



**MINUTES OF THE SPECIAL JOINT CITY COUNCIL/PLANNING COMMISSION
MEETING OF THE CITY OF HAYWARD
Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 15, 2016, 7:00 p.m.**

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

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Márquez, Mendall, Lammin, Peixoto, Salinas
CHAIR Halliday

Absent: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Mayor Halliday noted that she had received a request to move Legislative Business Item No. 17 up on the agenda. There was Council consensus to move the item.

CLOSED SESSION ANNOUNCEMENT

City Attorney Lawson announced the Council convened in closed session regarding three items: 1) conference with property negotiators pursuant to Government Code 54956.8 related to State owned parcels along Route 238 Bypass Alignment; 2) conference with legal counsel pursuant to Government Code 54956.9 regarding Greer v. City of Hayward, et al., U.S. District Court, N.D. CA., 3-15-CV-02307-WHO; and 3) conference with legal counsel pursuant to Government Code 54956.9 regarding anticipated litigation. There was no reportable action related to Items 1 and 3. Related to Item No. 2, the Council unanimously agreed, moved by Council Member Peixoto and seconded by Council Member Salinas, to give direction to staff.

PRESENTATIONS

Library and Community Services Director Reinhart and President of Friends of the Hayward Library, Judy Harrison, spoke about the fundraising efforts for the 21st Century Library and Community Services. Hayward Rotary Club Foundation through its Vice-President, Debby De Angelis, presented to the Friends of the Hayward Library a check in the amount of \$100,000 for the 21st Century Library Collection of Books and Media. Fremont Bank Foundation through its Vice-President, Brian Hughes, presented to the Friends of the Hayward Library a check in the amount of \$100,000 for the 21st Century Library Collection of Books and Media. Mayor Halliday thanked all for the efforts to build the 21st Century Library and Community Services.

Mayor Halliday presented a Certificate of Commendation to the Youth and Family Services Bureau (YFSB) of the Hayward Police Department on its 40th Anniversary celebrating the commitment and dedication to serving the Hayward community. Acting Police Chief, Mark

Koller, and Administrator of YFSB, Dr. Emily Young, accepted the certificate on behalf of the Hayward Police Department.

Mayor Halliday noted that public comments for Work Session items would be heard after staff's presentation of each item. Mayor Halliday noted that formal adoption of the change would be included in the adoption of the Council Member Handbook at a future Council meeting.

There was Council consensus to move Legislative Business Item No. 17 before the Work Session calendar.

PUBLIC COMMENTS

Ms. Debra Israel, Hayward Unified School District (HUSD) employee, shared information about the HUSD AmeriCorps program.

The following speakers, some via Council Member Zermeño serving as a Spanish-English interpreter, expressed concerns about: the excessive increase in rent and advocated for rent control and education of current regulations; violence in their neighborhoods and concerns for the well-being of their children and advocated for crime prevention programs; minimum wage and urged the Council to pursue increasing the minimum wage in Hayward; water quality in schools; and the alleged Council involvement in HUSD matters and urged the Council to focus on matters that pertain to its jurisdiction.

Ms. Kristine Jaramillo
Ms. Eloisa Correa, also submitted a letter
Ms. Rosario Balderas (submitted a card but did not speak)
Ms. Reyna Martinez
Ms. Ofilia Beas
Ms. Graciela
Ms. Araceli Orozco
Ms. Miriam Tepo
Mr. Edwardo Orozco
Ms. Elena Lepe
Ms. Liliana Mendoza
Mr. Gabriel Altamirano
Ms. Rhina Zepeda

City Attorney Lawson noted the City had a Rent Control program and encouraged the speakers to meet with him and his Spanish speaking staff to address their concerns.

Ms. Lisa Brunner, HUSD Board Member, spoke about the results of the November 8, 2016 election and the Council Members' involvement with the HUSD election.

Mr. Luis Reynoso, HUSD Board Member, spoke about the Hayward Police Chief being placed on administrative leave and the increase in crime rate; and asked the Council to focus on reducing crime.



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Mr. Al Parso, Hayward resident, announced the 5th Annual SantaCon Hayward event, benefiting the Hayward Animal Shelter, on December 3, 2016.

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced two events: the reception at the Hayward Area Historical Society where the Business Person, Firefighter, Educator and Police Officer of the Year would be announced on November 16, 2016; and the Light Up the Season event in Downtown on December 3, 2016.

Mr. Renee Rettig, Manager of the Book Shop, spoke about the Downtown's Holiday Passport program and invited all to participate from November 25 to December 3, 2016.

Council Member Márquez reassured Hayward residents that Hayward continued to be a safe and inclusive community.

City Manager McAdoo noted there were two minor typographical corrections in Attachments II and III of Consent Item No. 3.

Consent Item No. 12 was pulled to allow public comment.

CONSENT

1. Minutes of the City Council Meeting on October 18, 2016 **MIN 16-104**

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 October 18, 2016.

2. Minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Meeting on October 25, 2016 **MIN 16-105**

It was moved by Council/HRSA Member Mendall, seconded by Council/HRSA Member Márquez, and carried unanimously, to approve the minutes of the Special Joint City Council/Hayward Redevelopment Successor Agency Meeting on October 25, 2016.

3. Adoption of Resolutions Amending the Side Letter Agreements between the City of Hayward and the International Association of Firefighters, AFL-CIO, Local 1909, and the City of Hayward and the Hayward Police Officers Association, HPOA, that Clarify the Employee Paid-Employer Share Contribution Amounts for Public Employee Pension Reform Act ("PEPRA") Employees **CONS 16-660**

Staff report submitted by Human Resources Director Collins, dated November 15, 2016, was filed.

It was moved by Council Member Mendall, seconded by Council Member Márquez, and carried unanimously, to adopt the following with correction of a minor typographical error in the resolutions:

Resolution 16-196, “Resolution Authorizing Amending the Side Letter Agreements Between the City of Hayward and the Hayward Police Officers Association, HPOA that Clarifies the Employee Paid-Employer Share Contribution Amounts for Public Employee Pension Reform Act (“PEPRA”) Employees”

Resolution 16-197, “Resolution Authorizing Amending the Side Letter Agreements Between the City of Hayward and the Hayward Firefighters Bargaining Unit, Local 1909 that Clarifies the Employee Paid-Employer Share Contribution Amounts for Public Employee Pension Reform Act (“PEPRA”) Employees”

4. Approval to Initiate the Formation and Annexation of the Amcal Property (Cadence Development) Located Across Dixon Street from the South Hayward BART Station to Benefit Zone No. 15 of the Consolidated Landscaping and Lighting District 96-1 **CONS 16-671**

Staff report submitted by Development Services Director Rizk, dated November 15, 2016, was filed.

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

Resolution 16-198, “Resolution of the City Council of the City of Hayward Initiating Proceedings for the Formation of Benefit Zone No. 15 of the City of Hayward Landscape and Lighting Assessment District No. 96-1 for the Cadence Property”

5. Adoption of a Resolution to Amend the Side Letter Agreement between the City of Hayward and the International Federation of Professional and Technical Engineers (“Local 21”) to Eliminate the \$125 Contribution Rate to the Voluntary Employee Beneficiary Association (“VEBA”) Plan **CONS 16-688**

Staff report submitted by Human Resources Director Collins, dated November 15, 2016, was filed.

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

Resolution 16-199, “Resolution Authorizing an Amended Side Letter Agreement Between the City of Hayward and International Federation of Professional and Technical



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Engineers, Local 21, (“Local 21”) to Eliminate the \$125 Employee Contribution Rate Per Pay Period to the VEBA Plan for Employees Who Are Within Two (2) Years of Normal Retirement Age”

6. Adoption of a Resolution Establishing the City Contribution for Active and Retiree Medical Premiums Set by the California Public Employee Retirement System (CalPERS) for Calendar Year 2017 Pursuant to California Government Code Section 22892 of the Public Employees Medical and Hospital Care Act **CONS 16-689**

Staff report submitted by Human Resources Director Collins, dated November 15, 2016, was filed.

