



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 3, 2015, 7:00 p.m.**

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, Mendall, Jones, Peixoto, Lamnin, Márquez
MAYOR Halliday
Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Mayor Halliday announced the Closed Session was rescheduled from 4:30 to 5:30 p.m. because the conference with labor negotiators and conference with legal counsel were canceled.

Council Member Zermeño recommended that City staff use local caterers for events that are sponsored by the City.

CLOSED SESSION ANNOUNCEMENT

Mayor Halliday announced that the Council convened in closed session and there was no action taken.

PUBLIC COMMENTS

Ms. Wynn Grcich, Hayward resident, spoke about the incident between Superintendent Dobbs and the Hayward Unified School District Board on September 16, 2015.

Mr. Jim Drake, Hayward resident, read an article on the San Francisco Chronicle entitled "Hayward fire chief allowed to keep job," and asked that a breathalyzer be placed in the Fire Chief's city vehicle.

Mr. Jose Lara Cruz, Hayward Youth Commission Member, spoke about the new Hayward Youth Commission Survey and asked the Council to provide input by November 16, 2015.

Mr. Kevin Cato, via representatives of the Mt. Eden High School Band and Orchestra Program, announced upcoming events and asked for donations that would enable them to participate in prestigious national/international festivals.

Ms. Anna May and Ms. JoAnn Depoyster made two announcements: (1) The 4th Annual SantaCon Hayward on December 5, 2015; and (2) the scholarship for the Leadership Hayward Program that is being offered by the Mt. Eden High School Alumni Association and Education Foundation.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, made two announcements: (1) the Leadership Hayward Program; and (2) the Light Up The Season on December 3, 2015, in downtown Hayward.

Mr. Charlie Peters, with Clean Air and Performance Professionals, provided documents for the record related to ethanol, global warming, and smog check.

CONSENT

Item No. 2 was removed from the Consent Calendar to allow for public comment.

1. Approval of FY 2015-16 Measure B/BB Annual Paratransit Program Plan CONS 15-081

Staff report submitted by Senior Property Rehabilitation Specialist Bailey, dated November 3, 2015, was filed.

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

Resolution 15-206, "Resolution Authorizing the City Manager to Implement an Annual Paratransit Plan and Negotiate and Execute All Documents Related To and In Support of Paratransit Activities Including the Administration of the Central County Same Day Transportation Program"

2. City Procurement Policy Update CONS 15-253

Staff report submitted by Director of Finance Vesely, Deputy Director of Finance Claussen and Purchasing Manager Carrillo, dated November 3, 2015, was filed.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, appreciated the proposed updates to the City's procurement policies and asked the Council to explore ways in which to accentuate the use of Hayward vendors for City business and operations.

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

Resolution 15-216, "A Resolution Updating the City's Procurement Policies that Includes Increasing the Approval Threshold for the City Manager to Execute Contracts; Modifying Bid Threshold Requirements; and Updating the City's Local Preference Policy"



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3. Resolutions Authorizing the City Manager to Enter Into an Agreement with Alliant Insurance Services, Inc. to Provide Group Insurance Broker and Advisory Services, Include the City of Hayward with the CSAC Excess Insurance Authority Municipality Pools for Delta Dental, VSP, and Cigna Life/Disability Insurance, and Move the City of Hayward's Transit and Flexible Spending Account Benefits, COBRA and Retiree Dental Administration to Priselac & Associates, Inc. CONS 15-292

Staff report submitted by Senior Human Resources Analyst Lopez, dated November 3, 2015, was filed.

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

Resolution 15-207, "Resolution Authorizing the City Manager to Enter Into an Agreement with Alliant Insurance Services, Inc. for Group Insurance Broker and Advisory Services"

Resolution 15-208, "Resolution Authorizing the City Manager to Enter Into an Agreement with Alliant Insurance Services, Inc. for Dental, Vision, and Life and Disability Insurance Coverage to City of Hayward Employees Through the CSAC Excess Insurance Authority Municipality Pool"

Resolution 15-209, "Resolution Authorizing the City Manager to Move the Administration of the City's Transit and Flexible Spending Account Benefit Plans, and COBRA and Retiree Dental to P & A Administrative Service, Inc."

4. Sidewalk Rehabilitation and Wheelchair Ramps FY 2016 - Districts 1 & 8: Award of Construction Contract CONS 15-299

Staff report submitted by Assistant City Engineer Owusu, dated November 3, 2015, was filed.

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

Resolution 15-210, "Resolution Increasing the Administrative Change Order Amount for the Sidewalk Rehabilitation and Wheelchair Ramps FY 2016 - Districts 1 & 8 Project, Project Nos. 05267 and 05121, and Awarding the Construction Contract to AJW Construction"

5. Ygrene Property Assessed Clean Energy (PACE) – Authorization to operate under SB 555 CONS 15-303

Staff report submitted by Management Analyst Thomas, dated November 3, 2015, was filed.

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

Resolution 15-211, “Resolution of the City Council of the City of Hayward, California Consenting to Inclusion of Properties Within the City’s Jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to Finance Renewable Energy Improvements, Energy Efficiency and Water Conservation Improvements and Electric Vehicle Charging Infrastructure and Approving Associate Membership in the Joint Exercise of Powers Authority Related Thereto”

6. Municipal Parking Lot Nos. 3 and 4 Improvement Project: Award of Construction Contract and Appropriation of Funds CONS 15-304

Staff report submitted by Assistant City Engineer Owusu, dated November 3, 2015, was filed.

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

Resolution 15-212, “Resolution Awarding the Construction Contract for the Municipal Parking Lot Nos. 3 and 4 Improvement Project, Project No. 05273, to Silicon Valley Paving, Inc.”

Resolution 15-213, “Resolution Amending Resolution 15-116, As Amended, The Budget Resolution for Capital Improvement Projects, for Fiscal Year 2016, Relating to an Appropriation of Funds from the Street System Improvements Fund (Fund 450) to the Municipal Parking Lot Nos. 3 and 4 Improvement Project, Project No. 05273”

7. Pavement Rehabilitation Gas Tax FY15: Amend Construction Contract CONS 15-306

Staff report submitted by Assistant City Engineer Owusu, dated November 3, 2015, was filed.

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



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Resolution 15-214, "Resolution Amending the Construction Contract with Graham Contractors, Inc., for the Pavement Rehabilitation Gas Tax FY15 Project, Project No. 05191"

Resolution 15-215, "Resolution Amending Resolution 15-116, As Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2016, Relating to an Appropriation of Funds from Gas Tax Fund (Fund 210) to the Pavement Rehabilitation Gas Tax FY15 Project, Project No. 05191"

8. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201500856 Relating to the Construction of Twenty-four Detached Single-Family Homes at 23645 and 23653 Eden Avenue CONS 15-309

Staff report submitted by City Clerk Lens, dated November 3, 2015, was filed.

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

Ordinance 15-27, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201500856 Relating to the Construction of Twenty-Four Detached Single-Family Homes at 23645 and 23653 Eden Ave"

9. Adoption of Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in Connection with Zone Change Application No. 201400543 Relating to a Residential Development at 24178 and 24180 Saklan Road CONS 15-310

Staff report submitted by City Clerk Lens, dated November 3, 2015, was filed.

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

Ordinance 15-28, "An Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Property in

Connection with Zone Change Application No. 201400543
Relating to a Residential Development at 24178 and 24180
Saklan Road”

LEGISLATIVE BUSINESS

10. Regulations Requiring Greater Disclosure of Contributors to City Measures and Recalls, and Clarification of Loans Candidates Make to Their Own Campaigns LB 15-031

Staff report submitted by Deputy City Attorney II Nishioka, dated
November 3, 2015, was filed.

City Attorney Lawson noted and referred to a memorandum regarding campaign expenditure limits and registration of committees which was distributed to the Council after the agenda was published.

City Attorney Lawson announced the report and introduced Deputy City Attorney II Nishioka who provided a synopsis of the report.

Discussion ensued among Council Members and City staff regarding: (1) Assembly Bill No. 990, Bonilla – Political Reform Act of 1974: advertisement disclosures, Assembly Bill No. 700, Gomez and Levine – Disclose Act, and consistencies with the proposed Ordinance; (2) Enforcement of the proposed Ordinance; (3) Non-monetary contributions counted toward the contribution limit; (4) Personal loans; (5) Outreach to the public about the proposed Ordinance; (6) Contribution limits for candidates; (7) Posting of Fair Political Practice Commission (FPPC) Forms for Independent Political Action Committees and City Council candidates on the City Clerk’s website during the election cycle from January to June; (8) Social media and campaign communication; (9) Updating campaign communications within seven calendar days; (10) Information on campaign communications directing the public to the City Clerk’s website for more donor information; (11) Recall election; and (12) Internet advertisement.

There being no public comments, Mayor Halliday opened and closed the public hearing at 8:30 p.m.

Council Member Mendall offered a motion per staff recommendation and Council Members Zermeño and Peixoto seconded the motion.

Council Member Mendall offered the following amendments: (1) Include in the proposed Ordinance the recommendation presented in the staff memorandum regarding campaign expenditure limits and registration of Committees; (2) Review the language in Section 2-13.11 d) 1) and clarify the language about the ability to use inventory of already printed material; (3) Post Fair Political Practice Commission (FPPC) Forms for Independent Political Action Committees and City Council candidate on the City Clerk’s website during the election cycle from January to June.



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Council Member Lamnin supported the motion and requested that staff review the language in Section 2-13.06 Personal Loans and clarify what would constitute a personal loan. Council Member Lamnin offered a friendly amendment that would require independent committees to disclose on campaign communication, in addition to the top four contributors, the contributor's city of domicile, and the local cumulative sum of contributions, the City Clerk's URL for more information about the contributors.

Council Members Mendall, Zermeño, and Peixoto were amenable to the friendly amendment.

Council Member Márquez was amendable to the motion and amendments.

Per Council Member Peixoto's discussion, it was also noted that there would be a review of AB 990 and AB 700 and a report would come back to the Council during the annual review of the proposed Ordinance.

Council Member Peixoto supported the motion.

Mayor Halliday thanked expressed support for the motion and thanked staff for staff's recommendation.

It was moved by Council Member Mendall, seconded by Council Members Zermeño and Peixoto, and carried unanimously, to introduce the proposed Ordinance with the following amendments: (1) Include the recommendation presented in the staff memorandum regarding campaign expenditure limits and registration of committees; (2) Review the language in Section 2-13.11 d) 1) and clarify the language about the ability to use inventory of already printed material; (3) Post Fair Political Practice Commission (FPPC) Forms for Independent Political Action Committees and City Council candidates on the City Clerk's website during the election cycle from January to June; (4) Review the language in Section 2-13.06 Personal Loans and clarify what would constitute a personal loan; and (5) Require independent committees to disclose on campaign communication, in addition to the top four contributors, the contributor's city of domicile, and the local cumulative sum of contributions, the City Clerk's URL for more information about the contributors. The Council also directed staff to review Assembly Bill No. 990, Bonilla – Political Reform Act of 1974: advertisement disclosures, and Assembly Bill No. 700, Gomez and Levine – Disclose Act, and report back to the Council during the annual review of the proposed Ordinance.

Introduction of Ordinance 15-_, "An Ordinance Repealing Section 2-13.00 to Section 2-13.07 of the City of Hayward Municipal Code and Adding Chapter 2, Article 13 to the Hayward Municipal Code Regarding Campaign Contribution Practices for City Elective Offices and Ballot Measures"

CITY MANAGER'S COMMENTS

There were none.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño reported on the possible merger of the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) and the City's involvement.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 8:52 p.m.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward