



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/HAYWARD HOUSING  
AUTHORITY MEETING**  
Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, July 10, 2018, 7:00 p.m.

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The Special Joint Meeting of the Hayward City Council/Hayward Housing Authority Board was called to order by Mayor/Chair Halliday at 7:00 p.m., followed by the Pledge of Allegiance led by Council/HHA Member Márquez.

**ROLL CALL**

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

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced the City Council convened in closed session at 5:30 p.m., concerning two items: 1) conference with labor negotiators pursuant to Government Code 54957.6 regarding all groups, 2) conference with legal counsel pursuant to Government Code 54956.9 regarding Stoddard-Nunez v. City of Hayward, et al., 4:13-cv-04490-KAW, U.S. District Court, N.D. CA., and noted there was no reportable action related to the items.

**PRESENTATION**

Mayor Halliday read a Proclamation for motorized vehicles in Hayward expressing concern over the health, safety, and environmental issues associated with excessive car idling, and encouraged staff and community members to practice no engine idling for the benefit of the City of Hayward. Mr. Aneesh Rna, Public Information Officer of Bay Area Air Quality Management District (Community Health Protection Office) accepted the proclamation.

**PUBLIC COMMENTS**

The following individuals spoke about the City's process for awarding cannabis dispensary licenses, spoke about the Hayward Wellness Center, and requested an opportunity for the businesses that were rejected to appeal the decision.

Mr. Al Antonini  
Ms. Gina Antonini, Hayward Wellness Center Community Relations Director  
Mr. Stephen Cassidy

Ms. Alicia Lawrence, Hayward resident and Hayward Collective member, thanked the Council for enacting tenant protections and noted that "just cause" protections allow tenants to have a process.

Mr. Charlie Peters, Clean Air Performance Professionals representative, spoke about car emissions and submitted a related document.

Consent Item No. 5 was removed from the Consent Calendar for discussion.

## CONSENT

1. Minutes of the City Council Meeting on June 26, 2018 **MIN 18-095**

It was moved by Council Member Peixoto, seconded by Council Member Márquez, and carried unanimously, to approve the minutes of the City Council Meeting on June 26, 2018, with a correction.

2. Resignation of Mr. Stephen Ochoa from the Keep Hayward Clean and Green Task Force  
**CONS 18-465**

Staff report submitted by City Clerk Lens, dated July 10, 2018, was filed.

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

Resolution 18-144, "Resolution Accepting the Resignation of Stephan Ochoa from the Keep Hayward Clean and Green Task Force"

3. I-880/SR-92 Reliever Route: Phase 1 Project - Amendment to Construction Agreement with O.C. Jones and Sons, Inc. (O.C. Jones) **CONS 18-431**

Staff report submitted by Interim Public Works Director Ameri, dated July 10, 2018, was filed.

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

Resolution 18-145, " Resolution Authorizing an Increase in the Construction Contract with O.C. Jones and Sons, Inc., for Construction Services of the I-880/SR-92 Reliever Route – Phase 1 Project, Project 05197"

4. Authorization to Execute a Professional Services Agreement with HdL Companies for the Purchase of Business Tax and Licensing Software **CONS 18-445**

Staff report submitted by Finance Director Claussen, dated July 10, 2018, was filed.



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

Resolution 18-146, "Resolution Authorizing the City Manager to Execute a Professional Services Agreement with HDL Companies for the Purchase and Licensing of a Business Tax and Licensing Software"

5. Approval of a Resolution in Support of HR 2358 - The Chinese American World War II Veterans Congressional Gold Medal Act **CONS 18-462**

Staff report submitted by Assistant to the City Manager Korth and Management Analyst II James, dated July 10, 2018, was filed.

Mayor Halliday noted the resolution was consistent with the principles in the Hayward Commitment for an Inclusive, Equitable, and Compassionate Community.

Mayor Halliday opened the public comment section at 7:24 p.m.

Mr. Hal Gin, Chabot-Las Positas Community College District Board of Trustees member and Alameda County Planning Commission member, urged support for the proposed resolution.

Mayor Halliday closed the public comment section at 7:27 p.m.

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

Resolution 18-149, "Resolution in Support of HR 2358 – The Chinese American World War II Veterans Congressional Gold Medal Act"

6. Approval of Amendments to the Tennyson Gardens Apartments Regulatory Agreement **CONS 18-468**

Staff report submitted by Assistant City Manager Hurtado, dated July 10, 2018, was filed.

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

Resolution 18-147, "Resolution Authorizing an Amendment and Restatement of That Certain First Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants and Related Approvals for Tennyson Gardens Apartments"

Hayward Housing Authority Resolution 18-02, "Resolution Authorizing an Amendment and Restatement of That Certain First Amendment and Restated Regulatory Agreement and Declaration of Restrictive Covenants and Related Approvals for Tennyson Gardens Apartments"

7. Authorization for the City Manager to Accept and Appropriate up to \$100,000 from the Fairview Fire Protection District for Special Projects **CONS 18-482**

Staff report submitted by Fire Chief Contreras, dated July 10, 2018, was filed.

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

Resolution 18-148, "Resolution Authorizing the City Manager to Accept and Appropriate Up to \$100,000 from the Fairview Fire Protection District to the Local Grants Fund for Special Projects Between June 1, 2018 and June 30, 2019"

## **WORK SESSION**

8. Heritage Plaza, 21st Century Library - Overview and Refresher of the Heritage Plaza Restoration and Construction Project Plans and Specifications (Report from Interim Library Director Light) **WS 18-027**

Staff report submitted by Assistant City Manager Hurtado, dated July 10, 2018, was filed.

City Manager McAdoo announced that Library Director Reinhart had resigned and Ms. Jane Light was serving as Interim Library Director.

City Manager McAdoo disclosed she was going to participate in the work session discussion as the item did not represent a conflict of interest related to her property.

Council Member Márquez disclosed there was no conflict of interest related to the work session and her family business and could participate in the work session discussion.

Interim Library Director Light announced the City was hosting a special event to bid a farewell to the old Main Library building on July 14, 2018, and invited all to come.



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Interim Library Director Light introduced Mr. Christopher Noll with Noll & Tam Architects who provided an overview of the Hayward Library and Community Learning Center Heritage Plaza. Ms. Manuela King with rhaa Landscape Architects provided a presentation about the Heritage Plaza.

Discussion ensued among Council Members and City staff regarding: the Heritage Plaza restoration, underground rainwater catchment, historic features, bathrooms, historic representation for the plaza and Mission Boulevard, and programing plans for the plaza.

Council Members offered various suggestions: consider a bust of Don Guillermo Castro and a statue of missionary Junipero Serra; incorporate poetry into the park and include input from the City's poet laureate, Bruce Roberts, and the Hayward Arts Council; consider adding a trophy case to display environmental awards; consider infrastructure for an outdoor sound system; consider pedestals to display diverse groups that are representative of the city; have the Library Commission be an active voice in determining the historical components of the plaza; engage the Hayward Historical Society in the discussion about historic features for the plaza and make sure the work is reflective of Hayward's history and events that have occurred in the community during the last fifteen to twenty years; consider panels to display performances/contests curated by emerging events in the community; consider an electronic kiosk to display Hayward events and a timeline of Hayward's history; and as the historical representation for the plaza is considered, be mindful of overrepresentation of the missionary aspect of history and include in the conversation the Ethnic Studies Department at California State University East Bay.

Mayor Halliday opened the public comment section at 8:15 p.m.

Ms. Alicia Lawrence, Hayward resident, suggested to contextualize the missionary aspect of the history in the plaza with the presence of statues and offer more presence to the history of the Ohlone people.

Mayor Halliday closed the public comments section at 8:17 p.m.

### **PUBLIC HEARING**

Council Member Márquez disclosed she would be recusing herself from discussing and voting on Public Hearing Item No. 9 due to the financial impact on her family's establishment and left the Council chambers

Council Member Salinas disclosed he had to recuse himself from participating and voting on Item No. 9 due to his association with the Kid's Breakfast Club and left the Council Chambers.

9. Resolutions of Formation Establishing the Downtown Hayward Community Benefit District and Appropriation of Funds (Report from City Manager McAdoo) PH 18-063

Staff report submitted by Management Analyst II Stefanski and New City America Consultant, dated July 10, 2018, was filed.

City Manager McAdoo announced the report and introduced Management Analyst II Stefanski who provided a synopsis of the report. Mr. Stefanski noted that upon closing of the public hearing, the City Clerk, Consultant Mandri, and he would publicly open the ballots, tabulate them and return to Council Chambers with the results to report to the City Council.

Mayor Halliday opened the public hearing at 8:31 p.m.

Mr. Gregg Schluntz, Chair of Trustees of the First United Methodist Church, urged the City to proceed with caution noting the importance to have factual return on investment such as high-speed internet and a power system, and added the proposal was not a solution for homelessness.

Mr. Zachariah Oquenda, Hayward resident, shared concerns with negative impacts that business improvement districts could have on vulnerable members of the community, and asked the City to be thoughtful implementing the proposed district.

Mayor Halliday closed the public hearing at 8:41 p.m.

Mayor Halliday noted that while the City Clerk and staff counted the submitted ballots, the City Council would continue with the proceedings of the meeting and moved to Public Hearing No. 10.

Mayor Halliday restarted the hearing at 10:43 p.m.

City staff announced the results of the votes noting that 88.2 percent were in support of forming the Downtown Hayward Community Benefit District and 11.8 percent were in opposition. It was noted that the results of the votes without the City's votes was 77 percent to 23 percent.

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

Council Member Mendall seconded the motion.

Council Member Lamnin shared concerns with the formation but respected the will of the voters, and urged the City to be consistent with the City's Commitment and pay attention to things that could be done not to overwhelmingly raise rents in the downtown and to monitor the rollout of the management company.



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Mayor Halliday disclosed she is a member of First United Methodist Church and did not have a conflict requiring her to recuse herself from voting as she does not derive any financial gain from the church, and noted she was glad the element for hardship for non-profit and religious organizations was included.

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

AYES: COUNCIL MEMBER Zermeño, Mendall, Peixoto, Lamnin  
MAYOR Halliday  
NOES: NONE  
ABSENT: COUNCIL MEMBER Márquez, Salinas  
ABSTAIN: NONE

Resolution 18-151, "Resolution of Formation Establishing the Downtown Hayward Community Benefit District (CBD) and Levying Assessment Therewith"

Resolution 18-152, "Resolution Appropriating \$163,845 from the General Fund (Fund 100) for the City's Annual Assessment Under the Downtown Hayward Community Benefit District"

Council Members Márquez and Salinas returned to the Council Chambers.

Council Member Lamnin disclosed she had to recuse herself from discussing and voting on Public Hearing Item No. 10 due to the proximity of the project to her property, and left the Council Chambers.

10. Proposal to Subdivide a 5.1-Acre Site into 45 Parcels to Allow the Construction of 41 Detached Single-Family Residences with Common Open Space Areas and Related Site Improvements at 22626 4th Street (APNs 427-0036-033-05, 427-0036-033-06, 427-0036-033-07, 427-0036-055-19, & 427-0036-085-01) by Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner), Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and Adopt a Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201704074 (Report from Interim Development Services Director Bristow) **PH 18-054**

Staff report submitted by Associate Planner Lee, dated July 10, 2018, was filed.

City Manager McAdoo introduced the new Development Services Director Laura Simpson.

Development Services Director Simpson announced the report and introduced Associate Planner Lee. Associate Planner Lee noted that a copy of a letter submitted by Better Neighborhoods Inc., had been distributed to the City Council and was entered into the record for Council's consideration.

Associate Planner Lee provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the backyard setback of the units that abut the creek; trees included in the project; \$50,000 donation by Dutra Enterprises, Inc., for the restoration of the San Lorenzo Creek; the traffic on 4<sup>th</sup> Street and B Street; the San Lorenzo Creek, its maintenance and protection; universal design options for the units on the first floor; process for deciding between in-lieu fees or building onsite; and width of garages facing the street.

Mayor Halliday opened the public hearing at 9:15 p.m.

Ms. Joan Butler, Hayward resident, expressed support for the proposed development and for fences behind the properties.

Mr. Bruce King, Friends of San Lorenzo Creek member and Castro Valley resident, did not support the housing development without inclusion of resolutions that improve the San Lorenzo Creek as noted in Attachment VI of the staff report.

Ms. Marlina Selva, Hayward resident, opposed staff's recommendation and urged protection of the natural resource, the creek.

Mr. Jeff Carr, Hayward resident, expressed concern about the impact the project will have on neighboring areas and Chestnut Street, and offered he wanted to contribute to the discussion.

Mr. Charles Pisano, Friend of San Lorenzo Creek member and Hayward resident, favored a compromise with mitigations for the project and the creek.

Ms. Charlotte Irwin, Hayward resident, favored protecting the creek, noted the property is contaminated, wanted the well and historical pieces conserved, and supported keeping trees that were listed to be removed.

Ms. Linda Bennett, Hayward resident, acknowledged the Police Department and neighbors for helping the creek, and opposed the proposed development.

Ms. Melinda Selva, Hayward resident, opposed the proposed project and advocated for protecting the creek and the living species in the area.

Ms. Alicia Lawrence, Hayward resident, noted the proposed project was a missed opportunity to firm up affordable housing stock.





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Mr. John Dutra, applicant, noted that in response to the concerns with the San Lorenzo Creek, Dutra Enterprises Inc., would donate \$50,000 for the restoration of the creek; and added that the fence lines were there and while he did not think they should be removed he was flexible to any changes; and responded to questions posed by Council Members.

Council Members Márquez and Zermeño disclosed having individually met with the Dutra family.

Mr. Tony Dutra, CEO of Dutra Enterprise, in response to Council Member Zermeno's suggestion, agreed to consider, if available, acquiring the vacant lot at 4<sup>th</sup> Street and A Street for possible retail space.

Mayor Halliday closed the public hearing at 10:05 p.m.

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

Council Member Mendall seconded the motion.

Council Member Mendall offered a friendly amendment to the motion so that the portion, along the San Lorenzo Creek, of rear yard fences that encroach within the 20-foot setback area be removed as part of the development.

Council Member Zermeño accepted the friendly amendment.

Discussion ensued about the creek improvement area; fences behind the propertie; the homeowner's association's responsibility for the fences after the construction; the restoration of the creek and a partnership among the City, Friends of San Lorenzo Creek, and Alameda County Flood Control and Water Conservation District.

Council Members were in general agreement with the proposed development. It was noted that the project had a commitment to building affordable housing as more housing was needed in the area; the development would alleviate concerns with a vacant lot; the proposal was one of the last significant properties grandfathered under the old inclusionary housing provisions; the Dutra family had a reputation building in Hayward and understood the importance of building onsite; the developer had agreed to reach out to the neighbors and had responded to the concerns with the San Lorenzo Creek by donating \$50,000 towards the restoration of the San Lorenzo Creek; and the developer could coordinate with the City and the Alameda County Flood Control and Water Conservation District to develop a creek restoration and maintenance plan.

Council members thanked all interested parties for the input provided and for contributing to protecting the natural resource, San Lorenzo Creek.

It was confirmed that the motion included that the applicant's \$50,000 donation would be included as a condition of approval for the restoration of the San Lorenzo Creek.

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

AYES: COUNCIL MEMBER Zermeño, Márquez, Mendall, Peixoto, Salinas  
MAYOR Halliday  
NOES: NONE  
ABSENT: COUNCIL MEMBER Lamnin  
ABSTAIN: NONE

Introduction Ordinance 18-\_, "An Ordinance Amending Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code by Rezoning Certain Property to Planned Development District in Connection with Zone Change and Vesting Tentative Map Application No. 201704077 to Accommodate 41-Single Family Dwellings at 22626 4<sup>th</sup> Street"

Resolution 18-150, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and Approving the Planned Development Rezone with Tentative Tract Map and Site Plan Review Pertaining to Construction of 41 New Single-Family Residences at 22626 4<sup>th</sup> Street"

Council Member Lamnin returned to the Council Chambers at 10:42 p.m.

Mayor called for a recess at 10:51 p.m., and reconvened the meeting at 10:54 p.m.

11. Proposal to Construct a Single-Family Residence on a Vacant 0.25-Acre Hillside Lot Located at 26620 Call Avenue (APN 081D-1665-026-00) by Somnadh Allu (Applicant/Owner), Requiring Adoption of a Resolution to Approve a Site Plan Review with Grading Permit and Adopt a Mitigated Negative Declaration (MND) with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201703214 (Report from Interim Development Services Director Bristow) **PH 18-056**

Staff report submitted by Interim Development Services Director Bristow, dated July 10, 2018, was filed.

Associate Planner Lee provided a synopsis of the report.



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There being no public comments, Mayor Halliday opened and closed the public hearing at 10:57 p.m.

Mayor Halliday expressed concern with unresolved issues in the area and hoped for a resolution in partnership with the community.

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

Resolution 18-153, "Resolution Adopting the Mitigated Negative Declaration and the Mitigation and Report Program and Approving the Site Plan Review with Grading Permit Pertaining to Construction of a New Single-Family Residence at 26620 Call Avenue"

#### LEGISLATIVE BUSINESS

#### 12. Review of Polling and Direction on Potential November 2018 Ballot Measures (Report from City Manager McAdoo) **LB 18-041**

Staff report submitted by Communications and Media Relations Officer Finnie, dated July 10, 2018, was filed.

City Manager McAdoo announced the report and introduced Communications and Media Relations Officer Finnie who provided a synopsis of the report.

Mr. Bryan Godbe with Godbe Research presented the results of the quantitative survey and explained the methodology used.

City Manager McAdoo noted staff was recommending placing two measures on the November 2018 ballot: 1) increase the Transient Occupancy Tax (TOT) from 8.5 percent to 12 percent; and 2) increase the Real Property Transfer Tax (RPTT) from \$4.50 per \$1,000 of property value to \$8.50 per \$1,000 of property value; and requested direction on the ballot questions.

Discussion ensued among Council Members, City staff, and Mr. Bryan Godbe regarding the budget strategic recommendations from October 2017; the gubernatorial November election and survey results; impact to the City should the ballot measures fail to pass; TOT language and Airbnb short term rental; sunset date for the ballot measures; demographics of the respondents and the responses; inventory of existing bonds/taxes that are on property owner bills; and setting the tax rate.

There being no public comments, Mayor Halliday opened and closed the public hearing at 11:34 p.m.

Council Member Márquez offered a motion recommending placing the Transient Occupancy Tax (TOT) at a rate of 12 percent and the Real Property Transfer Tax (RPTT) at \$8.50 per \$1,000 of property value.

Council Member Mendall seconded the motion.

Council Members noted the ballot measures were needed to balance the budget and continue to provide existing services; and the Council, by placing the measures on the November ballot, would give the Hayward voters the choice to decide about the proposed taxes.

Council Member Salinas indicated he would not be supporting the motion because he was concerned about the proposed ballot measures and noted he was not sure the measures were the solution to balancing the City's budget.

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

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

13. Designation of Voting Delegates and Alternates for the League of California Cities 2018 Annual Business Meeting (Report from City Clerk Lens) **LB 18-035**

Staff report submitted by City Clerk Lens, dated July 10, 2018, was filed.

City Clerk Lens provided a synopsis of the report.

There being no public comments, Mayor Halliday opened the public hearing at 12:04 a.m.

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

Council Member Márquez noted she serves as the City's delegate to the League of California Cities East Bay Division but was unable to attend the 2018 business meeting due to a work conflict, and was committed to attending the business meeting next year.

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



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Resolution 18-154, "A Resolution Designating a Voting Delegate as Hayward's Representative to the League of California Cities 2018 Annual Conference"

**INFORMATION ITEMS**

14. Six-month Status Update on the Implementation of the Three Council Strategic Initiatives: Complete Communities, Complete Streets, and the Tennyson Corridor **RPT 18-121**

Staff report submitted by Assistant City Manager Hurtado, dated July 3, 2018, was filed.

The item is informational only.

**CITY MANAGER'S COMMENTS**

There were none.

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


There were none.

**ADJOURNMENT**

Mayor Halliday adjourned the meeting at 12:10 a.m., in gratitude for the rescue of the twelve boys and their soccer coach who were trapped in a cave in Thailand, and in honor and memory of Mr. Don Bessy and Mr. Charles Snipes.

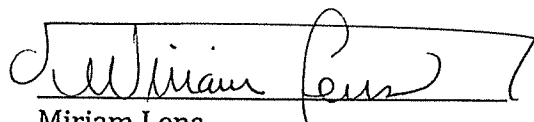
Mr. Don Bessy was a longtime Hayward resident, a California State University Hayward graduate, a member and past president of the Hayward Lions Club, a member of the Social Concerns Committee at the First United Methodist Church, and helped charitable organizations such as FESCO and Salvation Army. Mr. Charles Snipes was a Fairview resident, a longtime member of the Fairview Fire Protection District Board, a member of the Hayward Unified School District Personnel Commission, and a member of the Social Concerns Committee at the First United Methodist Church. Mayor Halliday asked staff to work with the Bessy and Snipes families and find a suitable place to plant a tree in their memory.

**APPROVED**



Barbara Halliday  
Mayor, City of Hayward  
Chair, Hayward Housing Authority Board

**ATTEST:**



Miriam Lens  
City Clerk, City of Hayward  
Secretary, Hayward Housing Authority Board