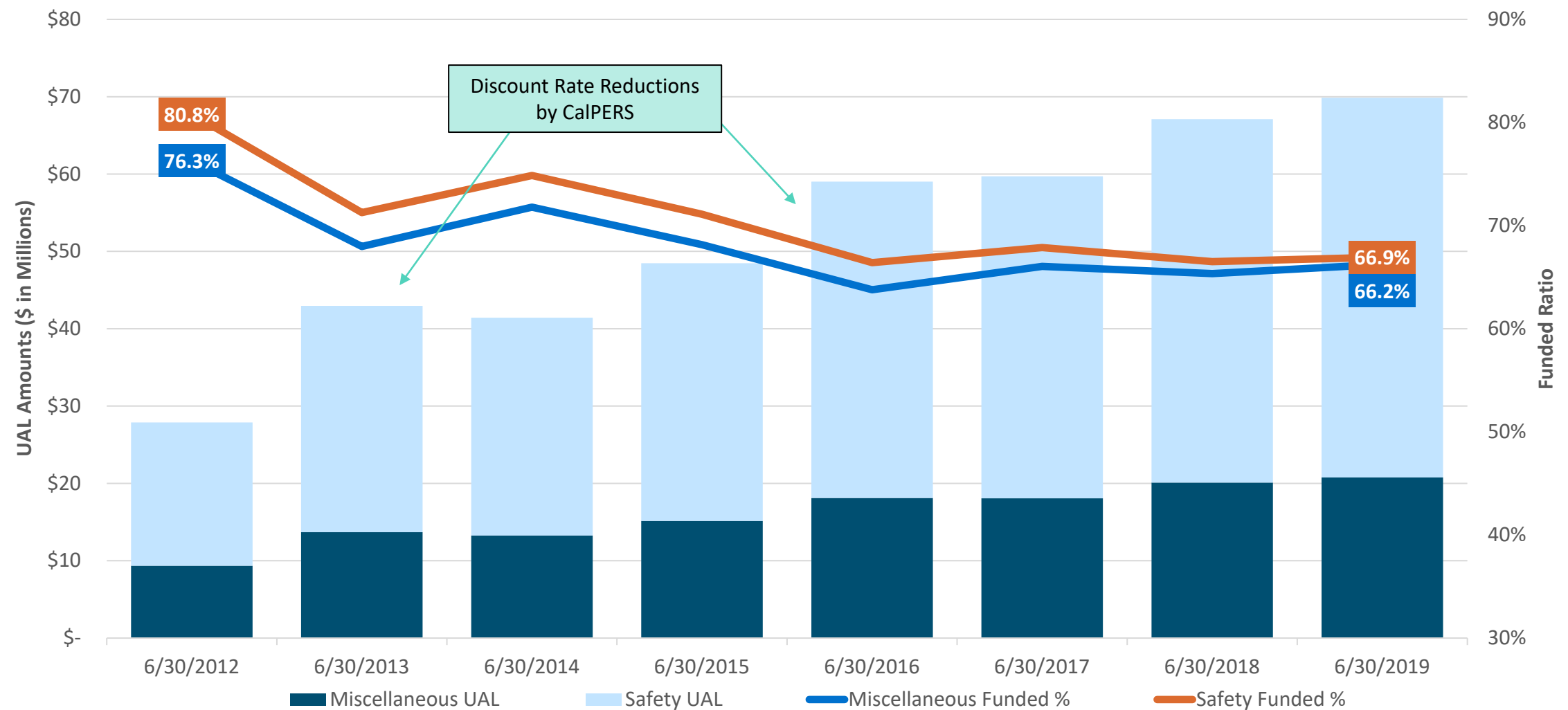
Now ...

- ▶ Sluggish investment growth (<6%)
- ▶ Assumptions are changing
 - ▶ Expected returns: 8.25% → 7.75% in 2003; 7.75% → 7.50% in 2013 → 7.00% by 2020
 - ▶ Mortality rates (people living longer)
 - ▶ Actuarial Valuation → Market Valuation
- ▶ Unfunded liabilities are rapidly growing
 - ▶ City’s Miscellaneous Plan UAL has grown from **\$13.3M to \$20.7M over last 7 years**
 - ▶ City’s Safety Plans’ UAL has grown from **\$28.2M to \$49.6M over last 7 years**

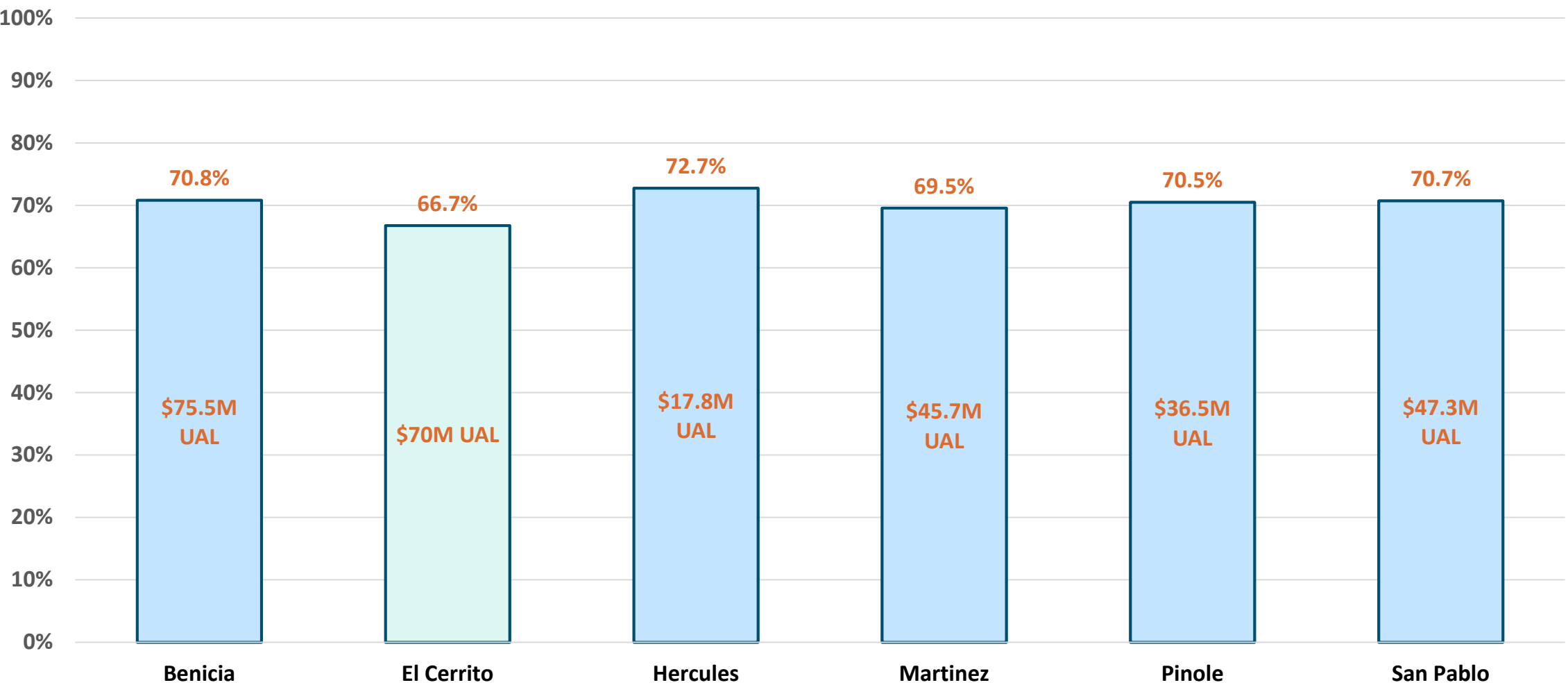


II. HISTORICAL AND PROJECTED COSTS

Historical Growth in Unfunded Accrued Liability (UAL)

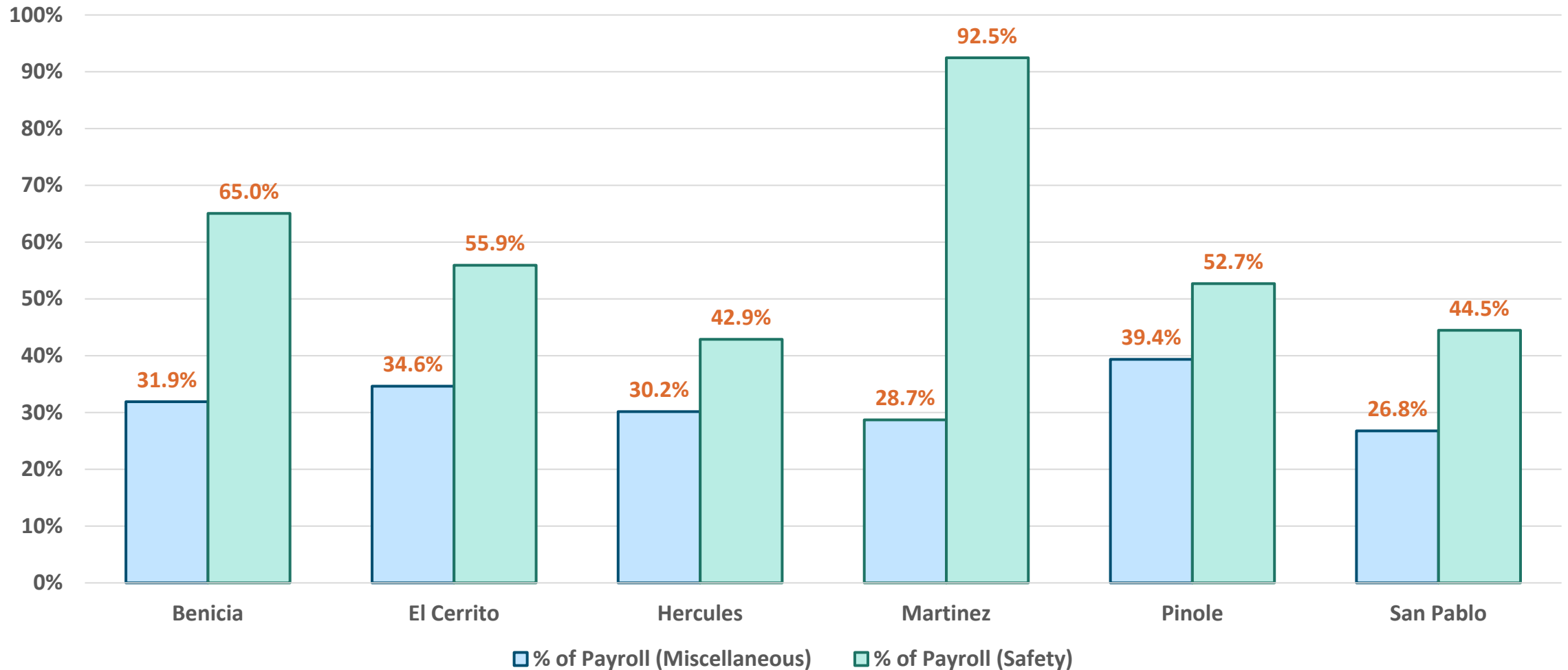


Neighboring Cities: Funded Status (Total Plans)



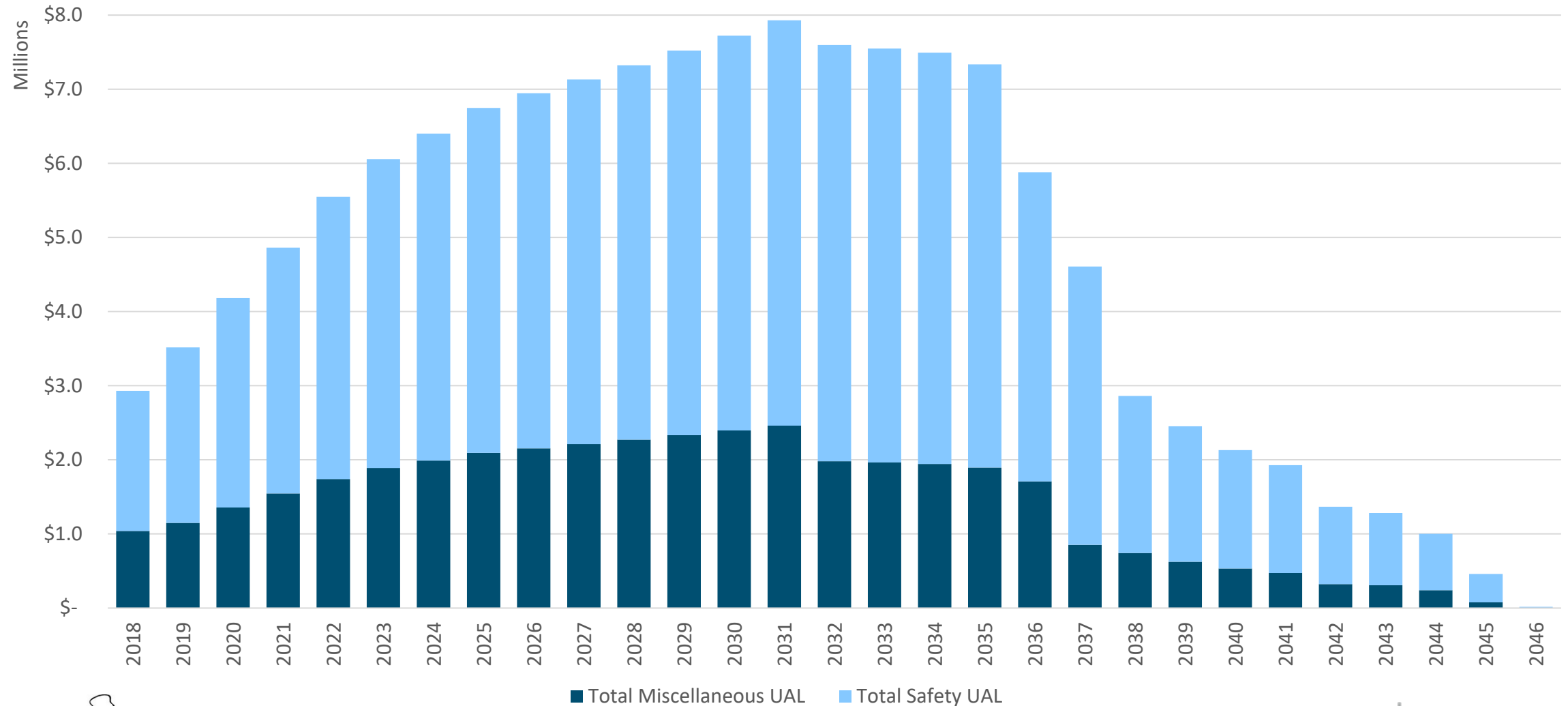
Source: CalPERS Actuarial Valuation Reports (6/30/2019) 10

Neighboring Cities: FY 2022 Pension Costs as % of Payroll



CalPERS Historical & Projected UAL Payment Schedule

\$70.3M Unfunded Accrued Liability (UAL) @ 7% Interest Rate





III. POTENTIAL COST MANAGEMENT STRATEGIES

Potential Strategies to Address Rising Pension Costs

Prepay Annual UAL Payment

- 3.4% discount for paying in beginning of Fiscal Year
- \$165,000 savings for FY 2021
- City implements this strategy



Recommended



Fresh Start Amortization

- Pros: Shortens repayment period; reduces overall interest paid
- Cons: New structure “locked-in” + increased annual payments in near term



Not Recommended
(see next slide)

Use Cash Reserves to:

- **Set-Up Section 115 Trust** - Separate trust solely dedicated to pension/OPEB
- **Lump Sum Direct Pay Down of UAL** – Reduce UAL with PERS and annual payments



Recommended
If Feasible
(using Surplus
Reserves/
Revenue)

Debt/Bonds

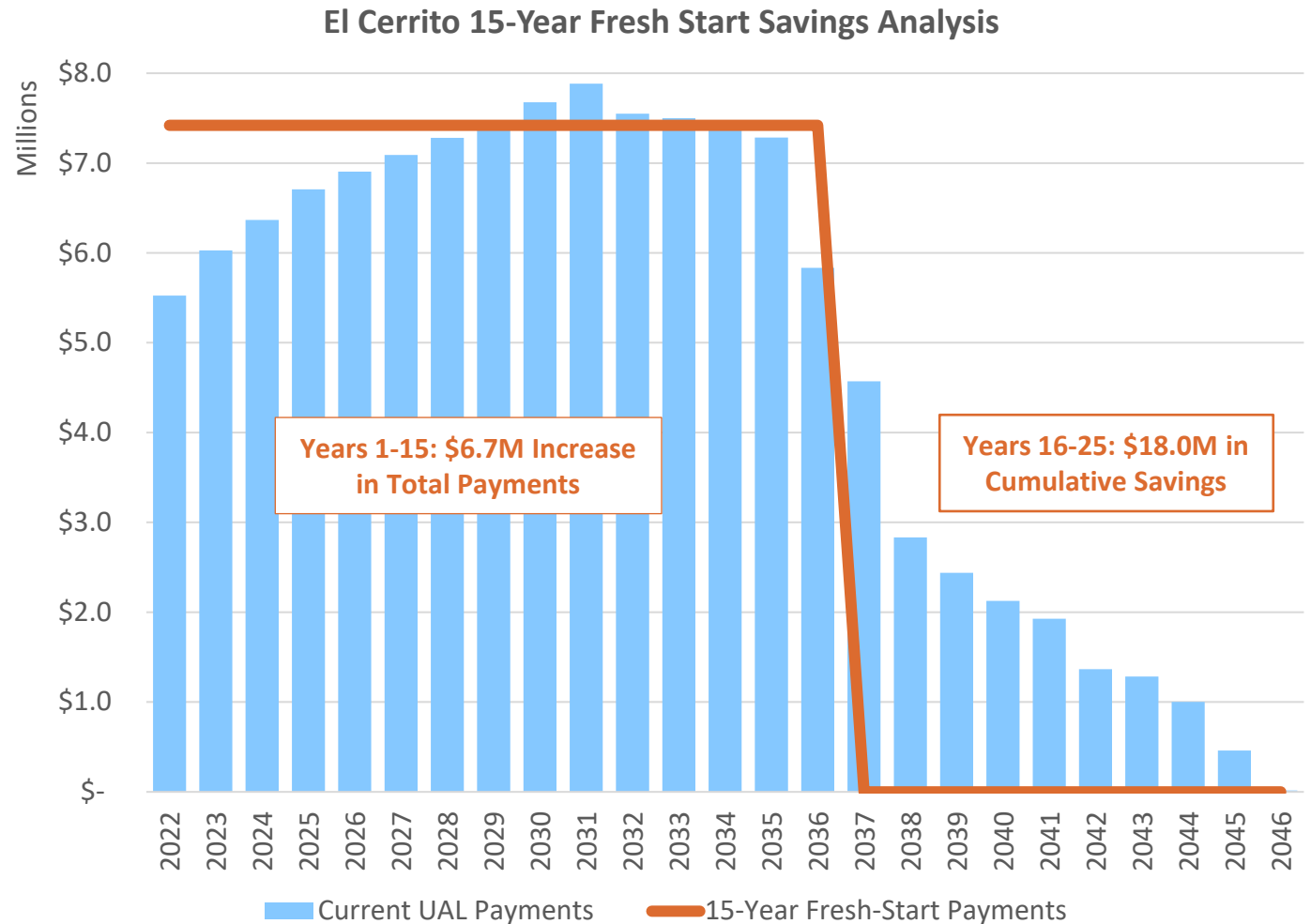
- Pension Obligation Bond (POB) – use bond proceeds to reduce CalPERS UAL
- Restructure payments for enhanced payment smoothing



Further analysis
could be done if
requested

Fresh Start Amortization

- ▶ City can request new amortization schedule with CalPERS
 - ▶ Still amortized at 7%; Must be shorter than current schedule
 - ▶ Near term payments are higher, interest savings taken in later years
 - ▶ Schedule is “locked-in” and City can’t go back to old schedule
 - ▶ Due to lack of flexibility, this strategy is not commonly utilized – City could effectuate the same results using either the ADP or Section 115 strategy while maintaining some flexibility



Applying Reserve Funds/Annual Surplus

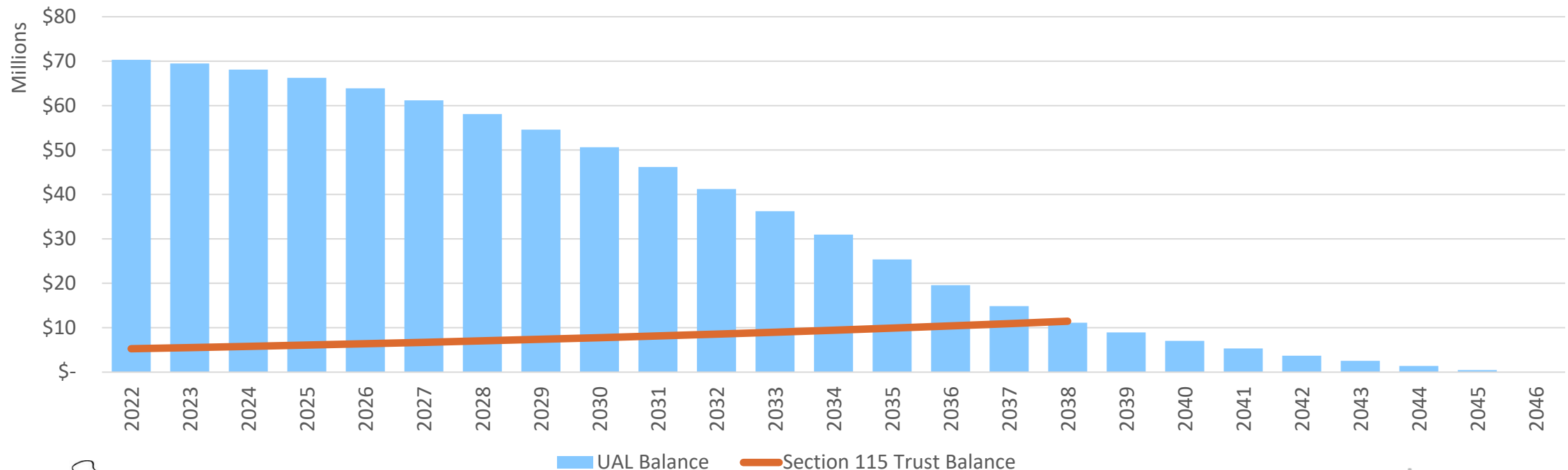
Option 1: Section 115 Trust

- ▶ **What is it?** - Separate trust managed by 3rd party (typically not CalPERS)
 - ▶ Dedicated to pension and/or OPEB costs
- ▶ **Benefits**
 - ▶ Potential for increased investment returns vs. current GF reserves
 - ▶ Flexibility – more investment options than CalPERS and can decide when and how to use
 - ▶ Longer-Term: Can grow over time and pay off full UAL in the future
 - ▶ Shorter-Term: Apply during challenging budget years or to “smooth” payment spikes
 - ▶ Diversify assets under management away from CalPERS
- ▶ The Trust will show up as an asset on the City’s financial statements, but will not technically offset UAL until funds are transferred to CalPERS

Section 115 Trust – Hypothetical Example

- ▶ Assuming **\$5M is invested in FY 2022 @ 5.0% returns**, fund's growth would cover UAL balance in 2038 (UAL could be fully paid off), saving \$10.6M in UAL payments from FY 2039-2046
- ▶ Section 115 Trust funds could also be used to make Normal Contributions to CalPERS during challenging budget years

UAL Balance vs. Section 115 Trust Balance



Applying Reserve Funds/Annual Surplus

Option 2: ADP – Additional Discretionary Payment

- ▶ **What is it?** – City makes Additional Discretionary Payment (ADP) to CalPERS and applies funds to a selected amortization base (layer of UAL)
 - ▶ CalPERS will eliminate payments associated with the portion of the UAL paid off, essentially giving the City credit at 7% interest
 - ▶ While credit is given at 7% interest, the true benefit of the pay down will be based on CalPERS actual returns on those funds in the future
- ▶ **Benefits**
 - ▶ Reduced UAL with CalPERS and associated payments
 - ▶ Opportunity for increased investment returns vs. current GF reserves
 - ▶ Higher funding ratios
- ▶ **Example** – \$5.0M pay down applied to a 20-year UAL base
 - ▶ \$9.66M of total reduced payments (\$4.66M savings net of initial deposit)
 - ▶ \$483K annual average reduction in payment

Reduced Payments from \$5.0 Million Pay Down	
Fiscal Year	20 Year Amortization Base
2023	373,561
2024	383,367
2025	393,430
2026	403,758
2027	414,357
2028	425,234
2029	436,396
2030	447,851
2031	459,607
2032	471,672
2033	484,053
2034	496,760
2035	509,800
2036	523,182
2037	536,916
2038	551,010
2039	565,474
2040	580,317
2041	595,551
2042	611,184
Reduced Payments	9,663,479
Initial Deposit	(5,000,000)
Net Savings	4,663,479

Estimated payments assume a 7.00% Discount Rate and 2.625% Annual Payroll Growth.

Section 115 vs. CalPERS ADP Comparison

OPTION	Section 115 Trust	Direct UAL Pay Down with CalPERS
Reduced UAL & UAL Payments with CalPERS	No	Yes
Reduced Pension Liability in CAFR	No (but will be off-setting asset on balance sheet)	Yes
Control of Investment Strategy	Yes	No
Funds Managed By	Trust Administrator	CalPERS
Flexibility in Uses	Yes (annual expenses, direct UAL pay down, OPEB, etc.)	No
Savings	Varies; Depends on when City utilizes funds to pay liabilities	Immediate; Length of time varies based on which amortization component is paid off (City's amortization bases currently range from 1-29 years)
Enhanced Budgetary Flexibility	Yes	No
How Many Agencies in CA Have Used?	231 Agencies currently w/PARS (111 cities); Several others using other Non-PARS Trust Administrators	168 Different Employers for 431 distinct ADPs in 2020



III. UAL RESTRUCTURING CONCEPT & STRATEGY

Restructuring UAL Obligation – Conceptual Overview

- ▶ City borrows funds (bond proceeds) to make payment to CalPERS for all or a portion of its UAL
 - ▶ Typical method is through a Pension Obligation Bond (POB) issued to investors
- ▶ Interest rate paid on the new debt would be significantly lower than the 7% charged by CalPERS on UAL obligation (currently 3.0 to 3.5%)
 - ▶ Public agencies use a POB to also restructure repayment schedule to meet cash flow objectives and create a more sustainable/predictable repayment shape
- ▶ Primary consideration is **re-investment/market timing risk**

Partial List of Recent UAL Restructuring Bonds

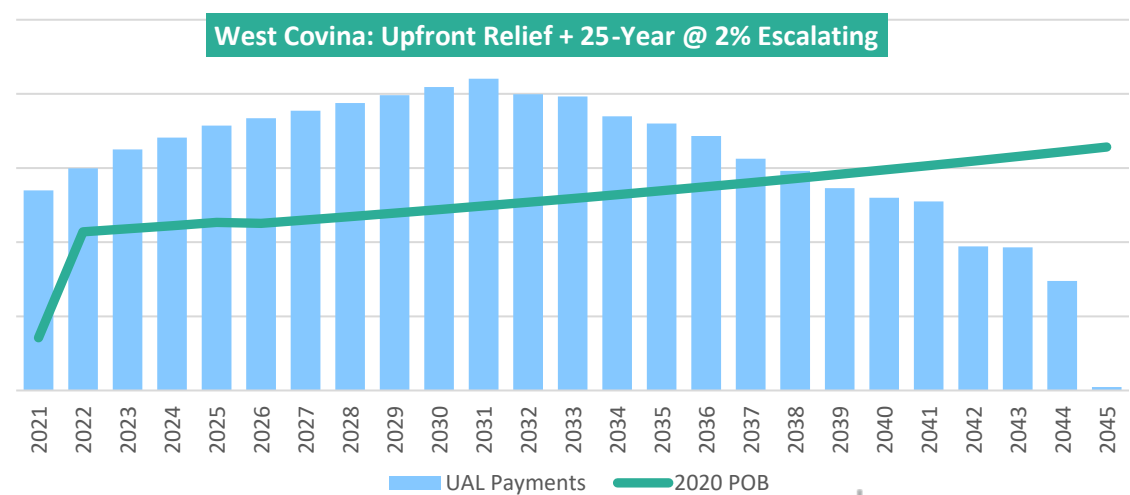
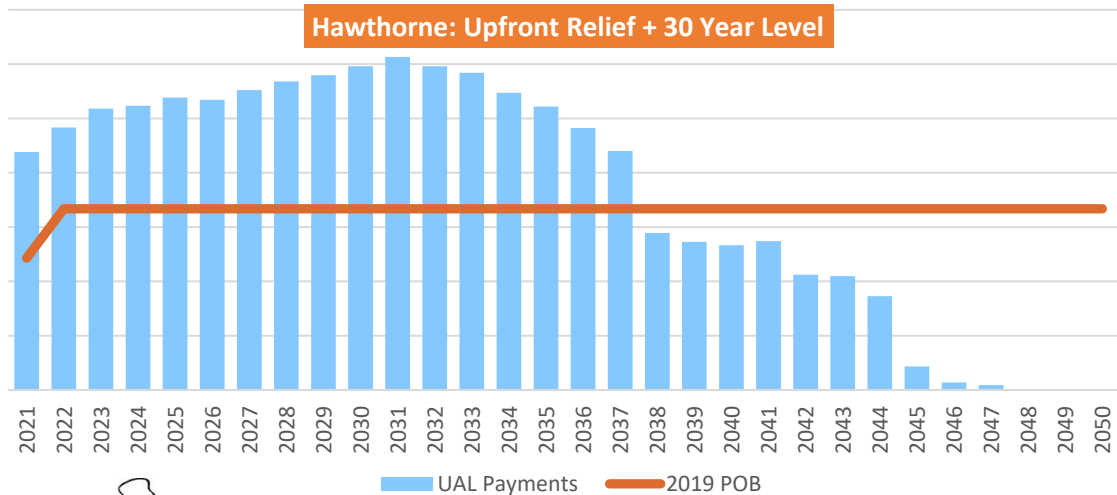
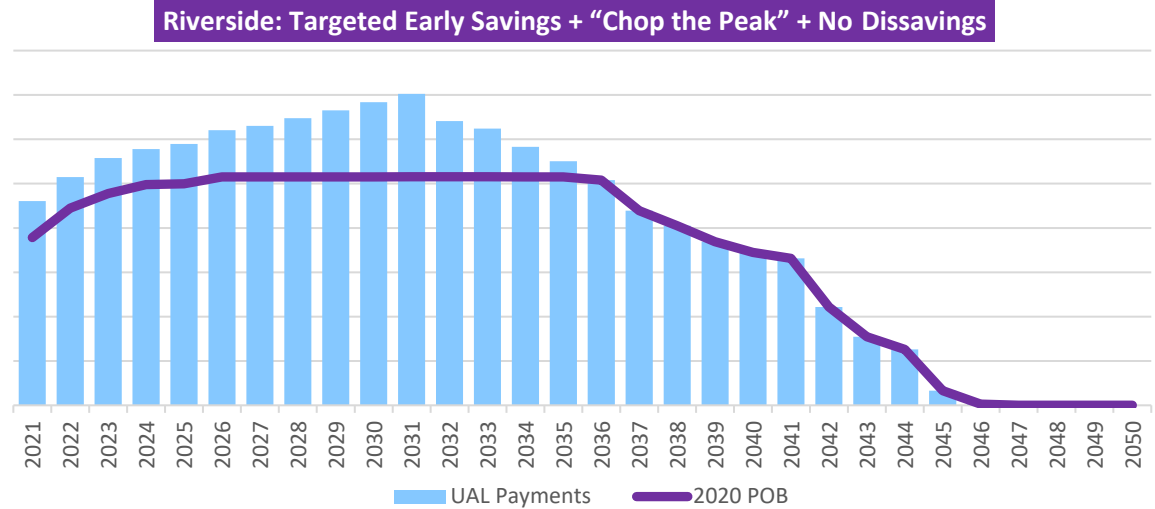
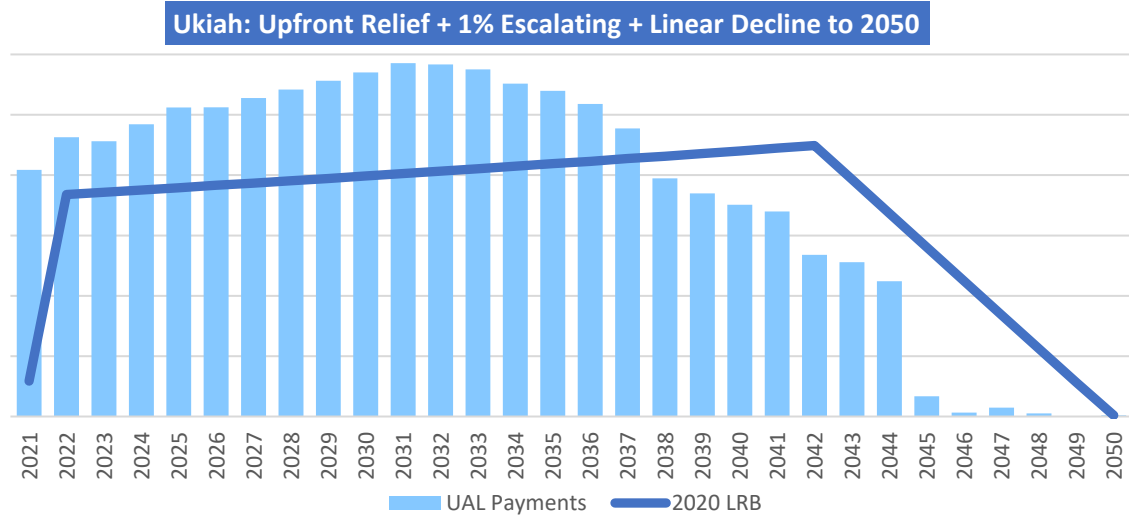
Record Low Taxable Interest Rates Have Resulted in Increased Issuance

- ▶ Interest rates have ranged from 2.54% to 3.75% for recent pension bonds
- ▶ Dependent on credit rating, market conditions, term
- ▶ Spreads to taxable Treasury rates have lowered significantly in recent months, resulting in 2.54% to 2.85% interest rates for 4 most recent transactions
- ▶ “AA” Chula Vista POB priced February 11th lowest pension bond rate in recent history (2.54% for 24-year maturity)

 Chula Vista (2021) \$350,090,000 AA	 Downey (2021) \$113,580,000 AA	 Monterey Park* (2021) \$106,335,000 AA	 El Cajon (2021) \$147,210,000 AA	 Ukiah (2020) \$49,875,000 A+	 Coachella (2020) \$17,590,000 AA-	 Gardena (2020) \$100,590,000 AA-	 Arcadia (2020) \$90,000,000 AAA	 Placentia (2020) \$52,950,000 BBB+
 Torrance (2020) \$349,515,000 AA	 Novato Sanitary District (2020) \$6,467,000 Private Placement	 Azusa (2020) \$70,075,000 AA-	 Borrego Springs FPD (2020) \$1,874,111 Private Placement	 Pomona (2020) \$219,890,000 AA-	 West Covina (2020) \$204,095,000 A+	 Grass Valley (2020) \$18,311,000 Private Placement	 North County Fire Protection District (2020) \$20,305,000 AA-	 Kingsport Police Protection CSD (2020) \$4,544,000 Private Placement
 Carson (2020) \$108,020,000 AA-	 El Monte* (2020) \$118,725,000 A+ (Ins.)	 Riverside (2020) \$432,165,000 AA	 Inglewood* (2020) \$101,620,000 AA- (Ins.)	 Montebello* (2020) \$153,425,000 A+ (Ins.)	 Ontario (2020) \$236,585,000 AA	 Larkspur (2020) \$18,295,000 AAA	 Riverside County (2020) \$719,995,000 AA	 Pasadena (2020) \$131,805,000 AAA

Recent Issuances: Restructuring for Smoothing is a Common Strategy

No One Size Fits All: *Term and Shape of Repayment Unique to Each Issuer*



Pension Bonds - Benefits and Risks



Primary Benefits

- Fiscal Sustainability Tool: Ability to “re-shape” the City’s pension debt payments
- Near-Term Budgetary Savings
- Interest Rate Savings “Arbitrage”: City can borrow at rates much lower (currently $\approx 3.5\% - 4.0\%$) than those CalPERS is charging on UAL debt (7%)
- Increase Funding Ratio
- Flexibility to Modify Maturity



Primary Risk: *Reinvestment & Market Timing Risk*

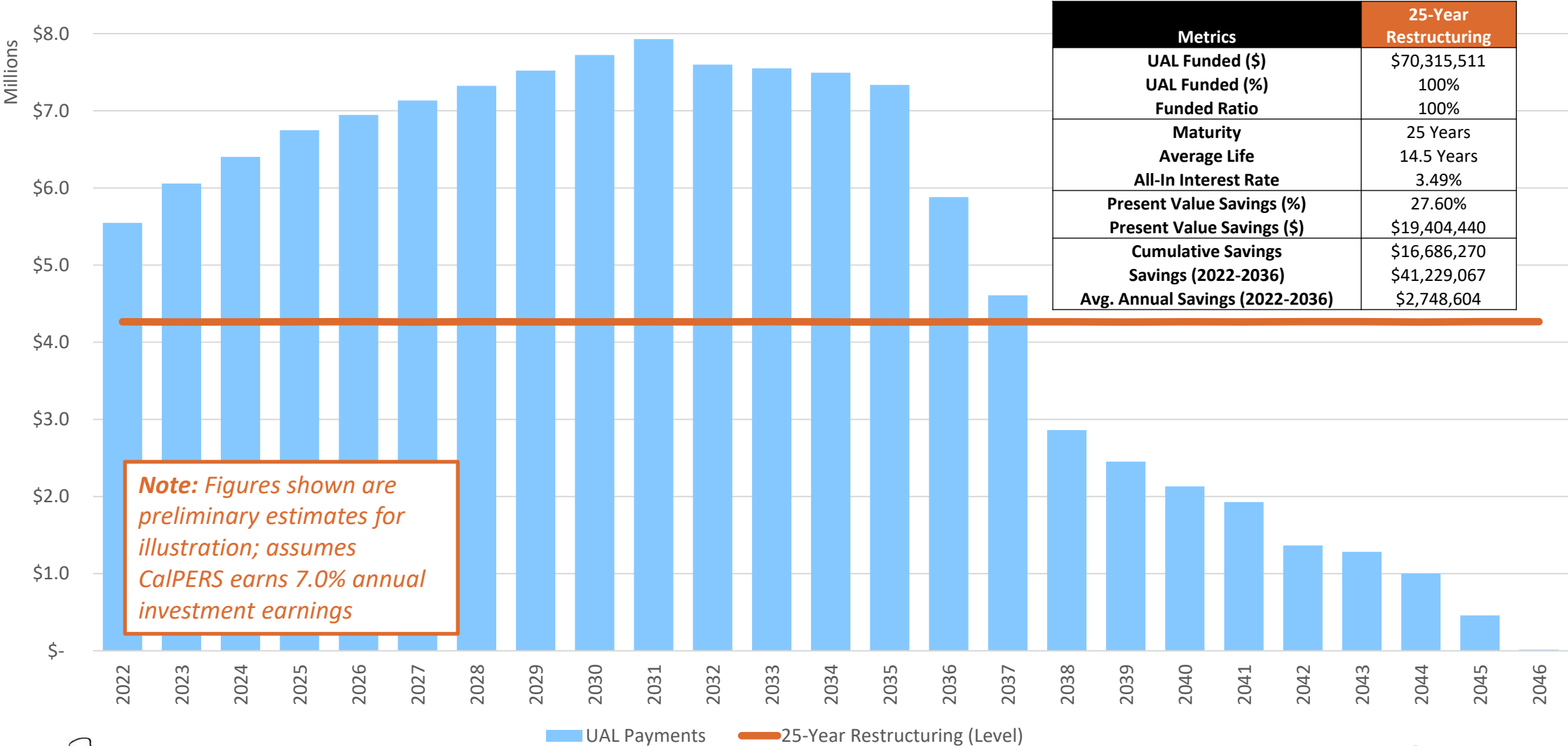
- Savings is ultimately dependent on future CalPERS returns, which are unknown at time of issuance (primary concern of GFOA)
- Present value savings occur if PERS earns greater returns than pension bond interest rate
- Near-term losses exacerbate this risk given large lump sum deposit into the market



*These risks should be quantified through a **stress testing process** to better understand the impacts of future poor investment performance by CalPERS (i.e. What if PERS only earns 5%? What if there is another 2008 Recession?)*

Base Case Preliminary Analysis for El Cerrito

100% UAL Funding Scenario: 25-Year Restructuring to Level Payments





IV. CONCLUSION AND NEXT STEPS

Conclusion and Potential Next Steps

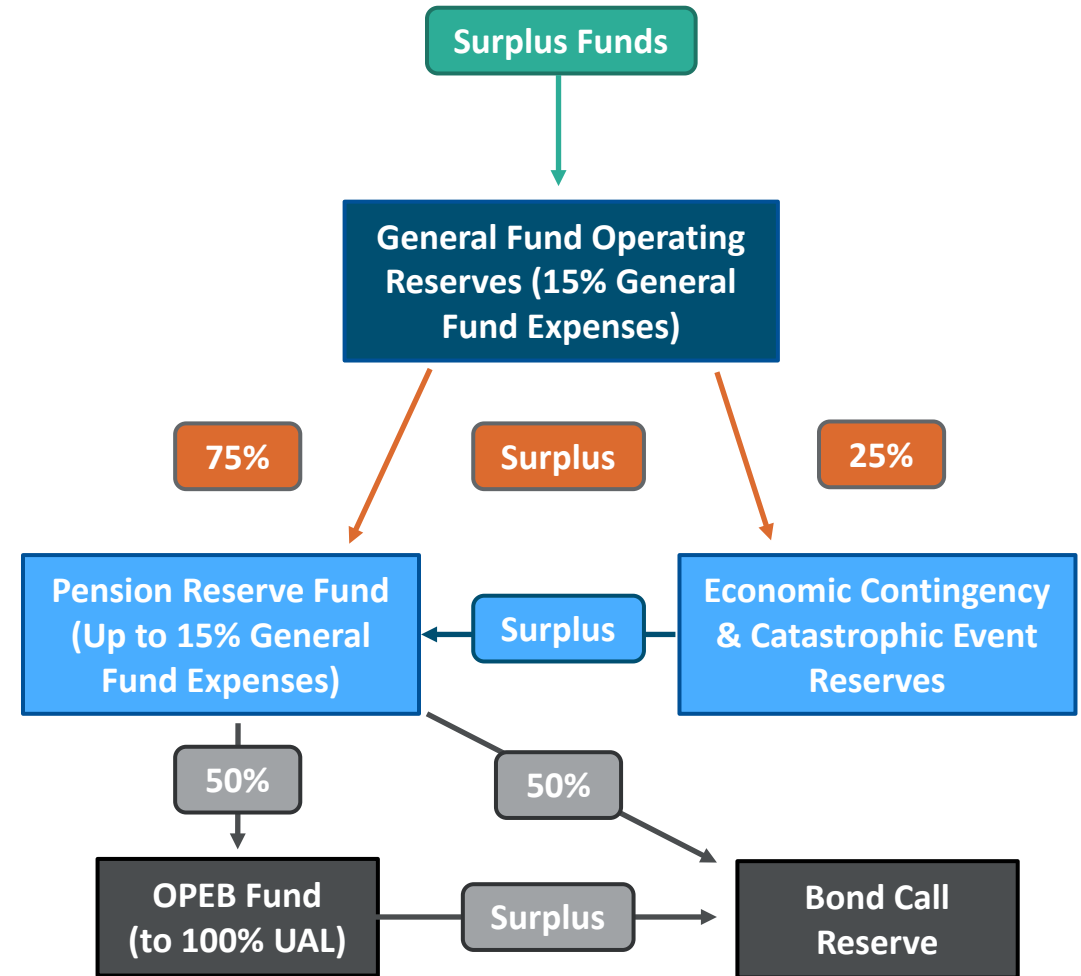
- ▶ Rising pension costs are a challenge facing most public agencies
- ▶ City should incorporate projected cost increases into budget and planning process
- ▶ City can consider various cost management strategies, including:
 - ▶ Cash reserves for Section 115 Trust or UAL pay down
 - ▶ UAL Restructuring
 - ▶ Optimize service levels given projected resources
 - ▶ Reviewing 5 – 10-year General Fund forecast may be helpful to identify feasibility and objectives/constraints for these options
- ▶ Explore new pension funding policy; Policy could provide guidance related to:
 - ▶ Targeted funding ratios
 - ▶ How to apply (1) one-time monies; (2) surplus annual revenue towards pension liabilities; (3) savings from a POB
 - ▶ Methodology for allocating these funds between 115 Trust and Additional Discretionary Deposit with CalPERS



APPENDIX: SAMPLE PENSION FUNDING POLICY

Example of a Reserve/Pension Funding Policy

- ▶ Graphic to right is a conceptual example of another City's Reserve Policy that provides framework around use of annual surplus
- ▶ Provides funding mechanism and flow of funds priority for 6 distinct reserves / funds, including Section 115 (pension/OPEB) and a fund to pay down bond debt early





AGENDA BILL

Agenda Item No. 5.C.

Date: March 2, 2021
To: El Cerrito City Council
From: Aissia Ashoori, Housing Analyst; Melanie Mintz, Community Development Director, Community Development Department
Subject: Year One Rental Registry Data and Tenant Protections Task Force Recommendations Report

ACTION PROPOSED

Receive and file a presentation on Year One Rent Registry Data and the Tenant Protections Task Force Recommendations Report

BACKGROUND

In August 2017, the [Affordable Housing Strategy](#) (*Strategy*), was adopted by the City Council to focus on the City's housing goals that aim to protect, produce and preserve affordable housing for low-to-moderate income households. To achieve these goals, the *Strategy* identified four policy pillars along with various strategies for implementation.

Policy Pillar A: Leverage Private Development to Address Affordable Housing Needs

Policy Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations

Policy Pillar C: Encourage Development of "Missing Middle Housing" that Serves Low- and Moderate-Income Households

Policy Pillar D: Increase Local Funding to Continue Supporting Development of Affordable and Special Needs Housing

The focus of the attached reports and presentation to the City Council is on *Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations* and the following Strategy implementation actions:

- *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.*

Additional information regarding the Policy Pillars, along with their associated strategies, is included in *Affordable Housing Strategy Pamphlet* (Attachment 4).

The City Council and Community Development staff held multiple study sessions over a nine-month period between August 2018 and May 2019 to focus on *Pillar B* and discuss potential policy options. On May 7, 2019, the following actions were taken the City Council:

- Adoption of the *Rent Registry Ordinance*: El Cerrito Municipal Code Chapter 10.100 ([Ordinance 2019-03](#)), established an annual reporting requirement for all residential rental property owners to submit data into a City database regarding rents and other relevant information.
- Adoption of *Just Cause for Eviction*: El Cerrito Municipal Code Chapter 10.300 ([Ordinance 2019-04](#)), established enumerated reasons for which a landlord can terminate tenancy for multi-family properties with five or more units that received a Certificate of Occupancy issued before January 1, 2015. Note: Per a referendum petition filed with the City Clerk on June 10, 2019, this item was repealed by the City Council on July 31, 2019 ([Ordinance 2019-07](#)).
- Formation of the Tenant Protections Task Force: Established by [Resolution 2019-33](#), this special body is comprised of eight members made up equally of landlords and tenants led by a professional facilitator/mediator along with Community Development staff as the liaison. The Task Force efforts were guided by *Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations* of the *Strategy*. The purpose of the Task Force was to bring together landlords and tenants to find common ground to make policy recommendations to the City Council for their consideration. The Task Force was initially slated to meet a minimum of three times over a six-month period.

On August 20, 2019, the City Council appointed eight members and adopted an amendment to the duties and responsibilities of the Tenant Protections Task Force to include the Just Cause for Eviction policy ([Resolution 2019-51](#)) and extended their duration to a period of 12 months. Due to COVID-19 and while waiting for the Rent Registry data, the City Council adopted [Resolution 2020-46](#) on September 15, 2020 to allow the Task Force through December 2020 to complete their work. The Task Force was charged with examining and making recommendations regarding the policies below to the City Council for consideration, as defined in the Resolutions.

- a. Rent Review programs
- b. Tenant Relocation Assistance due to Demolition policy
- c. Tenant Relocation Assistance due to Rent Increase policy
- d. Just Cause for Eviction
- e. Other recommendations considered by the Task Force with respect to Tenant Protections

Given the complexity of this topic, the City engaged the Consensus Building Institute (CBI), a non-profit organization with over twenty years of experience in providing facilitation and mediation services, to provide professional facilitation/mediation to support the Task Force.

ANALYSIS

Tenant Protections Task Force

The *Tenant Protections Task Force Recommendations Report* (Attachment 2) prepared by CBI, outlines, and details the background, process overview, meeting topics and recommendations. The policies in the report were guided by the City Council resolutions and recommendations are based on input from both tenants and landlords. The report also took into consideration policies where no action or consensus was reached. The Task Force met five times beginning Fall 2019 and dissolved on December 20, 2020.

Assembly Bill 1482: Tenant Protection Act of 2019

After the Task Force held its inaugural meeting on September 23, 2019, Governor Newsom signed [Assembly Bill 1482: Tenant Protection Act of 2019 – Rent Caps](#) on October 8, 2019, which took effect January 1, 2020 and sunsets January 1, 2030. AB 1482 includes annual rent increase caps of 5% plus inflation or 10%, whichever is lower; protections for ‘just cause’ and ‘no-fault’ evictions; relocation assistance; and revised tenant noticing requirements. Most multifamily rental properties that are at least 15 years old are subject to this law, with some exceptions. The Assistant City Attorney provided a presentation to the Task Force during the October 19, 2019 meeting to review *AB 1482: Tenant Protection Act of 2019* (Attachment 3) along with a side-by-side analysis of it and the policies previously considered by the City Council. The Task Force utilized this information during their deliberations, as noted in CBI’s report.

Rent Registry

As direction to develop a Rent Registry was adopted by the City Council in May 2019, City staff worked to develop the Rent Registry system to be able to coincide data collection with the annual Business License process, which occurs annually every July.

Rental property owners are required to obtain business licenses, so synchronizing the two programs aims to build efficiency and simplify communication with rental property owners. In the program’s first year, the program aimed to communicate the requirement and establish a system for collecting data. The first-year cycle sought data from property owners over a two-year reporting period between July 1, 2017 – June 30, 2019. *The Year One, Rent Registry Presentation* (Attachment 1) was shared with Task Force members in September 2020. In addition to presenting the data collected, it also covers information regarding lessons learned in the first year of the program.

COVID-19

In response to COVID-19, Community Development staff worked with the City Attorney and City Council to adopt an [Urgency Ordinance Enacting a Temporary Eviction Moratorium](#) to protect residential and commercial tenants financially affected by COVID-19. The Ordinance was adopted on March 25, 2020 and is set to expire upon the expiration of the local emergency or the [Governor’s Proclamation Of A State of Emergency](#), whichever is later. The provisions provide temporary rent forbearance to those who qualify by providing 180 days, from the Ordinance expiration date, to catch up on unpaid rent and suspends late fees from being charged for qualified residential

and commercial tenants who can demonstrate loss of income or revenue due to COVID-19. The County and State also adopted temporary eviction and rent increases protections.

STRATEGIC PLAN CONSIDERATIONS

These reports fulfill 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

This section is not applicable to this agenda item.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. Presentation
2. Recommendations Report
3. AB 1482 Summary, Tenant Protections Policies - Comparison Table
4. Affordable Housing Strategy Pamphlet

THE CITY OF EL CERRITO RENT REGISTRY YEAR ONE: PROGRAM UPDATE

MARCH 2, 2021



TENANT PROTECTIONS: CITY ACTIONS

- *Affordable Housing Strategy: Adopted August 2017*
- Met with a variety of stakeholders and jurisdictions: Spring - Summer 2018
- Tenant Protections Study Session I: August 21, 2018
- Community Workshop: November 8, 2018
- Introduction of Tenant Protection Ordinances: December 18, 2018
- Citywide Mailing – Tenant Protection Study Session II: February 2019
- Tenant Protection Study Session II: February 19, 2019
- Study Session II (continued): Special Meeting:, March 5, 2019
- May 2020: Just Cause for Eviction, Rent Registry and Task Force Adopted
- August 20, 2019 :Tenant Protections Task Force Appointed
- March 25, 2020: Urgency Ordinance, COVID-19 Eviction Moratorium

TENANT PROTECTIONS: STATE ACTIONS

-
- *AB 1482: Tenant Protection Act of 2019, effective January 1, 2020*
 - *AB 1110: Rent Increase Noticing, effective January 1, 2020*
 - *SB 329: Source of Discrimination, effective January 1, 2020*

RENT REGISTRY: IMPLEMENTATION TIMELINE



May 21, 2019: City Council Adopted Chapter 10.100 Rent Registry



June 2019: Development of Online Rent Registry Portal & Paper Form, Program Materials, etc. (existing business license software)



July 1, 2019: Annual Business License Renewals & Rent Registry Notices



Data Reporting Period: July 1, 2017 – June 30, 2019



September 2019: New Staff Position, Administrative Clerk-Specialist



September & October 2019: Tenant Protections Task Force Convened

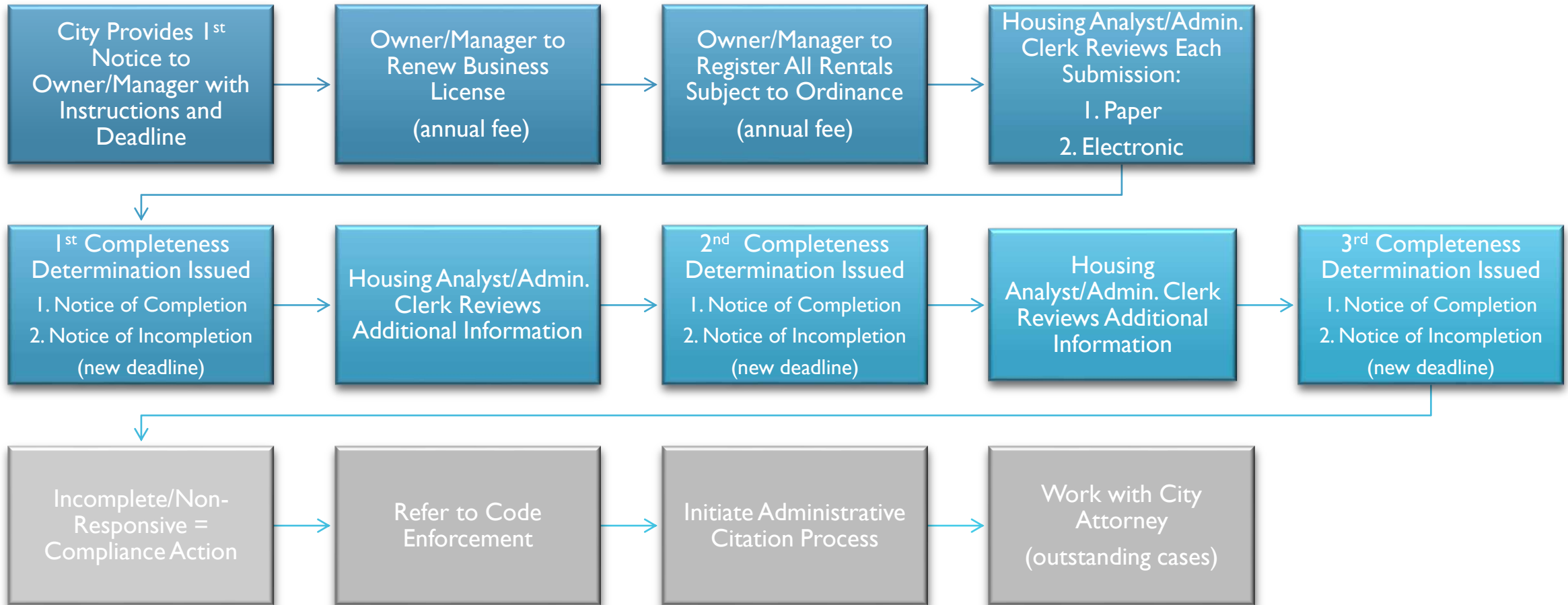
RENT REGISTRY: APPLICABILITY

EL CERRITO MUNICIPAL CODE CHAPTER 10.100



- **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

RENT REGISTRY: REGISTRATION PROCESS



Note: Activities shown in grey did not occur due to time constraints and COVID-19.

RESIDENTIAL RENTAL BUSINESS LICENSES: BY THE NUMBERS

FISCAL YEAR 2019/2020: JUNE 1, 2019 – JUNE 30, 2020

- 947 Active Residential Rental Business Licenses
- Covering 2,742 Units
- Estimated 4,000 Renter Households in El Cerrito (*2015-2023 Housing Element*)

Status by Type	# Licenses	# Units
Notice of Completion (completed)	700	1,906
Notice of Incompletion (submitted)	47	175
No Response (no action)	200	661
TOTAL	947	2,742



July 1, 2017 –
June 30, 2019
Reporting
Period

747
Submissions

523 Completed
by Paper

224 Completed
Online

RENT REGISTRY: YEAR 1 RESPONSES RECEIVED

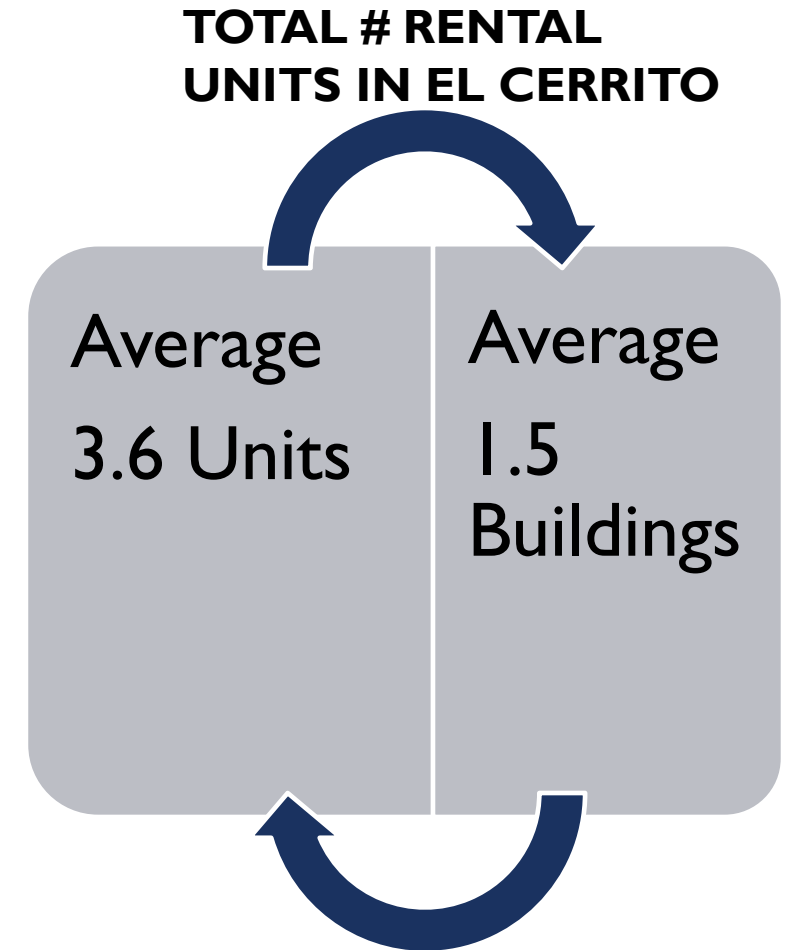
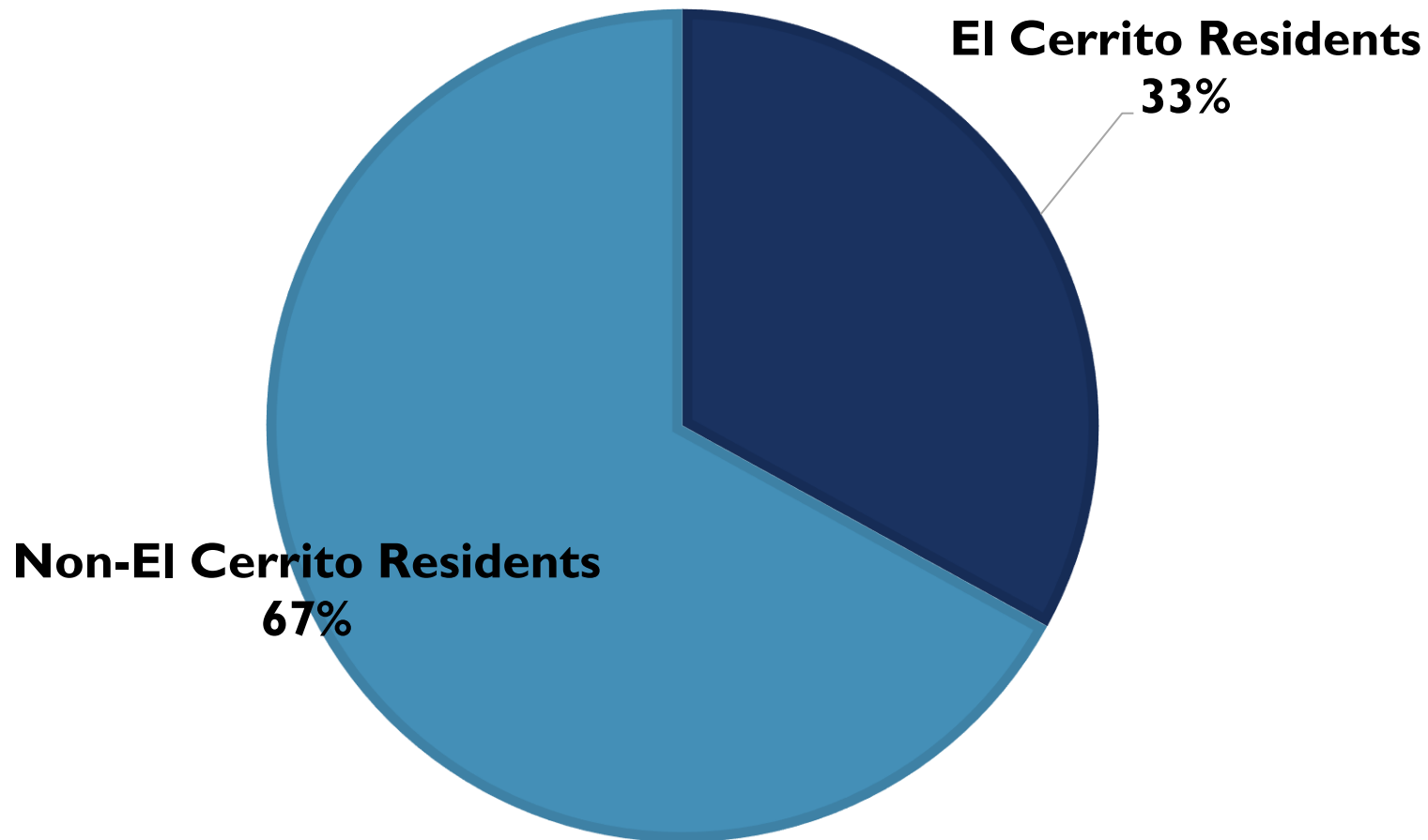
RENT REGISTRY ORDINANCE: DATA POINTS

PROPERTY 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

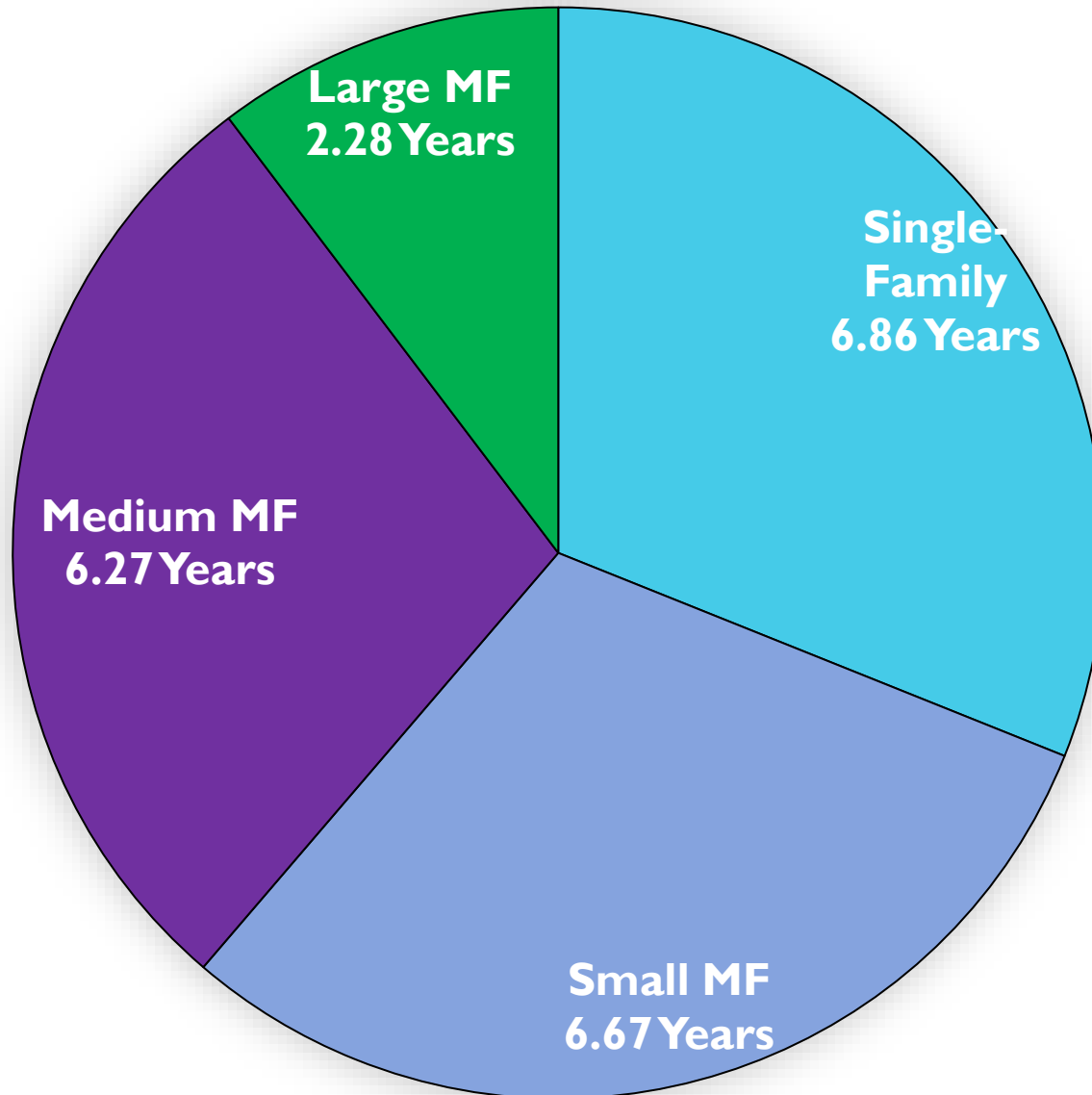
OVERVIEW OF PROPERTIES BY TYPE: RESPONSES RECEIVED

PROPERTY TYPES	NUMBER OF UNITS	OCCUPANCY STATUS
- Single-Family Residence - Condominium/Townhome - Accessory Dwelling Unit (ADU)	283 Single-Family Residences 10 Condominium/Townhome 10 Accessory Dwelling Units 303 Properties/Units	13 Vacant 1 Section 8
Small Multi-Family: 2-4 Units	Duplex: 88 Properties; 176 Units Triplex: 23 Properties; 69 Units Quadraplex: 94 Properties; 376 Units 205 Properties; 621 Units	612 Rented 9 Vacant 1 Section 8
Medium Multi-Family: 5-40 Units	59 Properties 570 Units	557 Rented 13 Vacant 4 Section 8
Large Multi-Family: 41+ Units	3 Properties 412 Units	404 Rented 8 Vacant 0 Section 8

EL CERRITO PROPERTY OWNER PROFILE: RESPONSES RECEIVED



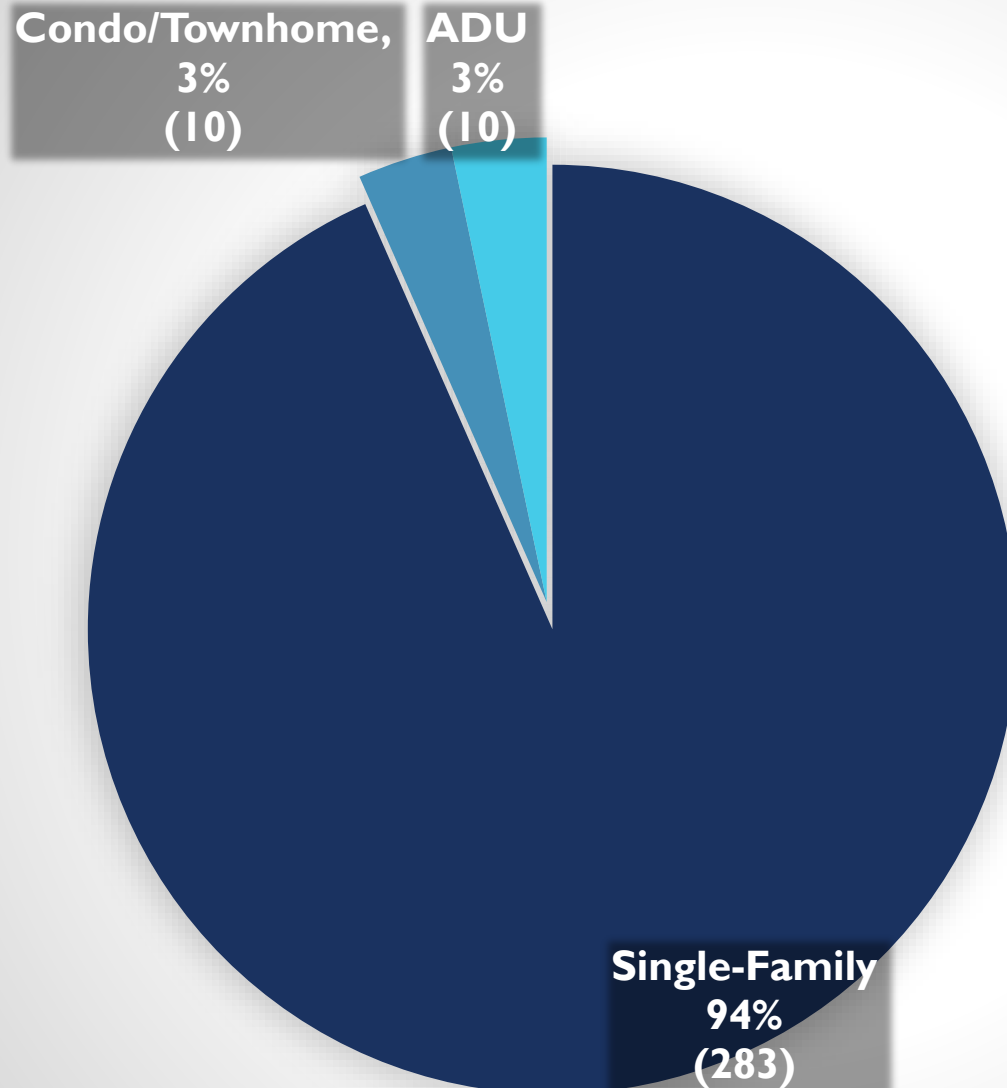
Average Length of Tenancy



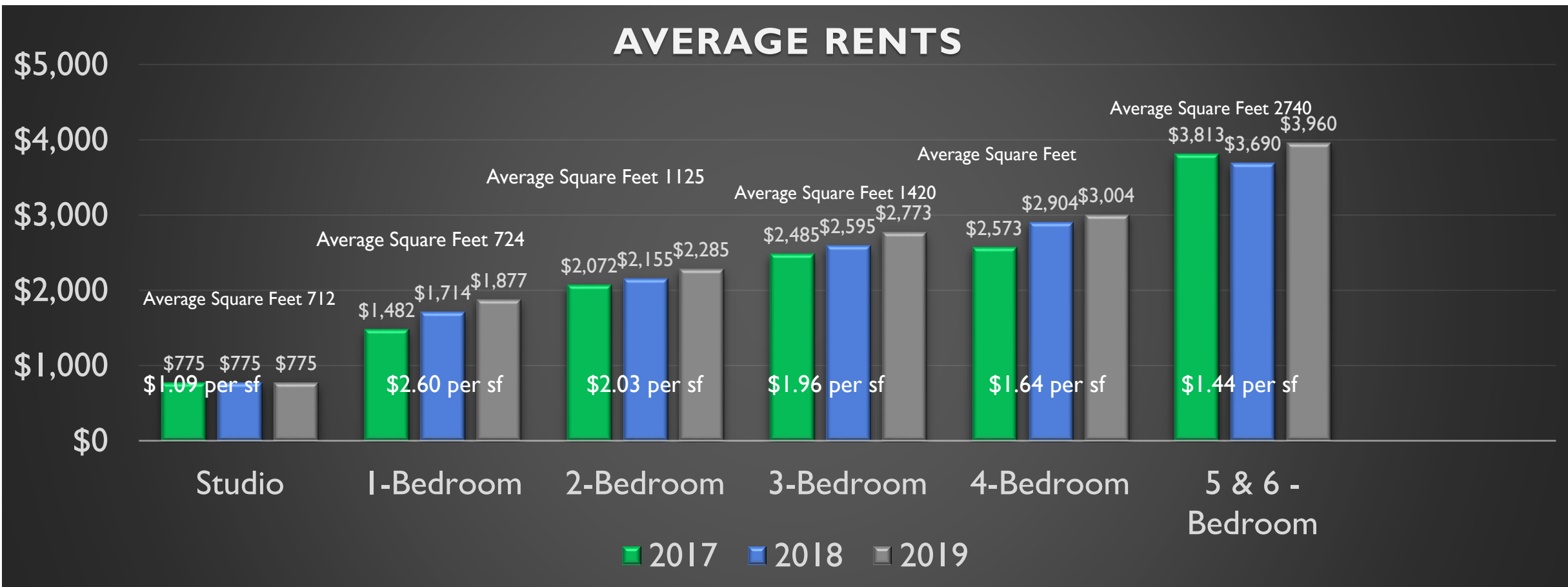
**AVERAGE TENANCY
BY PROPERTY TYPE:
RESPONSE RECEIVED**

-
- SINGLE-FAMILY RESIDENCES
 - CONDOS/TOWNHOMES
 - ACCESSORY DWELLING UNITS

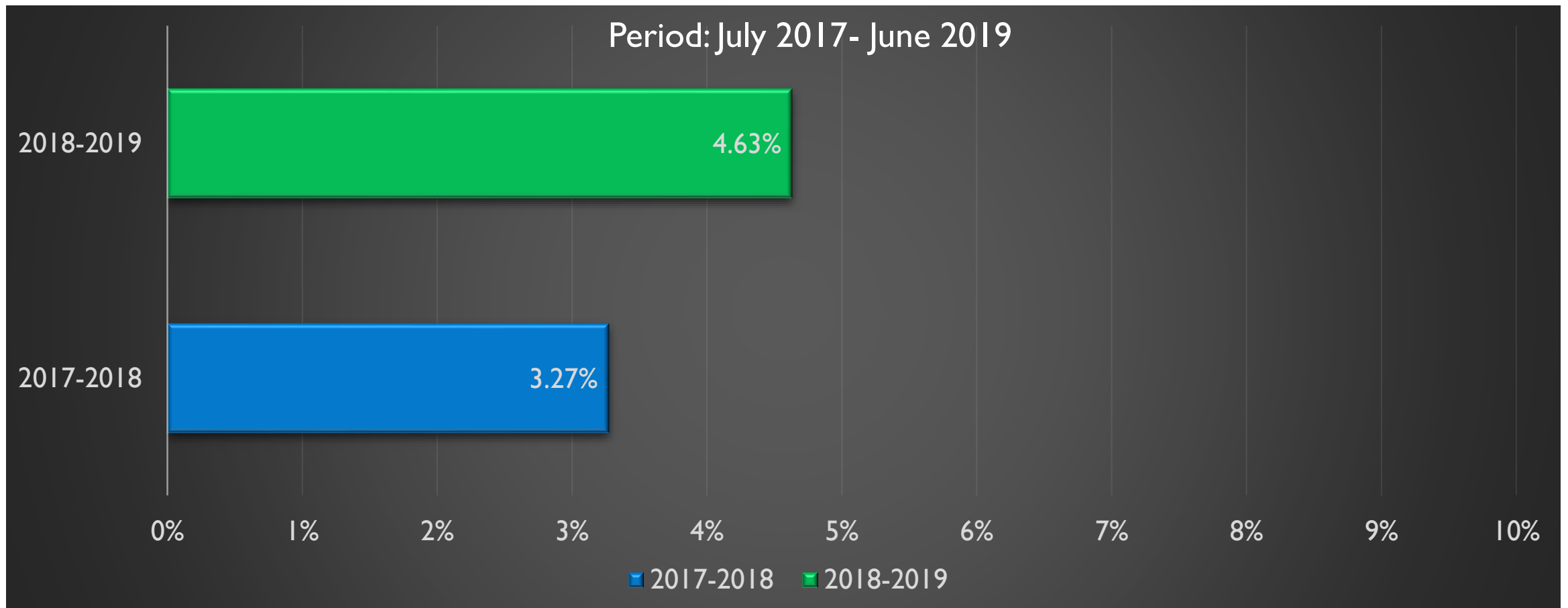
Responses Received by Property Type



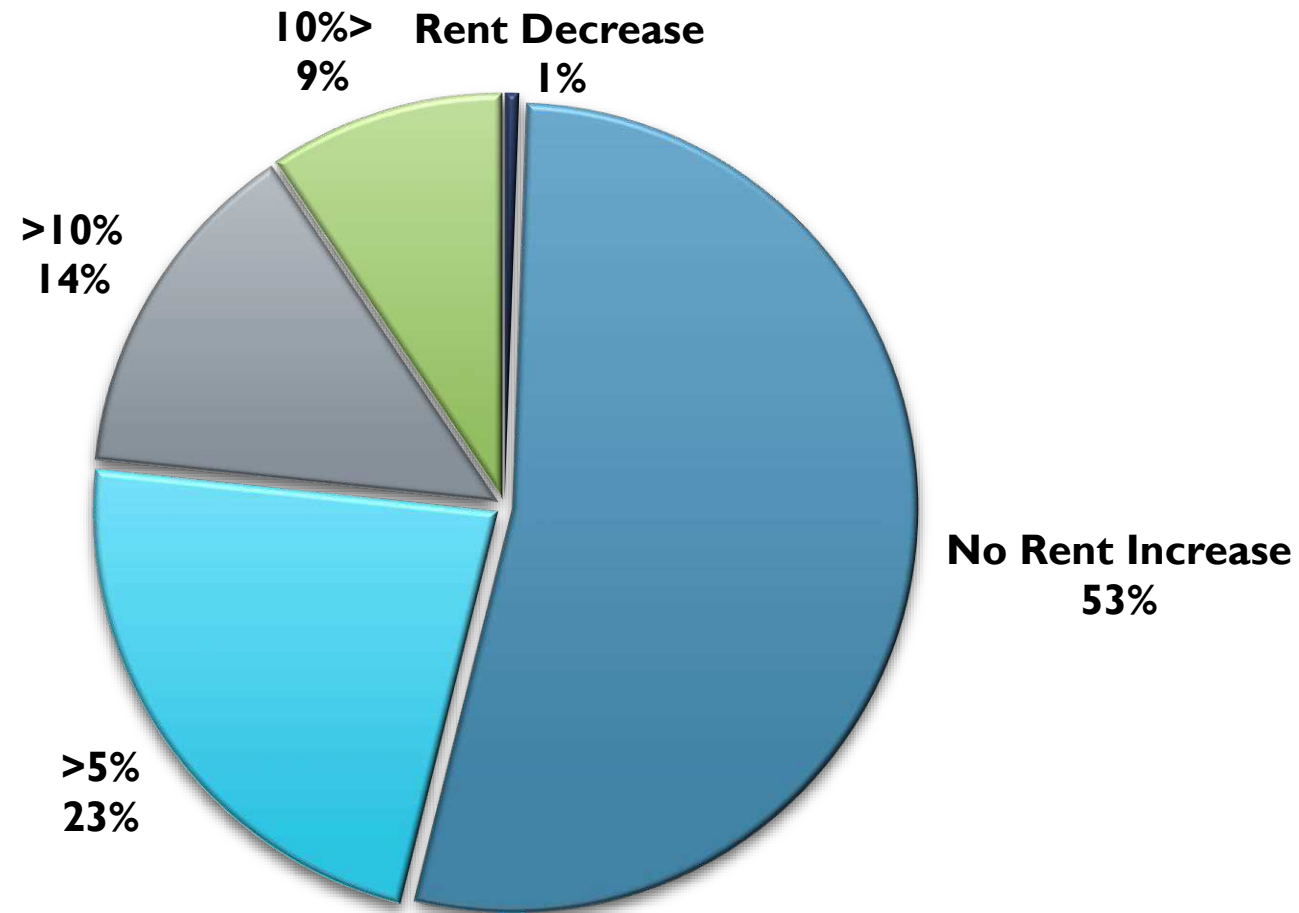
SINGLE-FAMILY, CONDO/TOWNHOME, ADU : AVERAGE RENTS BETWEEN 2017 – 2019
- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

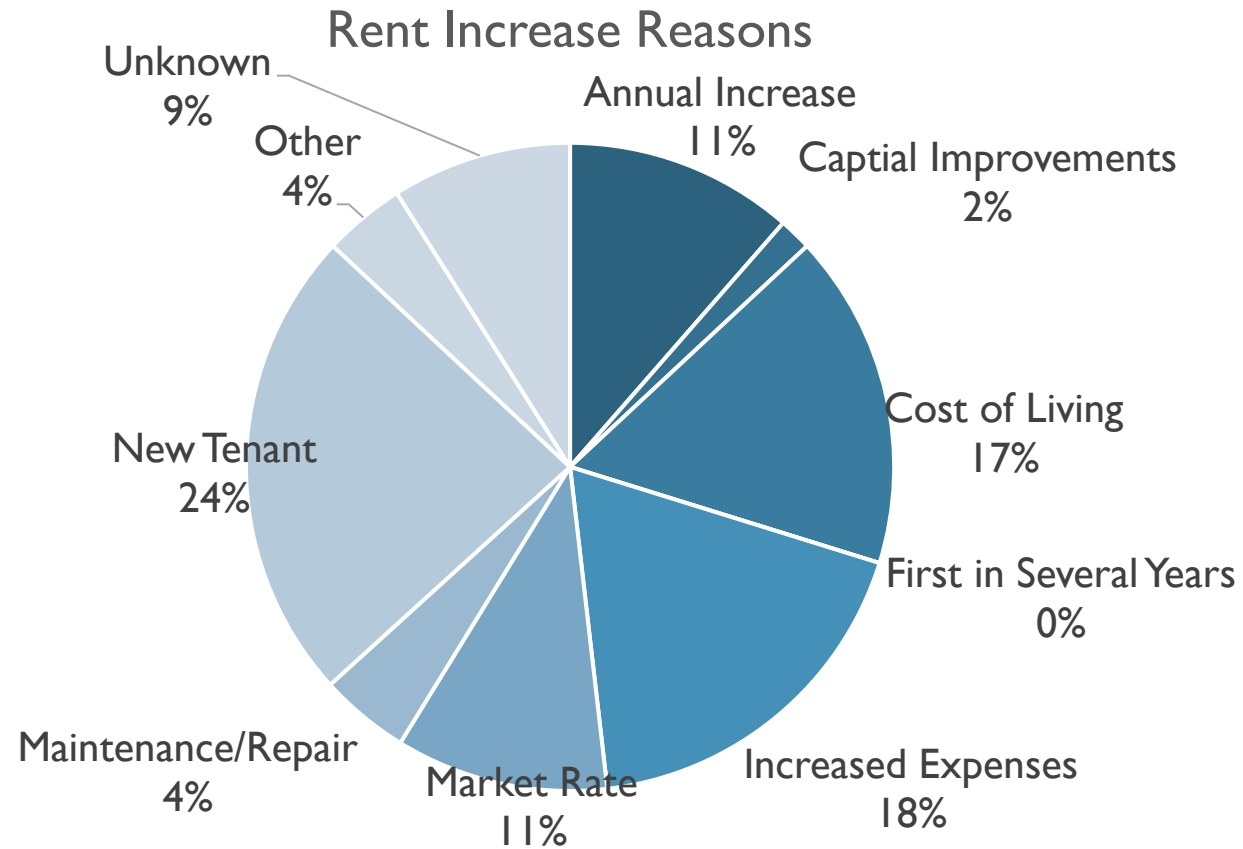


SINGLE-FAMILY, CONDO/TOWNHOME, ADU: AVERAGE RENT INCREASES BY YEAR

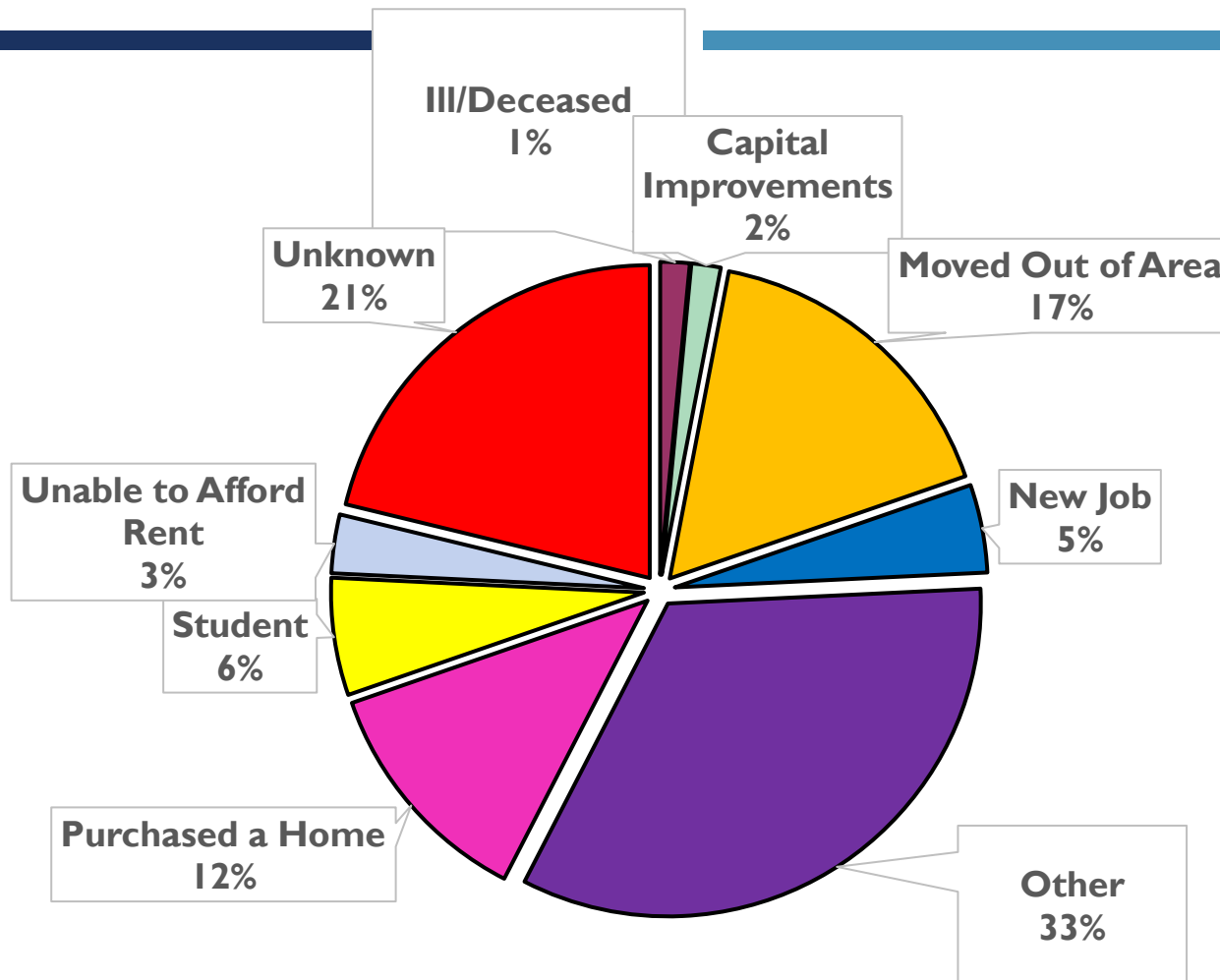


SINGLE-FAMILY, CONDO/TOWNHOME, ADU: RENT INCREASE THRESHOLDS BETWEEN JULY 2017- JUNE 2019





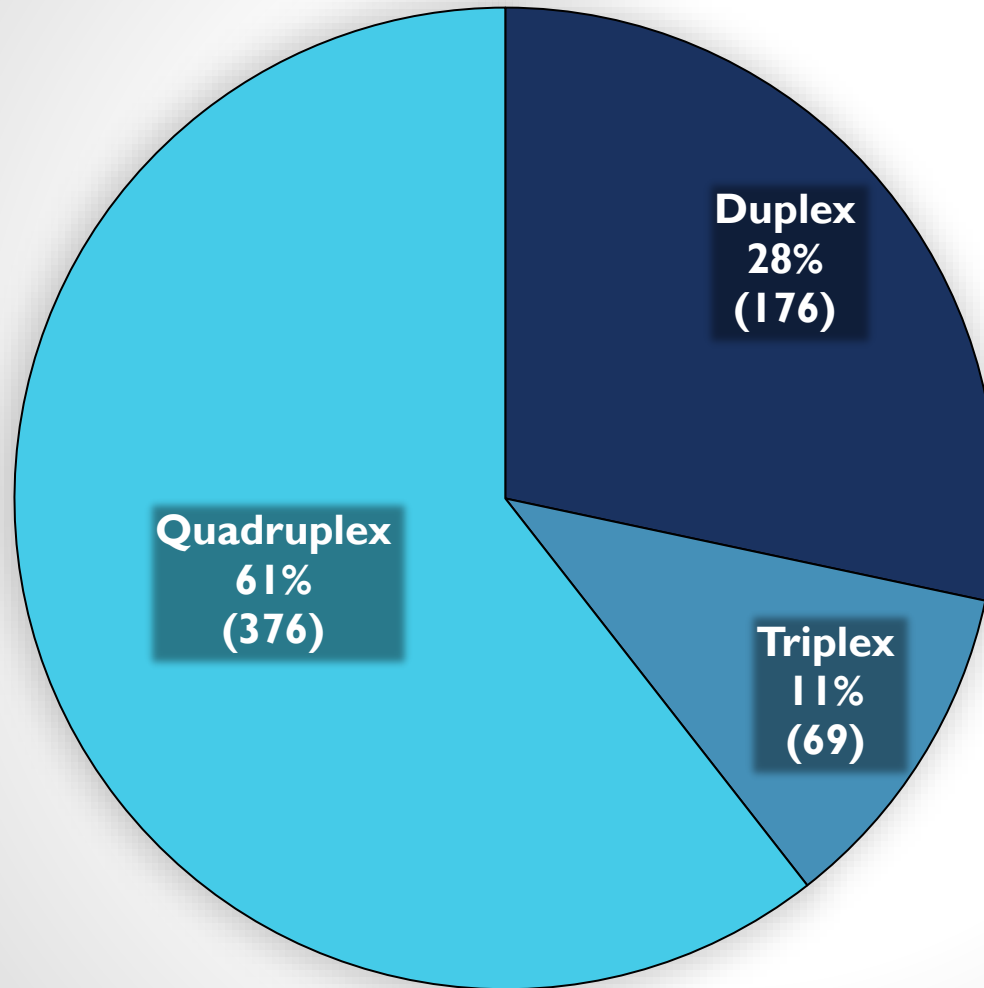
SINGLE-FAMILY, CONDO/TOWNHOME, ADU: REPORTED RENT INCREASES REASONS BY CATEGORY



**SINGLE-FAMILY, ADU
CONDO/TOWNHOME
REASONS FOR MOVE-OUT:
REPORTED BY PROPERTY
OWNERS/MANAGERS**

SMALL MULTI-FAMILY: 2-4 UNITS

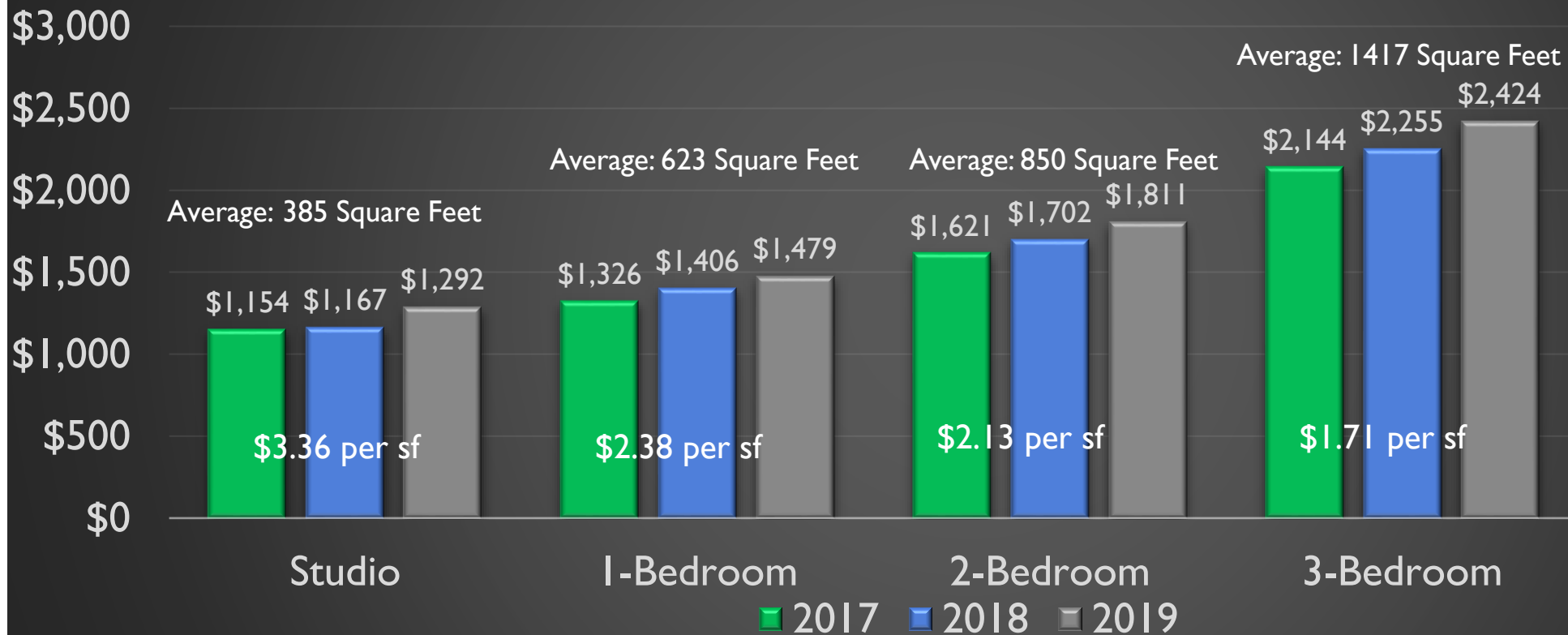
Small Multi-Family, 2-4 Units: Responses Received by Property Type



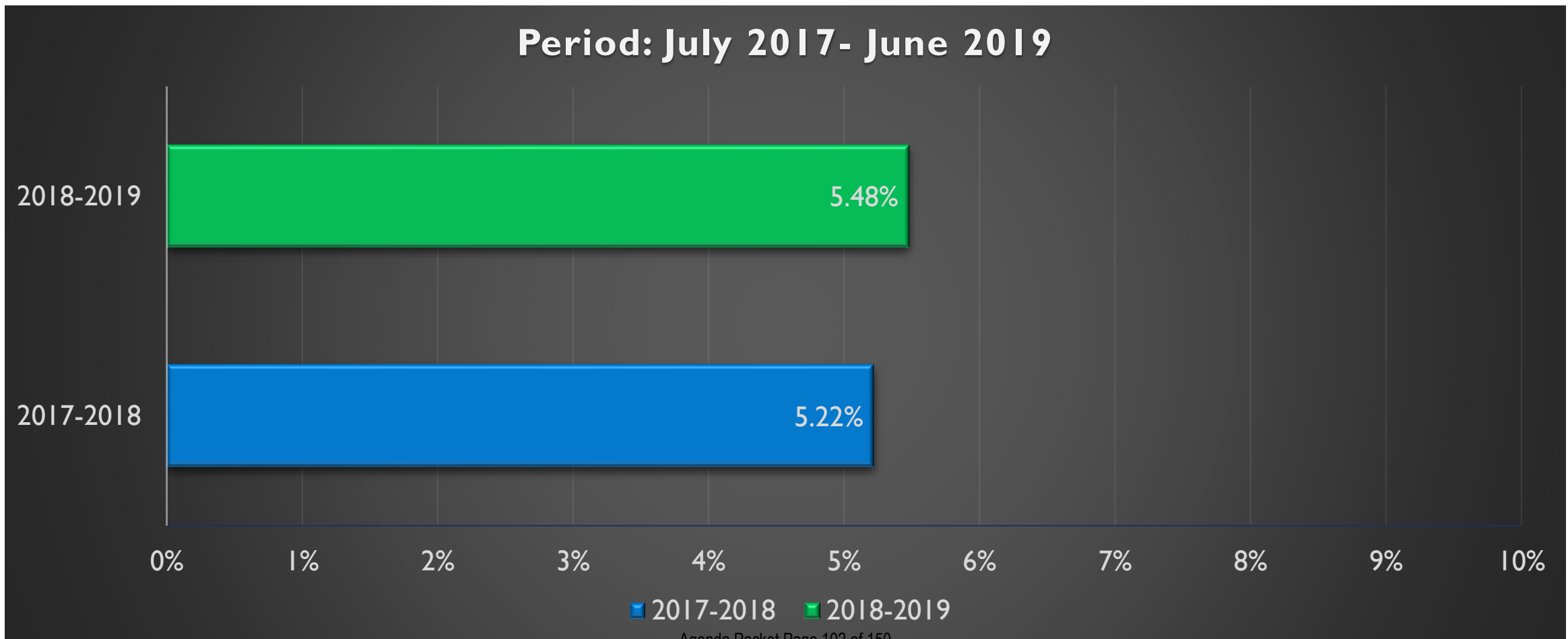
SMALL MULTI-FAMILY, 2-4 UNITS:

- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

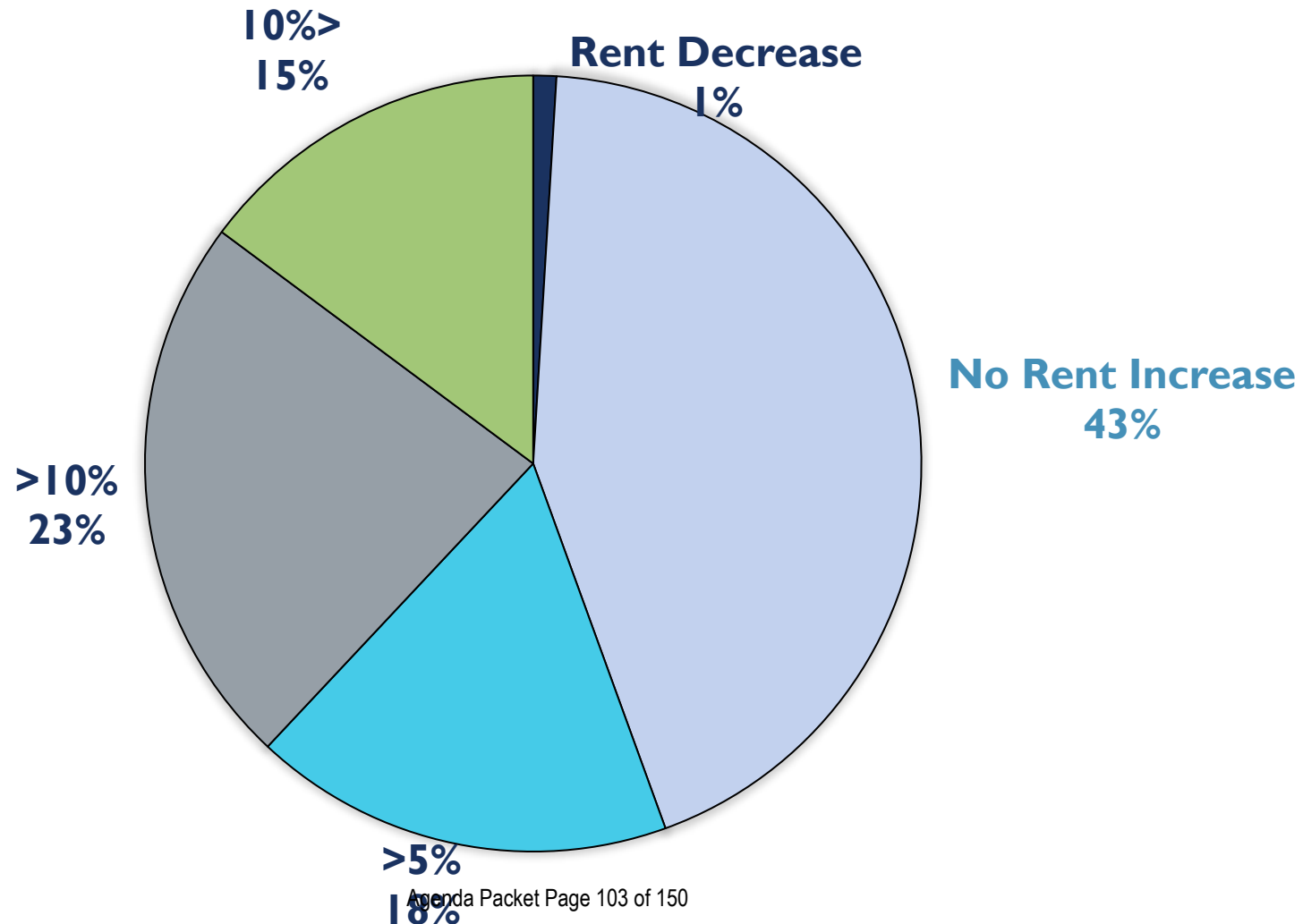
2-4 UNITS – AVERAGE RENTS



SMALL MULTI-FAMILY, 2-4 UNITS: AVERAGE RENT INCREASES BY YEAR



SMALL MULTI-FAMILY, 2-4 UNITS: RENT INCREASE THRESHOLDS BETWEEN JULY 2017- JUNE 2019



Unknown
3%

Rent Increase Reasons

Other
0%

Annual Increase
14%

**Capital
Improvements**
6%

Cost of Living
12%

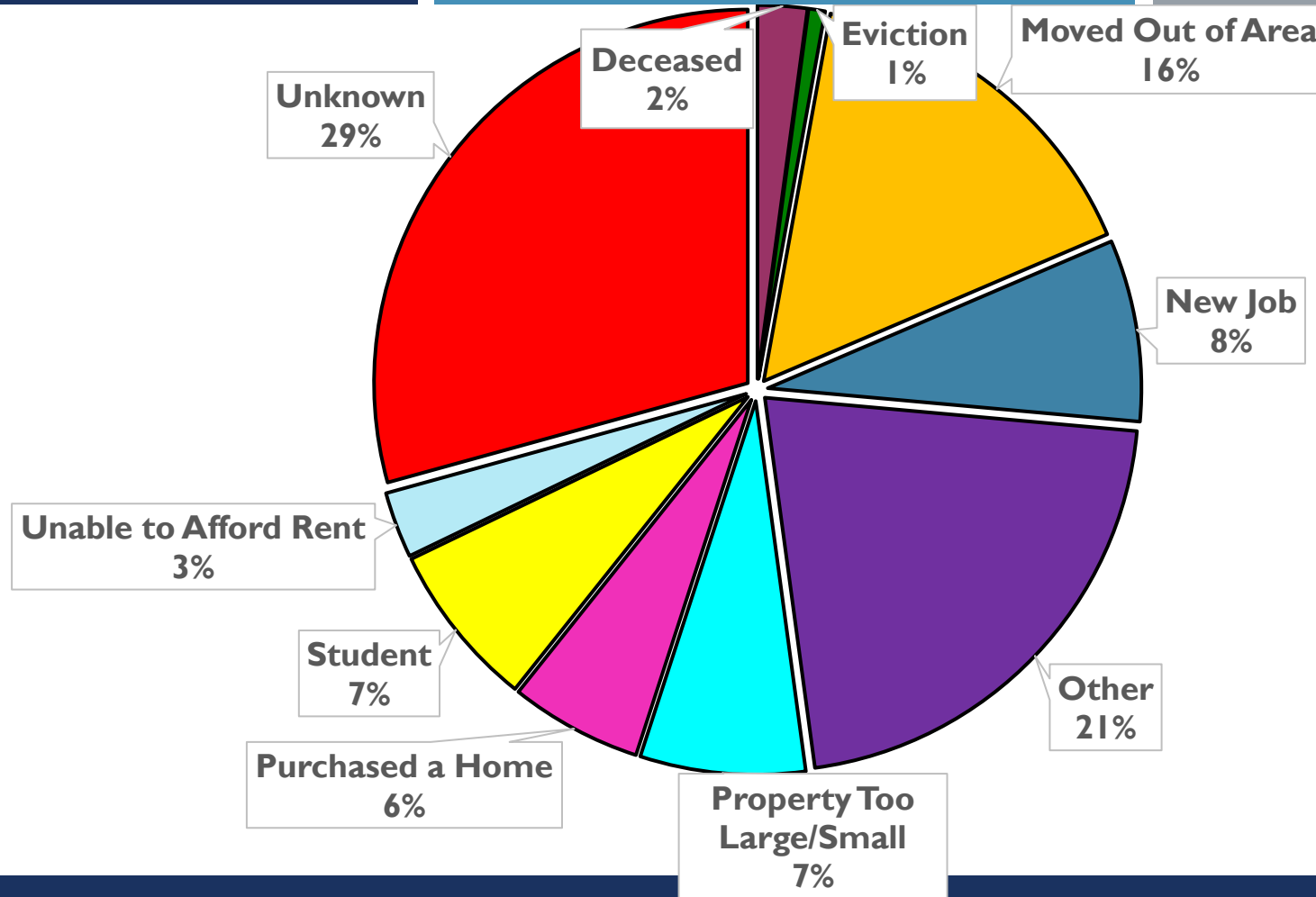
First in Several Years
4%

Increased Expenses
21%

Maintenance/Repair
12%

New Tenant
28%

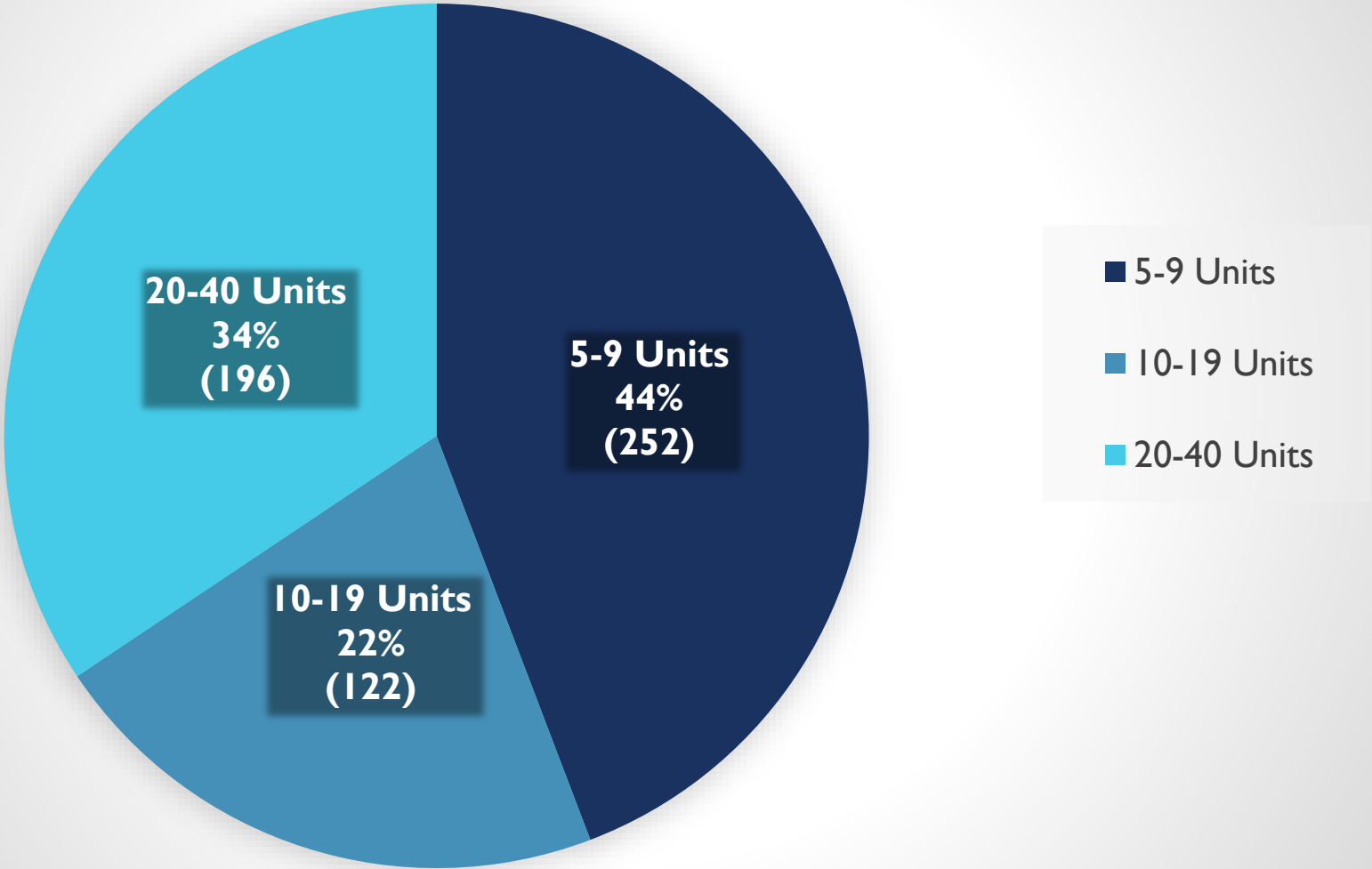
**SMALL MULTI-FAMILY, 2-4 UNITS:
REPORTED RENT INCREASES REASONS BY CATEGORY**



SMALL MULTI-FAMILY, 2-4 UNITS: REASONS FOR MOVE-OUT, REPORTED BY PROPERTY OWNERS/MANAGERS

MEDIUM MULTI-FAMILY: 5-40 UNITS

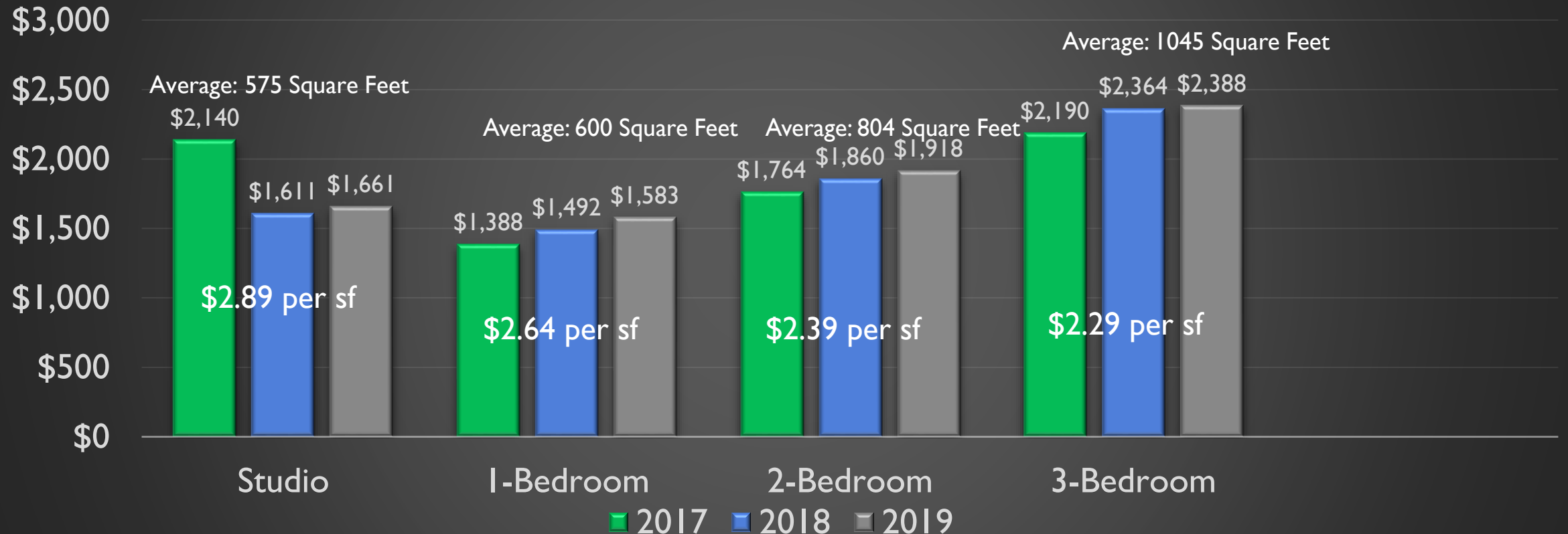
Medium Multi-Family, 5-40: Responses Received by Property Type



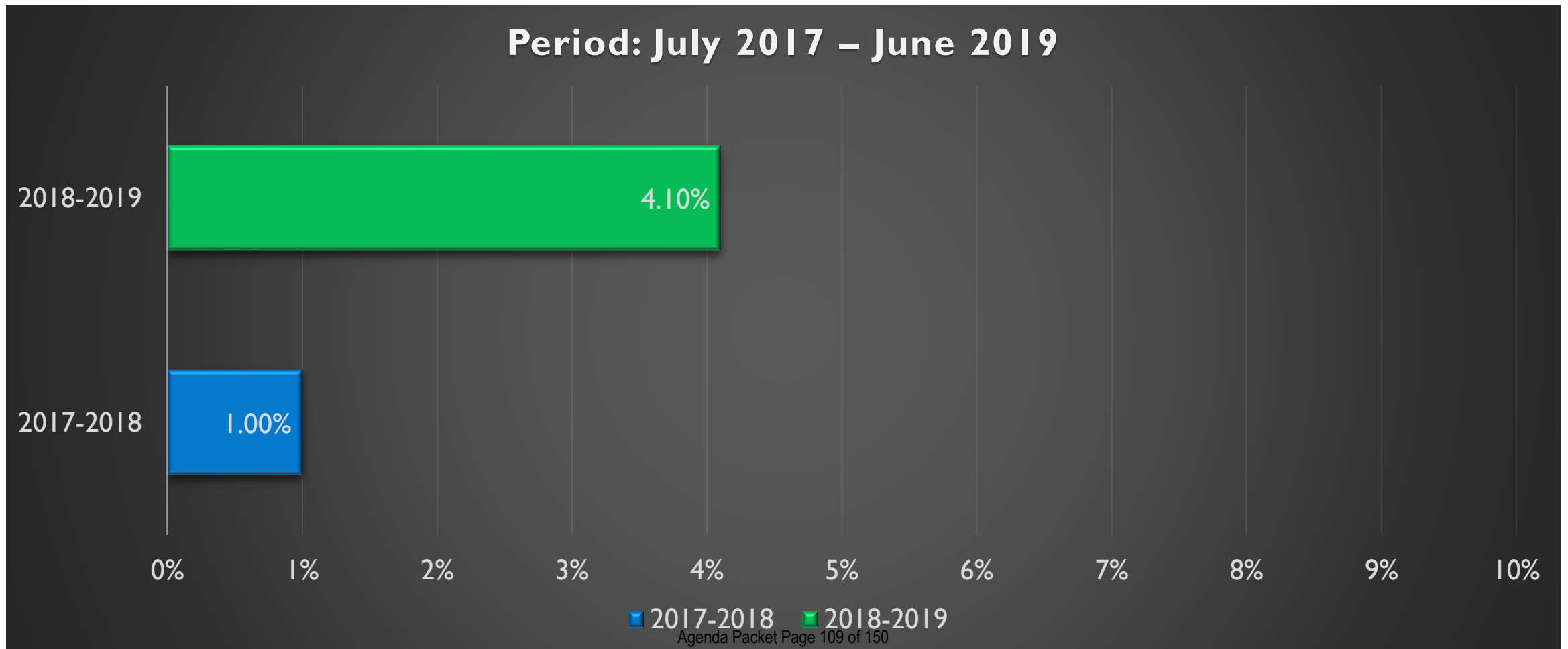
MEDIUM MULTI-FAMILY, 5-40 UNITS:

- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

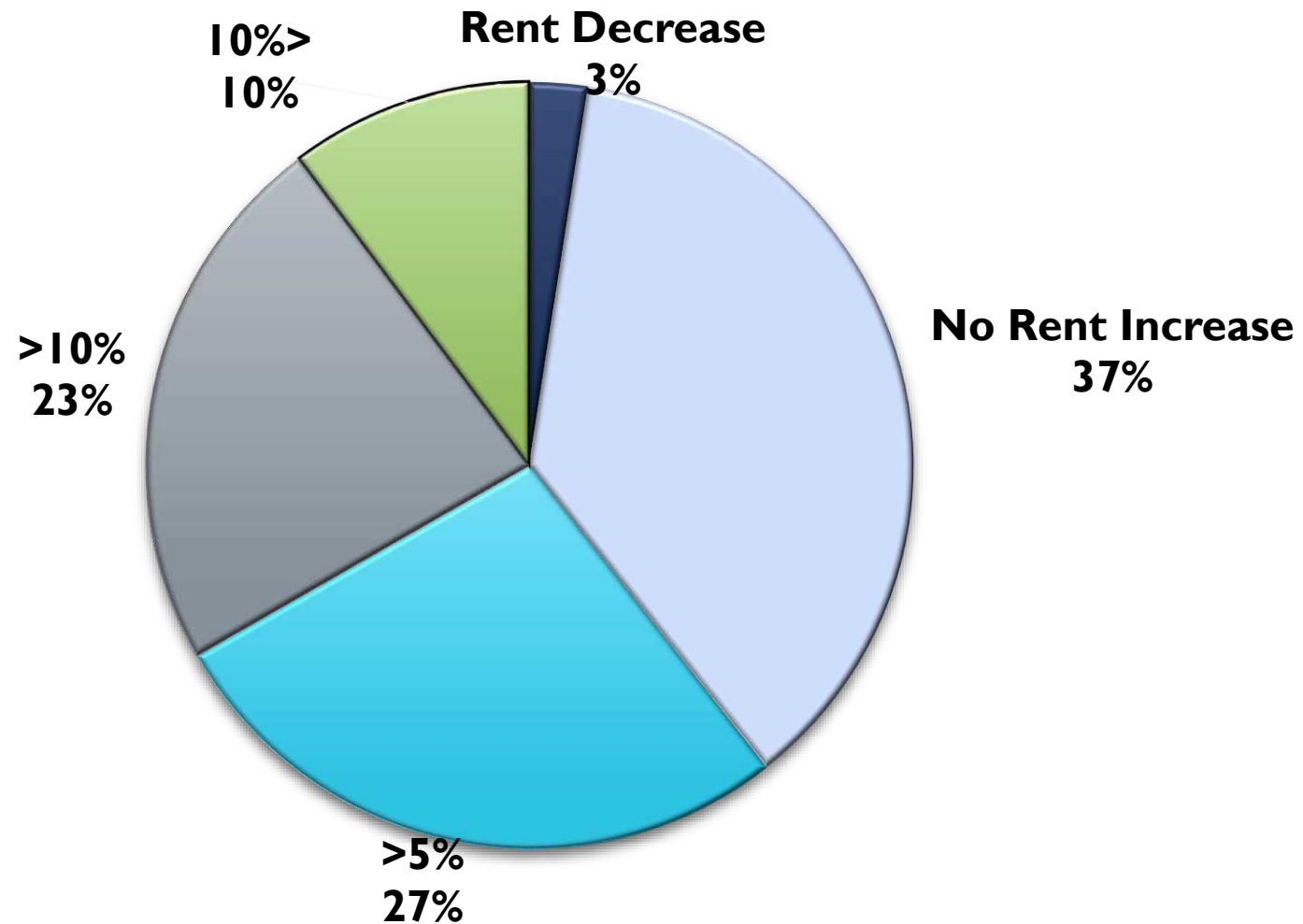
5-40 UNITS – AVERAGE RENTS

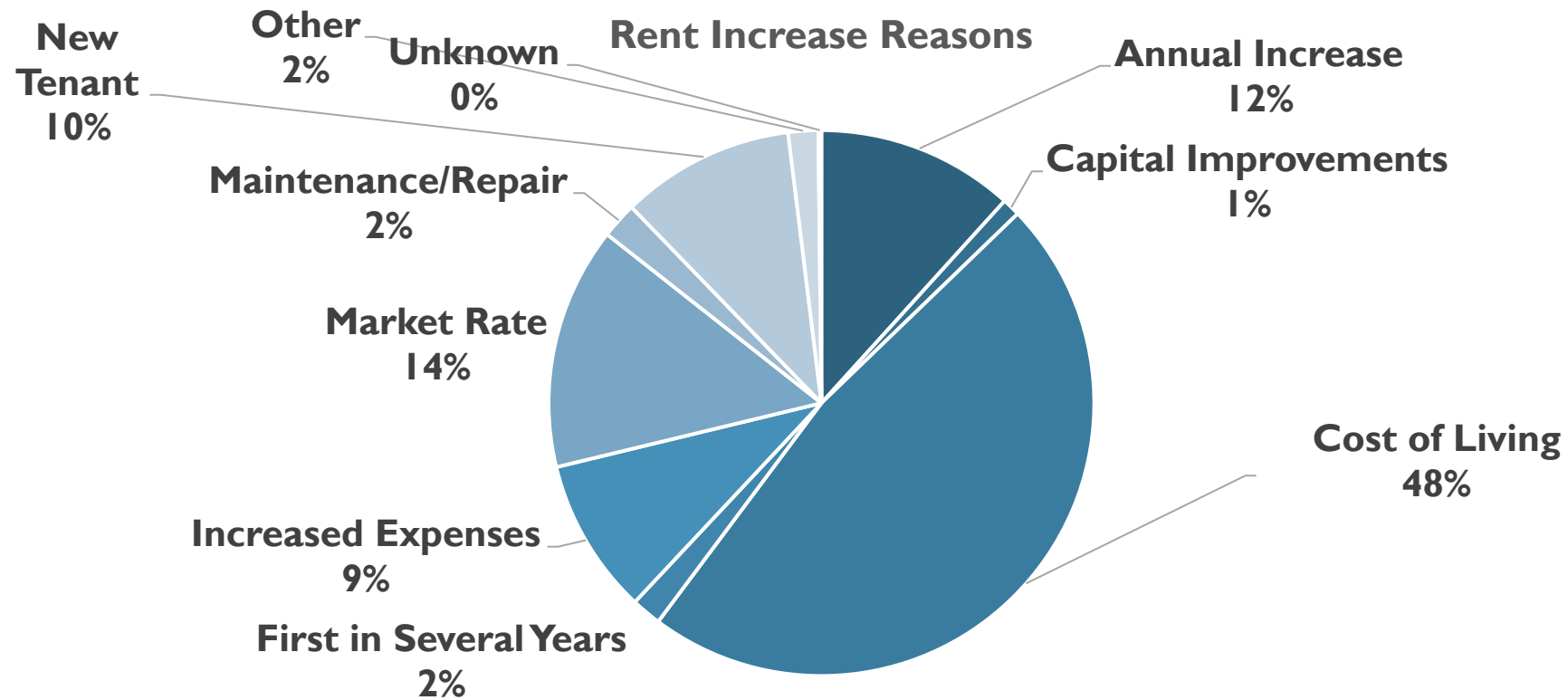


MEDIUM MULTI-FAMILY, 5-40 UNITS: AVERAGE RENT INCREASES BY YEAR

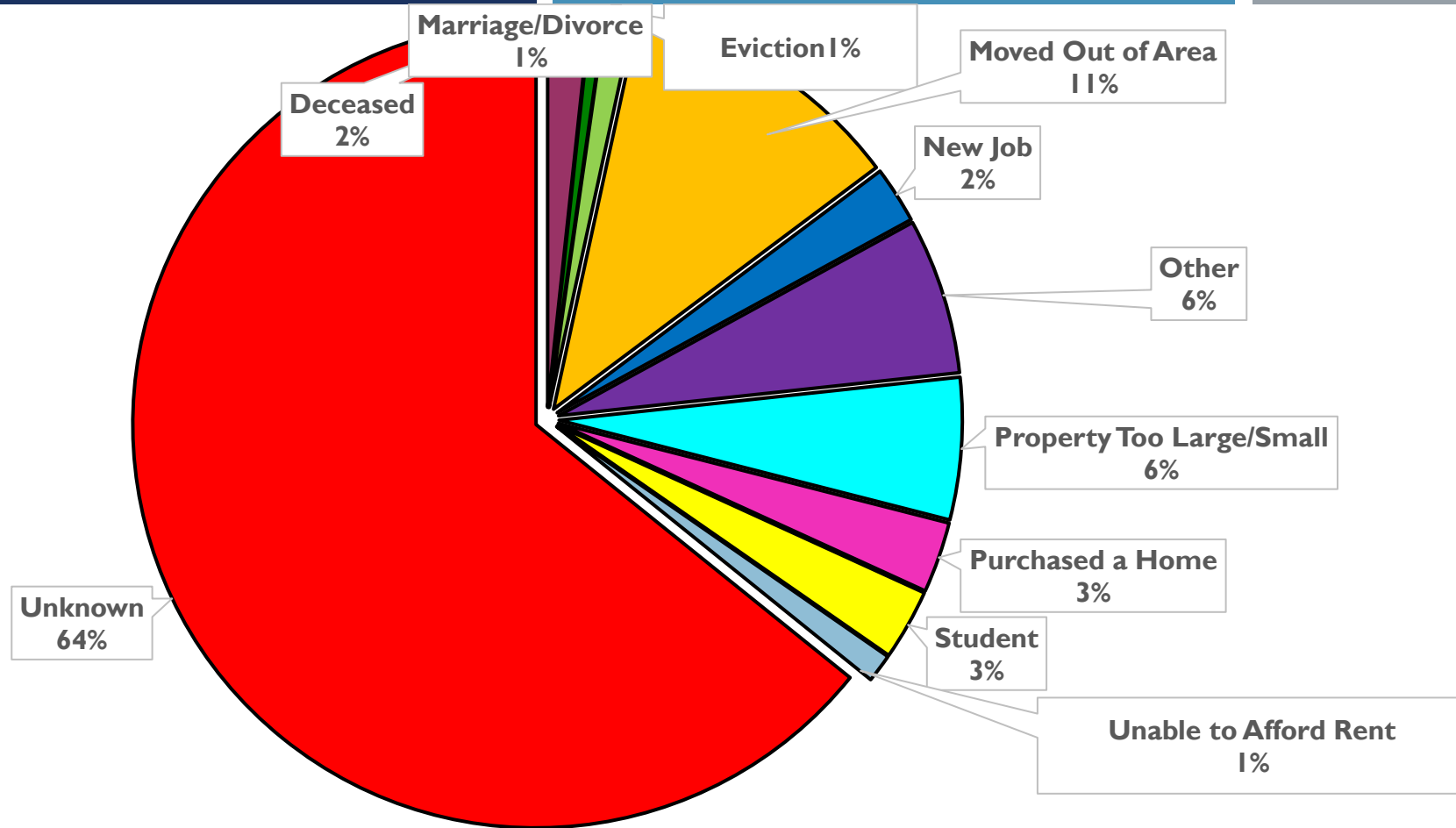


MEDIUM MULTI-FAMILY, 5-40 UNITS: RENT INCREASE THRESHOLDS BETWEEN JULY 2017- JUNE 2019





MEDIUM MULTI-FAMILY, 5-40 UNITS: REPORTED RENT INCREASES REASONS BY CATEGORY



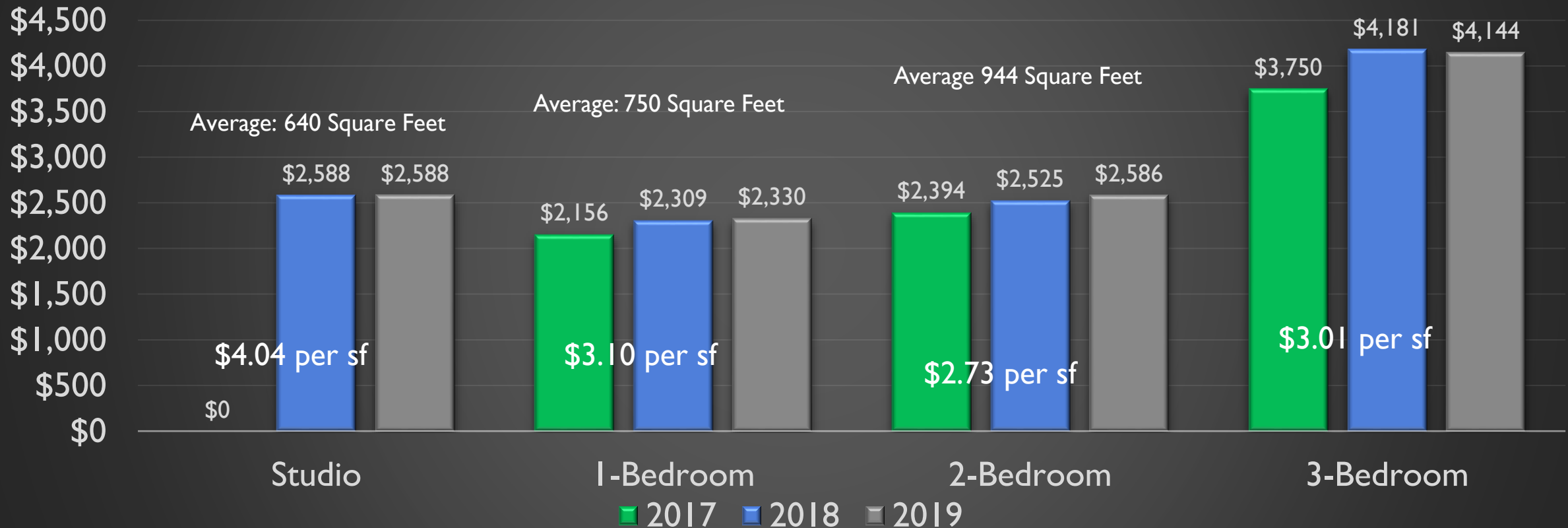
MEDIUM MULTI-FAMILY, 5 - 40 UNITS: REASONS FOR MOVE-OUT, REPORTED BY PROPERTY OWNERS/MANAGERS

LARGE MULTI-FAMILY: 41+ UNITS

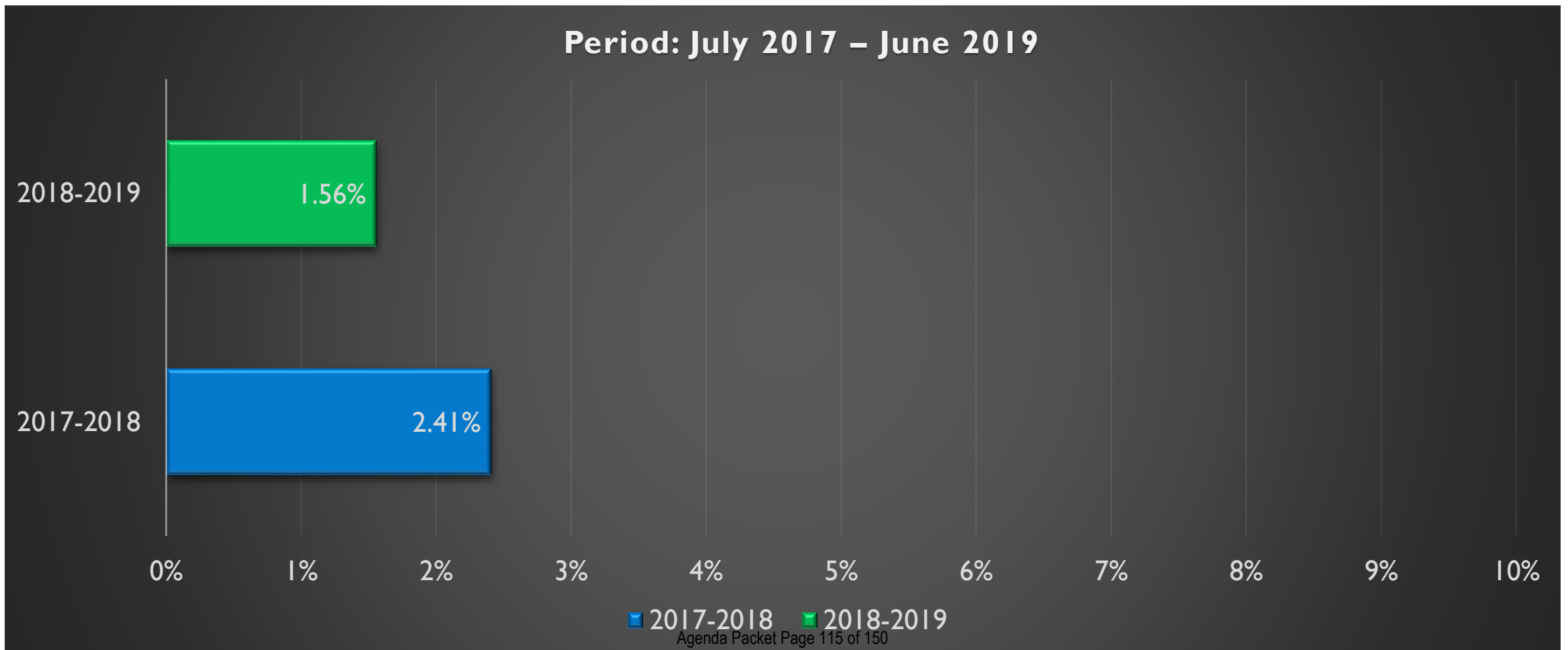
LARGE MULTI-FAMILY, 41+ UNITS:

- AVERAGE RENTS BY BEDROOM SIZE BETWEEN JUNE 2017 – JULY 2019
- AVERAGE PRICE PER SQUARE FOOT (SF) 2019

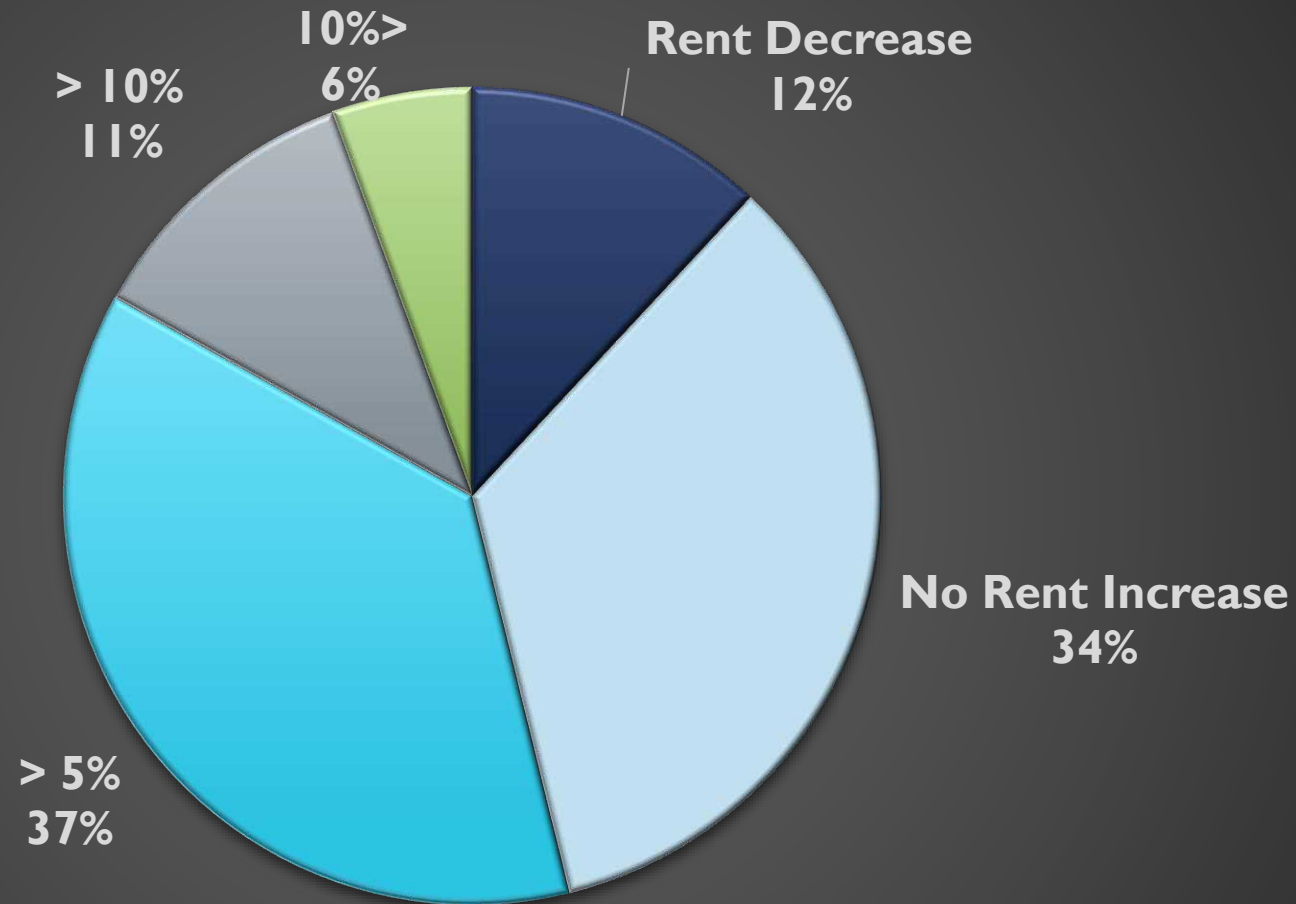
41+ UNITS – AVERAGE RENTS



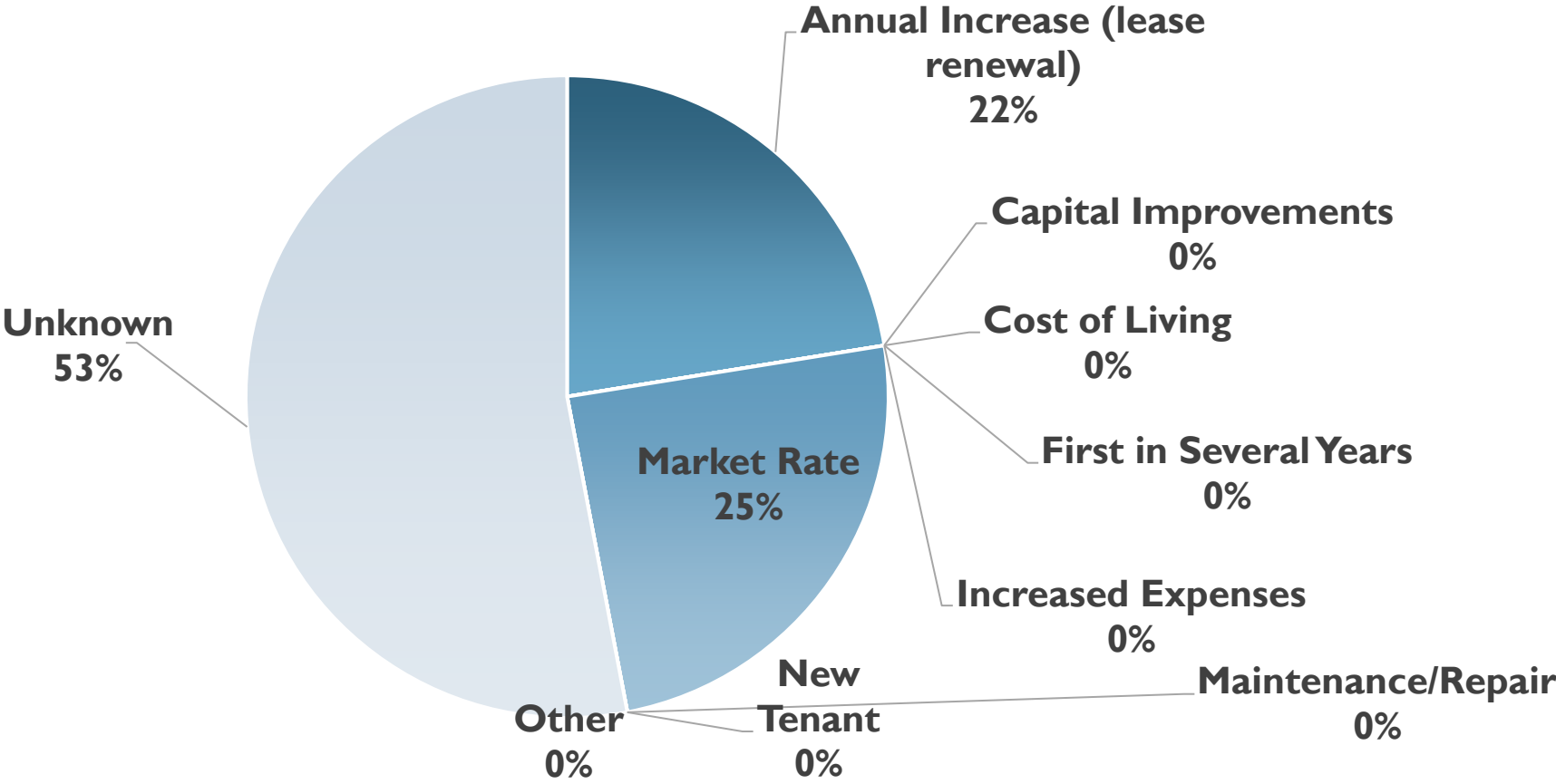
LARGE MULTI-FAMILY, 41+ UNITS: AVERAGE RENT INCREASES BY YEAR



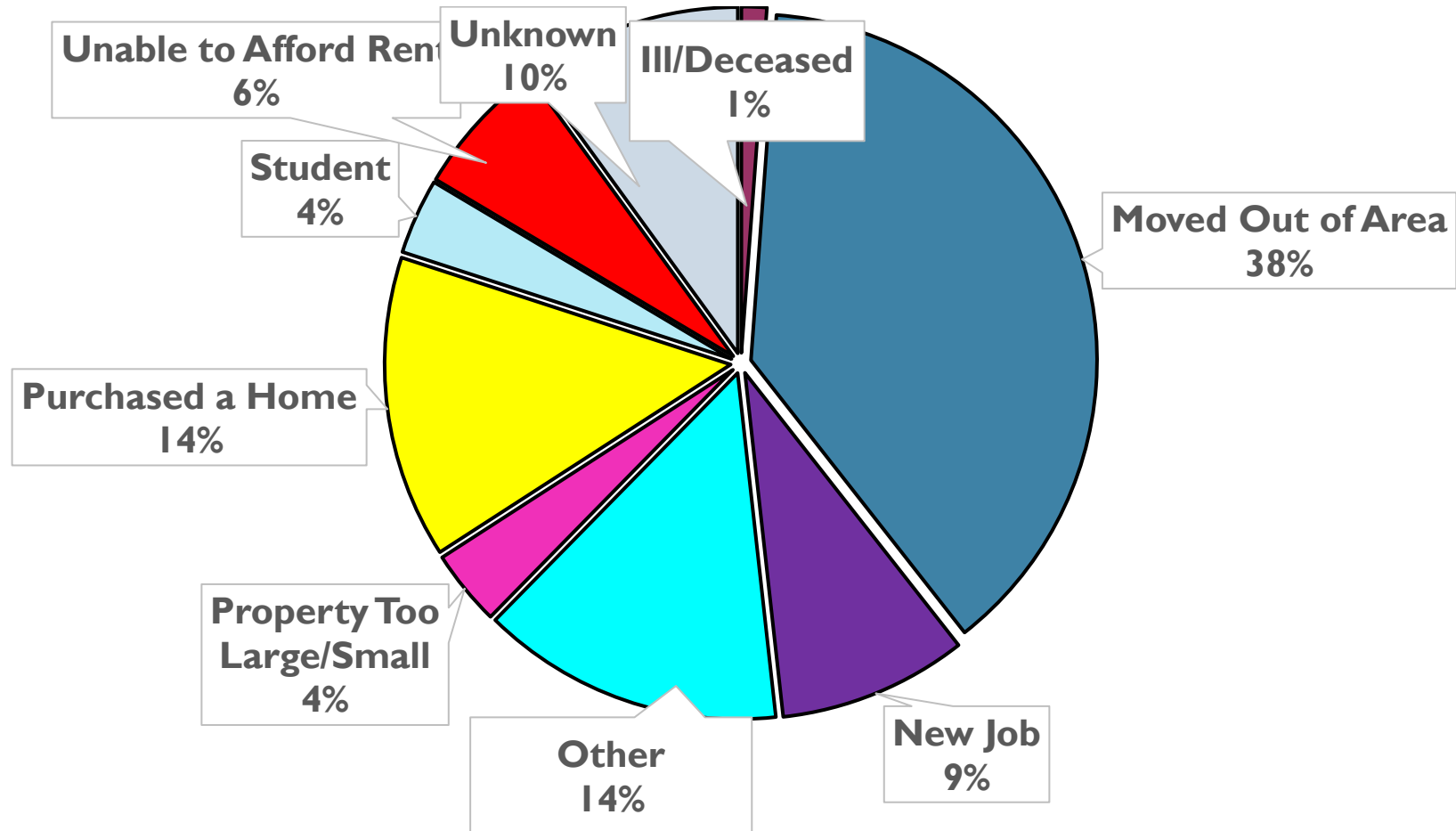
LARGE MULTI-FAMILY, 41+ UNITS: RENT INCREASE THRESHOLDS BETWEEN JULY 2017- JUNE 2019



Rent Increase Reasons



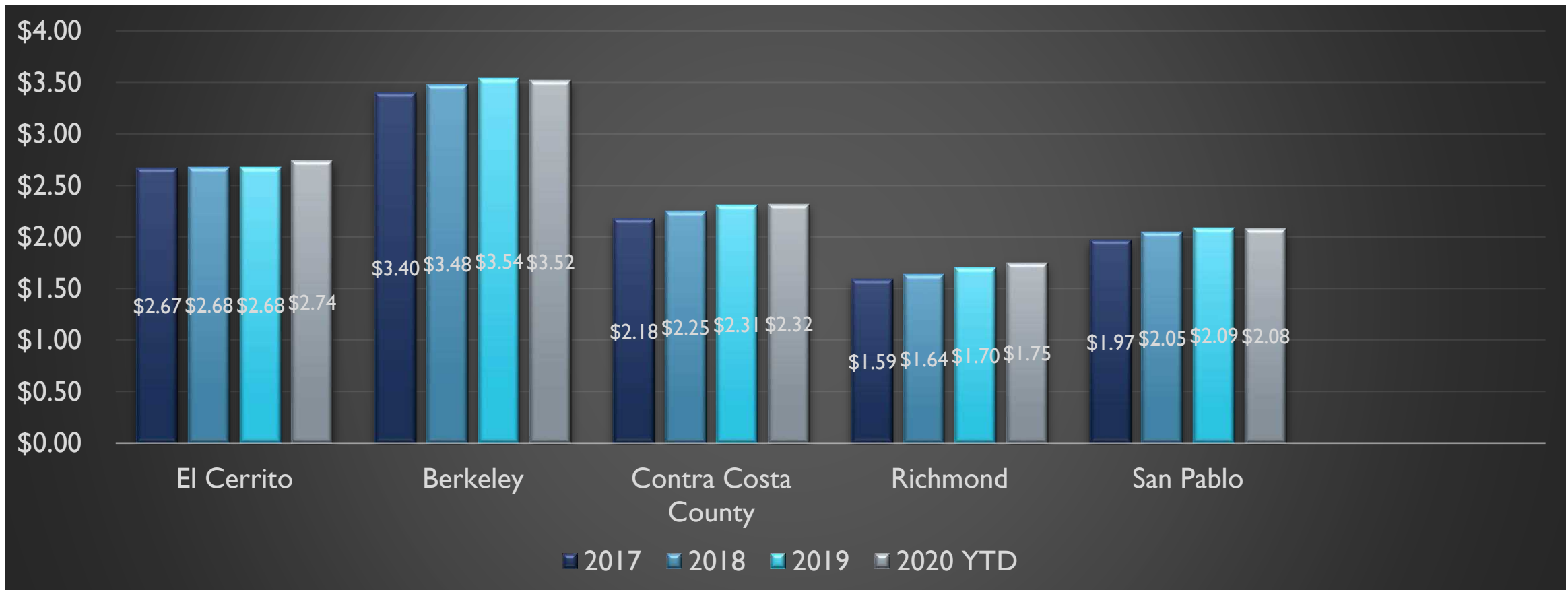
LARGE MULTI-FAMILY, 41+ UNITS:
REPORTED RENT INCREASES REASONS BY CATEGORY



LARGE MULTI-FAMILY, 41+ UNITS: REASONS FOR MOVE-OUT, REPORTED BY PROPERTY OWNERS/MANAGERS

RENTAL MARKET TRENDS

AVERAGE EFFECTIVE RENTS (PER SQUARE FOOT) FOR MULTIFAMILY PROPERTIES BETWEEN 2017 - 2020:
CONTRA COSTA COUNTY, EL CERRITO, BERKELEY, RICHMOND, SAN PABLO



Source: CoStar

RENT REGISTRY PROCESS: OPPORTUNITIES

- **Overall System Improvements:**

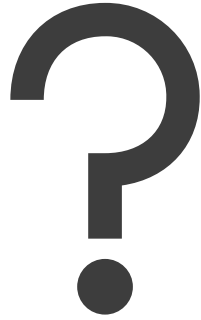
- Database analysis automation
- Enhance automation between business license portal, rent registry and land use permitting software
- Enforcement software is not available in current system (Data Ticket, January 2021)
- Drop Down Menu Options: Collect more robust data

- **Year 2 Improvements:**

- Switched to all electronic submissions (some exceptions)
- Reporting Period: 7/1/2019 – 6/30/2020 (1-year)

COVID-19 LEGISLATIVE UPDATES

- City of El Cerrito, City Council: Urgency Ordinance 2020-03 - Temporary Moratorium on Evictions for Residential & Commercial Tenants
 - www.el-cerrito.org/covid19
- Contra Costa County, Board of Supervisors: Urgency Ordinance 2021-04 - Temporary Eviction Moratorium on Residential & Certain Commercial Real Property Tenants and Certain Residential Rent Increases
 - <https://www.contracosta.ca.gov/7836/Eviction-and-Rent-Freeze-Ordinance-FAQs>
- State of California, Governor Newsom: Assembly Bill 3088 – Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020
 - <https://landlordtenant.dre.ca.gov>



Questions & Answers

www.el-cerrito.org/rentregistry

QUESTIONS AND ANSWERS



THANK YOU!



El Cerrito Tenant Protections Task Force Recommendations Report

Revised Submittal: Feb. 24, 2021 (Added Appendix) *Original Submittal: Dec. 18, 2020*

Prepared by: Senior Facilitator Gina Bartlett, Consensus Building Institute

Executive Summary of Outcomes and Recommendations

The City Council of El Cerrito convened a Tenant Protections Task Force to advise and develop recommendations on tenant protections consistent with the El Cerrito Affordable Housing Strategy, Pillar B - Reduce the Risk of Displacement and Help Stabilize At-Risk Populations. Between 2018 and 2019, the City Council held several study sessions to discuss various tenant protection policies. In May 2019, the City Council adopted the Rent Registry and Just Cause for Eviction (later repealed by the City Council due to a referendum petition) Ordinances. At the same time, the City Council provided direction to form a Special Tenant Protections Task Force. In Resolution 2019-33, the City Council requested that the Task Force consider recommendations in several categories, including rent review; tenant relocation assistance due to demolition and rent increase, and other recommendations with respect to tenant protections. The duties of the Task Force were subsequently amended through Resolution 2019-51 to also include a policy on Just Cause for Eviction based on the results of a referendum petition. To this end, in August 2019, the City Council appointed a Task Force of eight residents representing landlords and tenants. The Task Force met five times between the fall of 2019 and fall of 2020 with the assistance of a facilitator from the Consensus Building Institute (CBI). This report summarizes consensus recommendations and documents the process including policies considered, but not recommended for City Council consideration.

Task Force Recommendations

The Task Force was a consensus-seeking body and determined that at least six of the eight members would need to support a potential policy to recommend to Council. During its final deliberation, one member was absent so the recommendations reflect the number of members present – seven members participated in the final meeting.

Category C: Tenant Relocation Assistance due to Rent Increase

- The Task Force re-iterates support for the “rent cap” in Assembly Bill 1482 and does not recommend further action at this time. (7 of 7 members present supported)

Category D: Just Cause for Eviction

- The Task Force re-iterated support for Just Cause in Assembly Bill 1482 (6 of 7 members present supported) and does not recommend further action at this time (7 of 7 members present supported).

Category E: Other Recommendations considered by the Task Force with respect to Tenant Protections

- Continue the Rent Registry and consider adding more data parameters. (7 of 7 members present)
- Establish a self-reporting tool for tenants on rents, evictions, etc. (6 of 7 members present supported)
- Consider program to provide legal advice to tenants and small landlords (6 of 7 members present supported)
- Convene events and provide education and outreach to tenants and landlords on best practices (7 of 7 members present supported)
- Facilitate cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing and consider renaming future efforts (6 of 7 members present supported)

No Recommendations

Category A: Rent Review Programs

The Task Force did not reach consensus on recommendations in this category.

Category B: Tenant Relocation Assistance due to Demolition Policy

The Task Force did not reach consensus on recommendations in this category.

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Background

The City of El Cerrito convened a special advisory Tenants Protection Task Force in fall 2019 to advise on tenant protections to further advance the City's Affordable Housing Strategy. The Task Force met twice in fall 2019, paused its activities to review the Rent Registry data and due to COVID-19, and then met three times in fall 2020, concluding its work in November of 2020. For additional background information, please visit the City's website at www.el-cerrito.org/tenantprotections.

Affordable Housing Strategy and Pillar B

The City of El Cerrito adopted its [El Cerrito Affordable Housing Strategy](#) in August 2017. The Strategy identified four policy pillars with associated strategies and action items to proactively achieve the City's affordable housing goals to protect, produce, and preserve housing over five years.

The Task Force's efforts concentrated on *Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations*, which recommends exploring tenant protection policies for tenants at risk of displacement.

Relevant Pillar B strategies include:

- 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.

City Council Resolution¹ and Recommendation Categories

The City Council adopted Resolution 2019-33 to create the Tenant Protections Task Force to advise the City Council on tenant protection policies within the City of El Cerrito. Consistent with the resolution, the Task Force reviewed and considered recommendations for the City Council in the following categories:

- Category A: Rent Review Programs
- Category B: Tenant Relocation Assistance due to Demolition Policy
- Category C: Tenant Relocation Assistance due to Rent Increase Policy
- Category D: Just Cause for Eviction
- Category E: Other recommendations considered by the Task Force with respect to Tenant Protections

Tenant Protections Task Force Members

The resolution called for eight residents, representing four tenants and four landlords, to serve on the Task Force to find common ground. The Task Force was to convene at least five times with limited duration of twelve months.² Individuals applied to the City to serve. Then, as part of a stakeholder issue assessment, an impartial facilitator interviewed applicants to identify issues and concerns related to the Task Force's charge. The City Council then appointed eight members to serve. They included the following individuals (listed alphabetical by last name):

- | | |
|------------------------|-------------------------------------|
| ▪ Buddy Akacic, tenant | ▪ Norman LaForce, landlord |
| ▪ Isis Bastet, tenant | ▪ Peter Pan, landlord |
| ▪ Richard Bell, tenant | ▪ Elizabeth "BJ" Thorsnes, landlord |
| ▪ George Gager, tenant | ▪ Tyra Wright, landlord |

¹ On May 21, 2019 the City Council ([Resolution 2019-33](#)) directed staff to form a Tenant Protections Task Force of eight (8) members made up equally of landlords and tenants. The purpose of the Task Force is to bring together landlords and tenants to find common ground in order to make policy recommendations to the City Council for their consideration. The Task Force works on [Policy Pillar B: Reduce the Risk of Displacement and Help Stabilize At-Risk Populations](#) of the City's [Affordable Housing Strategy](#). The Task Force will meet a minimum of 3 times led by a professional facilitator/mediator and staffed by the City's Housing Analyst as the staff liaison. On July 31, 2019 the City Council modified the duties, responsibilities and duration ([Resolution 2019-51](#)) for the Task Force to include Just Cause for Eviction with a limited duration of twelve months from appointment. The City Council also took action to extend the duration of the Task Force on September 1, 2020 ([Resolution 2020-46](#))

² The original approach was to have three meetings, which was later expanded to five meetings to work through the issues. The City also extended the process to accommodate the Rent Registry data analysis and disruption caused by Covid.

Process Overview

Facilitation

To assist the Task Force, the City contracted with the Consensus Building Institute to provide facilitation services. The role of the facilitator was to remain impartial toward the content of the issues under discussion. The facilitator interviewed all task force applicants as part of an issue assessment, which helped frame Task Force discussions. The facilitator worked closely with staff to design the agenda and outcomes for each session based on the City Council Resolutions. The facilitator provided facilitation services during the meeting, helping participants to reach desired outcomes for each meeting and invite members of the public to participate as well. The facilitator was also responsible for writing this summary report.

Timeline and Events

The Task Force convened in September 2019. After holding its first two meetings in fall of 2019, the Task Force paused its activities to provide staff time to analyze the newly adopted rent registry ordinance. With the onset of Covid-19 and shelter-in-place and time necessary to analyze Rent Registry data, the Task Force waited longer in hopes that it would be able to reconvene in person. After a number of months, the Task Force moved its deliberations to an online format in fall of 2020, completing its work in November.

During the course of the Task Force's work, the State of California adopted *Assembly Bill 1482: Tenant Protection Act of 2019* in October 2019 that address a number of the categories for which the City Council had requested recommendations. The Task Force's recommendations reflect this.

Meetings and Outcomes

All meetings were conducted under the Brown Act and open to the public. The Task Force held five meetings as outlined here.

1	9/23/19	2	10/29/19	3	9/22/20	4 10/27/20	5 11/18/20
Organize Task Force Deepen Understanding of Tenant Protection Policies	Explore Potential Tenant Protection Policies AB 1482 Presentation Comparison of AB 1482 and Local Policies Process for Developing Recommendations for the City Council	Review Rent Registry Data	Discuss Rent Registry Data COVID-19 Legislative Updates Each member identifies Potential Policy Recommendations	Assess Level of Support for Policy Recommendations			

Task Force Recommendations

The Task Force established a decision-making rule that it was striving for consensus. The definition of consensus spans the range from support or abstention. Further at least six of the

eight Task Force members needed to support the recommendation. The Task Force agreed to forward recommendations with a tally of the votes. This report summarizes the outcomes – what the Task Force recommended – as well as the policies considered, but not recommended.

Category A: Rent Review Programs

The Task Force did not reach consensus on recommendations in this category.

Considered, but not Recommended

[a-1] Establish rent review mediation and dispute resolution program (mandatory mediation). (4 of 7 members present supported)

Support: Mediation is a helpful tool to resolve disputes.

Concern: Mandatory programs can create a path for delay. Potential costs are a concern.

[e-7] Provide mediation and dispute resolution for all landlord / tenant issues, including but not limited to issues of rent increases (County offers via Echo Housing) (5 of 7 members present supported)

Support: Provides an opportunity for landlords and tenants to resolve disputes.

Concern: Costs of potential program was most common concern. Consider breaking into several categories for mediation.

Category B: Tenant Relocation Assistance due to Demolition Policy

The Task Force did not reach consensus on recommendations in this category.

Considered, but not Recommended

[b-1] No action at this time. (4 of 7 members present supported)

Support: A recommendation does not feel necessary at this time. The City should wait and see what happens with AB1482 implementation.

Concern: Council requested recommendations rather than no action. Tenants need support.

[b-2] Increase relocation assistance payment to 2-3 months of rent (3 of 7 members present supported)

Support: Demolition does occur. Relocation assistance should be considered, and a policy developed in more detail.

Concern: Unnecessary in El Cerrito at this time with the Covid-19 pandemic.

Category C: Tenant Relocation Assistance due to Rent Increase Policy

Recommendation

The Task Force re-iterates support for the “rent cap³” in AB1482 and does not recommend further action at this time. (7 of 7 members present supported)

³ The rent cap places an upper limit on annual rent increases: five percent (5%) plus cost-of-living inflation or up to a maximum of 10 percent (10%) increase each year, whichever is less.

Support: The rent cap is the law and needs to be followed.

Concern: None expressed.

Considered, but not Recommended

[c-2] Provide relocation assistance of 3 months of rent as a result of rent increase of more than 20% over a two-year period (2 of 7 members present supported)

Support: While AB1482 is law, support for a back-up policy might be advisable.

Concern: This policy is unnecessary given AB1482 and the pandemic. ♦ If AB1482 goes away, then relocation assistance would be a good policy for Council to consider.

[c-3] Provide tenants additional time to find new home (3 of 7 members present supported)

Support: Giving adequate time to tenants to find a new home provides balance.

Concern: Each case is unique, and the tenant and landlord should negotiate the time needed. ♦ Unsure how to handle the details and set this into policy. ♦ Too vague to support as a policy.

Category D: Just Cause for Eviction

Recommendation

The Task Force re-iterated support for Just Cause in AB1482 (6 of 7 members present supported) and does not recommend further action at this time (7 of 7 members present supported).

Support: Members expressed support for Just Cause as a state law.

Considered, but not Recommended

[d-2] Institute a Just Cause eviction policy to go into effect immediately upon occupancy (i.e. no minimum occupancy requirement) (2 of 7 members present supported)

Support: Appreciation expressed for this potential policy being more stringent than AB1482.

Concern: Sometimes, acting immediately is necessary when tenants show signs of being problematic. Having flexibility is valued and helpful to tenants as well.

Category E: Other Recommendations considered by the Task Force with respect to Tenant Protections

Recommendations

Continue the Rent Registry (7 of 7 members present supported) and consider adding more data parameters.

Support: Supportive of the program. Encourage including small landlords and corporate landlords.

Concern: Generally supportive of collecting additional data, but concerned about potential costs to the City.

[e-2] Establish a self-reporting tool for tenants on rents, evictions, etc. (6 of 7 members present supported)

Support: More data could prove helpful and deepen understanding of the rental market in El Cerrito.

Concern: Could prove difficult because tenants may not want to share data. Potential costs are a concern.

[e-4] Consider program to provide legal advice to tenants and small landlords (6 of 7 members present supported)

Support: Booklets and web sites would be helpful. ♦ If providing, advice should be extended to everyone (fair to both landlord and tenants).

Concern: Potential costs are a concern.

[e-5] Convene events and provide education and outreach to tenants and landlords on best practices (7 of 7 members present supported)

Support: Education is helpful.

Concern: No concerns expressed.

[e-6] Facilitate cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing and consider renaming future efforts (6 of 7 members present supported)

Support: The City's role is to help avoid displacement. ♦ The tenant and landlord are responsible for fostering cooperation.

Concern: No concerns noted.

Considered, but not Recommended

[e-3] Establish a proposed a minimum lease term that would require a property owner to offer a minimum lease term of 12 months to current and prospective tenants. (3 of 7 members present supported)

Support: This potential policy would provide predictability.

Concern: This policy is unnecessary. Each tenant and landlord should be able to negotiate the lease term. The landlord should be able to offer a term that s/he wants. ♦ Could reduce inventory if landlord was unable to rent for short term when that is all that is available.

Appendix: Scorecard and Definition of Consensus

Due to the number of recommendations under consideration, the Task Force, during its last meeting, ranked each potential recommendation using a scale of 1-5. “1” demonstrated disagreement. “2-5” indicated different levels of support, but all constituted approval. 6 of 8 members had to vote “2-5” for “approval” to be recommended to council. Below is the scorecard with the ranking for each recommendation. One member was absent. Members were invited to submit additional recommendations to Council.

Category	Proposed Recommendation	Task Force Member								Total Voting 2-5
		1	2	3	4	5	6	7	8	
a. Rent Review Programs	[a-1] Establish rent review mediation and dispute resolution program (mandatory)	3	3	3	1	1	4	1		4
	[e-7] Provide mediation and dispute resolution for all landlord / tenant issues,	4	4	4	1	1	4	2		5
b. Tenant Relocation Assistance due to Demolition Policy	[b-1] No action at this time	1	5	1	5	5	1	5		4
	[b-2] Increase relocation assistance payment to 2-3 months of rent	5	1	4	1	1	5	1		3
c. Tenant Relocation Assistance due to Rent Increase Policy	[c-1] No action at this time	5	5	5	5	5	2	5		7
	[c-2] Provide relocation assistance of 3 months of rent as a result of rent increase	1	1	3	1	1	5	1		2
	[c-3] Provide tenants additional time to find new home	5	1	4	1	1	3	1		3
	[c-4] Re-iterate support for “rent cap” in AB 1482	5	5	5	5	5	5	5		7
d. Just Cause for Eviction	[d-1] Re-iterate support for “Just Cause” in AB 1482	5	5	5	5	2	5	5		7
	[d-2] Institute a “Just Cause” eviction policy to go into effect immediately upon	1	1	3	1	1	5	1		2
	[d-3] No action at this time	5	5	2	5	5	2	5		7
e. Other	[e-1] Continue Rent Registry	5	5	5	5	5	5	5		7
	NEW: e-7 Consider adding more parameters to Rent Registry	5	5	5	2	3	5	3-4		7
	[e-3] Establish a proposed a minimum lease term that would require a property	5	1	2	1	1	5	1		3
	[e-4] Consider program to provide legal advice to tenants and small landlords	5	2	3-4	5	1 or 5	5	2/3		6
	[e-5] Convene events and provide education and outreach to tenants and landlords on best practices	5	2	5	5	5	5	5		7
	[e-6] Facilitate cooperation and appreciation between landlords and tenants, including incentives to landlords who provide Section 8 housing and consider renaming future efforts	1	2	5	5	3	5	4		6

VOTING SCALE

2-5 = Support

5 - I am very pleased with this recommendation and fully support it
 4 - I am mostly satisfied with this recommendation; I can support it
 3 - I can accept this recommendation, but I have some reservations
 2 - Stand aside: I want my concern noted in writing, but I'll let the recommendation go forward as supported / consensus
 1 - Disagree: I do not support this recommendation

6 out of 8 members required to support to then recommend to Council

Levels of Support





Community Development Department
10890 San Pablo Avenue, El Cerrito, CA 94530
www.el-cerrito.org/CommDev

AB 1482 Tenant Protection Act of 2019

Status

AB 1482 passed the California Legislature and, the bill was signed by Governor Newsom on October 8, 2019.

Summary

The following are the key elements of AB 1482:

- Places an upper limit on annual rent increases: five percent (5%) plus cost of living inflation,¹ or up to a maximum of 10 percent (10%) increase each year, whichever is less.
- Rent should not be increased more than two times over a 12 month period.
- Requires landlords to have and state a “just cause” to evict tenants who have occupied the premises for 12 months (or 24 months if a new roommate moves in).
- Establishes exemptions from the rent cap and the just cause provisions (see below).
- Requires that landlords notify tenants of the rent cap and just cause provisions.
- Certain evictions require landlords to provide relocation assistance to tenants.
- Establishes that the rent cap is only applicable to existing tenants. When filling vacant units, or establishing a new tenancy where no tenant from the prior lease remains, the owner can establish a new rent in any amount, and the rent cap applies thereafter.
- Goes into effect on January 1, 2020 (with some retroactive provisions).
- Sunsets on January 1, 2030.
- Does not preempt any local rent control or just cause ordinances.²

Details

Rental Types Exempt from Rent Cap:

1. Deed-restricted affordable housing for very low, low, or moderate income
2. Higher education dorms
3. Housing that has been issued a certificate of occupancy within the last 15 years
4. A duplex in which the owner occupies one of the units
5. Single family residences/condos unless owned by a real estate trust or a corporation³

¹ Defined as percentage change in the regional consumer price index (CPI).

² Except that any local just cause ordinance enacted after September 1, 2019 must be at least as protective as AB 1482.

³ For this exemption, the owner must provide the tenant with written notice that the property is exempt using the following specific statement: “This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of (footnote continued)



Rental Types Exempt from Just Cause Requirement:

1. Transient and tourist hotel occupancy
2. Nonprofit hospital, religious facility, or extended care facility housing
3. Dorms (K-12 and higher education)
6. Housing that has been issued a certificate of occupancy within the last 15 years
7. A duplex in which the owner occupies one of the units
8. Owner-occupied residences where a tenant shares bathroom or kitchen with the owner
9. Single family residences/condos unless owned by a real estate trust or a corporation⁴
10. Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including Accessory Dwelling Units (ADU)/Junior ADUs

Just Cause:

The following are the key elements of the “Just Cause” provisions:

- Prohibits a landlord from (1) terminating a month-to-month tenancy or (2) choosing not to renew a fixed term lease, without providing a “just cause” for termination
- Applies to both termination and non-renewal when (1) all the tenants have continuously and lawfully occupied the unit for 12 months or more or (2) when one or more tenants in the unit has continuously and lawfully occupied the unit for 24 months or more.
- Divides “just cause” into two categories: at-fault and no-fault.
- Requires a landlord who terminates the tenancy based on a no-fault cause to provide relocation assistance to the displaced tenant in an amount equal to one month’s rent,⁵ unless a court or government agency determines that the tenant caused the condition requiring the vacancy.
- The bill allows tenants the opportunity to remedy curable just cause reasons.

The following are *at-fault* just causes for terminating a tenancy:

1. Failure to pay rent
2. Material breach of the lease including sublets or assignments in violation of lease
3. Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions
4. Maintaining a nuisance, committing waste

Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation.”

⁴ See footnote 4 above.

⁵ The owner and tenant may also agree, in lieu of direct payment, to waive the payment of rent for the month after the notice of termination of tenancy is given.



5. Criminal activity or using the premises for unlawful purpose
6. Refusal to allow the landlord to enter the dwelling pursuant to a lawful request
7. Failure of the tenant to vacate after giving formal notice of intent to vacate

The following are *no-fault* just causes for terminating a tenancy:

1. Owner intent to occupy the property (or their spouse, children, grandchildren, parents, or grandparents), if the tenant agrees or the lease allows for such unilateral termination
2. Withdrawal of the property from the rental market
3. Landlord's compliance with a government order or local ordinance requiring the residence be vacated
4. Intent to demolish or to substantially remodel the property where the tenant has to vacate the property for at least 30 days

Relocation:

No-fault just causes may be eligible for relocation assistance or a rent waiver equal to one month's rent based on the rent rate that is in effect at the time of termination of tenancy. The property owner must advise the tenant of this right when issuing a termination of tenancy. Relocation payments are due within 15 calendar days of service of the notice, otherwise the termination may be void.

Required Disclosure:

This bill requires the following notice be provided in 12 point font to all new tenants or renewed tenants starting July 1, 2020, and to existing tenants no later than August 1, 2020:

"California law limits the amount your rent can be increased. See Section 1947.12 of the Civil Code for more information. California law also provides that after all of the tenants have continuously and lawfully occupied the property for 12 months or more or at least one of the tenants has continuously and lawfully occupied the property for 24 months or more, a landlord must provide a statement of cause in any notice to terminate a tenancy. See Section 1946.2 of the Civil Code for more information."

If a property is exempt, the following notice must be provided to tenants:

"This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (c)(5) and 1946.2 (e)(7) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation."

Retroactivity:

This bill applies to all rent increases occurring on or after March 15, 2019. If a landlord has raised the rent beyond the permissible amount between March 15, 2019 and January 1, 2020, the



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rent on January 1, 2020 shall be the rent as of March 15, 2019, plus the maximum increase permissible under the bill. The landlord, however, would not be required to refund any rent paid between March 15, 2019 and January 1, 2020 that exceeded the allowable increased

3410759.2



Date: October 24, 2019

To: Tenant Protections Task Force

Prepared by: The City of El Cerrito

Subject: Tenant Protections – Background, Summary and Comparisons

December 2018

The City Council Considered:

- ❖ Mandatory Minimum Lease Term
- ❖ Mandatory Notice of Termination of Tenancy
- ❖ Rent Review (mandatory mediation)
 - no further action taken
- ❖ Tenant Relocation Assistance (introduced demolition; amended to include rent increase)

January 2019

The City Council Considered:

- ❖ Mandatory Minimum Lease Term
 - ❖ Mandatory notice of termination of tenancy
 - ❖ Tenant Relocation Assistance (including demolition and qualifying rent increase)
- Action deferred, direction to return with Just Cause and Rent Registry

February-March 2019 - Study Sessions held

May 2019

The City Council considered and passed:

- ❖ Just Cause for Eviction
- ❖ Rent Registry
- ❖ Task Force to consider additional (unacted upon) tenant protections

July 2019

- ❖ Just Cause for Eviction referendum

October 2019

- ❖ State of California passed AB 1482
 - Rent cap
 - Just Cause and No-Fault Evictions
 - Tenant Relocation Assistance (for No-Fault)
- ❖ Not covered under AB 1482
 - Mandatory Minimum Lease Term
 - Mandatory Notice of Termination of Tenancy (to City, beyond State law)
 - Rent Review (mandatory mediation)
 - Rent Registry

AB 1482 and Tenant Protections Considered/Adopted by El Cerrito

Type of Tenant Protection Policy	Policy Defined by City Council Task Force Resolution?	Considered by City Council? Passed?	Covered by AB 1482?	Comments/ Additional Details
Rent Review Program (mandatory mediation)	A. Rent Review	Proposed, no action taken.	No	Establishes 5% annual threshold for property owners when issuing rent increases and those in excess of 5% can be disputed by tenants.
Tenant Relocation Assistance – Demolition	B. Relocation (demolition)	Considered, not passed.	Only for “no-fault” Just Cause terminations	See below chart – <i>Tenant Relocation</i> Program that requires property owners to provide relocation benefits when application is submitted to the City to demolish or approve a land use change.
Tenant Relocation Assistance – Rent Increase	C. Relocation (rent increase)	Considered, not passed.	Only for “no-fault” Just Cause terminations	See below chart – <i>Tenant Relocation</i> Refer to AB 1482 Summary as it pertains to rent increase caps (5% + CPI)
Just Cause for Eviction	D. Just Cause	Considered, passed but later repealed by referendum action.	Yes	See below chart – <i>Just Cause</i> Restricts reasons for which property owners can evict.
Mandatory 12-month Minimum Lease	E. Other	Considered, not passed.	No	Program that requires property owners to offer tenants the option of a minimum lease term of 12-month to current and prospective tenants.
Requiring Termination Notice to City	E. Other	Considered as a standalone ordinance, not passed. Certain required notice was included in the City’s Just Cause Ordinance, which passed but was later repealed by referendum action.	No	Program that requires property owners to notify the City anytime a tenancy is terminated.
Rent Registry	E. Other	Considered, passed and in effect.	No	See El Cerrito Municipal Code Chapter 10.100 Tracks & monitors rents as well as rent increases

Please visit www.el-cerrito.org/tenantprotections for additional background information

Tenant Relocation Assistance

	Tenant Relocation Considered by City (not passed)	Tenant Relocation Covered by State Law (AB 1482)
Eligibility	- Household income cannot exceed *120% of the Area Median Income (AMI) - Displacement as a result of: - Removing unit from rental market - Demolishing unit - Remodeling unit - Change to nonresidential use - Displacement as a result of: - More than 20% rent increase over two-year period	- Displacement as a result of “no fault” terminations: - Removing unit from rental market - Demolishing unit - Substantially remodeling unit - Owner or eligible family member intends to occupy - Gov’t order requiring residence be vacated
Eligibility Exceptions	- Owner or eligible family member intends to occupy - Landlord already paying relocation benefits under state law - Need to vacate based on damage resulting from an earthquake, fire, flood, natural disaster, civil disturbance, or accident outside landlord’s control - Tenant provided with alternative housing on site or nearby, and displacement is for a period no more than one year	- Order determining the tenant is at fault for the condition - Tenant fails to vacate after the expiration of the no-fault notice to terminate the tenancy “At fault” terminations not eligible - Failure to pay rent - Material breach of the lease - Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions - Maintaining a nuisance, committing waste - Criminal activity/unlawful purpose - Refusal to allow the landlord to enter the dwelling pursuant to a lawful request - Failure of the tenant to vacate after giving formal notice of intent to vacate
Rental Type Exceptions	- Single-family residence - Room rentals where the landlord lives on site - Accessory Dwelling Unit - Condos, townhomes, etc. - Hotels, motels, group housing, etc. - On-site manger's unit - Housing units as condition of employment	- Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including ADUs/Junior ADUs - Owner-occupied residences where a tenant shares bathroom or kitchen with the owner - Transient and tourist hotel occupancy - Nonprofit hospital, religious facility, or extended care facility housing - Dorms (K-12 and higher education) - Housing that has been issued a certificate of occupancy within the last 15 years

Tenant Relocation Assistance

	Tenant Relocation Considered by City (not passed)	Tenant Relocation Covered by State Law (AB 1482)
	- Rents regulated by any govt. agency - Units acquired by govt. agency intended for public purpose	- A duplex in which the owner occupies one of the units - Single family residences/condos unless owned by a real estate trust or a corporation
Amount	Three month's rent based on **HUD Fair Market Rent (FMR) calculation for Contra Costa County + deposit (with exceptions) + rental agency subscription + 1 month for special circumstances	One month's rent
Administrative Fees	City to establish cost recovery fee to administer ordinance	Not Applicable
<i>*2019 Area Median Income Limits for Contra Costa County</i> 1-person = \$93,850 2-persons = \$107,250 3-persons = \$120,650 4-persons = \$134,050 5-persons = \$144,750 6-persons = \$155,500 <i>**Current HUD FMR FY 2020</i> Studio: \$1,488 One-Bedroom: \$1,808 Two-Bedroom: \$2,239 Three-Bedroom: \$3,042		

Just Cause for Eviction

	Just Cause for Eviction Considered by City (passed/repealed)	Tenant Relocation Covered by State Law (AB 1482)
Applicability	All rental units and tenancies, except those units exempted below	- Prohibits a landlord from (1) terminating a month-to-month tenancy or (2) choosing not to renew a fixed term lease, without providing a “just cause” for termination - Applies to both termination and non-renewal when (1) all the tenants have continuously and lawfully occupied the unit for 12 months or more or (2) when one or more tenants in the unit has continuously and lawfully occupied the unit for 24 months or more.
Just Causes for Termination	“At fault” Causes: - Failure to pay rent - Breach of rental agreement - Tenant illegal activities - Violations of health & safety code “No fault” Causes: - Substantial renovation - Condominium Conversion - Removing a unit from market - Owner or eligible family member intends to occupy	“At fault” Causes: - Failure to pay rent - Material breach of the lease - Refusing to execute a lease extension or renewal for an additional term of similar duration with similar provisions - Maintaining a nuisance, committing waste - Criminal activity/unlawful purpose - Refusal to allow the landlord to enter the dwelling pursuant to a lawful request - Failure of the tenant to vacate after giving formal notice of intent to vacate “No fault” Causes: - Removing unit from rental market - Demolishing unit - Remodeling unit - Owner or eligible family member intends to occupy - Order requiring residence be vacated
Rental Type Exceptions	- Single-family dwelling unit - Unit with a certificate of occupancy issued after 1/1/2015 - ADUs - Duplex, triplex, quadraplex - Units where the landlord or landlord family lives on site - On-site manger's unit	- Single-family owner-occupied residences, including when an owner-occupant rents or leases two units or bedrooms, including ADUs/Junior ADUs - A duplex in which the owner occupies one of the units - Owner-occupied residences where a tenant shares bathroom or kitchen with the owner

Just Cause for Eviction

	Just Cause for Eviction Considered by City (passed/repealed)	Tenant Relocation Covered by State Law (AB 1482)
	- Hotels, motels, group housing, etc. - Housing units as condition of employment - Rents regulated by any govt. agency - Units acquired by govt. agency intended for public purpose	- Transient and tourist hotel occupancy - Nonprofit hospital, religious facility, or extended care facility housing - Dorms (K-12 and higher education) - Housing that has been issued a certificate of occupancy within the last 15 years - Single family residences/condos unless owned by a real estate trust or a corporation
Other Provisions	Prohibitions on Tenant Harassment	Allows tenants the opportunity to remedy curable just cause reasons.
Fees	\$35.00 per unit/annually	Not Applicable

Regional Housing Needs Assessment (RHNA)

As of December 31, 2020

	Very Low (0-50% AMI)	Low (51-80% AMI)	Moderate (81-120% AMI)	Above Moderate	Total
2015 - 2022 RHNA	100	63	69	166	398
Permitted and/or Built Units	62	6	13	479	560
Percent of Need Achieved	62%	10%	19%	289%	141%
Current Remaining Need	38	57	56	-313	-162
*Proposed	0	4	9	112	125
*Entitled	47	39	12	844	942
Projected Remaining Need	-9	14	35	-1269	-1229
<i>*Proposed and entitled figures are estimates pending the issuance of building permits.</i>					

Contact Us

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Community Development Department
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Affordable Housing Strategy

(adopted August 2017)



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



In August 2017, the City Council adopted the City's first **Affordable Housing Strategy**. The Strategy identified a set of **program and policies** to be advanced in the near and medium-term to proactively address the city's housing needs. Below is a summary of the major policies and programs identified in the Strategy to produce, protect and preserve affordable housing.

Policy Pillars & Strategies

Pillar A. Leverage Private Development to Address Affordable Housing Needs



Metro 510, El Cerrito Plaza
Completed; 2017-2018

1. Establish a new inclusionary zoning policy for affordable housing
2. Monitor the effectiveness of the City's existing incentive programs in delivering affordable housing units

Pillar B. Reduce the Risk of Displacement and Help Stabilize At-Risk Populations



3. Partner with local affordable housing developers to preserve existing deed restrictions
4. Implement policies to preserve the low-cost housing stock
5. Consider implementing new short-term rental restrictions
6. Explore tenant protection policies
7. Consider strategies to encourage landlords to rent to Section 8 voucher holders
8. Partner with Contra Costa Homeless Services

Pillar C. Encourage Development of "Missing Middle" Housing Types



9. Encourage the development of accessory dwelling units (ADUs)
10. Review the General Plan to identify and remove barriers to missing middle housing types
11. Partner with private groups interested in creating co-housing communities

Pillar D. Increase Local Funding to Continue to Support of Low Income & Special Needs Housing



Hana Gardens Senior Apts.
Completed; 2018

12. Work with BART to develop affordable & mixed-income housing projects on BART property
13. Coordinate transportation projects with affordable housing proposals to attract state funding through AHSC
14. Provide land use incentives to developers that build a higher share of accessible units than required
15. Explore new local taxes or fees to fund affordable housing
16. Work with other jurisdictions in Contra Costa County to place a countywide affordable housing bond on the ballot
17. Monitor proposed state legislation that would create new funding sources for affordable housing
18. Defer or waive City fees affordable housing development



AGENDA BILL

Agenda Item No. 7.A.

Date: March 2, 2021
To: El Cerrito City Council
From: Mark R. Rasiah, Finance Director/City Treasurer, Finance Department
Subject: FY 2020-21 General Fund Budget Update for January 2021

ACTION PROPOSED

Receive and file an update on City General Fund revenues and expenses for FY 2020-21 through January 2021.

BACKGROUND

The El Cerrito City Council adopted an annual Budget for FY 2020-21 on June 16, 2020. Following that, the City Council amended the budget on October 6, 2020 and again at mid-year on February 16, 2021 taking revenue trends into consideration that were not readily apparent earlier on in the year. The Council has been closely monitoring the City's budget and financial position over the past several months during the COVID-19 closure of the City and has directed staff to provide a monthly General Fund budget update which is to include an Income Statement, Balance Sheet and Cash Flow projection. This report will discuss material variances if any through the end of January 2021, from this most recent amendment.

ANALYSIS

The General Fund Income Statement in Attachment 1 provides a summary of the major General Fund Revenue and Expenditure categories through January 2021 on a cash basis. Monthly revenue and expenditure projections are based on the mid-year Amended Budget and known revenue trends for the major revenue components. The draft General Fund Balance Sheet and Cash Flow Forecast statements are presented in Attachments 2 and 3 respectively.

The following are some of the highlights on a cash basis through January with 7 months or 58% of the year complete:

1. Total revenue was \$21.1 million or 56% of budget. This compares with an average of \$19.5 million for the same time frame over the preceding 3 years. The increase is mainly due to higher than budgeted Real Property Transfer Tax revenues in 2020.
2. Total expenditure was \$22.7 million or 61% of budget, compared with a three year average of \$23.1 million.
3. Personnel costs of \$18.0 million include reimbursable Fire Department OES overtime costs of \$800,000 and Workers Compensation Insurance premiums of \$680,000 for the year and payouts to staff that separated from the City in

December and January. OES reimbursements are expected in Spring 2021 and have been factored into the Cash Flow Forecast in Attachment 3. Public safety overtime so far this year is approximately \$500,000 and in line with prior years through January.

4. On an adjusted budget basis, recognizing the timing lags in revenue sources, revenues were \$259,000 over budget and expenses were \$99,000 under budget.
5. Real Property Transfer Tax receipts through December continue to exceed expectations by \$936,000. Receipts have been trending at a monthly average of nearly \$335,000, versus an expectation of \$200,000 per month.
6. Charges for Services are currently running \$186,000 behind expectations, mainly due to lagging recreation program revenues (\$974,000 to date), which are trending significantly behind budget due to the ongoing pandemic related restrictions. Staff presented a revised revenue forecast to City Council in December. The forecast anticipated a \$1.6 million shortfall which will be partly mitigated by approximately \$0.8 million in expenditure reductions in the Recreation Department as a part of the mid-year budget amendments. The amended budget and cash flow take these into account.
7. The Cash Flow Forecast in Attachment 3 has been revised based on mid-year budget amendments approved by the City Council on February 16th, 2021. The forecast projects a cash balance of \$9.1 million at the end of June.

STRATEGIC PLAN CONSIDERATIONS

This report is consistent with the City's Strategic Plan Goal B - Achieve long-term financial sustainability— and will allow the City Manager to develop a plan to ensure that Citywide Revenue meets the cost of providing Citywide services, including adequate reserves in the face of significant unanticipated revenue shortfalls. It further ensures procedures that represent best practices in financial management.

ENVIRONMENTAL CONSIDERATIONS

This section is not applicable to this agenda item.

FINANCIAL CONSIDERATIONS

- The projected year end General Fund surplus for the year is \$633,000.
- The projected cash balance at the end of June is \$9.1 million.
- With 58% of the year complete at the end of January, revenues were at 56% of budget and expenditures at 61% of budget. This is as expected and is due to timing of revenue receipts and prepayment of insurance premiums and terminal payments to retirees and employees separating from service.

- Staff anticipates that the major revenue sources (Property Taxes, Sales Taxes, Transfer Taxes, Intergovernmental Revenues) representing 70% of General Fund Revenues, will come in collectively at budget by year end.
- Further cost reductions may be needed if recreation charges for services revenues fall behind the \$1.4 million projected for the remainder of the year.

LEGAL CONSIDERATIONS

This section is not applicable to this agenda item.

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karen Pinkos".

Karen Pinkos, City Manager

Attachments:

1. General Fund Income Statement
2. General Fund Balance Sheet
3. General Fund Cash Flow Forecast

DRAFT FY 2020-21 General Fund Statement of Revenues Expenditures for July to Jan. 2021.

	A	B	C	D	E	F	G	H
Revenues (\$000s)	FY 2018-19 Audited	FY 2019-20 Audited	Actuals July- Jan 2021	Year to Date Budget Expectations	Variance from Budget Expectations Fav./ (Unfav.)	FY 2020-21 Mid Year Budget Projected Year-End	Year to date actuals as a % of Projections	Comments
Taxes								
Property Taxes	10,182	9,840	5,676	5,676	-	10,240	55%	\$3.5 million in April. \$1.1 million in June
Sales Taxes	7,545	6,975	3,495	3,650	(155)	6,250	56%	Through December with est. Jan.
Utility Tax	3,208	3,166	1,577	1,800	(223)	3,200	49%	Through Dec.
Property Transfer Taxes	1,102	3,467	2,336	1,400	936	2,600	90%	Incl Jan receipts.
Franchise Taxes	1,244	1,587	377	500	(123)	1,000	38%	Through Dec.
Business License Tax	910	919	853	850	3	850	100%	Exceeded Budget.
Other Tax	149	173	48	46	2	136	35%	TOT through Oct.
Total Taxes	\$24,340	\$26,127	\$14,362	\$13,922	\$440	\$24,276	59%	
Licenses & Permits	776	785	372	380	(8)	739	50%	
Fines and Forfeitures	219	227	97	85	12	115	84%	
Use of Money and Property	157	465	169	175	(6)	332	51%	
Intergovernmental Revenues	6,744	6,729	3,706	3,700	6	7,805	47%	\$1.5m VLF, \$1.5m Kensington, \$1.1m OES.
Charges for Services	6,934	4,748	1,914	2,100	(186)	3,658	52%	Through Jan.
Other Revenues	182	118	49	48	1	213	23%	
Interfund Transfers	2,036	1,024	476	476	-	941	51%	Quarterly cost allocation
Total	\$41,388	\$40,222	\$21,145	\$20,886	\$259	\$38,079	56%	
Expenditures (\$000s)	FY 2018-19 Audited	FY 2019-20 Audited	Actuals July- Jan 2021	Year to Date Budget Expectations	Variance from Budget Expectations Fav./ (Unfav.)	FY 2020-21 Mid Year Budget Projected Year-End	Year to date actuals as a % of Projections	
Personnel	29,862	30,383	18,041	17,900	(141)	29,268	62%	Incl. \$850k OES O/T; \$680k Worker's comp
Professional Services	4,487	3,702	1,425	1,600	175	3,100	46%	Through Jan.
Purchased Property Services	2,300	2,152	752	900	148	1,710	44%	Through Jan.
Other Services	1,840	1,806	1,087	920	(167)	1,576	69%	Through Jan.
Supplies	726	606	160	300	140	408	39%	Through Jan.
Property & Capital	422	413	196	228	32	409	48%	Through Jan.
Financing Costs	478	536	398	313	(67)	310	128%	Includes annual interest costs.
Other Financing Uses	1,416	697	623	602	(21)	665	94%	City Hall Debt Svc. & Retiree Pension.
Total	\$41,531	\$40,294	\$22,682	\$22,763	\$99	\$37,446	61%	
Net Change in Fund Balance (\$000s)	(\$143)	(\$72)	(\$1,537)	(\$1,877)		\$633		

Quantities within parenthesis (-) denote reductions in revenues or savings in expenditures.

City of El Cerrito			
DRAFT General Fund - Balance Sheet	Audited 6/30/19.	Audited 6/30/20.	Unaudited 01/31/21 Est.
Assets			
Cash and Investments	4,349,089	9,016,794	6,006,752
Taxes Receivable	2,113,059	1,882,887	-
Accounts Receivable Net	-	32,158	12,409
Due from other funds**	2,590,773	2,011,397	2,011,397
Inventory	11,772	27,737	33,233
Prepaid Expense	-	3,278	25,340
Total Assets	9,064,693	12,974,251	8,089,131
Liabilities			
Accounts Payable	888,579	844,570	91,987
Accrued Payroll	1,231,945	1,227,263	77,236
Other Accrued Liabilities	-	324,585	101,234
Short Term Note	6,000,000	9,000,000	8,659,545
Unearned Revenues	62,651	82,890	82,990
Deposit Payable	804,162	1,604,964	1,558,722
Total Liabilities	8,987,337	13,084,272	10,571,714
Deferred inflows of Resources			
Deferred Inflows of Resources - Unavailable Revenue	116,319	-	-
Total deferred Inflows of Resources	116,319	-	-
Fund Balances	(38,963)	(110,022)	(2,482,583)
Total Liabilities, Deferred Inflows of Resources and Fund balance	9,064,693	12,974,251	8,089,131

DRAFT

FY 2020-21 Projected General Fund Cash Flows - January 2021

														FY 2020-21 Mid-Year Projected Year End
(Currency: \$000s)	ACTUALS July	ACTUALS August	ACTUALS September	ACTUALS October	ACTUALS November	ACTUALS December	ACTUALS January	FORECAST February	FORECAST March	FORECAST April	FORECAST May	FORECAST June	Total	
Beginning Balance	\$9,017	\$6,789	\$5,451	\$4,572	\$4,543	\$3,419	\$6,427	\$6,859	\$5,938	\$4,601	\$7,649	\$7,924	\$9,017	
Cash Receipts														
Property Tax	-	-	-	261	-	4809	606	-	-	\$3,430	-	\$1,134	\$10,240	10,240
Sales Tax	-	585	556	554	845	486	469	551	551	551	551	551	6,250	6,250
Transfer Tax	-	311	-	664	418	615	328	52	52	52	52	56	2,600	2,600
Franchise Tax	-	-	95	29	253	-	-	134	134	134	134	137	1,050	1,050
Business Licenses	505	106	89	62	16	43	32	-	-	-	-	-	853	821
Utility Users Tax	87	173	134	342	234	258	349	300	350	300	350	323	3,200	3,200
Licenses and Permits	37	59	44	84	22	76	50	67	67	69	82	82	739	739
Fines and Forefeitures	13	1	6	17	14	17	29	1	1	1	1	1	102	95
Use of Property	15	33	14	40	12	20	35	30	33	33	33	34	332	332
Other Government Reimb.	-	-	742	766	108	476	10	350	350	350	350	353	3,855	3,855
Fire OES Overtime Reimbursements	-	-	-	-	-	113	-	-	-	-	1,000	-	1,113	1,150
In-Lieu Fees	-	-	-	-	-	-	1491	-	-	-	-	1,309	2,800	2,800
Fees for Service - Other	170	17	194	287	58	110	104	61	61	61	61	61	1,245	1,245
Fees for Service - Recreation	118	73	222	53	122	251	135	145	145	364	350	436	2,414	2,414
Other Revenues/Taxes	-	8	-	22	64	-	3	50	50	50	50	52	349	349
Transfers In	-	-	-	-	-	476	-	-	-	-	-	465	941	941
TRAN Proceeds	8,660	-	-	-	-	-	-	-	-	-	-	-	8,660	
Total Cash Receipts	\$9,605	\$1,366	\$2,096	\$3,181	\$2,166	\$7,750	\$3,641	\$1,741	\$1,794	\$5,395	\$3,014	\$4,994	\$46,743	38,081
Cash Disbursements														
Personnel	\$2,129	\$2,210	\$2,172	\$2,226	\$2,320	\$3,758	\$2,377	\$2,041	\$2,041	\$2,041	\$2,041	\$3,063	\$28,419	28,418
Fire OES Overtime	-	\$133	421	236	59	\$0	-	-	-	-	-	-	\$849	850
Professional Services	91	213	222	249	109	279	262	335	335	335	335	335	3,100	3,100
Property/Other Services	408	105	141	315	66	601	203	290	290	290	290	287	3,286	3,286
Supplies	8	25	14	23	25	38	27	50	50	50	50	48	408	408
Financing Costs and Debt Service	-	18	-	36	120	12	219	-	-	-	-	4	409	409
Property and Capital	-	-	5	125	11	32	23	23	23	23	23	23	311	310
CIP - Cash Flow	-	-	-	76	19	158	77	-	392	0	294	50	1,066	1,066
CIP - Reimbursement	-	-	-	(76)	(19)	(158)	-	(77)	-	(392)	(294)	(50)	(1,066)	(1,066)
Transfers Out	-	-	-	-	580	22	21	-	-	-	-	42	665	665
TRAN Principal Payment	9,000	-	-	-	-	-	-	-	-	-	-	-	9,000	
TRAN Interest Payment	196	-	-	-	-	-	-	-	-	-	-	-	196	
Total Cash Disbursements	\$11,832	\$2,704	\$2,975	\$3,210	\$3,290	\$4,742	\$3,209	\$2,662	\$3,131	\$2,347	\$2,739	\$3,802	\$46,643	37,446
Net Cash Flow Surplus/(Deficit)	(\$2,227)	(\$1,338)	(\$879)	(\$29)	(\$1,124)	\$3,008	\$432	(\$921)	(\$1,337)	\$3,048	\$275	\$1,192	\$100	\$635
Ending Balance	\$6,789	\$5,451	\$4,572	\$4,543	\$3,419	\$6,427	\$6,859	\$5,938	\$4,601	\$7,649	\$7,924	\$9,116	\$9,116	