



MINUTES OF THE MEETING OF THE CITY COUNCIL
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 6, 2018, 7:00 p.m.

The Meeting of the Hayward City Council was called to order by Mayor Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Mayor Halliday.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Lamnin, Salinas
MAYOR Halliday
Absent: None

Mayor Halliday announced that there was language assistance for those requiring Spanish-English interpretation during the meeting. City Clerk Lens made the announcement in Spanish.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the City Council convened in closed session regarding conference with legal counsel pursuant to Government Code 54956.9 concerning three cases: Nelson v. City of Hayward, et al., Alameda County Superior Court, No. RG16822362; Askia v. City of Hayward, et al., Alameda County Superior Court, No. HG16809656; and City of Hayward v. Board of Trustees, California State University, et al., Alameda County Superior Court No. RG09481095, consolidated with No. RG09480852; and noted there was no reportable action. Mayor Halliday added the City Council also convened in closed session regarding public employment pursuant to Government Code 54957 regarding performance evaluation for the City Attorney; and noted there was no reportable action.

PRESENTATION

Mayor Halliday read a proclamation declaring February 2018 as Teen Dating Violence Awareness and Prevention Month in the City of Hayward; and noted that the proclamation would be presented to Safe Alternatives to Violent Environments (SAVE) representatives.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about vandalism at a business on Harder Road and Franklin Street; and advocated for more Police patrol.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about a negative experience he encountered with the BART service.

Ms. Matilde Lara, Aloha Apartments tenant, via a Spanish-English interpreter, spoke about an increase in her utility bills. Mayor Halliday noted that staff would be in contact with her.

Mr. Michael Christopher, Hayward resident, read a statement about an issue with his property that has created an encroachment and hazardous situation.

Ms. Maria Osegura, Aloha Apartments tenant, via Spanish-English interpreter, spoke about an increase in her utility bills. Mayor Halliday noted that staff would be in contact with her.

Mr. Nicholas Harvey, resident of unincorporated Hayward, spoke about the lack of sidewalks on Hansen Road and East Avenue and the need for improved safety at East Avenue Elementary.

CONSENT

1. Minutes of the Special Joint Hayward City Council/Redevelopment Successor Agency Meeting on January 16, 2018 **MIN 18-022**

It was moved by Council/RSA Member Peixoto, seconded by Council/RSA Member Mendall, and carried unanimously, to approve the minutes of the Special Joint Hayward City Council/Redevelopment Successor Agency Meeting on January 16, 2018, with one minor amendment.

2. Adoption of Ordinance Amending Chapter 10, Article 1, Sections 10-1.1900 (Air Terminal District) and 10-1.2700 (General Regulations) of the Hayward Municipal Code Related to Height for New Developments Located Within the Boundaries of the Hayward Executive Airport **CONS 18-055**

Staff report submitted by City Clerk Lens, dated February 6, 2018, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Ordinance 18-02, "An Ordinance Amending Chapter 10, Article 1, Sections 10-1.1900 (Air Terminal District) and 10-1.2700 (General Regulations) of the Hayward Municipal Code Related to Height for New Developments Located Within the Boundaries of the Hayward Executive Airport"

3. Transmittal of the Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2017; and Memorandum on Internal Control and Required Communications **CONS 18-061**

Staff report submitted by City Clerk Lens, dated February 6, 2018, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 18-009, "Resolution Accepting the Comprehensive Annual Financial Report for the Year Ended June 30, 2017; And the Memorandum on Internal Control and Required Communications"



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4. Resignation of Ms. Heather Enders from the Planning Commission **CONS 18-076**

Staff report submitted by City Clerk Lens, dated February 6, 2018, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 18-010, "Resolution Accepting the Resignation of Heather Enders from the Planning Commission"

5. Resignation of Ms. Lauren Vance Macmadu from the Keep Hayward Clean and Green Task Force **CONS 18-081**

Staff report submitted by City Clerk Lens, dated February 6, 2018, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Mendall, and carried unanimously, to adopt the following:

Resolution 18-011, "Resolution Accepting the Resignation of Lauren Vance Macmadu from the Keep Hayward Clean and Green Task Force"

WORK SESSION

6. Review of Rental Housing Affordability Strategies (Report from City Manager McAdoo) **WS 18-005**

Staff report submitted by Assistant City Manager Hurtado, dated February 6, 2018, was filed.

City Manager McAdoo, Housing Manager Morales, and Assistant City Manager Hurtado provided a synopsis of the staff report. Assistant City Manager Hurtado noted there would be a community meeting with tenants and landlords on February 26, 2018, at the Matt Jimenez Community Center. Ms. Hurtado added that the City was in receipt of correspondence from Mr. Bill Mulgrew, Rental Housing Association Executive Director; Ms. Sarah Winfield, Centro Legal de la Raza Tenants' Rights Attorney; Ms. Arti Garg, Hayward resident and Keep Hayward Clean and Green Task Force member; Ms. Guadalupe Perez, Hayward tenant; Ms. Elena Lepe, Hayward tenant; Ms. Julieta Martinez, Hayward tenant; and several members of The Hayward Collective.

Mayor Halliday opened the public comments section at 8:00 p.m.

The following Hayward residents, tenants, and members of the community addressed rental and housing affordability challenges in Hayward, shared personal experiences, and offered the following suggestions: 1) remove “Vacancy Decontrol” (Section 8) from the Hayward’s Residential Rent Stabilization Ordinance (RRSO); 2) enact an emergency moratorium on rent increases on units whose rents can be regulated under State law and on no cause evictions; 3) enact an emergency moratorium on no cause evictions or amend the “eviction for cause” in the RRSO; 4) limit rent increases to one per year per unit and based on the consumer price index; 5) explore incentives for developers to build and for property owners to provide affordable housing; 6) enact policies that protect consumers, particularly seniors and individuals with disabilities, and give preferential treatment to the most marginalized populations; 7) create safeguards for residents to continue to live in Hayward; 8) abolish termination letters without cause; 8) consider an additional program for the Rent Review office to make landlords aware that evictions will be monitored from an eviction process; 9) expand the “just cause” for eviction sections in the RRSO to cover all renters; 10) tighten the protections against retaliation and discrimination; 11) establish a Rent Gap Assistance Program to help renters; and 12) consider development of tiny houses.

Mr. Didacus Ramos, Hayward resident and Economic Development Committee member
Ms. Sarah Winfield, Centro Legal de la Raza Attorney and Hayward tenant
Ms. Angela Andrews, Hayward resident and KHC&G Task Force Chair
Ms. Jeannette Johnigan, Hayward resident
Ms. Corina Vasaure, Hayward resident
Ms. Alicia Lawrence, Hayward resident and The Hayward Collective member
Ms. Nancy Mendoza, Hayward resident
Mr. Ramon Rios-Pareda, Hayward resident
Mr. Richard Mendoza, Hayward tenant
Ms. Denize Sanchez, Hayward tenant and The Hayward Collective member
Ms. Aisha Wahab, Hayward tenant
Mr. Joe Navarro, Hayward resident
Mr. Monzella Curtis, Hayward tenant and The Hayward Collective member
Mr. Sonny Alvarado, Hayward resident
Ms. Annette Sanders, Hayward resident
Mr. Zachariah Oquenda, Hayward tenant
Ms. Lisa Patterson, Hayward business owner
Mr. Ray Bonilla, Hayward resident
Ms. Ysenia Sepulveda, former Hayward resident
Ms. Rosaura Figueroa-Mendoza, Hayward resident and The Hayward Collective member

The following Hayward landlords and property owners addressed housing challenges and the high cost to build, operate, and maintain rental housing in Hayward, shared personal experiences, were willing to partner with the City in finding solutions, and offered the following comments and suggestions: 1) there needs to be a clear understanding of what constitutes legitimate complaints from tenants; 2) policies need to consider a different approach for large housing corporate investors and small “mom and pop” providers; 3) overregulation of rent control will drive investors out of Hayward; 4) increase the supply of housing; 5) consider allowing Accessory Dwelling Unit (ADU) conversions; 6) empower Eden Council for Hope and Opportunity (ECHO) Housing to expand its role to include outreach to community based organizations, gather data from the organizations and City staff, and refer



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cases to the Rental Housing Association (RHA) for peer-to-peer negotiations and counseling; 7) a process for housing policy must include a mechanism for renters and housing providers to interact in open, honest, and direct conversation; 8) appropriate rents are needed to offer a safe and clean place to live; 9) do not enact regulations that are too onerous; and 10) do not join efforts to overturn the Costa-Hawkins Rental Housing Act.

Mr. Scott Harrison, Hayward landlord
Mr. Paul Schaffer, Hayward landlord
Mr. Bill Espinola, Hayward landlord
Mr. Ed Kellar, Hayward landlord
Mr. Tom Silva, Rental Housing Association President and Hayward landlord
Mr. Nhan Nguyen Le, representing the Aloha Apartment landlord
Mr. Bill Mulgrew, Rental Housing Association Executive Director, and housing provider
Ms. Rechelle Mostiller, Hayward apartment manager
Mr. Rod Andazola, Hayward landlord
Ms. Jean Morrow, Hayward landlord

The following community based organizations, policy advocates, and housing service providers expressed the following comments and suggestions: 1) there needs to be transparency among landlords about their profit margins; 2) supported removing "Vacancy Decontrol" (Section 8) from the RRSO, enacting an emergency moratorium on rent increases, and enacting an emergency moratorium on no cause evictions or amend the "Eviction for Cause" section of the RRSO; 3) stabilize communities while housing is being built; 4) supported active rent control and just eviction programs; 5) continue to be inclusive in bringing all parties together; 6) supported exploring the mandatory mediation between tenants and landlords; 7) provide enough housing for everyone; 8) have innovative solutions to the housing crisis; 9) develop and preserve affordable housing; and 9) support November ballot bonds that address the housing crisis.

Ms. Pamela Glassoff, Eden Information & Referral representative
Ms. Mia Carbajal, East Bay Housing Organization representative
Ms. Mashael Majid, Urban Habitat, RISE Fremont Coalition and Union City advocates representative
Mr. David Stark, Bay East Association of Realtors Public Affairs Director
Mr. Aaron Ortiz, La Familia Counseling Services Executive Director
Mr. Andy Medeira, Senior Vice President of Real Estate Development at Eden Housing

Mayor Halliday closed the public comments section at 9:24 p.m.

The City Council thanked all stakeholders for their participation and for sharing their personal experiences and to City staff for preparing the report.

Discussion ensued about the Association of Bay Area Governments' plan for the Bay Area pertaining to the housing crisis; Alameda County Measure A1 Bond funds and the County's

approach to housing needs; the letter from community members related to the “Eviction for Cause” section of the RRSO, and Vacancy Decontrol (Section 8) in the RRSO.

Council Members were in general agreement to explore the short term options (improving the City’s role in providing information; exploring a robust or mandatory mediation between tenants and landlords; and exploring longer noticing of rent increases); except the option for a First Time Home Buyer Program. Council Members thought that the First Time Home Buyer Program would be ineffective because of its cost and the limited housing inventory; and instead recommended considering using the funds for developments that are in the pipeline, building affordable by design, using it toward the Rent Gap Assistance Program, or assisting property owners to improve their properties in exchange for making them affordable. Regarding the mediation process, it was suggested to explore provisions that would protect tenants from being evicted while undergoing mediation. It was also suggested that the City use community partners when providing information.

Council Members were in general agreement to explore the three long term options (explore the value of strengthening the rental housing inspection program; explore policy options from evaluating fees and incentivizing new development; and explore providing funds to tenants for a Rent Gap Assistance Program). It was suggested that the Rent Gap Assistance Program needs to be solution oriented. In strengthening the Rental Inspection Program, it was recommended to ensure that community members know their rights and expectations.

Council Members offered additional suggestions: 1) consider a task force comprised of homeowners, tenants, and “mom and pop” and corporate landlords to address the Costa-Hawkins Rental Housing Act, review the recommendations provided by The Hayward Collective, the RHA, and other speakers, and develop rental housing and housing affordability solutions; 2) consider raising Hayward’s minimum wage; 3) review and strengthen the contract with ECHO Housing or consider other providers to be additional resources to tenants and landlords; 4) provide advanced noticing time for large rent increases; 5) develop solutions for the housing crisis through the community conversations instead of forming a task force due to time constraints; 6) explore the viability of the letters submitted by The Hayward Collective and RHA and prepare an analysis prior to the community meeting on February 26, 2018, partner with non-profit groups to provide child care and snacks at the upcoming community meeting; 7) consider removal of “Vacancy Decontrol” Section 8 from the RRSO; 8) review the correspondence received by Ms. Lepe related to the rent increase and the issues that were brought up by speakers; 9) make the survey available in the Permit Center; 10) gather solid data that can be tracked during the mediation process; 11) review retaliation and eviction issues; 12) create a balance of landlords being entitled to a reasonable return on investment with the need for affordable housing; 13) consider a different approach for different sized landlords; 14) ensure access to a good quality education that would lead to good paying jobs; 15) consider incentives that can be extended to apartment unit owners; 16) consider streamlining the building process to mitigate prohibitive costs; 17) ensure that property owners, tenants and landlords come together as policy is developed; 18) explore eviction clauses and work with the landlord community to see what is feasible; and 19) explore other alternatives to reducing the cost of housing.



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CITY MANAGER'S COMMENTS

City Manager McAdoo made two announcements: the Government Finance Officers Association awarded the City with the Distinguished Budget Presentation Award; and the City was in receipt of a \$1 million grant, in conjunction with the East Bay Municipal Utility District, for sustainable management (Proposition 1).

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

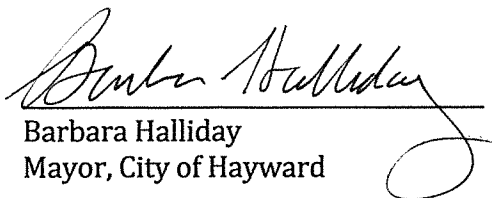
Council Member Márquez announced she attended an event at the Hayward Area Historical Society on February 3, 2018, commemorating Black History Month; and also welcomed new Housing Manager, Christina Morales.

Mayor Halliday noted that WWII veteran and Medal of Honor recipient, Hershel Woodrow "Woody" Williams, who tossed the Super Bowl LII coin, was the distinguished guest at the dedication of the Gold Star Families Memorial Monument at Lone Tree Cemetery in December 2017. Mayor Halliday also announced that she and Council Member Mendall attended the grand opening of a new Hayward business, Bay Area Innovation Center (BAIC), which is part of the DowDuPont Agriculture Division.

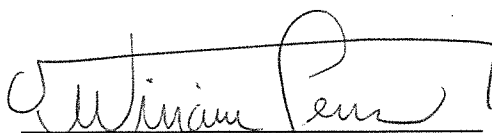
ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:46 p.m., in memory of Mr. Ernest Avellar. Mr. Ernest Avellar taught French and English at Mt. Eden High School in Hayward and was elected to the Alameda County Board of Education. Mayor Halliday asked City staff to work with his family and plant a tree in memory of Ernest Avellar.

APPROVED:


Barbara Halliday
Mayor, City of Hayward

ATTEST:


Miriam Lens
City Clerk, City of Hayward

