



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 14, 2019, 7:00 p.m.

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

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 5:00 p.m., concerning four items: 1) conference with legal counsel pursuant to Government Code 54956.9 regarding *Sisson v. City of Hayward-Workers' Compensation Appeals Board Case No. 131200178* and *141000065* and *Silva v. City of Hayward-Workers' Compensation Appeals Board Case No. 201700168HAY*; 2) public employment pursuant to Government Code 54957 regarding the City Attorney's annual performance evaluation; 3) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups; and 4) conference with real property negotiators pursuant to Government Code 54956.8 regarding City Center, 22300 Foothill Boulevard, Hayward, APNs: 415-0250-112-00, 415-0250-111-02 and 415-0250-113-00. Mayor Halliday reported there was no reportable action related to Item 2 and Item 3. City Attorney Lawson reported Council provided direction but there was no action related to Item 1 and Item 4.

PRESENTATION

Mayor Halliday read a proclamation declaring May 9 to 19, 2019 as the 23rd Annual Affordable Housing Week in the City of Hayward. Ms. Linda Mandolini, Eden Housing President, accepted the proclamation on behalf of Eden Housing.

PUBLIC COMMENTS

Dr. Guy "Zak" Zakrevsky, Director of Alternative Education, announced he would be retiring from the Hayward Unified School District and thanked everyone for supporting the Hayward Adult School.

Ms. Davida Scott, Hayward Adult School teacher, presented the soon-to-be graduates from the third cohort of Raising Leaders in Hayward Workshops.

Ms. Wynn Grich, Hayward resident, expressed concern about Hayward schools with outstanding fire alarm violations.

Mr. Jim Drake, Hayward resident, spoke about the Conditions of Approval for Taqueria El Mezcal Restaurant regarding trees and noise levels.

Ms. Lolita Morelli spoke about a request for the Hayward Municipal Band to receive an additional \$4,000 for the 2019 summer concert series.

Mr. Marty Marinak, Hayward Municipal Band concert master, urged the Council to support the Hayward Municipal Band by an additional \$4,000 allocation beyond the Community Services Commission recommendation.

Mr. Nick Vigil, Hayward Municipal Band member, spoke in support of the Hayward Municipal Band.

Mr. Mitchell Medeiros expressed concern about the height of proposed buildings of the Abode project and asked if Ramona was a driveway.

Ms. Peggy Guernsey, Hayward resident, expressed concern about sanctuary cities that might need to help undocumented individuals and the current needs of Hayward residents.

Mr. Edward Bogue, Hayward resident, invited all to Tip-A-Cop at Applebee's on May 23, 2019 to help support Special Olympics-Northern California.

CONSENT

Consent Item No. 3 was removed for discussion and separate vote.

1. Minutes of the Special City Council Meeting on April 27, 2019 **MIN 19-064**

It was moved by Council Member Mendall, seconded by Council Member Salinas, and carried unanimously, to approve the minutes of the Special City Council Meeting on April 27, 2019.

2. Authorize Amendment to Resolution 18-091 to Appropriate an Additional \$398,512 in Grant Funds to the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project and Authorize the City Manager to Increase the T.B. Penick & Sons, Inc. Contract Amount to \$52,948,512 **CONS 19-235**

Staff report submitted by Public Works Director Ameri, dated May 14, 2019, was filed.

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

Resolution 19-085, "Resolution Amending Resolution 18-091 to Authorize the Appropriation of an Additional \$398,512 within Fund 406 (Measure C Capital) for Construction of the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988"



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
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Tuesday, May 14, 2019, 7:00 p.m.

Resolution 19-086, "Resolution Authorizing the City Manager to Amend the Contract with T.B. Penick & Sons, Inc. to Increase the Contract Amount by \$398,512 to the Amount of \$52,948,512 for Construction of the 21st Century Library and Community Learning Center and Heritage Plaza Arboretum Project, Project No. 06988"

3. Authorize the City Manager to Establish a Police Trainee/Entry Level/Academy Graduate (TEAG) Hiring Bonus Program & Lateral Hiring Bonus Program and the Establishment of a Hiring Incentive Referral Program (HIRP) **CONS 19-268**

Staff report submitted by Police Chief Koller, dated May 14, 2019, was filed.

Council Member Zermeño offered a motion per staff's recommendation. Council Member Mendall seconded the motion.

Council Member Lamnin offered a friendly amendment to extend the Hiring Incentive Referral Program (HIRP) to any current City of Hayward employee and to review the HIRP in two years to assess impact and the need to address any other issues. Council Member Zermeño and Council Member Mendall were amenable to the friendly amendment.

Council Member Wahab offered a friendly amendment requesting an analysis, in conjunction with the program, on employee turnover rate in the Police Department and in comparison, with other departments in Alameda County and the Bay Area. Council Member Zermeño and Council Member Mendall were not amenable to the friendly amendment noting that the analysis was not necessary because the recruitment challenges were known to the Council.

In response to Council Member Wahab's inquiry for data on retention in the Police Department, City Manager McAdoo noted that information was available and could be provided to the Council.

There being no public speakers, Mayor Halliday opened and closed the public comment section at 7:52 p.m.

It was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously, to approve the resolutions with two amendments: 1) extend the Hiring Incentive Referral Program (HIRP) to any current City of Hayward employee, and 2) review the HIRP in two years:

Resolution 19-091, "Resolution Authorizing the City Manager to Establish a Hayward Police Department Trainee / Entry Level / Academy Graduate (TEAG) Hiring Bonus Program"

Resolution 19-092, "Resolution Authorizing the City Manager to Establish a Hayward Police Department Lateral Officer Hiring Bonus Program in the Amount of \$10,000 Per Qualified Candidate Hired"

Resolution 19-093, "Resolution Authorizing the City Manager to Establish a Hayward Police Department Hiring Incentive Referral Program (HIRP) in the Amount of \$2,000 to Qualified Referring Employees"

4. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Assessments for Fiscal Year 2020; and Set June 4, 2019 as the Public Hearing Date for Consolidated Landscaping and Lighting District No. 96-1, Zones 1 through 16 **CONS 19-329**

Staff report submitted by Maintenance Services Director Rullman, dated May 14, 2019, was filed.

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

Resolution 19-087, "Resolution Preliminarily Approving Engineer's Report, Declaring Intention to Levy Assessments for Fiscal Year 2020 for Consolidated Landscaping and Lighting District No. 96-1, Zones 1-16, and Setting June 4, 2019, as the Public Hearing Date"

5. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2020 for Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit Located at Pacheco Way, Stratford Road and Ruus Lane, and Set June 4, 2019 as the Public Hearing Date **CONS 19-330**

Staff report submitted by Maintenance Services Director Rullman, dated May 14, 2019, was filed.

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

Resolution 19-088, "Resolution of Intention Preliminarily Approving the Engineer's Report; Declaring Intention to Levy Assessments for Fiscal Year 2020; and Setting June 4, 2019, as the Public Hearing Date Concerning Maintenance District No. 1 -



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 14, 2019, 7:00 p.m.

Storm Drainage Pumping Station and Storm Drain Conduit -
Pacheco Way, Stratford Road, and Ruus Lane”

6. Adopt a Resolution of Intention to Preliminarily Approve the Engineer's Report and Levy Assessments for Fiscal Year 2020 for Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer, and Set June 04, 2019 as the Public Hearing Date **CONS 19-331**

Staff report submitted by Maintenance Services Director Rullman, dated May 14, 2019, was filed.

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

Resolution 19-089, “Resolution of Intention Preliminarily Approving Engineer’s Report, Declaring Intention to Levy Assessments for Fiscal Year 2020, and Setting June 4, 2019, as the Public Hearing Date Concerning Maintenance District No. 2 - Eden Shores Storm Water Facilities and Water Buffer”

7. Transportation Development Act Article 3 Funds FY 2018/2019 and FY 2019/2020 - Authorization for the City Manager to Submit an Application to Secure Funding for Americans with Disabilities Act (ADA) Compliant Accessible Curb Ramps **CONS 19-360**

Staff report submitted by Public Works Director Ameri, dated May 14, 2019, was filed.

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

Resolution 19-090, “Resolution of the City Council of the City of Hayward Authorizing Submission of an Application to the Metropolitan Transportation Commission for the Allocation of FY 2018/2019 and FY 2019/2020 Transportation Development Act (TDA) Article 3 Pedestrian/Bicycle Project Funding for Installation of Americans with Disabilities Act Compliant Accessible Curb Ramps”

WORK SESSION

8. Discussion on the FY 2020 Proposed Operating Budget, the City Issued Debt Annual Report, and Consideration of the Proposed Modifications to the City's "Use of One-Time Revenue for One-Time Expenses" Policy (Report from Finance Director Claussen) **WS 19-027**

Staff report submitted by Finance Director Claussen, dated May 14, 2019, was filed.

Finance Director Claussen provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the budget request for Senior Secretary in the City Manager's Office and the two Lead Sweeper Operator positions.

There being no public comments, Mayor Halliday opened and closed the public comments section at 8:15 p.m.

Council Member Zermeño supported the positions under Option One provided they did not negatively impact the General Fund.

Council Member Márquez supported the Council Budget and Finance Committee recommendation regarding the General Fund One-Time Revenue Policy; supported adding 1.0 FTE Senior Secretary and 1.0 FTE Management Analyst (Homeless Services Coordinator) in the City Manager's Office; supported increasing the Community Agency funding by \$50,000; preferred to review adding the Human Resources Analyst position in Human Resources and Senior Secretary position in Maintenance Services at mid-year; and supported the pre-payment of Solar Lease.

Council Member Mendall supported all components of Option One and all components of Option Three. Regarding Option Two, he supported 1.0 FTE Senior Secretary in the Maintenance Services Department and additional funding for temporary staffing at the Library; opposed additional funding for the Community Agency funding; was amenable to considering 1.0 FTE Management Analyst in the City Manager's Office and 1.0 FTE Emergency Services Coordinator in the Fire Department at mid-year; and supported any allocation of one-time funds being ratified by the City Council, having the formula as a default recommendation.

Council Member Lamnin supported having allocation of one-time funds ratified by the City Council; did not support adding 1.0 FTE Senior Secretary and 1.0 FTE Management Analyst (Homeless Services Coordinator) in the City Manager's Office due to concerns with additional pending equity adjustments; supported the Human Resources Analyst in Human Resources and 1.0 FTE Senior Secretary in Maintenance Services; supported pre-payment of Solar Lease; was not amenable to additional allocation for the Community Agency funding; and supported the temporary staffing for the Library.



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 14, 2019, 7:00 p.m.

Council Member Wahab supported the one-time revenue policy to grow reserves and did not have concerns with one-time allocations being ratified by the City Council; did not support 1.0 FTE Management Analyst (Homeless Services Coordinator); supported the 1.0 FTE Senior Secretary in the City Manager's Office; supported the 1.0 Senior Secretary in Maintenance Services; supported the Human Resources Analyst in Human Resources; supported pre-payment of Solar Lease; and did not support the increase to the Community Agency funding.

Council Member Salinas supported Option One and Option Two; supported adding 1.0 FTE Senior Secretary and 1.0 FTE Management Analyst (Homeless Services Coordinator) in the City Manager's Office; supported the Human Resources Analyst in Human Resources; supported 1.0 FTE Senior Secretary in Maintenance Services; and supported the one-time revenue policy.

Mayor Halliday supported pre-payment of Solar Lease; supported 1.0 FTE Senior Secretary and 1.0 FTE Management Analyst (Homeless Services Coordinator) in the City Manager's Office and perhaps delaying appointments until mid-year; supported the Human Resources Analyst in Human Resources; supported 1.0 FTE Senior Secretary in Maintenance Services; and was amenable to postponing the increase of General Fund allocation to the Community Agency funding or perhaps an allocation of \$50,000.

9. Recommended FY 2020 and FY 2021 Water and Sewer Rates and Connection Fees
(Report from Public Works Director Ameri) **WS 19-031**

Staff report submitted by Public Works Director Ameri, dated May 14, 2019, was filed.

Public Works Director Ameri provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comment section at 8:59 p.m.

Discussion ensued among Council Members and Public Works Director Ameri about: conversion to AMI (Advanced Metering Infrastructure) and shifting to a monthly billing cycle and overall improvements; formula used for charging individual renters and recommendations to install submeters and individual water meters at new developments; proposed water and sewer rate increases; maintenance and replacement of needed infrastructure; and public notice regarding water and sewer rate increases in accordance to provisions of Proposition 218.

Council Member Wahab requested that for new developments the City make it mandatory for multi-family residential units to have individual water meters to capture usage by renter.

Council Member Lamnin asked staff to explore the possibility of not increasing fees for one year noting that water and sewer rates had increased over the last four years which also contributed to housing cost.

Members of the City Council were generally in support of the proposed FY 2020 and FY 2021 water and sewer rate and connection fee increases. Council Member Mendall and Council Member Márquez were commended for their efforts serving on the Bay Area Water Supply and Conservation Agency.

10. Recommended FY 2020 and FY 2021 Recycled Water Rates and Connection Fees
(Report from Public Works Director Ameri) **WS 19-035**

Staff report submitted by Public Works Director Ameri, dated May 14, 2019, was filed.

Public Works Director Ameri provided a synopsis of the staff report.

There being no public comments, Mayor Halliday opened and closed the public comment section at 9:20 p.m.

Discussion ensued among Council Members and Public Works Director Ameri about: the recycled water discount rate for the first year and the establishment of an Enterprise Fund for recycled water. Members of the City Council were in support of the proposed FY 2020 and FY 2021 recycled water rates and connection fees.

PUBLIC HEARING

11. Approval of FY 2020 Community Agency Funding Recommendations and FY 2020 Community Development Block Grant Annual Action Plan (Report from Deputy City Manager Ott) **PH 19-044**

Staff report submitted by Deputy City Manager Ott, dated May 14, 2019, was filed.

City Manager McAdoo announced the report and introduced Community Services Manager Davis who provided a synopsis of the staff report regarding the FY 2019 timeliness update and FY 2020 Arts and Music funding recommendations.

Discussion ensued among Council Members and City staff regarding: the Hayward Municipal Band and FY 2019 funding, FY 2020 request and FY 2020 recommendation; an additional \$4,000 for the Hayward Municipal Band; application and request submitted by the Hayward Municipal Band; augmenting the funding for the Arts and Music category from \$86,000 to \$100,000; and reduce allocations evenly within the Arts and Music funding category to identify \$4,000 for the Hayward Municipal Band.



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 14, 2019, 7:00 p.m.

Mayor Halliday opened the public hearing for FY 2020 Arts and Music funding recommendations at 9:41 p.m.

Ms. Julie Roche, Community Services Commission Chair, spoke in support of the Community Services Commission recommendations.

Mayor Halliday opened the public hearing for FY 2020 Arts and Music funding recommendations at 9:45 p.m.

Council Member Zermeño offered a motion to approve staff's recommendation with an amendment to increase the allocation for the Hayward Municipal Band by \$4,000 from the General Fund. Mayor Halliday seconded the motion.

Council Member Mendall noted he would prefer to support staff's recommendation without changes and would be open to augment the allocation for Arts and Music next year and give the Community Services Commission the opportunity to decide how to make allocations. Council Member Mendall added that East Bay Community Energy (EBCE) was looking for local organizations to sponsor, and EBCE might be willing to sponsor a summer concert to help the Hayward Municipal Band diversify its funding sources.

Council Member Salinas expressed he would be supporting the motion on the floor including the additional \$4,000.

Council Member Lamnin noted she would be supportive of increasing the allocation for Arts and Music to \$100,000 for future years and include the Poet Laurette Program. Council Member Lamnin noted hesitation to discontinue the City's precedent of not allocating additional funds and urged the Hayward Municipal Band to participate in community engagement and fund-raising activities in the next year.

Council Member Márquez was in support of staff's recommendation and the additional \$4,000 and noted there was an opportunity to help the Hayward Municipal Band meet expectations and added the Band provided needed entertainment for the senior community.

Council Member Wahab noted that sponsored agencies need to demonstrate growth in the events provided which should be considered in future recommendations, events should be free to the public, agencies that provide activities for the youth should be supported, and entities sponsoring nonprofit agencies should also be considered.

It was moved by Council Member Zermeño, seconded by Mayor Halliday, and carried with the following vote, to approve the resolution with the addition of \$4,000 from the General Fund to augment the Hayward Municipal Band allocation:

AYES: COUNCIL MEMBERS Zermeño, Márquez, Wahab, Salinas
MAYOR Halliday
NOES: COUNCIL MEMBERS Mendall, Lamnin

Resolution 19-094, "Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2020 in the Arts and Music Funding Category"

Council Member Wahab recused herself from participating and voting on the remaining portion of funding recommendations due to a conflict of interest associated with her prior association with Abode Services, and left the Council Chambers at 10:00 p.m.

Community Services Manager Davis provided a summary of FY 2020 funding recommendations for Social Services and Community Development Block Grant (CDBG) and FY 2020 CDBG Annual Action Plan.

Mayor Halliday opened the public hearing at 10:06 p.m.

Ms. Amanda Olson, Downtown Streets Team representative, spoke in support of the Community Services Commission recommendations, highlighted goals accomplished by the Downtown Streets Team through the Homeless/Job Training Program, and shared goals for the upcoming year.

Ms. Suzanne Luther, Hayward resident, expressed opposition to the Abode project for homeless individuals slated for the Depot Road location due to the proximity to schools.

Ms. Claire Dugan, Hayward resident, noted opposition to the Abode project at Depot Road due to the proximity to residential units and schools.

Mr. Ron Meyers, Hayward resident, indicated his community was in opposition to the Abode project, specifically the proposed height, residence type, and noted a petition was signed by hundreds of residents.

Ms. Angie Watson-Hajjem, ECHO Housing, Fair Housing Coordinator, spoke in support of the Community Services Commission recommendations, noted the services provided via ECHO Housing, and indicated ECHO Housing was moving to 22551 Second Street.

Mayor Halliday closed the public hearing at 10:20 p.m.

Council Member Márquez offered a motion to approve funding allocations for FY 2020 Social Services and FY 2020 Community Development Block Grant (CDBG) and authorizing the FY 2020 CDBG Annual Action Plan submission. Council Member Zermeño seconded the motion.

Council Member Salinas expressed support for the motion.



MINUTES OF THE SPECIAL CITY COUNCIL MEETING
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, May 14, 2019, 7:00 p.m.

Members of the City Council addressed the comments made by public members regarding the Abode project and encouraged them to stay engaged and participate when the item is presented to the City Council. The Community Services Commission and City staff were commended for their efforts with the funding recommendations.

It was moved by Council Member Márquez seconded by Council Member Zermeño, and carried by the following vote, to approve the resolution.

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

Resolution 19-095, "Resolution Approving and Appropriating the Community Agency Funding Recommendations for Fiscal Year 2020."

Council Member Wahab returned to the Council Chambers at 10:30 p.m.

12. Application to Amend Chapter 10, Article 1 (Zoning Ordinance) and Article 2 (Off-Street Parking Regulations) Related to the Creation of New Industrial District Regulations within the Hayward Municipal Code and the Adoption of Industrial District Design Guidelines (Report from Development Services Director Simpson) **PH 19-045**

Staff report submitted by Development Services Director Simpson, dated May 14, 2019, was filed.

Senior Planner Schmidt provided a synopsis of the staff report and Ms. Martha Miller, Project Manager with Lisa Wise Consulting, provided a summary of proposed Zoning Map regulations. Senior Planner Schmidt noted there were two further amendments to Attachment II - Exhibit H, related to the Food Vendor Permit, Section 10-1.2735 Subsection 2 and Subsection 5 (a) as provided in the revised Exhibit H.

Mayor Halliday opened the public hearing at 10:46 p.m.

Mr. Robert Atkinson, Senior Vice-President at SyWest Development, submitted a letter for the record and requested the opportunity to work with staff to amend the proposed rezoning of the property at 22302 Hathaway Avenue in Hayward from Light Industrial (IL) to General Industrial (IG).

Mr. Brian Merron, real estate broker representing Pacific Street property owners, noted the proposed Light Industrial (IL) rezoning will negatively affect the value of the properties.

Mr. Arvind Iyer, representing the property owner at 29265 Pacific Street, noted the proposed outdoor storage regulation will affect the sale of the property.

Mayor Halliday closed the public hearing at 10:57 p.m.

Discussion ensued among Council Members and City staff about taking action, continuing the public hearing, and requests from the public speakers.

It was moved by Council Member Salinas seconded by Council Member Lamnin, and carried by the following vote, to continue the item to the May 28, 2019 City Council meeting.

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

CITY MANAGER’S COMMENTS

City Manager McAdoo made two comments: 1) public survey on recruitment of next Chief of Police was available online until May 28, 2019; and 2) Saturday’s Latin Jazz Festival was postponed until June 1, 2019.

COUNCIL REPORTS AND ANNOUNCEMENTS

Council Member Salinas made two announcements: 1) Rowell Ranch Rodeo on May 18, and 19, 2019 at Rowell Ranch Rodeo Park in Castro Valley; and 2) congratulated Chabot College and California State University East Bay graduates.

COUNCIL REFERRALS

There were none.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:09 p.m.

APPROVED

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward