



**SPECIAL MEETING MINUTES**

**Date:** 11/12/2019  
**Time:** 5:30 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**A. Call To Order**

Mayor Mueller called the meeting to order at 5:30 p.m.

**B. Roll Call**

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, City Attorney William McClure, City Clerk Judi A. Herren

**C. Pledge of Allegiance**

Mayor Mueller lead the Pledge of Allegiance.

**D. Consent Calendar**

Mayor Pro Tem Taylor pulled item D2.

City Councilmember Nash pulled item D3.

Mayor Mueller continued D2 and D3 after Regular Business.

- D1. Authorize the city manager to enter into a professional services agreement with E-Ikon, LLC for information technology consultation services for six months, with an annual option to renew up to two years, not to exceed the budgeted amount each fiscal year ([Staff Report #19-246-CC](#))
- D2. Direct staff to prepare an education series on the development and environmental review processes ([Staff Report #19-249-CC](#))
- D3. Adopt City Council Procedure #CC-19-010 – “City Council powers and responsibilities” ([Staff Report #19-245-CC](#))
- D4. Adopt Resolution No. 6529 authorizing the city manager to sign a contract amendment with the State of California Department of Education to reimburse the City up to \$1,052,860 for child care services at the Belle Haven Child Development center for fiscal year 2019-20 ([Staff Report #19-248-CC](#))

**ACTION:** Motion and second (Nash/ Taylor) to approve the consent calendar except items D2. and D3., passed unanimously.

**E. Regular Business**

- E1. Adopt urgency Ordinance No. 1063 implementing tenant eviction protections and limiting large rental rate increases effective immediately to avoid circumvention of AB 1482 ([Staff Report #19-251-CC](#))

([Supplemental Staff Report #19-258-CC](#))

City Manager Starla Jerome-Robinson was recused and exited the chambers.

Deputy Community Development Director Rhonda Coffman and Assistant City Attorney Cara Silver made the presentation (Attachment).

- Anil Babbar spoke in opposition of the ordinance.
- Carol Malnick spoke in support of the ordinance.
- Susan Lacoste spoke in support of the ordinance.
- Stacy Townsend spoke in support of the ordinance.
- Rachel Horst spoke in support of the ordinance
- Ryan Carrigan spoke in opposition of the ordinance.
- Larry Dahl spoke in support of the ordinance.
- Andrew Naylor spoke in support of the ordinance.
- Karen Camacho spoke in support of the ordinance.
- Pamela Jones spoke in support of the ordinance.
- Nancy Shorum spoke in support of the ordinance.
- John Pimentel spoke in support of the ordinance.
- Ophelia Levai, Valeria Omeenez, Christina Vesera, Kimberly Minez and spoke in support of the ordinance.

The City Council received clarification on those impacted by the ordinance and discussed who and how residents are protected.

**ACTION:** Motion and second (Nash/ Taylor) to adopt urgency Ordinance No. 1063 implementing tenant eviction protections and limiting large rental rate increases effective immediately to avoid circumvention of AB 1482, passed unanimously.

City Manager Starla Jerome-Robinson reentered the chambers.

- E2. Award a contract to LDV Specialty Vehicles in the amount of \$478,776.50 for the purchase of one mobile command vehicle ([Staff Report #19-228-CC](#))

Chief Dave Bertini and Sergeant Aaron Dixon made the presentation.

- Pam Jones spoke in support of the Police Department having the equipment they require.

The City Council discussed the usage and option to borrow mobile command units from neighboring jurisdictions. City Council received clarification on budgeting for police frontline equipment and directed staff to work with the city manager on maintaining a budget worksheet detailing the general fund loan amounts to be repaid by the grant. Staff confirmed the remaining \$319,000 will be borrowed from the capital improvement project fund and will be paid by supplemental law enforcement services grant funding in fiscal years 2019-2020, 2020-2021 and 2021-2022.

**ACTION:** Motion and second (Carlton/ Combs) to award a contract to LDV Specialty Vehicles in the amount

of \$478,776.50 for the purchase of one mobile command vehicle, passed 4-1 (Nash dissenting).

#### **D. Consent Calendar**

- D2. Direct staff to prepare an education series on the development and environmental review processes (Staff Report #19-249-CC)

The City Council discussed the language presented in the staff report and considered hiring an outside third-party to assist.

**ACTION:** Motion and second (Taylor/ Nash) to have workshops on environmental impact reports with the intent of educating the public on the policy, process, and procedures and for this to be citywide and also study sessions on environmental impact reports to ensure linking all development impacts to be conducted by a third party and staff, passed unanimously.

- D3. Adopt City Council Procedure #CC-19-010 – “City Council powers and responsibilities” (Staff Report #19-245-CC)

The City Council received clarification on commissions and committees and the role of the City Councilmember. City Council requested that subcommittee purposes and duration be clarified and that subcommittees report out periodically. City Council also discussed the city manager code of ethics language and noted that ICMA has updated their code of ethics.

City Council took a recess at 7:42 p.m.

City Council reconvened at 7:48 p.m.

**ACTION:** Motion and second (Taylor/ Nash) to adopt City Council Procedure #CC-19-010 – “City Council powers and responsibilities” including updated of the city manager code of ethics to reflect current ICMA code of ethics, passed unanimously.

#### **F. Informational Items**

- F1. Update on small business roundtable and economic development consultant services (Staff Report #19-237-CC)
- F2. Downtown street café program update (Staff Report #19-224-CC)

#### **G. City Manager's Report**

None.

#### **H. City Councilmember Reports**

City Councilmember Carlton clarified the difference between a “sister city” and “friendship city” to explain Bizen’s interest in becoming a sister city.

Mayor Mueller announce the location of the Jerry Rice toy drive, 807 Santa Cruz Avenue.

#### **I. Adjournment**

Mayor Mueller adjourned the meeting at 7:54 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of December 10, 2019.



# URGENCY ORDINANCE IMPLEMENTING TENANT EVICTION PROTECTIONS AND LIMITING LARGE RENT INCREASES



## BACKGROUND

- On October 8, 2019, the Governor signed AB 1482 requiring just cause to evict tenants and setting statewide annual rent caps.
- Following adoption of AB 1482, some tenants began reporting no cause evictions and unanticipated large rent increases.
- In the past couple of weeks several cities have adopted urgency ordinances in order to avoid evictions before AB 1482 goes into effect.
- On November 5, 2019, one of the housing commissioners notified council members that a Menlo Park landlord had recently served 60 day no fault notices on two tenants in a 5-unit apartment building.
- On November 5, 2019, the City Council directed the City Attorney to draft an Urgency Ordinance implementing AB 1482 immediately.





## ADDITIONAL EVIDENCE

- Since November 5, 2019, several cases of “no cause” evictions and large rent increases have come to staff’s attention
- 837 Live Oak – 4 unit apartment with one single family home
  - 3 tenants recently received 60-day notice to vacate
  - One of the tenants has lived in unit since 1991, pays \$1225/mo rent and is the apartment manager; her total income is \$3,040/mo
  - One of the other tenants has lived in unit since 2006/2007, recovering from leg amputation, recently denied disability
- 954 Fremont St.– apartment complex
  - 5 units recently received large rent increases
  - 2 tenants received 20% increase, 1 tenant received 13% increase, 2 tenants received 11% increase



## SUMMARY OF AB 1482 JUST CAUSE

Eligibility	Exempt Units	Tenant Protection	Effective Date
<p>Tenant occupied unit for 12 months or more</p>	<ol style="list-style-type: none"> <li>1. Issued COO in last 15 yrs.</li> <li>2. Dormitories</li> <li>3. Deed restricted afford. units</li> <li>4. Single family homes or condos not owned by corp.</li> <li>5. Duplexes where owner lives in one unit</li> <li>6. Hotels</li> <li>7. Extended care and adult residential facility</li> <li>8. Co-Housing where owner shares kitchen or bathroom</li> <li>9. ADU's where owner occupies main unit</li> <li>10. Rental units covered by a local just cause ordinance</li> </ol>	<p>Allows evictions only for just cause defined as:</p> <ol style="list-style-type: none"> <li>1. At-fault just cause (i.e. non-payment of rent, breach of lease, nuisance, etc.)</li> <li>2. No-fault just cause (owner occupancy, Ellis Act, intent to substantially remodel)               <ol style="list-style-type: none"> <li>a. One month relocation</li> </ol> </li> </ol>	<p>Effective January 1, 2020.</p> <p>Expires January 1, 2025.</p>



## SUMMARY OF AB 1482 RENT CAP

Applicability	Exempt Units	Effective Date	Retroactivity
<p>1. Landlord may increase rent annually no more than 5% + CPI (not to exceed 10%).</p> <p>2. Landlord limited to no more than two rent increases per year.</p>	<p>1. Issued COO in last 15 yrs.</p> <p>2. Dormitories</p> <p>3. Deed restricted afford. units</p> <p>4. Single family homes or condos not owned by corp.</p> <p>5. Duplexes where owner lives in one unit</p> <p>6. Units covered by a local rent control ordinance</p>	<p>Effective January 1, 2020 and expires January 1, 2030.</p>	<p>Rent increases after March 15, 2019 must comply with law. If they don't:</p> <ul style="list-style-type: none"><li>• After January 1, 2020, rent rolls back to March 15 rent + allowed increase</li><li>• No rent refunds</li></ul>





## JUSTIFICATION FOR ORDINANCE

- AB 1482 goes into effect on January 1, 2019.
- Concern about 2.5 month period before effective date.
- Governor’s October 27, 2019 statewide emergency solves part of problem.
- Two major “loopholes” in AB 1482:
  - Legislation places no limits on evictions occurring before January 1. Thus landlords who are thinking about issuing “no cause” evictions are incentivized to evict tenants before January 1.
  - Rent caps are retroactive to March 15, 2019. However, landlord NOT required to refund any overpayments made before January 1.
- The Urgency Ordinance addresses gap created by the State legislation.



## SUMMARY OF URGENCY ORDINANCE

- Menlo Park’s ordinance incorporates AB 1482
- Just cause protections
  - Clarifies that all future notices must comply with AB 1482 “just cause”
  - Clarifies that all unlawful detainer actions commenced after November 12 must comply with just cause protections
- Rent cap protections
  - Any rent increases in excess of AB 1482 invalid to extent of overage
  - Landlord may reduce rent increase to permitted amount if they provide 10-day notice to Tenant of corrected amount
  - Tenant may assert defense to unlawful detainer action



# CONCLUSION

