



**MINUTES OF MARCH 31, 2020
SPECIAL MEETING OF THE SAN GABRIEL CITY COUNCIL**

CALL TO ORDER

Mayor Pu called the special meeting of the San Gabriel City Council to order at 5:04 p.m. on Tuesday, March 31, 2020, with all Council Members and staff participating by teleconference.

ROLL CALL

Council Members Present: Juli Costanzo, John R. Harrington, Chin Ho Liao, Vice Mayor Denise Menchaca, and Mayor Jason Pu.

Council Members Absent: None.

Staff Members Present: City Manager Mark Lazzaretto; Assistant City Manager/Community Development Director Arminé Chaparyan; City Attorney Keith Lemieux; Deputy City Attorney Norma Tabares; and Assistant City Clerk Marilyn Bonus.

City Attorney Lemieux explained that Mayor Pu, as an owner of residential rental property, and Council Member Costanzo, as a lessor of commercial rental property, could be seen as having potential conflicts of interest in that the ordinance could have a material financial effect for both. However, for this urgency ordinance to be adopted, a four-fifths vote of the full City Council is needed.

In this case, exceptions to the Conflict of Interest rules apply which allow the Council Members to participate in the decision: 1) When the financial effects of the decision are indistinguishable from the effects on the public generally; 2) When the decision is made pursuant to an official proclamation of an emergency or when required to mitigate against the effects directly arising out of the emergency and there is no unique effect on the public servant's interest; and 3) There is a requirement to make or participate in a governmental decision if there exists no alternative source of decision consistent with the purposes in terms of the statute authorizing the decision.

On this basis, City Attorney Lemieux recommended that the affected Council Members participate, and disclose their potential conflicts prior to the vote.

Mayor Pu disclosed that he has a residential rental property in the City.

Council Member Costanzo disclosed that she has a small warehouse that she rents on a monthly basis.

1. PUBLIC COMMENT

Assistant City Clerk Bonus read comments in favor of the moratorium and requesting additional provisions in the ordinance from Juliana Serrano, Sean McMorris, Teresa Eilers, Melissa Sharee Martinez, and Paul Cole Padilla.

2. ORDINANCE NO. 668, AN URGENCY ORDINANCE ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO THE NONPAYMENT OF RENT FOR RESIDENTIAL AND COMMERCIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

Presentation was made by Deputy City Attorney Norma Tabares.

Discussion included methods of notification to residents and businesses; length of time for rent payback; effects on mortgagees; State and Federal protections against foreclosure; definition of income; the threshold of \$5 million for commercial tenants; an appeal process; protections against penalties and late fees for late payment of rent; Ellis Act Removal and relocation assistance; possible exposure pursuant to contract law and applicable emergency provisions; consensus for changing the language in Section 6A in respect to payment obligations for both residential and commercial tenants; financial impacts related to COVID-19; consensus for removal of Section 7(A)(5)(iii) regarding the \$5 million cap; appeal process with the County regarding tax deferrals; and non-COVID-19-related evictions.

A motion was made by Council Member Liao, seconded by Vice Mayor Menchaca, to adopt as an Urgency Ordinance, **Ordinance No. 668** enacting a temporary moratorium on evictions due to the nonpayment of rent for residential and commercial tenants where the failure to pay rent results from income loss resulting from the Novel Coronavirus (COVID-19), as amended to revise wording in Section 6A as follows: "... a Landlord shall not (a)...; or (b) impose, charge, or collect a late fee or equivalent surcharge for any unpaid rent due to any reason specified under Section 7A;" and to remove Section 7(A)(5)(iii).


Motion carried by a vote of 5-0 as follows:

AYES: COSTANZO, HARRINGTON, LIAO, MENCHACA, PU
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

3. ADJOURNMENT

The City Council meeting was adjourned at 8:30 p.m.

Respectfully submitted:



SHARON F. CLARK, Chief City Clerk

Approved this 21st day of April, 2020:



DENISE MENCHACA, Mayor