



MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, February 16, 2016, 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

Council Member Zermeño inquired about the Maple and Main project and an Environmental Impact Report.

Council Member Peixoto spoke about the real estate transfer tax in other Alameda County cities and provided findings of the analysis to staff.

Council Member Márquez noted she had met with Eden Housing, Inc., about housing rehabilitation projects.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced that the Council convened in closed session concerning four items: 1) Public employment pursuant to Government Code 54957 regarding the City Attorney; 2) Conference with legal counsel pursuant to Government Code 54956.9 regarding Warner v. City of Hayward, U.S.D.C., N.D. of CA, No. CV-15-01402-LB; 3) Conference with legal counsel pursuant to Government Code 54956.9 regarding two anticipated litigation cases; and 4) Conference with legal counsel pursuant to Government Code 54956.9 regarding S.E.I.U., Local 1021/City of Hayward, P.E.R.B., Case Nos. SF-CE-1075-M, SF-CE-1117-M, SF-CE-1118-M, SF-CE-1174-M, SF-CO-320-M, SF-CE-321-M; and there was no reportable action on Items 2, 3, and 4. Mayor Halliday noted that there was no reportable action on Item No. 1.

PRESENTATIONS

Utilities and Environmental Services Director Ameri announced that the City's Water Pollution Control Facility (WPCF) had been selected as the California Water Environmental Association - San Francisco Bay Section Plant of the Year for 2015 and added that the WPCF was currently one of the three plants to be considered for the Statewide Plant of the Year award, which would be decided in April 2016. WPCF Manager Ray Bausch provided more information about the plant, introduced WPCF staff, and presented a video. Mayor Halliday congratulated staff from the WPCF.

Mayor Halliday read a proclamation proclaiming February 2016 as Teen Dating Violence Awareness and Prevention Month. Safe Alternatives to Violent Environments (SAVE) Director, Tina Fernandez, retired Fremont Chief of Police Craig Steckler, and dynamic teens, accepted the proclamation on behalf of SAVE.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about City vehicles driven by staff from the Fire Department and the quality of water.

The following individuals spoke about the Maple and Main project and touched on the following: requested a work session to address viability and green features; requested that an Environmental Impact Report (EIR) be conducted for the project; expressed concern about the increase in traffic that the project would generate; opposed the height and volume of the project and similar large scale projects; favored attracting economic development to the site; shared concern with impact issues to the neighborhood such as parking and quality of life; favored incorporating retail and business use at the proposed site; and relayed concern with the geological survey.

Mr. Benjamin Goulart, Main Street resident

Mr. Abner Morgan, Main Street resident

Mr. Jess Glenn, Main Street resident

Mr. Michael Urioste, Prospect Street resident

Ms. Kathleen Wills, Prospect Street resident

Mr. Croft Jervis, Prospect Street resident

Mr. Frank Goulart, Main Street resident

Mr. Per Bothner, Prospect Street resident

Ms. Blaine Ricketts, McKeever Avenue resident

Mr. Robert Benn, Main Street resident

Mr. Kevin Benn, Main Street resident

Ms. Sally Baxter, McKeever Avenue resident

Mr. Thomas Hartmann, Hayward resident, requested parking for motorcycles on B Street.

Ms. Wynn Grcich, Hayward resident, noted she had taken nomination papers for a City Council seat and spoke about rent control, minimum wage, the wastewater treatment, and the SEIU PERB case.

Ms. Elena Garcia, Hayward resident, reported there were gunshots fired into her home and requested help in recovering her quality of life. She noted she lives by the Shar-Ade Cocktail Lounge.

Council Member Márquez announced that AC Transit would be holding a Contractor Roundtable on February 29, 2016 at City Hall.



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CONSENT

1. Approval of the Minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on January 26, 2016 MIN 16-011

It was moved by Council/RSA Member Zermeño, seconded by Council/RSA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Redevelopment Successor Agency Meeting on January 26, 2016.

2. Approval of the Minutes of the City Council Meeting on February 2, 2016 MIN 16-012

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on February 2, 2016.

3. Approval of Hayward FBO, LLC Fifth Amendment to Lease Agreement CONS 16-068

Staff report submitted by Airport Manager McNeeley, dated February 16, 2016, was filed.

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

Resolution 16-020, "Resolution Authorizing the City Manager to Negotiate and Execute the Fifth Amendment to the Commercial Aviation Site Lease Between the City of Hayward and Hayward FBO LLC"

4. Water Pollution Control Facility (WPCF) Headworks Rehabilitation Project: Authorization for the City Manager to Execute a Professional Services Agreement for Engineering Services CONS 16-069

Staff report submitted by Senior Utilities Engineer England, dated February 16, 2016, was filed.

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

Resolution 16-021, "Resolution Authorizing the City Manager to Negotiate and Execute a Professional Services Agreement with Carollo Engineers for Design and Construction Administration Services for the Headworks Rehabilitation Project at Water Pollution Control Facility"

5. Resolution in Support of AB 1584 (Brown & Thurmond): Public Social Services: Supplemental Security Income & State Supplementary Payments CONS 16-076

Staff report submitted by Management Fellow James, dated February 16, 2016, was filed.

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

Resolution 16-022, "Resolution Supporting AB 1584 (Brown & Thurmond) Reinstating Cost of Living Adjustments to State Supplementary Payments and Increasing Benefits Annually"

6. Professional Services Agreements with Consultants to Provide On-Call Public Works Construction Inspection Services CONS 16-078

Staff report submitted by Assistant City Engineer Owusu, dated February 16, 2016, was filed.

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

Resolution 16-023, "Resolution Authorizing the City Manager to Negotiate and Execute Agreements for Outside Construction Inspection Services"

LEGISLATIVE BUSINESS

7. Council Consideration of the Initiative for a City Charter Amendment and Municipal Code Amendment to Change the General Municipal Election from June to November LB 16-015

Staff report submitted by City Manager David, dated February 16, 2016, was filed.

City Manager David provided a synopsis of the staff report.

Mayor Halliday opened the public hearing at 8:14 p.m.

The following individuals spoke in opposition of the ballot measure that proposed changing municipal elections from June to November and touched on the following points: Hayward voters had voted on changing the election from April to November in 1994, the ballot initiative was an effort led by SEIU Local 1021, local measures would get lost in November and would not receive the same level of scrutiny. The Council was urged to take no position on the ballot measure.



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Mr. Kevin Dowling, Hayward resident
Mr. Frank Goulart, Hayward resident

The following individuals spoke in support of the ballot measure that proposed changing municipal elections from June to November and touched on the following points: there was support from registered voters, it would increase voter turnout, would reduce election costs, and savings could be used to offset budget reductions. The Council was urged to take no position on the ballot measure.

Mr. Gabriel Haaland, SEIU Local 1021 Political Coordinator
Ms. Rachel Richman, IFPTE Local 21 Political and Policy Director
Ms. Cheryl Penick, Hayward resident and IFPTE Local 21 Chapter President
Mr. Pete Albert, SEIU Local 1021 Retiree Council Chair

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

Discussion ensued among City Council and City staff regarding the following: the initiative that was placed on the June ballot by petition; taking a position on the ballot measure that proposes to amend the City Charter changing municipal elections from June to November; voter turnout; voter education and engagement; attention to candidates and local issues in June; motivation behind charter amendment; election cost; and Political Action Committee funds.

Council Member Jones offered a motion for the City Council to take a position and submit an argument opposing the amendment to the City Charter and Municipal Code changing the municipal elections from June to November.

Council Member Peixoto seconded the motion.

Council Member Mendall noted that there was no consensus among members of the City Council and therefore supported taking no position as a legislative body.

Council Member Zermeño stated he had personally endorsed the initiative petition and preferred that the Council, as a legislative body, take no position.

Council Member Peixoto supported the motion for the City Council to take a position in opposition to the ballot measure.

Mayor Halliday noted that because the City Council was not united in taking a position, she would not support the motion on the floor. Mayor Halliday noted that members of the City Council could individually take a position regarding the June ballot measure.

It was moved by Council Member Jones, seconded by Council Member Peixoto, and failed by the following vote, for the City Council to take a position as a legislative body and submit an argument in opposition to the ballot measure that proposes to amend the City Charter and Municipal Code changing the municipal elections from June to November:

AYES: Council Members Jones, Peixoto
NOES: Council Members Zermeño, Mendall, Lamnin, Márquez
MAYOR Halliday
ABSENT: None
ABSTAINED: None

CITY MANAGER'S COMMENTS

There were no comments.

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Council Member Zermeño announced that the Hayward Rotary Club Foundation was having a fundraiser "Omelet Champagne Brunch" to benefit the Hayward Rotary's Community Grants Program on February 21, 2016 at Moreau Catholic High School.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 9:15 p.m., in memory of Mr. Danny Montenegro, who passed away on January 18, 2016.

Mr. Danny Montenegro was born in Hayward, grew up in Hayward, attended Mount Eden High School and Chabot College. He was an art director, illustrator, graphic designer, video editor, and art instructor and helped others expand their horizons. Mayor Halliday asked staff to work with his family and find a suitable place to plant a tree in memory of Danny Montenegro.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward