



**MINUTES OF THE SPECIAL MEETING OF THE CITY COUNCIL**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, May 29, 2018, 7:00 p.m.**

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The Special 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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session at 5:00 p.m., to discuss two items: (1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and (2) public employment pursuant to Government Code 54957 regarding the City Manager's annual performance evaluation. City Attorney Lawson noted there was no reportable action related to Item 1 and Mayor Halliday added that there was no reportable action related to Item 2.

Mayor Halliday announced there was an English/Spanish interpreter available in the Council Chambers for those in need of assistance.

**PUBLIC COMMENTS**

Mr. Jim Gansemer, Hayward resident, requested assistance connecting with the Alameda County Registrar of Voters to establish in-person voting at Stonebrae.

Mr. Jim Drake, Hayward resident, had concerns about the reserved parking spaces on B Street; and expressed the need for more police officers in Hayward.

Ms. Faith Munn, Hayward resident, was concerned that tenants in her senior apartment complex were going to be evicted, and asked the City for tenant's protection.

Council Member Mendall disclosed he had to stand up during meetings due to a back injury.

Council Member Márquez noted she serves as the President of the Alameda County Mosquito Abatement District Board of Trustees and reported that a dead bird infested with West Nile virus was confirmed in Alameda County.

Mr. Zachariah Oquenda, Hayward resident, announced the South Alameda County Young Democrats was having events in June to address national issues.

## LEGISLATIVE BUSINESS

### 1. Emergency Ordinances Related to the Residential Rent Stabilization Ordinance (Report from City Manager McAdoo) **LB 18-018**

Staff report submitted by Assistant City Manager Hurtado, dated May 29, 2018, was filed.

City Manager McAdoo and Housing Division Manager Morales provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding Section 19 of the City of Hayward Residential Rent Stabilization Ordinance regarding eviction for cause; a moratorium on rent increases; a system to track and monitor complaints and other housing related issues; and resources for tenants such as Centro Legal de La Raza and Eden Council for Hope and Opportunity (ECHO) Housing.

Mayor Halliday opened the public hearing at 7:43 p.m.

The following individuals spoke in favor of the proposed emergency ordinance enacting a moratorium on decontrolled rental units; the proposed emergency ordinance amending Section 19 of the City's Residential Rent Stabilization Ordinance related to eviction for cause provisions; extending the "just cause" protection provision to all rental units; and considering a moratorium on rent increases for all decontrolled units, with no increases on units that have enacted an increase that is 5% or more in the past 12 months, applied to all notices from May 1, 2018 forward, and enacted for 18 months.

Ms. Alicia Lawrence, Hayward resident and Hayward Collective member  
Ms. Lacei Amodie, Hayward resident and Hayward Collective member  
Ms. Araceli Orozco, Hayward resident  
Mr. John Wichman, Hayward resident  
Ms. Nancy Tejada, Hayward tenant  
Ms. Sarah Winfield, Hayward Collective member and Centro Legal de la Raza attorney  
Mr. Ramon Rios Pareda, Hayward tenant and Hayward Collective member  
Ms. Lucy Aguilar Navarro, Hayward resident  
Mr. Joseph Navarro, Hayward resident  
Ms. Veronica Solorio, Hayward Collective member  
Ms. Rosaura Mendoza, Hayward Collective member  
Mr. Zachariah Oquenda, Hayward tenant  
Mr. Jesse Wiltey, Hayward tenant  
Ms. Aisha Wahab, Hayward tenant  
Ms. Annette Sanders, Hayward resident



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The following individuals, some via an English-Spanish interpreter, expressed concerns related to lack of affordable rental housing; the increase in rent cost and poor housing conditions; fear of retaliation; negative impact to families not only financially but physically and emotionally; becoming homeless; and spoke in favor of rent control and subsidized housing.

Ms. Davida Scott, Hayward tenant  
Ms. Diane Fagalde, Hayward tenant  
Mr. Monzella Curtis, Hayward tenant  
Ms. Joicy Ramirez, Hayward tenant  
Mr. Alejandro Garcia, Hayward tenant  
Ms. Silvia Marquez, Hayward tenant  
Ms. Yesenia Lopez, Hayward tenant  
Ms. Noyely Marquez, Hayward resident  
Ms. Lisa Brunner, Hayward resident and landlord  
Ms. Araceli Reyes, Hayward tenant  
Mr. Rigoberto Soto, Hayward tenant  
Ms. Kimberlee Burks, advocate for people with disabilities  
Ms. Nancy Mendoza, Hayward resident

The following individuals expressed concerns with the proposed emergency ordinances indicating the situation did not warrant urgency; future policy needs to be driven by facts and data; the proposal would discourage having units inspected and brought up to safe standards; it would discourage investing in Hayward; it would penalize responsible landlords; it would cause rental units to become owner occupied; the no cause of eviction provision was a mechanism to deal with difficult tenants; and rents in Hayward were below market rate.

Ms. Barbara Fields, Hayward landlord  
Ms. Luwana Deyoung, "mom and pop" landlord  
Mr. Juan "Jose" Cervantes, realtor  
Mr. Brian Arrasmith, property owner  
Ms. Raechelle Mostilla, apartment manager  
Mr. Mark Oakman, Hayward landlord  
Mr. Doug Smith, Hayward landlord  
Mr. Nick Bruce, Hayward landlord  
Mr. Bill Mulgrew, Rental Housing Association Executive Director  
Mr. Les Fohl  
Mr. Ed Kellar, Hayward landlord  
Mr. Michael Chaney, Hayward "mom and pop" landlord  
Mr. Bill Espinola, Hayward "mom and pop" landlord  
Ms. Pam Winterbauer, Hayward "mom and pop" landlord

Mr. David Stark, Bay East Realtor Association representative  
Mr. Tom Silva, Rental Housing Association President  
Mr. Blane Warhurst, Hayward rental property owner

Mr. Ralph Morales, South Hayward Parish representative, noted the center distributes food to the needy to help them save for rent.

Mr. Jim Carney submitted a card but did not speak.

Mayor Halliday closed the public hearing at 9:30 p.m.

Mayor Halliday thanked members of the tenant and landlord communities for their input.

Council Member Márquez noted that the title, Paragraph D, and Paragraph F of the Emergency Ordinance amending Section 19 of the City's Residential Rent Stabilization Ordinance (Attachment III) was modified to strengthen its findings

In response to Mayor Halliday's request to address questions posed by public members, staff indicated: 1) the two proposed ordinances would not have an impact on Section 8 housing; 2) units that are not decontrolled would need to be identified and notification on the impact of the ordinance would follow; and 3) there are interventions when tenants are influenced to move to units that are not controlled.

Council Member Márquez offered a motion per staff's recommendation including the amendment to Attachment III. Council Member Zermeño seconded the motion.

There was general consensus among the City Council to adopt the proposed emergency ordinances offering the following: the action was a step in the right direction to address concerns expressed by community members; there was a desire to find a reasonable compromise to protect responsible tenants and landlords while punishing irresponsible landlords; explore having community meetings where stakeholders can address current issues and build a collective foundation to attract responsible investors; there needs to be innovation in creating different housing options, incentivizing and streamlining processes; pause pursuing the development of a mandatory mediation program; and concentrate efforts on a system to track complaints and collect data that would help make future decisions.

Mayor Halliday offered a friendly amendment to the motion directing staff to come back in nine (9) months to provide an update on the evaluation of decontrol of rental units under Section 8 of the City's Residential Rent Stabilization Ordinance.

Council Members Márquez and Zermeño were amenable to the friendly amendment.

It was moved by Council Member Márquez, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with the amendment noted above:



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Ordinance 18-06, "An Emergency Ordinance of the City Council of the City of Hayward Enacting a Moratorium on the Decontrol of Rental Units Pursuant to Section 8 of the City of Hayward's Residential Rent Stabilization Ordinance"

Ordinance 18-07, "An Emergency Ordinance of the City Council of the City of Hayward Amending Section 19 of the City of Hayward Residential Rent Stabilization Ordinance Clarifying the Applicability of Section 19 to Units that are Currently Rent Controlled and Were Previously Rent Controlled Pursuant to the Ordinance"

**CITY MANAGER'S COMMENTS**

City Manager McAdoo received confirmation from the City Council that staff would pause on the development of a mandatory mediation program and focus in other areas such as an electronic system that would allow the City to track and monitor complaints and other housing related issues.

**COUNCIL REPORTS AND ANNOUNCEMENTS**

Council Member Salinas congratulated Chabot College 2018 graduates and wished California State University East Bay students good luck on their final exams.

Mayor Halliday spoke about her attendance at the 115th Memorial Day celebration on May 28, 2018 at the Lone Tree Cemetery. Mayor Halliday added that the Council will be holding a meeting on Election Day, June 6, 2018, because Hayward's municipal election was moved to November and reminded all to exercise their right to vote.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 10:31 p.m.

**APPROVED**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Miriam Lens  
City Clerk, City of Hayward