



**SPECIAL MEETING OF THE CITY COUNCIL
Remote Participation
Tuesday, April 7, 2020, 7:00 p.m.**

The special City Council meeting was called to order by Mayor Halliday at 7:00 p.m. and 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. 20-04 dated March 31, 2020 regarding the COVID-19 pandemic.

ROLL CALL

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

PUBLIC COMMENTS

Public comment was limited to items on the agenda.

CONSENT

Consent Item No. 3 was removed from the Consent Calendar for discussion and separate vote.

1. Adopt a Resolution Approving an Amendment to the City of Hayward Salary Plan for Fiscal Year 2020 **CONS 20-187**

Staff report submitted by Assistant City Manager/Interim Director of Human Resources Hurtado, dated April 7, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with 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 20-040, "Resolution Approving the Amended Fiscal Year 2020 Salary Plan Designating Positions of Employment in the City of Hayward and Salary Range; and Superseding Resolution No. 19-246 and All Amendments Thereof"

2. Adopt a Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to an Amount Not-to-Exceed \$10,748,182 to Purchase and Install Additional Water Meter Materials for the Advanced Metering Infrastructure Project No 07025 **CONS 20-192**

Staff report submitted by Director of Public Work Ameri, dated April 7, 2020, was filed.

It was moved by Council Member Márquez, seconded by Council Member Lamnin, and carried with the following roll call vote, to approve the following:

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

Resolution 20-041, “Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to Increase the Contract Amount by \$290,000 to a not to Exceed Amount of \$10,748,182, for Purchase and Installation of Additional Water Meter Materials, and to Appropriate these Funds for Use in the Project”

3. Adopt a Resolution Approving Plans and Specifications and Call for Bids for the Sulphur Creek Mitigation Project at Hayward Executive Airport **CONS 20-196**

Staff report submitted by Director of Public Works Ameri, dated April 7, 2020, was filed.

Discussion ensued among Council members and City staff regarding finding a mitigation site for the Sulphur Creek project; sending a letter to the Alameda County Flood Control and Water Conservation District and Alameda County Board of Supervisors regarding Council’s suggestion to have mitigation measures performed in Hayward; and working with State Water Board and California Department of Fish and Wildlife agencies.

Mayor Halliday opened the public hearing at 7:14 p.m.

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

Ms. Marlina Selva, Friends of San Lorenzo Creek representative, thanked Council’s support for having the mitigation project performed in Hayward and emphasized the importance of prioritizing the health of the San Lorenzo Creek.



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Mr. Bruce King, Friends of San Lorenzo Creek representative, stressed the importance of performing mitigation measures within Hayward to lessen negative impacts to local creeks.

Mayor Halliday closed the public hearing at 7:24 p.m.

Council Member Mendall made a motion to approve staff's recommendation including direction to staff to try to find a site in Hayward to perform mitigation measures.

Council Member Zermeño seconded the motion.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried with the following roll call vote, to approve the resolution with direction to staff to find a mitigation site for the Sulphur Creek project and send a letter to the Alameda County Flood Control and Water Conservation District and Alameda County Board of Supervisors on behalf of the City Council asking for consideration to have the mitigation performed in Hayward.

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

Resolution 20-042, "Resolution Authorizing the City Manager to Amend the Contract with Delta Engineering Sales, LLC, to Increase the Contract Amount by \$290,000 to a not to Exceed Amount of \$10,748,182, for Purchase and Installation of Additional Water Meter Materials, and to Appropriate these Funds for Use in the Project

LEGISLATIVE BUSINESS

4. Repeal and Replacement of Temporary Moratorium on Evictions: Repeal of Existing Moratorium and Adoption of Emergency Ordinance Establishing 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 to Include Prohibitions on Commercial Evictions, Lender Evictions of Homeowners, and Retaliation Against Tenants **LB 20-016**

Staff report submitted by Deputy City Manager Ott and Housing Manager Morales, dated April 7, 2020, was filed.

Deputy City Manager Ott provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 7:39 p.m.

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

Ms. Angela Andrews, Planning Commission member, supported a moratorium for all evictions and the ordinance applied to commercial businesses, and recommended creation of a comprehensive pandemic response plan and an economic development task force.

Ms. Monzella Curtis, Hayward Collective member, requested a freeze on rent increases.

Ms. Audrey Boissonou, California Association of Mortgage Professionals president, requested the Council promote government programs such the Coronavirus Aid Relief and Economic Security (CARES) Act, as stated in her letter.

Ms. Jackie Zaneri, Centro Legal de La Raza attorney, asked the ordinance include language to invalidate all eviction notices served before the State of Emergency was declared or that expire during the State of Emergency, as stated in her letter.

Mr. David Stark, Bay East Association of Realtors, Public Affairs Director, requested that the homeowners' protection provision be removed and replaced with a stipulation that homeowners must attempt to work with their lenders to modify terms in their mortgage.

Ms. Elisha Crader requested the ordinance be expanded to include all causes of tenant evictions.

Ms. Lacei Amodei urged the Council to consider a freeze on rent and mortgage payments.

Ms. Alicia Lawrence, Hayward Collective member, urged to halt all eviction notices and to invalidate evictions served prior to the emergency declaration.

Ms. Araceli Orozco, South Hayward's parents advocate, agreed with Hayward Collective's recommendations in supporting the most affected residents.

Mayor Halliday closed the public comments at 8:01 p.m.

City Attorney Lawson noted staff was proposing to add clarifying language to Section 7 of the ordinance, relating to criminal penalties for violation, and add language as follows, "A violation of this ordinance is a misdemeanor and is punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six (6) months, or both."

Council Member Lamnin made a motion per staff's recommendation and noted the advocates' concerns had been addressed.



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Council Member Mendall seconded the motion.

Council Member Márquez offered a friendly amendment to the motion that would include all eviction notices that were previously served and that may be expiring during the Shelter-in-Place order.

Council Member Lamnin did not accept the friendly amendment noting the ordinance had enough protections in place and was concerned that expanding beyond the nexus of the COVID-19 pandemic could open the door for abuses.

Discussion ensued among Council members and City staff regarding protections for tenants who might have been served with unlawful detainer actions, mediation services through the Housing Division, information regarding moratorium on evictions, assistance through the City Attorney's office, provision for homeowner protections, types of no-fault and just cause evictions, and court enforcement.

Council Member Mendall clarified that his second to the motion included the amendment to Section 7 of the ordinance. Council Member Lamnin agreed the motion included the amendment.

Council Member Salinas supported the motion including the amendment to Section 7; and asked that communication be clear and simple with graphics that articulate the policy.

Council Member Wahab offered a friendly amendment for the ordinance to include all evictions.

Council Member Lamnin did not accept the friendly amendment noting the ordinance was crafted to address the current crisis.

Council Member Wahab recommended the City draft a letter calling on state and federal legislators for measures to prevent foreclosures, implement mortgage assistance and ask financial institutions to suspend payments and late fees.

Mayor Halliday was amenable to work with City staff and Council Member Wahab on drafting a letter if Council members did not express any concerns.

Council Member Mendall was agreeable if City staff, Mayor Halliday and Council Member Wahab consented to language for such letter.

Council Member Wahab requested staff work on broader communication to include residents with no internet access and those whose English is not their primary language; and suggested distributing information through various faith groups.

Council Member Zermeño supported the motion noting the ordinance had appropriate mediation and enforcement provisions.

Mayor Halliday supported the motion and thanked Council members and City staff for their participation.

It was moved by Council Member Lamnin, seconded by Council Member Mendall, and carried with the following roll call vote, to approve the ordinance with an amendment to Section 7 of the ordinance, relating to criminal penalties for violation, and add language as follows, “A violation of this ordinance is a misdemeanor and is punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six (6) months, or both.”:

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

Ordinance 20-07, “An Emergency Ordinance of the City Council of the City of Hayward Repealing Ordinance No. 20-06 and Adopting 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”

5. Minimum Wage Ordinance: Introduce an Ordinance to Amend Chapter 6 “Minimum Wage Ordinance” of the City of Hayward Municipal Code Delaying the Implementation Date and Modifying the Yearly Adjustment Date for Increases in Response to Significant Impacts to Businesses Caused by the COVID-19 Pandemic **LB 20-015**

Staff report submitted by City Manager McAdoo, dated April 7, 2020, was filed.

Economic Development Specialist Ralston provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 8:51 p.m.

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



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The following individuals did not favor delaying implementation of the minimum wage ordinance due to concerns with impact to most vulnerable populations, small businesses, and hourly groups; and concerns that would result in an unstable workforce.

Mr. Randy Wright, Hayward business owner, also provided a letter for the record.

Mr. Edgardo Solorio

Mr. Matthew Lewis, East Bay Young Democrats representative

Ms. Hilda Garcia, via an English-Spanish interpreter

Ms. Lacei Amodei, Hayward residents

Ms. Elisha Crader, Hayward resident

Ms. Alondra Flores

Ms. Jasmine Gee

Mr. Johan Ocegueda, Hayward small business owner

Ms. Marisol Gonzales

Ms. Araceli Orozco, South Hayward's parents advocate

Ms. Sara Prada, local business owner, suggested staff conduct a survey of Hayward small businesses and how many are employed, find out who needs the most help and how to get available funds from state and federal governments.

City staff spoke about the Small Business Resiliency Grant Program and application process which included a survey of small businesses.

Mr. Kim Huggett, Hayward Chamber of Commerce president, urged the Council to approve delaying the minimum wage increase until January and shared how some businesses have been struggling to stay open.

Mayor Halliday closed the public comments at 9:20 p.m.

Discussion ensued among Council members and City staff regarding: unemployment benefits for displaced workers; Hayward Community Relief Fund for workers who do not qualify for government benefits; survey results from businesses; stimulus funds; rent subsidies from Community Development Block Grant funds; Small Business Administration's Economic Injury Disaster Loan Program; Small Business Administration's Paycheck Protection Program; "employees out of the City" provision; two notifications and associated costs to the City and to businesses; and City of Hayward business and employee demographic data.

Council Member Mendall noted it was difficult to delay implementation of the minimum wage ordinance, especially since he had supported the ordinance when the economy was thriving, but mentioned it did not make sense to impose an increase when businesses were closed.

Council Member Mendall offered a motion per staff's recommendation and to delay implementation of the ordinance to January 1, 2021.

Council Member Salinas seconded the motion.

Council Member Salinas noted that he had supported increasing the minimum wage when the economy was doing well, but due to the financial impact of COVID-19, he was concerned that small businesses would not be able to stay open.

Council Member Wahab did not support delaying implementation of the minimum wage increase noting the state or other municipalities were not delaying minimum wage increases, it was unjust to hurt the lowest paid employees during a pandemic, and noted workers should receive hazard pay and be provided with personal protective equipment.

Council Member Zermeño offered a friendly amendment to the motion so the delay would only apply to small businesses with 25 or fewer employees.

Council Member Lamnin offered a friendly amendment to increase the minimum wage to \$13 per hour for small businesses and \$14 per hour for large businesses as of July 1, 2020, and to increase to \$14 and \$15 respectively, as of January 1, 2021.

Council Member Mendall did not accept the amendment due to the cost associated with double noticing and having to change the payroll twice.

Council Member Salinas offered a friendly amendment to have the cutoff at 299 or fewer businesses and leave it in place for 300 and above.

Council Member Mendall noted the three friendly amendments were not bad ideas but did not want to complicate staff's recommendation and he did not accept the friendly amendments.

Council Member Márquez expressed support for Council Member Zermeño's friendly amendment; and noted the vote to accelerate the minimum wage was unanimous, but the financial situation had changed, and it was the Council's responsibility to address the crisis and to preserve jobs.

Mayor Halliday noted the friendly amendments were not accepted.

Mayor Halliday expressed she would be supporting the motion and noted the concern was for individuals who would lose their jobs due to the financial impact imposed on businesses.

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



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

Intro Ord 20-_, "An Ordinance of the City of Hayward, Amending Article 15 of Chapter 6 of the Hayward Municipal Code Relating to Payment of Minimum Wages by Employers"

CITY MANAGER'S COMMENTS

City Manager McAdoo provided updates on Hayward's COVID-19 Testing Center, the Small Business Resiliency Grant Program, and the Hayward Community Relief Fund.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas encouraged the public donate to the Hayward Community Relief Fund and local non-profit agencies.

Council Member Wahab acknowledged Fire Chief Contreras for Hayward's COVID-19 Testing Center; and spoke about efforts through AT&T grants to improve Wi-Fi access, obtain laptops for students and funding for small businesses.

Council Member Zermeño encouraged all to donate to food banks and patronize Hayward's small businesses.

Council Member Lamnin spoke about her participation at the League of California Cities' Policy Committee meeting regarding legislation around workers' compensation and ACA 5 to repeal California's ban on Affirmative Action; and reminded residents to complete the 2020 Census questionnaire.

Council Member Márquez acknowledged the City's level of response related to the COVID-19 pandemic and noted South Hayward Parish was providing food distribution and looking for volunteers.

Mayor Halliday announced that state and county agencies were holding virtual meetings and encouraged the public to contact staff with any questions; encouraged residents to complete the 2020 Census; and reminded everyone to collaborate with one another and practice acts of kindness during COVID-19.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:48 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward