



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 30, 2020, 7:00 p.m.**

---

The special meeting was conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order No 29-20 dated March 17, 2020, and the Alameda County Health Officer Order No. 20-10 dated April 29, 2020 regarding the COVID-19 pandemic.

**CALL TO ORDER Pledge of Allegiance:** Mayor Halliday

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

The City Council convened in closed session on June 30, 2020, at 5:30 p.m., regarding two items: 1) conference with legal counsel pursuant to Government Code 54957(a) regarding a discussion of matters posing a threat to the security of essential public services; and 2) conference with property negotiators pursuant to Government Code 54956.8 regarding Hayward MYL Restaurant Concepts, LLC (dba Playt), 1036 B Street; APN: 428-0061-051-02. City Attorney Lawson reported there was no reportable action related to the items.

**PUBLIC COMMENTS**

Public speakers participated by calling the City Clerk's office at (510) 583-4400.

Ms. Katie Alvarez, Hayward resident, favored continuing remote participation for City Council meetings, supported Council Member Wahab's referral, and requested the community demands item be discussed on July 14, 2020.

Council Member Wahab shared remarks about former Alameda County Supervisor and Hayward City Council Member Gail Steele who had recently died and highlighted her work within the Afghan community regarding mental health and supporting foster youth.

Mayor Halliday shared that the meeting would be adjourned in memory of Ms. Gail Steele.

## CONSENT

1. Approve City Council Minutes of the Special City Council Meeting on June 16, 2020 **MIN 20-070**

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried unanimously, to approve the minutes of the Special City Council meeting on June 16, 2020 with one correction to page 13 in the second to last paragraph as identified in the staff memo.

## LEGISLATIVE BUSINESS

2. Extension of Temporary Evictions Moratorium: Adoption of Emergency Ordinance Amending Temporary Moratorium on Residential and Commercial Evictions to Extend the Moratorium and the Repayment Period **LB 20-028**

Staff report submitted by Deputy City Manager Ott, dated June 30, 2020, was filed.

Housing Manager Morales provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: repayment period upon expiration of the moratorium; increased cost for mediation services because of increased need; landlords' difficulty communicating with tenants; differences between City and County's Moratorium Ordinances; distribution of funds for one-time rent relief administered by Bay Area Community Services; feedback from landlords; and data updates regarding notices of default and foreclosures from the County on multifamily residences.

Mayor Halliday opened the public hearing at 7:27 p.m.

Public speakers participated by calling the City Clerk's office at (510) 583-4400.

Ms. Alicia Lawrence, The Hayward Collective member, encouraged the Council to consider broadening the eviction protections to include all residents of Hayward.

Ms. Vanessa Sadsad, Hayward resident, suggested extending the moratorium on evictions for the duration of the COVID-19 pandemic to match the state of emergency timeline and expressed support for the Transient Occupancy Tax increase to generate revenue.

Mayor Halliday closed the public hearing at 7:35 p.m.

Council Member Mendall offered a motion per staff's recommendation.

Council Member Wahab seconded the motion and offered a friendly amendment to extend the eviction protections to all tenants.

Council Member Mendall did not accept the friendly amendment.



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 30, 2020, 7:00 p.m.**

---

Mayor Halliday noted that all tenants are covered under one of the moratorium ordinances that have been passed either at the local, county or state level.

Housing Manager Morales clarified for Council Member Lamnin that setting an exact date in the ordinance provides clarity for landlords and tenants as to when rents would become due.

It was moved by Council Member Mendall, seconded by Council Member Wahab, and carried by the following roll call vote, to approve the ordinance:

AYES: COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas, Wahab,  
Zermeño  
MAYOR Halliday  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

Ordinance 20-11, “An Emergency Ordinance of the City Council of the City of Hayward Extending Ordinance No. 20-07, which Adopted a Temporary Moratorium on Residential and Commercial Evictions in the City of Hayward for Non-Payment of Rent or Mortgage Payments Caused by the Coronavirus (Covid-19) Pandemic, or for a No-Fault Reason Unless the Eviction is Necessary for the Imminent Health and Safety of the Tenant or Landlord, said Extension to Expire on September 30, 2020 Unless Repealed Earlier, and Extending the Repayment Period to 180 Days after the Expiration of the Moratorium, Unless Rental or Mortgage Payment Agreement Terms Negotiated During the Moratorium are Breached”

3. TOT (Hotel Tax) Ballot Measure: Direction on Potential November 2020 Transient Occupancy Tax Ballot Measure **LB 20-030**

Staff report submitted by Director of Finance Claussen, dated June 30, 2020, was filed.

Finance Director Claussen provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff to clarify as follows: besides hotel and motels, the Transient Occupancy Tax (TOT) applies to properties rented via Vrbo (Vacation Rentals by Owner), Airbnb (AirBedandBreakfast.com) and bed and breakfast rentals as long as the stay is 30 days or less; the TOT is a general tax and requires 50%+1 voter approval to pass; the TOT revenue goes into the General Fund to fund City operations

and used at the discretion of Council; a frequently asked questions (FAQ) page could be created to indicate which establishments are affected by the TOT increase; since projections were based off existing hotels, data can be provided on number of rooms for planned hotels; and the increase was recommended to bring Hayward in line with surrounding cities and all provisions of the ordinance would remain unchanged; and room rates would be impacted by an increase of 3.5% over the current rate.

There being no public speakers, Mayor Halliday opened and closed the public hearing at 7:55 p.m.

Council Member Salinas offered a motion to move staff's recommendation.

Council Member Márquez seconded the motion and suggested increasing the rate to 12% to be more in line with neighboring cities as Union City's rate at 12.87% and San Leandro's at 14%.

In response to Council Member Salinas' inquiry regarding increasing the rate to 14%, City staff noted the proposal could include language up to a certain percentage and specify that the amount may increase or decrease based on factors such as the state of the economy.

Council Member Salinas restated his motion to increase the rate up to 14% and include appropriate language to enable Council the ability to adjust the rate.

Council Member Márquez continued to second the motion and recommended that language be made clear to voters.

City Manager McAdoo noted staff would collaborate with the polling consultant.

Council Member Lamnin supported the recommendation for a Q&A page as this would be helpful for residents.

Council Member Zermeño supported the motion and recommended the Q&A include language about how the rate may change in case of another state of emergency.

Council Member Mendall thanked the Council Budget and Finance Committee for doing the analysis and especially without spending funds on a poll; supported setting the rate up to 14% to maximize flexibility; noted that language could be added to the fine print to clarify that Vrbo properties would be affected if they were to become legal.

Council Member Wahab liked the flexibility of a sliding scale that depends on the economy and favored to consider including language for rentals under 30 days even though they are not allowed. City Manager McAdoo noted the City would have to create a regulatory scheme to tax these types of properties, and given the small number of these types of properties, staff had determined it was not worth the staff time or revenue.



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 30, 2020, 7:00 p.m.**

---

Council Member Wahab noted the City receives significant complaints about Airbnbs and asked staff to revisit the topic in the future.

Council Member Márquez supported following up with the polling consultant, echoed Council Member Lamnin’s comment to being sensitive to the current climate, and noted the allocations should reflect the commitment to the community’s wishes expressed in the most recent survey including fixing roads, economic development, job growth, and City aesthetics.

Mayor Halliday supported Council Member Márquez’s comments that the City should spend revenue from visitors visiting the City to help make Hayward more welcoming, noted short-term rental issues could be revisited at any time, and added it would be good to include information about short-term rentals in FAQs.

It was moved by Council Member Salinas, seconded by Council Member Márquez, and carried by the following roll call vote, to approve the staff recommendation with direction to staff to prepare the appropriate documents to place the Transient Occupancy Tax increase measure on the November 2020 ballot and recommend the new increase at up to 14%:

AYES:	COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

**PUBLIC HEARING**

4. FY2021 Gann Appropriation Limit: Adopt a Resolution Establishing a Gann Appropriations Limit for Fiscal Year 2021 **PH 20-053**

Staff report submitted by Finance Director Claussen, dated June 30, 2020, was filed.

Finance Director Claussen provided a synopsis of the staff report.

In response to Council Member Wahab’s inquiry, Finance Director Claussen clarified the Gann Appropriation Limit sets the limit for taxes based on a formula and usually establishes limits for rapidly developing communities and taxes applied to a community would not be adjusted without voter approval.

There being no public speakers, Mayor Halliday opened and closed the public hearing at 8:18 p.m.

Council Member Salinas offered a motion to move the item per staff's recommendation. Mayor Halliday seconded the motion.

It was moved by Council Member Salinas, seconded by Mayor Halliday, and carried by the following roll call vote, to approve the resolution:

AYES:	COUNCIL MEMBERS Lamnin, Márquez, Mendall, Salinas, Wahab, Zermeño MAYOR Halliday
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution 20-110, "Adoption of Appropriations Limit for Fiscal Year 2021 Pursuant to Article XIII B of the Constitution of the State of California"

### **CITY MANAGER'S COMMENTS**

City Manager McAdoo spoke about five items: 1) thanked businesses who participated in the downtown closure of B and Main Streets to expand outdoor dining and noted there would be another closure on July 11, 2020; 2) noted City offices, City's COVID-19 Testing Center and telephone hotline will be closed on July 3, 2020 in observance of the Fourth of July holiday; 3) mentioned Hayward Library services: curbside pickup of Hayward library materials, free summer meals from July 6 through August 7 in partnership with HUSD, and virtual Summer Learning Camp on July 6, 2020; 4) called attention to the recent high volume of COVID-19 testing and indicated information on the City's COVID-19 Testing Center could be accessed online; and 5) added that the Housing Division was accepting additional applications for the Rental Housing Relief Program to support residents.

In response to Council Member Wahab's inquiry, City Manager McAdoo noted HUSD Superintendent Wayne and she would be hosting a joint town hall with Police Chief Chaplin on July 13, 2020, to hear community input on the SRO (Student Resource Officer) program and added that a joint HUSD Board/City Council meeting would be planned thereafter.

### **COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Wahab wished everyone a Happy Fourth of July and reminded them to be mindful of firework safety.

Mayor Halliday echoed the statement about firework safety, reminded all they were not permitted in Hayward, and added that some fireworks could be disturbing to pets and young children.



**SPECIAL CITY COUNCIL MEETING  
REMOTE PARTICIPATION  
Tuesday, June 30, 2020, 7:00 p.m.**

---

**ADJOURNMENT**

Mayor Halliday adjourned the special meeting at 8:43 p.m., in memory of former Alameda County Supervisor Gail Steele who passed away on June 25, 2020. Members of the City Council spoke about Ms. Gail Steele's legacy seen through her commitment to the community by serving as a member of the City Council from 1974 to 1982, serving as a member of the Alameda County Board of Supervisors from 1992 until 2010, serving on the St. Rose Hospital Foundation Board, founding the Eden Youth and Family Center and serving as its executive director, advocating for children who were killed by violence, starting the Children's Memorial Statute Project and being instrumental in getting statutes placed in Oakland and Hayward in memory of children killed by violence, taught at Chabot College with her son, and starting the Hayward Volunteer Awards and Recognition Dinner. Ms. Steele was remembered for her commitment and support of children, for rehabilitating and transitioning troubled youth to better circumstances and her belief in the value of every human being. Ms. Steele was admired for her actions and it was noted that her legacy would be felt throughout Hayward and surrounding communities for generations.

**APPROVED**

---

Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

---

Miriam Lens  
City Clerk, City of Hayward