



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, September 10, 2019, 7:00 p.m.

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

ROLL CALL

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

CLOSED SESSION ANNOUNCEMENT

The City Council convened in closed session at 5:30 p.m., regarding seven items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding Michael Goodness v. City of Hayward, Workers' Compensation Appeals Board Case No. ADJ10624093; ADJ11134796 and Robert Martinez v. City of Hayward, Workers' Compensation Appeals Board Case No. ADJ11233223; 2) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; 3) conference with labor negotiators pursuant to Government Code 54957.6 regarding the Hayward Police Management Unit; 4) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding Olvera v. City of Hayward, et al., Alameda County Superior Court, No. RG19016776 and Nelson v. City of Hayward, et al., U.S. District Court, N.D. CA., No. 3:16-cv-7222-SK; 5) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. Russell City Energy Company, Alameda County Superior Court, No. RG 14752278; 6) conference with legal counsel pursuant to Government Code 54956.9(d)(1) regarding City of Hayward v. California State University Trustees, Alameda County Superior Court, No. RG 18895213; and 7) conference with real property negotiators pursuant to Government Code 54956.8, regarding APNS: 078C-0803-008-00, 078C-0803-006-00, 078C-0803-005-00, property adjacent to Mission Boulevard and Dixon Street, near Valle Vista Avenue.

City Attorney Lawson noted that the City Council unanimously approved, pursuant to Government Code 54954.2(b)(2) and with Council Member Zermeño moving and Council Member Lamnin seconding, to add one item under anticipated litigation. Mr. Lawson stated the Council unanimously approved the settlement of the Goodness v. City of Hayward case with a motion by Council Member Salinas and seconded by Council Member Marquez; and the Council unanimously approved the settlement of the Robert Martinez v. City of Hayward case with a motion by Council Member Salinas and seconded by Council Member Zermeño. The Council discussed items 2, 3, 5, 6 and took no reportable action. City Attorney Lawson further stated that the Council during its special City Council meeting on July 23, 2019 unanimously approved, with Council Member Zermeño and Council Member Wahab absent, the settlement of the Olvera v. City of Hayward case. There was no reportable action related to the Nelson v. City of Hayward case. It was stated that the Council did not complete the Closed Session and

may resume it after the regular meeting to discuss item 7 and the added anticipated case.

PRESENTATIONS

Mayor Halliday read a Certificate of Commendation presented to the Downtown Streets Team in recognition of being named Nonprofit of the Year by California State Senator Bob Wieckowski and for its contributions to the community. Ms. Amanda Olson, Downtown Streets Team Project Manager, accepted the commendation.

Mayor Halliday read a Certificate of Commendation presented to Human Resources Director Nina Collins upon her retirement from the City of Hayward in honor of her dedication and commitment.

PUBLIC COMMENTS

Ms. Davida Scott, Hayward Adult School teacher, acknowledged Human Resources Director Collins for helping launch Raising Leaders in Hayward-Workshops.

Mr. Toney Chaplin, new Hayward Police Chief, introduced himself to the City Council and the community.

Mr. Ismail Ayar, Hayward business owner, shared a tragic story when he was hit by a truck at the pedestrian crosswalk intersection of Mission Boulevard and Torrano Avenue and expressed concern about speeding on Mission Boulevard.

Mr. Butch Kille and Mr. Verne Smith, with 1st Lt. Frank Reasoner Detachment 919 - United States Marine Corps, invited all to the Marine Corps' birthday breakfast on November 2, 2019 at the Veteran's Memorial Building in San Leandro.

Mr. Kim Huggett, Hayward Chamber of Commerce president, spoke about the summer events and highlighted the opening of SoHay, Chicago Title, and Round1 bowling and entertainment venue; and announced the 10th Annual Mariachi Festival on September 13, 2019, in downtown. Council Member Mendall encouraged the public to visit Round1 at Southland Mall.

Mr. Jose Arroyo, International Youth Fellowship representative, extended an invitation to a Christmas Cantata on September 28, 2019 at Cow Palace in Union City.

ACTION ITEM

1. Appointments and Reappointments to the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission (Report from City Clerk Lens) **APPT 19-007**

Staff report submitted by City Clerk Lens, dated September 10, 2019, was filed.



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City Clerk Lens provided a synopsis of the staff report.

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

Resolution 19-178, "Resolution Confirming the Appointment and Reappointment of Members of the Community Services Commission, Keep Hayward Clean and Green Task Force, Library Commission, Personnel Commission and Planning Commission"

City Clerk Lens administered the oath of office to newly appointed and reappointed members.

CONSENT

Consent Item No. 5 was removed for separate vote.

2. Minutes of the Special City Council Meeting on July 9, 2019 **MIN 19-105**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council meeting on July 9, 2019, with an amendment.

3. Minutes of the City Council Meeting on July 16, 2019 **MIN 19-106**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council meeting on July 16, 2019.

4. Minutes of the Special City Council Meeting on July 23, 2019 **MIN 19-107**

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the Special City Council meeting on July 23, 2019.

Council Member Wahab disclosed she had to recuse herself from participating and voting on Item 5 due to her past service on the Board of Directors at Adobe Services.

5. Allocation of \$379,716 in HOME Investment Partnership Program Funds and Renewal of Rental Housing Grant Subsidy Agreement with Abode Services for Project Independence to Provide Tenant Based Rental Assistance to Emancipated and Former Foster Care Youth **CONS 19-559**

Staff report submitted by Deputy City Manager Ott, dated September 10, 2019, was filed.

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

AYES: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lamnin, Salinas
MAYOR Halliday
NOES: NONE
ABSENT: NONE
RECUSED: COUNCIL MEMBER Wahab

Resolution 19-180, “Resolution Authorizing the Use of Home Funds for Rental Assistance to Emancipated and Former Foster Care Youth Through Abode Services’ Project Independence and Authorizing the City Manager to Negotiate and Execute a Rental Housing Subsidy Grant Agreement”

6. Adopt a Resolution Approving Addendum Nos. 1 and 2 and Award a Construction Contract to Con-Quest Contractors, Inc. for the Recycled Water Customer Onsite Conversions Project, Project No. 07507 **CONS 19-590**

Staff report submitted by Public Works Director Ameri, dated September 10, 2019, was filed.

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

Resolution 19-179, “Resolution Approving Addendum Nos. 1 and 2, and Awarding a Contract to Con-Quest Contractors, Inc., for the Recycled Water Customer Onsite Conversions Project, Project No. 07507, in an Amount Not to Exceed \$1,826,600”

CITY MANAGER’S COMMENTS

City Manager McAdoo made two announcements: 1) the Hayward Executive Airport Open House on September 22, 2019 at the Hayward Executive Airport; and 2) the new library will open for operations and a community open house on September 14, 2019.

COUNCIL REPORTS AND ANNOUNCEMENTS

7. East Bay Community Energy Update (Presentation from Council Member Mendall) **RPT 19-338**

Staff report submitted by Public Works Director Ameri, dated September 10, 2019, was filed.

Council Member Mendall, also serving as the City’s representative on the East Bay Community Energy (EBCE) Board of Directors, provided a progress update which included



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the history of EBCE, EBCE's three electric service products, EBCE's financial strength, and new renewable energy projects. Mayor Halliday thanked Council Member Mendall and Council Member Márquez, who serves on EBCE Board of Directors as an alternate, for their contributions to EBCE.

Council Member Márquez thanked the Police and Fire departments for containing the fire at B and Main streets on August 31, 2019. Mayor Halliday also acknowledged the Maintenance Services department for the assistance provided.

Council Member Márquez made two announcements: 1) the 10th Annual Mariachi Festival on September 13, 2019, at Downtown Hayward City Hall Plaza; and 2) the Library Open House on September 14, 2019.

Council Member Salinas reported on a successful Words for Lunch Summer 2019 program at Weekes Park from June 24, 2019 through August 1, 2019 and thanked all agencies and City departments that supported the program.

Council Member Lamnin announced the Hayward Area Recreation and Park District was hosting a ribbon cutting ceremony on September 14, 2019 to celebrate the opening of the new Hayward Community Garden located at Whitman Street and Berry Avenue.

COUNCIL REFERRALS

8. Consider an Item for Discussion on a Future City Council Agenda Regarding Corrective Actions with Reliant Regarding Mass Displacement of Leisure Terrace Tenants (Report from Council Member Wahab) **RPT 19-340**

Referral memorandum provided by Council Member Wahab, dated September 10, 2019, was filed.

Council Member Wahab spoke about the referral and noted the item did not include an attachment containing emails but it was available via the City Manager's office.

Mayor Halliday opened the public hearing at 8:19 p.m.

The following public speakers voiced the following concerns: Leisure Terrace Apartments tenants were harassed and unfairly displaced; Reliant misinformed tenants about income qualifications; Reliant failed to provide adequate notice; the rent was increased by 30%; Reliant offered \$1,000 in relocation assistance to a limited number of tenants if they waived their legal rights; the Low-Income Housing Tax Credit (LIHTC) program is not affordable housing; the Residential Rent Stabilization Ordinance needs to be amended to extend just

cause protection to all tenants; and the conversion of Leisure Terrace from market rate apartments to long-term rent restricted affordable housing.

The speakers urged the Council to investigate the matter and help displaced tenants.

Ms. Bernadeth Hernandez

Mr. Jeff Kamikawa

Ms. Nayelli Blanco

Ms. Alejandra Ramirez, Centro Legal de La Raza paralegal

Ms. Sarah McCracken, Centro Legal de la Raza staff attorney

Mr. Aaron Shaul, California State University East Bay professor

Mr. Xavier Johnson, Centro Legal de la Raza representative

Ms. Emma Dinkelspiel, Bay Area Legal Aid staff attorney

Ms. Jackie Zaneri, Centro Legal de La Raza staff

Ms. Paola Hernandez, Centro Legal de la Raza housing advocate

Ms. Inas Hyatt

Ms. Mary Boutte

Ms. Kara Brodfuehrer, National Housing Law Project staff attorney

Ms. Alexis Payne

Ms. Linda Owens

Mr. Sulaiman Hyatt, Housing Rights Committee of San Francisco representative

Ms. Lacei Amodei

Mr. Derek Brazelton

Mr. Lucio Ortega

Ms. Brittney Abraham

Ms. Kady Brown

Mr. Danny Brown

Ms. Lucia Ortega

Ms. Alicia Lawrence, Hayward resident and Hayward Collective representative

Ms. Elisha Crader

Ms. Araceli Orozco

Mr. Joseph Sherman, The Reliant Group president, submitted a letter for the record and noted Reliant had created 68 units of affordable housing to be protected from rent increases for 55 years, spoke about interior and exterior renovations to the property, and refuted allegations.

Reverend Arnold Townsend, FRH Consulting partner, noted his firm was invited by The Reliant Group to resolve the issues raised in an amenable manner.

Mayor Halliday closed the public hearing at 8:55 p.m.

Discussion ensued among Council Members and City staff regarding allegations made.



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Council Member Zermeño offered a motion to approve the referral including investigation of allegations made regarding the Leisure Terrace Apartments and to take action to protect the remaining tenants. There was no second to the motion.

Council Member Wahab offered a motion to approve the referral including investigation of allegations made, have staff work with Reliant and Leisure Terrace Apartment tenants, and review the emergency ordinance that exempted affordable housing conversion projects.

Council Member Márquez seconded the motion.

Discussion ensued among Council Member and City staff regarding the intent of the referral and the allegations made; relocation assistance through the City's guidelines and Reliant resources for income eligible tenants; regulatory agreement of Low-income Housing Tax Credit (LIHTC) projects which is not enforced by the city; LIHTC program and rent rates; Just Cause for Eviction provisions in the emergency ordinance; and the 97% of units that had been occupied by income eligible tenants and three units held vacant for hospitality needs during renovation. Council Members agreed to have staff investigate the matter and analyze options to prevent a similar situation from occurring in the future.

Council Member Salinas supported the motion and offered an amendment to the motion to include a legal analysis of the requests in the referral and ask Reliant to work with affected tenants to come up with a solution that could be presented to the City Council.

Council Member Wahab and Council Member Márquez accepted the amendment.

City staff and Council Members clarified the motion and the additional requests.

Council Member Salinas asked for the motion to be withdrawn and made a recommendation to refer the referral to the Homelessness-Housing Task Force and have Reliant and affected tenants meet to come up with a solution that can be presented to the Task Force.

It was moved by Council Member Wahab, seconded by Council Member Márquez, and approved unanimously, to refer the issues raised in the referral and during public comments and Council discussion to the Homelessness-Housing Task Force for discussion at a special meeting within four to six weeks.

ADJOURNMENT

Mayor Halliday adjourned the special meeting at 10:00 p.m., in memory of Mr. Richard Evans Albert, Ms. Carol Morgan Severin, and Ms. Isobel Flora Dvorsky. Mayor Halliday indicated the Council would reconvene in Conference Room 2A for the continuation of closed session.

Council Member Salinas and Council Member Zermeño noted that Mr. Richard Evans Albert was a Hayward resident, a professor at Chabot College, the first Puente Program instructor at Chabot College, the cofounder of interdisciplinary studies program, a poet and singer, and a painter.

Mayor Halliday noted that Ms. Carol Morgan Severin was elected to serve on the Hayward Area Recreation and Park District Board of Directors for 14 years and elected to serve on the East Bay Regional Park District Board for 20 years and had a commitment to preserving and increasing park lands and offering recreational opportunities to all regardless of age or ability.

Mayor Halliday noted that Ms. Isobel Flora Dvorsky received her Master's in Speech Pathology at California State University Hayward, served on the Eden Hospital's Foundation Board, served on the Chabot/Las Positas College Board of Trustees for 35 years, and was a Campus Beauty Queen at the University of Iowa.

Mayor Halliday asked staff to work with the family of Mr. Richard Evans Albert to find a suitable place to plant a tree in his memory.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward