



**MINUTES OF THE CITY COUNCIL MEETING OF  
THE CITY OF HAYWARD  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, November 28, 2017, 7:00 p.m.**

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

**ROLL CALL**

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

**CLOSED SESSION**

City Attorney Lawson announced the City Council convened in closed session regarding five items: 1) conference with labor negotiators pursuant to Government Code 54957.6; 2) conference with property negotiators pursuant to Government Code 54956.8 regarding City owned properties located generally along Mission Boulevard and Tennyson Road; 3) conference with legal counsel pursuant to Government Code 54956.9 regarding Russell City Energy Company v. City of Hayward; 4) conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation (two cases); and 5) conference with property negotiators pursuant to Government Code 54956.8 regarding City owned properties located at 22300 Foothill Blvd. There was no reportable action.

**PRESENTATION**

City Manager McAdoo proudly announced that the City was the recipient of the Local Government Hispanic Network (LGHN) 2017 Civic Engagement Award. City Manager McAdoo presented the LGHN Award to the City Council.

**PUBLIC COMMENTS**

Ms. Kara Blair, Hayward resident, requested the City provide her with land, building materials and permits so she could construct a tiny home community to house the homeless in Hayward.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, made two announcements: the Light Up the Season event on December 2, 2017; and the Hayward Chamber of Commerce awards presentation on January 27, 2018 at California State University East Bay.

Mr. Charlie Peters, Clean Air Performance Professionals, spoke regarding various transportation and environmental issues in the news, and submitted related news articles.

Ms. JoAnn Irons, Eden Youth and Family Center representative, invited the Council to the Alameda County Winter Cannabis Summit 2017 on December 20, 2017.

Consent Item 6 was removed for separate vote.

## **CONSENT**

1. Adoption of Ordinance Amending Chapter 6, Article, 2, Section 6-2.15 of the Hayward Municipal Code to Allow the Hayward Police Department to Accept Payment for Cabaret License Application Fees **CONS 17-733**

Staff report submitted by City Clerk Lens, dated November 28, 2017, was filed.

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

Ordinance 17-18, "Ordinance Amending Chapter 6, Article, 2, Section 6-2.15 of the Hayward Municipal Code to Allow the Hayward Police Department to Accept Payment for Cabaret License Application Fees"

2. Adoption of Ordinance Amending Chapter 5, Article 4, Section 5-4.10 of the Hayward Municipal Code Regulating the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells **CONS 17-736**

Staff report submitted by City Clerk Lens, dated November 28, 2017, was filed.

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

Ordinance 17-19, "Ordinance Amending Chapter 5, Article 4, Section 5-4.10 of the Hayward Municipal Code Regulating the

Construction, Repair, Reconstruction, Destruction or Abandonment of Wells"

3. Adoption of Ordinance Amending Chapter 10, Article 17 of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments **CONS 17-741**

Staff report submitted by City Clerk Lens, dated November 28, 2017, was filed.

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



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Ordinance 17-20, "Adoption of Ordinance Amending Chapter 10, Article 17 of the Hayward Municipal Code Regarding Affordable Housing Requirements for New Housing Developments"

4. Adoption of An Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Including Text with the Additional Provision of Allowing Density Averaging/Transfer in the Transect Zones T4 Urban General (17.5 du/acre min; 35 du/acre max) and T5 (35 du/acre min; 55 du/acre max) **CONS 17-743**

Staff report submitted by City Clerk Lens, dated November 28, 2017, was filed.

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

Ordinance 17-21, "Adoption of An Ordinance Amending Chapter 10, Article 24 of the Hayward Municipal Code by Including Text with the Additional Provision of Allowing Density Averaging/Transfer in the Transect Zones T4 Urban General (17.5 du/acre min; 35 du/acre max) and T5 (35 du/acre min; 55 du/acre max)"

5. Resolution Amending 2018 Master Fee Schedule to increase Commercial Cannabis Licensing and Inspection Program Fees **CONS 17-716**

Staff report submitted by Interim Director of Development Services Bristow, dated November 28, 2017, was filed.

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

Resolution 17-173, "Resolution Amending 2018 Master Fee Schedule to increase Commercial Cannabis Licensing and Inspection Program Fees"

6. Resolution to Reappoint Bruce Roberts as Poet Laureate for FY 2018 and Authorize a \$500 Program Stipend **CONS 17-740**

Staff report submitted by Assistant City Manager Hurtado, dated November 28, 2017, was filed.

Mayor Halliday described Poet Laureate Bruce Roberts' accomplishments since being appointed to the position for the first time in 2015. Mayor Halliday reported that Mr. Roberts had agreed to serve out the rest of the year, and to work with the City on the future direction of the program and the process for the selection of his successor.

Mr. Roberts recited a seasonally-appropriate poem he wrote about Hayward's annual Light Up the Season tree lighting and festivities.

It was moved by Mayor Halliday, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Resolution 17-174, "Resolution to Reappoint Bruce Roberts as Poet Laureate for FY 2018 and Authorize a \$500 Program Stipend"

## **LEGISLATIVE BUSINESS**

7. Adoption of Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses through the Amendment of Hayward Municipal Code, Chapter 10, Article 1(Zoning Ordinance); Article 2 (Off Street Parking Requirements) (Report from City Clerk Lens) **LB 17-050**

Staff report submitted by City Clerk Lens, dated November 28, 2017, was filed.

City Manager McAdoo reported that the introduction of the ordinance was passed by a non-unanimous vote, and so it is listed under Legislative Business to allow members a separate vote.

Mayor Halliday opened and closed the public hearing at 7:34 p.m.

It was moved by Council Member Mendall, seconded by Council Member Zermeño, and carried with the following vote, to adopt the ordinance:

Ordinance 17-15, "Ordinance of the Council of the City of Hayward Enacting Comprehensive Regulations for Personal Cannabis Cultivation and Commercial Cannabis Land Uses Through the Amendment of Hayward Municipal Code, Chapter 10, Article 1 (Zoning Ordinance); and Article 2 (Off-Street Parking Requirements)"



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AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Peixoto, Lamnin  
MAYOR Halliday  
NOES: COUNCIL MEMBERS Salinas  
ABSENT: None  
ABSTAIN: None

8. Adoption of the Commitment for an Inclusive, Equitable, and Compassionate Community (CIECC) Action Plan (Report from City Manager McAdoo)

Staff report submitted by Assistant City Manager Hurtado, dated November 28, 2017, was filed.

City Manager McAdoo provided a synopsis of the report.

Council Member Márquez suggested providing the CIECC update in the fall rather than June, to allow flexibility in the process. Council Member Márquez expressed interest in continuing the practice of Mayor and Council members nominating committee/task force members, and the City Manager and Mayor making the final selections.

Council Member Zermeño commented that he believed staff and the Taskforce could do a good job of selecting members to the HPD Advisory Committee.

Council Member Salinas suggested holding “diversity teach-ins” rather than the implicit bias training. He expressed concern regarding committee burnout, and asked whether an existing commission could be tasked with carrying out the recommendations, rather than forming a new commission. Council Member Salinas expressed agreement with Police Chief Koller regarding the scope of the HPD Advisory Committee, and suggested hosting a biennial summit of police/community relations at CSUEB.

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

Ms. Sally Thomas, Hayward Public Library employee, commented that the Library is partnering with CSUEB and other community organizations on Books to Action, with a current focus on immigration.

Mr. Frank Burton requested that changes (“recasting”) to the recommendations by staff be shared with and reviewed by the Taskforce. Regarding the HPD Advisory Committee, Mr. Burton suggested forming a group of community members and HPD staff to research what has worked and not worked in other jurisdictions, and determine what will work for Hayward.

Mayor Halliday closed the public hearing at 8:40 p.m.

Mayor Halliday moved staff's recommendation to accept the report of the Community Taskforce;

and expressed the Council's intent to move forward to implement the recommendations as expeditiously as possible, while spending additional time to work through issues such as the HPD Advisory Committee.

Council Members Peixoto and Márquez seconded the motion.

Council Member Peixoto suggested that the extraneous information be eliminated to allow the City to move forward with the more weighty recommendations.

Mayor Halliday added to the motion that staff periodically report back to Council on the City's involvement in Urban Shield as activities occur. Council Members Peixoto and Márquez were amendable to the addition.

Council Member Márquez added that if members of the public raise concerns regarding Urban Shield, that City staff be prepared to hear and address those concerns.

Council Member Mendall expressed support for the motion.

Council Member Lamnin expressed support for the motion, and announced The Hayward Great Debate will be held December 2, 2017 at City Hall. Council Member Lamnin suggested that City commissions could perform work that support the goals of the Commitment, and suggested the voice of the Hayward Police Officers Association (HPOA) be included in the conversation about the HPD Advisory Committee. She mentioned the hospital model of the mortality and morbidity panel in critically examining incidents, and supported continued participation in Urban Shield.

Council Member Zermeño expressed support for Mr. Frank Burton's suggestion to study other jurisdictions' police advisory committees.

Council Member Salinas expressed support for the motion, and interest in removing racial and ethnic stereotyping in Urban Shield exercises.

Members of the Council expressed their support for the CIECC Action Plan, and expressed their gratitude to the staff and the Community Taskforce for their hard work and dedication.

It was moved by Mayor Halliday, seconded by Council Members Peixoto and Márquez, and carried unanimously, to adopt the following, amended to "accept" the report of the Community Taskforce; to express the Council's intent to move forward to implement the report's recommendations as expeditiously as possible; work through remaining issues such as the HPD Advisory Committee; and have staff periodically report back to Council on the City's involvement in Urban Shield as activities occur.



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Resolution 17-175, "Resolution Accepting the Hayward Commitment for an Inclusive, Equitable, and Compassionate Community Strategic Plan"

**CITY MANAGER'S COMMENTS**

City Manager McAdoo announced two events on December 2, 2017: the Light up the Season celebration; and the SantaCon, benefiting the Hayward Animal Shelter.

**COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS**

Council Member Márquez announced that on December 3, 2017, St. Rose Hospital Foundation would be partnering with Macys in downtown Walnut Creek for a special holiday activity and shopping event.

Council Member Lamnin announced a Library book sale on December 2, 2017. She mentioned that this year, the Light up the Season will feature an interfaith holiday display.

Mayor Halliday announced that Le Ballet Petite's performance of The Nutcracker at Chabot College this weekend will feature some special performers—City Manager Kelly McAdoo, City Attorney Michael Lawson, Council Members Zermeño and Márquez and Mayor Halliday.

Council Member Mendall announced the Passport to Downtown reward program was underway.

Mayor Halliday announced that on December 2, 2017, the Lone Tree Cemetery will dedicate a new memorial to Gold Star families.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 9:16 p.m.

**APPROVED:**

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Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

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Marian Handa  
Acting Deputy City Clerk, City of Hayward