



**SPECIAL MEETING OF THE CITY COUNCIL
Tuesday, March 24, 2020, 7:00 p.m.
Remote Participation**

The special City Council meeting was called to order by Mayor Halliday at 7:00 p.m. and conducted via telephone and videoconferencing in accordance with State of California Executive Order No. 25-20 and guidance from the California Department of Public Health related to COVID-19.

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

1. Adopt an Ordinance Establishing Reach Codes for the City of Hayward, Amending Part 6 (California Energy Code) and Part 11 (California Green Building Standards Code) of the California Building Standards Code (Title 24 of the California Code of Regulations); and Amending Chapter 9, Article 1 of the Hayward Municipal Code **CONS 20-157**

Staff report submitted by City Clerk Lens, dated March 24, 2020, was filed.

It was moved by Mayor Halliday, seconded by Council Member Márquez, 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 20-05, "An Ordinance Establishing Reach Codes for the City of Hayward; Amending Part 6 (California Energy Code) and Part 11 (California Green Building Standards Code) of the California Building Standards Code (Title 24 of the California Code of Regulations)"

LEGISLATIVE BUSINESS

2. Temporary Moratorium on Evictions: Adoption of an Emergency Ordinance Establishing a Temporary Moratorium on Evictions in the City of Hayward for Non-Payment of Rent Caused by the Coronavirus (COVID-19) Pandemic, or for No-Fault Evictions and Providing Tenants and Landlords Mediation Services to Negotiate Payment Agreements and to Provide Direction to Staff to Develop a Financial Assistance Program to Help Stabilize the Rental Housing Market in Hayward **LB 20-014**

Staff report submitted by Deputy City Manager Ott, dated March 24, 2020, was filed.

Housing Manager Morales provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 7:16 p.m.

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

Ms. Angela Andrews was unable to connect.

The following speakers expressed support for the proposed emergency ordinance establishing a temporary moratorium on evictions.

Ms. Shari Cruz
Ms. Cheryl Cruz
Ms. Shaw
Ms. Ortega, CSUEB student
Ms. Maria
Ms. Ana Navidad
Ms. Mariah

While the following speakers supported the proposed ordinance establishing a temporary moratorium on evictions, they expressed additional concerns and requests.

Mr. Bill Mulgrew, Rental Housing Association president, asked to limit the term of the ordinance to one 90-day extension.

Ms. Dolores Tejada, East Bay Housing Organization representative, supported the Hayward Collective's letter.

Mr. Victor Garcia, via an English-Spanish interpreter, Parents Organized and Dedicated to Reformatory Education representative, did not support requiring documentation or proof of income for undocumented residents.



SPECIAL MEETING OF THE CITY COUNCIL
Tuesday, March 24, 2020, 7:00 p.m.
Remote Participation

Mr. David Stark, Bay East Association of Realtors director, requested changes be incorporated regarding statement of urgency, a sunset provision, and addition of “sale of a tenant-occupied unit” language to the no-fault eviction clause.

Ms. Lacei Amodei requested The Hayward Collective’s recommendations be incorporated.

Ms. Alicia Lawrence, The Hayward Collective representative, asked the moratorium to apply to all causes of evictions and across the board to all tenants.

Mr. Randy Wright requested the ordinance be expanded to include small businesses that lease their spaces.

Mr. John Matthews cautioned the moratorium does not affect prior evictions for cause.

Ms. Araceli Orozco asked protections for the undocumented community and asked to consider the Hayward Collective’s recommendations.

Ms. Kayla Mathis, CSUEB student, asked for provisions to waive late fees.

Ms. Jackie Zaneri, Centro Legal de La Raza attorney, asked for a moratorium on all causes for eviction and to protect against eviction notices that were served before the emergency declaration.

Ms. Elena Lepe, via an English-Spanish interpreter, Leaders in Action by the Community representative, asked protections for undocumented residents.

Ms. Ana Lilia Brizuela, Hayward Collective supporter, asked protections and assistance for undocumented residents.

Mr. Joe Felson noted he and his staff were willing to work with his tenants to keep them safe and secure.

Ms. Alejandra Oliva, via an English-Spanish interpreter, asked for payment plans for residents unable to provide proof of income.

Mr. Richard asked if anything was being done for homeowners.

Mayor Halliday closed the public hearing at 8:33 p.m.

City Manager McAdoo addressed the speakers' concerns and recommended they contact the Rent Stabilization Office, and deferred to the City Council for proposed language changes, cautioning that changes might delay passage of the ordinance which could place residents in jeopardy of losing their homes.

Mayor Halliday offered a motion to approve staff's recommendation. Council Mendall seconded the motion.

Council Member Lamnin offered a friendly amendment to the motion by adding the word "imminent" to "health and safety of tenants, neighbors or landlords" language in the context of no-fault eviction in Section 3(a) of the proposed ordinance.

Mayor Halliday and Council Member Mendall accepted the friendly amendment.

Discussion ensued among Council Members and City staff regarding: commercial rentals; sale of a tenant-occupied unit; revisiting the ordinance in 30 days; having the moratorium retroactive to March 4, 2020 when the state issued a state of emergency; rescinding notices that are going to expire; documentation requirement to support tenant's claim; importance of having the ordinance in place immediately; great demand for mediation services; the importance of reassuring folks that the moratorium protects all residents including undocumented residents; foreclosure property registry; no penalties for late fees; deferral of property taxes for 30 days; protection for the most vulnerable; financial assistance through a bridge loan to landlords or rental subsidy program for tenants; and rent voucher protections after the moratorium is lifted.

There was consensus among Council members for supporting that staff explore a moratorium on commercial evictions and protection for small business owners.

Council Member Wahab offered a friendly amendment to include all evictions. Mayor Halliday and Council Member Mendall did not accept the amendment noting the proposed ordinance had adequate protection and did not want to delay passage of the ordinance.

It was moved by Council Member Halliday, seconded by Council Member Mendall, and carried with the following roll call vote, to approve the ordinance with an amendment by adding the word "imminent" to language related to "health and safety of tenants, neighbors or landlords" in the context of no-fault eviction in Section 3(a) and other applicable sections:

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

Ordinance 20-06, "An Emergency Ordinance of the City Council of the City of Hayward Establishing a Temporary Moratorium



**SPECIAL MEETING OF THE CITY COUNCIL
Tuesday, March 24, 2020, 7:00 p.m.
Remote Participation**

on Evictions in the City of Hayward for Non-Payment of Rent 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”

Resolution 20-039, “Resolution Authorizing the City Manager to Negotiate and Execute an Amendment to the Agreement with Project Sentinel to Expand Mediation Services, Increasing the Not-to-Exceed Amount to \$150,000”

COUNCIL REFERRALS

3. Consider an item for Discussion on a Future City Council Agenda Regarding Delaying Implementation of the Hayward Minimum Wage Increase Currently Scheduled for July 1, 2020 Due to the COVID-19 Pandemic (Referral from Council Members Mendall, Márquez and Salinas) **RPT 20-046**

Referral submitted by Council Member Mendall, Council Member Márquez and Council Member Salinas, dated March 3, 2020, was filed.

Council Member Salinas introduced the proposed referral.

Mayor Halliday opened public comments at 9:34 p.m.

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

The following speakers expressed support for directing staff to bring an item to delay implementation of the minimum wage increase until January 1, 2021.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce president and CEO, noted the delay would help businesses recover from the crisis.

The following speakers did not favor directing staff to bring an item to delay implementation of the minimum wage increase.

Ms. Angela Andrews noted the delay would negatively impact workers and residents.
Ms. Shareen Purcell
Ms. Lacei Amodei
Ms. Alicia Lawrence
Ms. Araceli Orozco

Ms. Jasmine Gee alleged that Council Members who authored the referral had a conflict of interest due to a position with a non-profit agency and association with a family business.

City Attorney Lawson addressed the alleged claim of a conflict of interest and noted he did not have any concerns.

Mayor Halliday closed the public comments at 9:46 p.m.

Council Member Márquez expressed concern for the significant impact to Hayward's small businesses given the current economic crisis and added that she has always been transparent about her family business.

Council Member Salinas echoed Council Member Márquez's comments and noted that he is a non-paid executive director of the Kid's Breakfast Club and all workers are volunteers.

Council Member Zermeño noted this was an opportunity to protect small business owners and workers from becoming unemployed.

Council Member Wahab expressed she was concerned for small businesses but did not support delaying the implementation of the minimum wage increase.

Council Member Lamnin supported exploring the referral and assessing how the minimum wage increase would impact different businesses.

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

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

City Manager McAdoo noted staff would be able to bring back the item at the April 7, 2020 City Council meeting.

CITY MANAGER'S COMMENTS

City Manager McAdoo provided resource and contact information, available via the City's COVID-19 Resource Portal, in response to the COVID-19 pandemic; spoke about the upcoming COVID-19 Small Business Resiliency Grant Program of \$5,000 per business for 76 businesses; announced the Hayward Fire Department opened the City's Free COVID-19 Testing Center at Fire Station 7; noted the Matt Jimenez Center was secured as temporary shelter for individuals testing positive; and urged everyone to follow the California State Shelter-in-Place order issued by Governor Newsom.



SPECIAL MEETING OF THE CITY COUNCIL
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COUNCIL REPORTS AND ANNOUNCEMENTS

Members of the City Council acknowledged the quick response demonstrated by the Hayward Fire Department and City staff in response to the pandemic; appreciated the work City staff and first responders continue to do; applauded the dedication of hospital doctors and nurses; appreciated the commitment of school teachers who transitioned to online learning and continuing to feed students.

Mayor Halliday noted that Council referrals had been suspended due to the pandemic and suggested that Council Members email City Manager McAdoo with any ideas or share them during Council Reports and Announcements.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 10:55 p.m., in memory of Ms. Maria Guadalupe Cárdenas Pantoja, a 23-year Hayward resident and mother of Council Member Zermeño. Mayor Halliday asked City staff to work with the Zermeño family to find a suitable place to plant a tree in memory of Ms. Maria Guadalupe Cárdenas Pantoja.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward