

**MINUTES**  
**CITY COUNCIL SPECIAL MEETING**  
**CITY OF MONTEREY**  
**Wednesday, March 25, 2020**  
**4:00 PM**  
**TELECONFERENCE - PER GOVERNOR'S EXECUTIVE ORDER**  
**MONTEREY, CALIFORNIA**

**Councilmembers**

**Present:** Albert, Haffa, Smith, Williamson, Roberson

**Absent:** None

**City Staff**

**Present:** City Manager, Assistant City Manager, City Attorney, Community Development Director, Acting City Clerk, Human Resources Director, Dir. of Information Resources/City Clerk, Administrative Analyst (Housing), Deputy City Attorney, Fire Chief

Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this meeting was conducted with telephonic/video participation only by all parties.

**CALL TO ORDER**

Mayor Roberson called the meeting to order at 4:00 p.m. Assistant City Manager Rojanasathira called the roll and explained the Executive Order by Governor Newsom that resulted in the meeting being held by teleconference only. Everyone listed in the roll call participated virtually using a web meeting. The full meeting was broadcast live on Channel 25 and streamed online.

**PUBLIC APPEARANCE**

1. Adopt Urgency Ordinance to Temporarily Prohibit Residential and Commercial Evictions Related to COVID-19 (Exempt from CEQA, Guidelines 15061(b)(3))  
**Action: Adopted Ordinance 3614 C.S. as amended**

Housing Analyst Leonard gave the staff presentation.

Mayor Roberson opened public comments. Assistant City Manager Rojanasathira and Acting City Clerk Klein alternated reading comments from the following individuals into the record: Steven F. Romberg; Marjorie Bullock; Duane Peters, Villa Del Monte Neighborhood; Barbara Meister, Monterey Bay Aquarium; Esther Malkin, Monterey Peninsula Renters United; Valerie Cantley; Jack Murphy, Veterans Transition Center; Stephen Morton; Teresa Wagner; Carl Outzen; René Boskoff, Monterey Marriott; Larry Scholink; William Walker and Nelson Vega, Vega Investments; Roshi Pejhan, New Monterey resident; Melvin F. Fortes; Mike Kanalakis; Kathryn Avila, Avila Construction; and Craig Coming, Mangold Property Management. Comments were made both supportive of and critical of the ordinance, suggestions were made for language changes and/or further protections such as a moratorium on raising rents and extending the moratorium for a longer time period. Critical comments included concerns about language in the ordinance, citations of financial and administrative burdens that the ordinance would place on property owners, concerns about public access to the meeting, a request to make sure renters of City-owned property are protected, and a request to revisit the City's Voluntary Rental Guidelines to incorporate COVID-19 protections, and concerns about Cal-Am tiered rates and continued property tax collection during the crisis.

On question, City Manager Uslar reported that the City is looking at tenant relief for its own renters as well, and information will be brought to Council at the next Council meeting. He clarified that partial rent is encouraged if a tenant can pay it. He said that the Harbor office will

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reach out to tenants at the Marina who live on their boats. He said that staff would need to explore the situation at the commercial marina. He said that Monterey Boatworks is a leaseholder, and the City can contact them and work with them to pass on possible rent relief for the boaters.

Housing Analyst Leonard answered Councilmembers' questions. He said that this ordinance pertains only to economic challenges directly related to COVID-19 only, and tenants must provide documentation to prove the connection. He confirmed that federally-backed mortgages will not be subject to foreclosure if the inability to pay is related to COVID-19.

It was noted by the Council that many landlords work with their tenants, and that the ordinance points out bad actors. It was noted that language is the same in Section 4(a) and 4(b) of the draft ordinance. It was stated that in Section C, "it is" should instead read "they have" reasonable expectation. It was stated that there should be a requirement that the tenant should provide verifiable documents to the landlord.

On question, City Attorney Davi said that Section 4(a) requires documentation, but additional criteria could be added. Regarding 4(b), she said that the tenant is required to use reasonable efforts to notify the landlord in writing. Regarding Section C, she said the ordinance doesn't waive the obligation to pay rent, it's just deferring the amount due between now and May 31, 2020 and giving the tenant a 120 day period to pay it back.

The concern was raised by Council that someone laid off may not have written documentation. The impact of local layoffs was stressed, including an example of one hotel property laying off 107 employees. It was stated that reasonable people need to take care of each other. Support for the ordinance as written was expressed.

Council discussed potential documentation that could be required. Sacramento's ordinance was cited as an example, in which required documentation could include a copy of a payroll check or a supervisor's statement, or evidence that the tenant is out of a job or laid off. It was stated that producing documentation would alleviate the potential for a dispute. It was commented in response that the requirement to produce a written document could present a lot of stress to someone who has lost their job or a business that has had to go through layoffs. It was stated that documentation of employment is a requirement to get an apartment and should therefore be a requirement for this scenario.

City Manager Uslar said that it was the City's intent that the documentation to be provided should be as wide and allowable as possible. He stated that section 4(a) gives the most flexibility, and if the documentation is not delivered, other rules regarding evictions can apply.

On question, City Attorney Davi said that the City's only powers are those that have been limited by the Governor, and therefore the May 31 deadline must apply, but it could have the potential to be extended. She said that renters would be able to use the City's ordinance, if adopted, in court as a defense if they were wrongfully evicted.

It was asked whether the ordinance could include protections against rent increases during this time. City Attorney Davi said that staff could look at this type of protection separately. It was suggested to add privacy language similar to that used in City of Carmel-by-the-Sea's ordinance. It was stressed that an eviction process would take people out of their homes at a time when people are being asked to stay at home to protect the public health. On question, Housing Analyst Leonard said that non-COVID-19 related evictions would not be affected by the ordinance. It was stated that the ordinance is not being proposed based on fear. It was stated that Council supports working with Cal-Am Water and the State. On question, City Manager

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Uslar spoke about discussions with the County and noted that the County is putting out high quality, regular COVID-19 updates. It was noted that it would be a complex situation for the County to postpone property tax payments being due, which would impact schools and City and County operations.

A motion was made by Councilmember Williamson, and seconded by Councilmember Haffa, for the City Council to adopt an Urgency Ordinance to Temporarily Prohibit Residential and Commercial Evictions Related to COVID-19:

It was commented that 64% of Monterey's residents are renters, and the impacts of COVID-19 will create hardship for many people. It was stated that the City is trying to stabilize and reassure people and give them a pathway to know they can negotiate with their landlords and pay as much as they can, and have a mechanism for protection if they can't. Tenants were urged to reach out to their landlords and find solutions, which could include "work in lieu." It was highlighted that this action is not only a humanitarian action but also a public health action.

City Attorney Davi suggested an amendment to the motion to include City of Carmel-by-the-Sea's language regarding privacy in Monterey's ordinance, and the mover and seconder approved the amendment.

The motion, as amended, carried by the following roll call vote:

AYES:	5	COUNCILMEMBERS:	Albert, Haffa, Smith, Williamson, Roberson
NOES:	0	COUNCILMEMBERS:	(None)
ABSENT:	0	COUNCILMEMBERS:	(None)
ABSTAIN:	0	COUNCILMEMBERS:	(None)
RECUSED:	0	COUNCILMEMBERS:	(None)

**ADJOURNMENT**

The Council adjourned at 5:25 p.m.

Respectfully Submitted,

Approved,

DocuSigned by:  
  
 ED8453A4E62C4AA

DocuSigned by:  
  
 FA4984217DEE4FB

Clemenitne Bonner Klein  
Acting City Clerk

Clyde Roberson  
Mayor