



**APPROVED MINUTES
CUPERTINO CITY COUNCIL
Tuesday March 17, 2020**

SPECIAL CITY COUNCIL MEETING

At 6:30 p.m. Vice Mayor Darcy Paul called the Special City Council meeting to order in the Cupertino Community Hall Council Chambers, 10350 Torre Avenue.

ROLL CALL

Present: Mayor Steven Scharf, Vice Mayor Darcy Paul, and Councilmembers Liang Chao, Rod Sinks, and Jon Robert Willey. Absent: None. Mayor Scharf teleconferenced for the meeting.

ORDINANCES AND ACTION ITEMS

1. Subject: Ratification of a proclamation of local emergency related to COVID-19.
Recommended Action: Adopt Resolution No. 20-028 ratifying the Director of Emergency Services' proclamation on March 11, 2020 of the existence of a local emergency resulting from community spread of the coronavirus, also known as COVID-19.

Written communications for this item included an email to Council.

City Manager Deborah Feng provided a background summary.

City Attorney Heather Minner reviewed the staff report.

Councilmembers made comments and asked questions.

Vice Mayor Paul opened public comment:

City Clerk Kirsten Squarcia read an email on behalf of Connie Cunningham in support of the proclamation of emergency.

Vice Mayor Paul closed public comment.

Sinks moved and Chao seconded to adopt Resolution No. 20-028 ratifying the Director of Emergency Services' proclamation on March 11, 2020 of the existence of a local emergency resulting from community spread of the coronavirus, also known as COVID-19. The motion carried unanimously.

2. Subject: Actions Related to Income Loss and Evictions Due to Novel Coronavirus_
Recommended Action: 1. Consider directing the City Attorney to draft a resolution and emergency eviction protection ordinance directed at residents unable to pay rent as a result of the Coronavirus Disease (COVID-19).

Written communications for this item included emails to Council.

Deputy City Attorney Joseph Petta gave a presentation.

Councilmembers made comments and asked questions.

Vice Mayor Paul opened public comment:

City Clerk Kirsten Squarcia read an email on behalf of Connie Cunningham (representing self), requesting to include wording in the ordinance for people who do not have homes in which to shelter-in place.

Kitty Moore (representing self), talked about including provisions in the ordinance to pay for mortgages and not just for renters.

Vice Mayor Paul closed public comment.

Sinks moved and Willey seconded to direct the City Attorney to draft a resolution and emergency eviction protection ordinance directed at residents unable to pay rent as a result of the Coronavirus Disease (COVID-19) with the following amendments.

- Consider viewpoints contained in letters from Cupertino For All and California Apartment Association (CAA).
- Look into following San Jose's model including:
 - A 30-day moratorium
 - Renters must demonstrate substantial loss of income through documentation or verifiable means.

- Renters must notify landlords of substantial loss of income, as a result of declared emergency, on or before the rent is due.
- Include findings of potential job loss, wage loss, or other impacts.
- Provision for evaluating the potential to include in the legislation 120-day period for affected tenants to become current on past due rent
- Work with the California Apartment Association (CAA) and other agencies in advocating for relief of temporary burden for unpaid landlords.

Paul made a friendly amendment to partner with West Valley Community Services (WVCS) and explore allocating some of the City's affordable housing program funds for an ongoing rental assistance loan program (Sinks accepted the friendly amendment).

Scharf made a friendly amendment to extend the 120-day repayment period to 4 - 6 months, WVCS would administer the seed loan program, and to include waivers for late fees after repayment has been established (Sinks accepted the friendly amendment).

Chao made a friendly amendment to broaden the penalty waivers to include all late fees besides late rent; and to encourage people to pay partially, to help with landlord obligations (Sinks accepted the friendly amendment).

Willey made a friendly amendment to come with back with an itemized list of what was added by Council and a plan for administering the funds (Sinks accepted the friendly amendment).

Paul made a friendly amendment to add a retroactivity investigation (Sinks accepted the friendly amendment).

Chao moved and Willey seconded to amend the motion to also look into small business tenant protections and bridge funding in comparison with other cities and bring back a recommendation as a separate agenda item. The motion regarding small business tenant protections and bride funding carried with Scharf voting no.

The main motion carried unanimously as amended.

ADJOURNMENT

At 7:50 p.m., Vice Mayor Paul adjourned to a special meeting on Tuesday, March 24.



Kirsten Squarcia, City Clerk