



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2019, 7:00 p.m.

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson reported the City Council convened in closed session at 5:00 p.m., concerning four items: 1) public employment pursuant to Government Code 54957 regarding the City Clerk's annual performance evaluation; 2) conference with legal counsel pursuant to Government Code 54956.9, regarding AGG, et al. v. City of Hayward, et al., U.S. District Court, ND CA, No. #4: 4:19-civ-00697-DMR; 3) conference with legal counsel pursuant to Government Code 54956.9, regarding City of Hayward v. California State University Trustees, etc., Alameda County Superior Court No. RG18895213; 4) conference with property negotiators pursuant to Government Code 54956.8, regarding City owned property at 1401 Golf Course Road; APN 432-0134-001-05. Mayor Halliday noted there was no reportable action related to item 1. City Attorney Lawson noted there was no reportable action related to Item 2 and 3, and Item 4 was not discussed. City Attorney Lawson added that the City Council unanimously approved to add, pursuant to Government Code 54954.2 (b) (2), an anticipated litigation to the closed session agenda and the City Council took no reportable action.

PUBLIC COMMENTS

Ms. Peggy Guernsey, Hayward resident, encouraged the Council to contact the City of Oakland about an ordinance related to Prop 13 and commercial property; advocated for housing for teachers; and suggested charging property owners for garbage in front of their properties.

CONSENT

1. Minutes of the City Council Meeting on February 19, 2019 **MIN 19-027**
The item was continued to March 19, 2019.
2. Fire Station 6 and Fire Training Center Project: Abatement and Deconstruction of Existing Buildings - Approval of Plans and Specifications and Call for Bids **CONS 19-117**

Staff report submitted by Interim Public Works Director Ameri, dated March 5, 2019, was filed.

Ms. Peggy Guernsey, Hayward resident, spoke in support of the Fire Training Center and spoke about celebrating women during Women's History Month.

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

Resolution 19-044, "Resolution Approving Plans and Specifications for the Fire Station 6 and Fire Training Center: Abatement and Deconstruction of Existing Buildings Project, Project Nos. 07481 and 07482 and Call for Bids"

LEGISLATIVE BUSINESS

3. Adoption of Emergency Ordinance Requiring Just Cause for Tenant Evictions for All Rental Units within the City (Report from City Manager McAdoo) **LB 19-016**

Staff report submitted by Deputy City Manager Ott, dated March 5, 2019, was filed.

City Manager McAdoo, Deputy City Manager Ott and Housing Manager Morales provided a synopsis of the report and provided options for Council's action: 1) adopt the emergency ordinance; continue the action item to March 19 to allow more time for notification of expansion of just cause eviction provisions; refer the item to the March 21 Homelessness-Housing Task Force meeting with potential return to the April 2 Council meeting for action; or adopt the ordinance as a non-emergency ordinance with a second reading on March 19.

Clarification ensued among Council Members and City staff regarding: proposed emergency ordinance requiring just cause for tenant evictions for all rental units; justifications for eviction; the Social Nuisance Ordinance; water, sewage, electricity, and insurance payments paid by tenants/landlords; small "mom and pop" landlords and the proposed ordinance; study on the vacancy decontrol process; Homelessness-Housing Task Force meetings; moratorium on the decontrol of rental units; the Rental Housing Association (RHA) letter alleging a Brown Act violation related to Council's action, taken via the referral process on February 26, 2019; and the two referrals made on February 26, 2019.

Mayor Halliday opened the public hearing at 7:58 p.m.

The following individuals spoke in support of the proposed emergency ordinance requiring just cause for tenant evictions for all rental units noting the ordinance will: protect vulnerable renters from arbitrary evictions; enable basic due process for renters; address the power imbalance between landlords and tenants; provide protection against retaliation, harassment and discrimination; prevent mass displacement; align with the CASA Compact (tenant protections); and create tenant stability and peace for struggling renters.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2019, 7:00 p.m.

Ms. Kara Jee, Hayward tenant
Ms. Sarah McCracken, Centro Legal de la Raza staff attorney
Ms. Jackie Zaneri, Centro Legal de la Raza representative
Ms. Lacei Amodei, Hayward Collective member and Hayward tenant
Ms. Paola Hernandez, Centro Legal de la Raza housing advocate
Ms. Elisha Crader, Hayward resident
Mr. Andrew Ramirez, Hayward resident
Rev. Silvia Brandon Perez, Hayward resident and housing and immigration rights advocate
Ms. Hermalinda Hernandez, Hayward tenant
Ms. Lorena Luna, Hayward tenant and Centro Legal de la Raza representative
Ms. Veronica Solorio, Hayward Collective member
Mr. Zachariah Oquenda, Community Services Commission member and Hayward tenant
Ms. Annette Sanders, on behalf of Bishop Macklin from Glad Tidings International Church
Ms. Corina Vasaure, Hayward resident and Hayward instructor
Ms. Dolores Tejada, East Bay Housing Organization representative
Ms. Montserrat Campillo, written statement was read on her behalf
Ms. Araceli Orozco, Hayward resident
Ms. Aesa Ruiz, Chabot College students
Ms. Andy Briseño, Chabot College students
Ms. Gabriela del Hoyo, Hayward tenant
Mr. Igor Tregub
Ms. Alicia Lawrence, Hayward Collective member
Mr. James Chang, Berkeley Rent Stabilization Board member

The following individuals spoke against the proposed emergency ordinance noting it will: place financial burden on rental property owners; discourage housing investment; stop economic development; and will not solve the regional housing crisis. It was noted that property owners were not notified of the proposed ordinance; single family homes should be exempt; Federal, State, and City laws were already in place to protect tenant rights; there was not enough data provided; and urged the Council to defer action to allow stakeholders to provide additional input or refer the item to the Homelessness-Housing Task Force. The Rental Housing Association read into the record a petition from property owners and managers.

Mr. William Zhao, Hayward landlord
Mr. John Morra, Hayward property owner
Mr. Albert Xue, Hayward property owner
Mr. Jeff Jurow, Downtown Improvement Association president and Hayward property owner
Mr. Ken Williams, multi-park owner and college professor
Mr. Kim Huggett, Hayward Chamber of Commerce President
Mr. Jerry Reynolds, rental property owner

Ms. Meina Young, rental property owner
Ms. Cherry To, property owner
Mr. Hok Lai, duplex property owner
Mr. Tony Charvet, property owner
Mr. Chunchi Ma, Bay Area Homeowners Network member
Ms. Caryl Mahar, Rental Housing Association Executive Director and Hayward renter
Mr. Bill Mulgrew, Rental Housing Association Vice President Public Affairs representative
Ms. Fangge Liu, property owner
Mr. Lin Nay, rental property owner
Mr. Daniel Lee, rental property owner
Mr. Charles Lassey, Real estate broker, owner of property management company and landlord
Mr. Andrew Lui, landlord
Mr. Paul Schaffer, “mom and pop” landlord
Ms. Wendy Luo, Hayward landlord
Mr. Yi Cai, property owner and landlord
Mr. Michael Chaney
Mr. Mac Zhu, Bay Area Homeowner Network member
Mr. Jason Zhu, Hayward small condo owner
Mr. Chris Overton, single unit landlord
Ms. Lillian Liang, property owner
Mr. Michael Yao, property owner
Mr. Benjamin Huang, property owner
Mr. Otto Catrina
Ms. Nancie Allen, Bay East Association of Realtors President
Ms. Lu Wana De Young, Hayward landlord
Mr. Blane Warhust, Hayward rental property renter

The following speakers submitted speaker cards but did not speak:

Ms. Pilar Luna
Ms. Elisa Padilla
Mr. Ralph Watkins

Mr. Charlie Peters, Hayward resident, spoke about housing affordability.

Mayor Halliday closed the public hearing at 10:34 p.m.

Council Member Márquez expressed preference for adopting the emergency ordinance and giving community members protections and not taking any rights away from homeowners.

Council Member Mendall expressed he was looking forward to enacting the emergency ordinance, but he preferred to direct staff to write a just cause clause, consistent with the Social Nuisance Ordinance, and return for Council’s action in two weeks.



MINUTES OF THE CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, March 5, 2019, 7:00 p.m.

Council Member Salinas did not think the emergency ordinance would debilitate the rental housing industry and stated support for enacting the emergency ordinance.

Council Member Wahab expressed preference for enacting the emergency ordinance and noted it was a duty to provide a safety net for renters with conditions that landlords can still evict based on the 15 justifications.

Council Member Zermeño expressed preference for enacting the emergency ordinance and suggested that the Homelessness-Housing Task Force consider how to handle situations with “mom and pop” property owners, financial investors that are not Hayward residents, and bad tenants.

Council Member Lamnin expressed she would have preferred that the emergency ordinance would have been referred to the Homelessness-Housing Task Force, but also appreciated the opportunity to discuss with the entire Council.

Mayor Halliday suggested that the Homeless-Housing Task Force look into the issue of how long it takes to process an unlawful detainer; and noted she would be supportive of enacting the emergency ordinance provided the ordinance did not conflict with the Social Nuisance Ordinance.

Council Member Márquez offered a motion to: 1) adopt an emergency ordinance requiring just cause for tenant evictions for all rental units within the City; and 2) adopt an emergency ordinance repealing Section 19 of the City of Hayward Residential Rent Stabilization Ordinance (RRSO). Council Member Márquez asked that the first ordinance be modified by replacing the word “citizens” with “residents” in the last “Whereas”; and replacing the word “citizens” with “residents” in the second to last “Whereas” in order to be consistent with inclusive language.

Council Member Salinas seconded the motion on the floor.

Council Member Márquez noted she was open to ensuring that the emergency ordinance did not conflict with the Social Nuisance Ordinance and suggested that could be referred to the Homelessness-Housing Task Force. Discussion ensued among Council Members and City staff.

Council Member Márquez offered a friendly amendment to the motion directing staff to review the emergency ordinance and return with an amendment to ensure consistency with the Social Nuisance Ordinance, if necessary. Council Member Salinas accepted the friendly amendment.

It was moved by Council Member Márquez, seconded by Council Member Salinas, and carried unanimously, to approve both ordinances with language modification by replacing the word “citizens” with “residents” in the last “Whereas” of 19-04, and replacing the word “citizens”

with “residents” in the second to last “Whereas” of 19-05 to be consistent with inclusive language. The motion also included direction for staff to review the just cause ordinance and return with an amendment to ensure consistency with the Social Nuisance Ordinance, if necessary.

Ordinance 19-04, “An Emergency Ordinance of the City Council of the City of Hayward Requiring Just Cause for Tenant Evictions within the City”

Ordinance 19-05, “An Emergency Ordinance Repealing Section 19 of the City of Hayward Residential Rent Stabilization Ordinance”

4. Introduction of the Hayward Community Foundation Concept, Formation Process, and Authorization for the City Manager to Establish an Affiliate Fund with the East Bay Community Foundation to Create the Hayward Community Foundation (Report from City Manager McAdoo) **LB 19-011**

Item continued to 3/19/19.

CITY MANAGER’S COMMENTS

There were no comments.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced March 11, 2019 was Hayward’s 143rd Anniversary and noted there would be a celebration at the Latino Business Roundtable meeting on March 22, 2019.

Council Member Wahab noted she was recognized and named “Woman of the Year” by Assembly Member Quirk.

ADJOURNMENT

Mayor Halliday adjourned the regular meeting at 11:46 p.m., in memory of Retired Hayward Police Officer David Helm. Mayor Halliday asked City staff to work with the Helm family to plant a tree in memory of David Helm.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward