

**CITY OF EAST PALO ALTO
RENT STABILIZATION BOARD MEETING
WEDNESDAY, FEBRUARY 10, 2010
REGULAR SESSION
2415 UNIVERSITY AVENUE
City Council Chambers
EAST PALO ALTO, CA
Minutes**

1. CALL TO ORDER

The meeting was called to order at 7:06 p.m. by Chair Dorn.

2. ROLL CALL

Board Members Present:	Randolph, Hart, Dorn, Webster
Board Members Absent:	Mitchell, Hernandez
Board Alternates Present:	Allen
Board Alternates Absent:	
Staff Present:	Aguilar, Lee, Ewing

Board Member Allen acknowledged that he was seated in the Tenant seat at this meeting.

3. APPROVAL OF AGENDA

Board Member Hart suggested tabling item 5.1 until Board Member Mitchell is present.

Staff Lee explained that at the time the agenda was prepared, staff understood that Board Member Mitchell had planned on attending the meeting.

Board Member Webster recommended moving item 12, Community Forum after item 4.

Motion: It was moved (Allen) and seconded (Webster) to approve the agenda with item 5.1 removed and item 12 moved to item 4.1. Motion passed unanimously.

4. APPROVAL OF MINUTES

There were no minutes available for approval.

12. COMMUNITY FORUM

Anthony Clark spoke about issues with Wells Fargo related to freezing rents and removing extra fees that do not comply with the Rent Ordinance. The Board was asked whether it would be interested in co-signing a letter.

Chair Dorn explained that negotiations are going through the City.

Board Member Allen felt it would be inappropriate for the Board to sign a letter from YUCA.

Board Member Webster agreed that the Board was unable to support signing a letter.

City Attorney Ewing explained that members of the Rent Board must be fair and impartial and, by signing a letter, would be partial.

5. AGENDIZED ITEMS FOR POLICY AND ACTION

5.1 Development of Board Mission, Values, Norms – **ITEM TABLED**

5.2 Update of RSB budget development

Staff Lee reported that staff met with the ad hoc Budget Committee in preparation of the budget; staff submitted the Housing Budget to the Finance Department on February 5. Staff will be meeting with the City Manager and Finance Director during the last week of February or first week of March to go over the budget. The Finance Department will compile information received from each Department in order to produce a document for the City Manager and Finance Director to review prior to putting together a budget document for the City Council.

Chair Dorn commented that the Board Members would like to know what is going to be discussed with the City Manager and Finance Director.

Staff Lee explained that the information discussed at the Budget Committee was submitted to the City Manager and Finance Director.

Board Member Hart suggested that the City Manager be asked to attend a Board Meeting to explain why information cannot be shared with the Board.

Chair Dorn wanted to see information on a full-time staff member, what would be spent on items such as supplies, advertising, and printing of brochures.

City Attorney Ewing suggested that the document prepared by the ad hoc Budget Committee be agendized for the next Board meeting.

Board Member Hart recommended that the Board make a written request to the City Manager to review the budget documentation.

Board Member Webster recalled that during the 1980's and 1990's, the Rent Stabilization Board developed its own, line-by-line budget; however, that changed in the late 1990's. He felt that had resulted in a very unhealthy situation. He saw no merit in the current situation. He felt that Board Members were clueless about how the budget was being allocated.

Motion: It was moved (Hart) and seconded (Webster) that the Board write a letter to the City Manager requesting the working budget to be shared with the Board and to keep the Board involved in developing the budget. Motion passed with one abstention (Allen).

Board Member Allen explained the reason for his abstention which had to do with the Committee's input on the budget and the fact that the Committee had not had the opportunity to review what was discussed.

5.3 Status update on negotiations with Page Mill receiver

Legal Counsel Ewing reported that the City will meet with the receiver, David Wald and David Pasternak, on Tuesday, February 16; those in attendance will include the City Attorney's office, Mayor, former Mayor Abrica, and City Manager Alvin James. This will be the first negotiation session. It was noted that the settlement negotiations are confidential. With respect to the bargaining, leveraging, and auctions, those were postponed to give parties time to work out their differences.

Board Member Allen expressed concern about the lack of movement in rental of empty apartments in the Page Mill portfolio.

Board Member Hart also expressed concern about the amount of vacant apartments and problems with people breaking into apartments and stealing appliances and homeless people living in apartments.

Chair Dorn asked whether staff or the Rent Board should contact the receiver about the issues with vacant apartments.

Mr. Ewing explained that the breaking and entering into apartments is a public safety issue and should be forwarded to the Police Department. The Police Department would then contact the security company to check out the complaints on their premises.

Chair Dorn asked whether Board Member Hart would be willing to write to the receiver and the management company, expressing what he has observed at the apartment buildings.

Board member Hart agreed to do that.

Chris Lund, 1643 Woodland, agreed that someone from the City or the Rent Board should send the receiver a letter about the issues with the vacancies. He hears that many tenants are leaving because the fear that the upcoming sale will impact their tenancy; His suggestion was that the Rent Board send out a letter to tenants letting them know that they are protected by good cause for eviction.

Board Member Allen understood that many people are leaving because their leases are expiring and they are going to where the rates are better.

5.4 Status update on initial CEQA review of drafted RSO Ordinance

City Attorney Ewing reported that the Planning Department completed its initial study and the ordinance is going forward for the June election. The City will vote to adopt the Mitigated Negative Declaration at the March 2 meeting.

6. CONSENT CALENDAR

7. PUBLIC HEARING

8. RESOLUTIONS or RULES

9. REPORTS OF COMMITTEES AND STAFF

9.1 Report out from RS Board Members and Committees:

- a. Operational Excellence (**Allen, Mitchell & Hernandez**) – No report
- b. Outreach/Education (**Dorn & Hart**)

Board Member Hart reported receiving an email from Staff Ford with information on three companies who were able to print the brochure; he has been unable to contact the companies yet but will do that prior to the next meeting.

- c. City Council Liaison (**Hart & Mitchell**) – No report
- d. Rules and Regulations (**Webster, Allen & Randolph**)

Board Member Allen pointed out that in December, the Board adopted changes to Rule 1600 and 1000 and requested staff to move forward with the necessary legal steps to get them published and have a first reading. The minutes of the January 13 meeting indicated that Mr. Ewing declined to do a legal report and passed on the responsibility to Staff Ford; Mr. Ford indicated he would have a report available at the first meeting in March. Staff was asked to remind Mr. Ford that he is committed to have a report on the changes to the Rules at the first meeting in March.

City Attorney Ewing responded that a legal analysis was not required to create the administrative report.

Chair Dorn recalled that the Outreach Committee had meant to get together with Mr. Ewing, and she asked him about times to get together.

Mr. Ewing suggested the week of February 22. They will discuss this after the meeting to set up a time for a meeting.

Staff Lee reported that the City Council, at its meeting next Tuesday, will take action on allocating funds for outreach and training for the remainder of the fiscal year; the intent is that the funds will come out of the General Fund; CLS will be resubmitting its proposal.

Chris Lund1643 Woodland Ave. that the Fair Rent Coalition had serious concerns about involving MMAP in the producing the Rent Program brochures because of MMAP's past partnership with Page Mill.

Chair Dorn said that she would express that concern.

Matthew Fremont, Euclid, provided an update on the Oberle vs. Page Mill case, which is still in negotiations. A hearing is scheduled for March 1.

Board Member Hart reported that the Bayshore Kiwanis is doing a Track Meet on April 17, at Caesar Chavez, beginning at 8 a.m. This will be in conjunction with the Ravenswood School District to encourage young people in the community to participate in track. On February 17, from 6:30 to 8 p.m., the Chief of Police, Fire Chief and members of the community will meet to discuss emergency preparedness with the City of East Palo Alto; one goal will be to create a citizen core group to assist in emergency events.

10. ADMINISTRATIVE ITEMS

11. WRITTEN COMMUNICATIONS

13. RECOMMENDATIONS FOR FUTURE ACTIONS AND AGENDA ITEMS

Board Member Webster requested that the City Attorney provide the Board with report regarding the status of the condominium conversion of Westpark Apartments. He would also like to see an item relating to the closures of Woodland Creek Mobile Homes and any statute of limitations on how long people can be denied due process. Another issue he would like to see agendized is the 12 Below Market Rate (BMR) units in the Woodland Creek Apartment Homes that were illegally converted into condos.

Chair Dorn noted that the next agenda will include a budget report; an update from the Outreach/Education Committee on the brochures and outreach; a follow up on reporting to the receiver on the condition of properties; an update on the status of the changes to Section 1000 and 1600 of the Rules and Regulations.

Board Member Hart recalled a prior conversation pertaining to Member absences and asked whether that could be an agenda item.

Board Member Allen reviewed his copy of the Rules, which indicated that Board Members are permitted six tardies per calendar year and may be recommended for removal on the second unexcused absence. The Board makes recommendations to the City Council.

Board Member Webster commented that he did not recall anyone ever being discharged on their failure to attend meetings.

14. ADJOURNMENT

Upon motion by Webster, seconded by Hart, the meeting adjourned at 8:35 p.m.