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

Resolution 16-200, “Resolution Agreeing to Meet the Minimum Employer Contribution Toward Medical Cost as Set by California Public Employees Retirement System One Hundred Twenty-Eight Dollars (\$128) Per Month for Calendar Year 2017”

7. Resolution Authorizing the City Manager to Negotiate and Execute a New Ground Lease with Byculla Homes, Inc. for Lease of a Parcel of Land at Hayward Executive Airport **CONS 16-699**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-201, “Resolution Authorizing the City Manager to Negotiate and Execute a Ground Lease Between the City of Hayward and Byculla Homes, Inc.”

8. Resolution Authorizing the City Manager to Negotiate and Execute a New Ground Lease Agreement with Air Plaza, LLC. for Lease of a Parcel of Land at Hayward Executive Airport **CONS 16-701**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-202, “Resolution Authorizing the City Manager to Negotiate and Execute a Ground Lease Between the City of Hayward and Hayward Airport Plaza, LLC”

9. Professional Services Agreement with CDM Smith, Inc. for Downtown Parking Study **CONS 16-703**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-203, “Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with CDM Smith Inc. for Additional Services Associated with the City of Hayward Comprehensive Parking Analysis”

10. Approval of a Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network Services Provided by the Youth and Family Services Bureau of the Hayward Police Department **CONS 16-706**

Staff report submitted by Acting Police Chief Koller, dated November 15, 2016, was filed.

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

Resolution 16-204, “Resolution Authorizing the City Manager to Negotiate and Execute an Agreement with the Alameda County Probation Department for Delinquency Prevention Network Services Provided by the Youth and Family Services Bureau of the Hayward Police Department”

11. Mission Boulevard/Blanche Street and Gading Road/Huntwood Way Intersections Safety Improvements: Award of Contract **CONS 16-711**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, 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 16-205, "Resolution Awarding the Construction Contract to Ray's Electric"

Resolution 16-206, "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 Transportation System Improvement Fund (Fund 460) to the Mission Boulevard/Blanche Street and Gading Road/Huntwood Way Intersections Safety Improvements Project, Project 05708"

12. Resolution Urging the Bay Area Air Quality Management District to Enact Rule 12-16, Community-Worker Alternative **CONS 16-714**

Staff report submitted by Management Analyst Stefanski, dated November 15, 2016, was filed.

Mr. Frank Burton, Hayward resident, urged the City Council to approve the proposed resolution.

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

Resolution 16-210, "Resolution: Urging the Bay Area Air Quality Management District to Enact Rule 12-16, Community-Worker Alternative"

13. Fire Stations 1-6 and Fire Training Center Improvement Project - Amendment to Professional Services Agreement with Kitchell, Purchase Order Approval for Sole Source Item and Appropriation of Funds **CONS 16-720**

Staff report submitted by Public Works Director Fakhrai, dated November 15, 2016, was filed.

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

Resolution 16-207, "Resolution Authorizing the City Manager to Execute an Amendment to the Professional Services Agreement with Kitchell for Additional Services Associated with the Fire Stations 1-6 and Fire Training Center Improvement Project"

Resolution 16-208, "Resolution Approving Purchase Orders for GPS-Based Emergency Vehicle Preemption System Associated with the Fire Stations 1-6 and Fire Training Improvement Project"

Resolution 16-209, "Resolution Authorizing the Amendment of Resolution 15-116 for Capital Improvement Projects for Fiscal Year 2016, Relating to an Appropriation of Funds from Measure C Fund (Fund 101) for the Fire Stations 1-6 and Fire Training Center Improvements – Design, Project No. 07474"

There was Council consensus to hear Legislative Business No. 17 prior to the Work Session section of the agenda.

JOINT CITY COUNCIL/PLANNING COMMISSION WORK SESSION

Planning Commission Members Julius Willis Jr., Daniel Goldstein, Al Parso-York, Brian Schott, Diane McDermott, Mariellen Faria, and Chair Heather Enders attended the meeting.

14. Downtown Specific Plan - Project Overview, Update and Discussion (Report from Development Services Director Rizk) **WS 16-068**

Staff report submitted by Development Services Director Rizk, dated November 15, 2016, was filed.

Development Services Director Rizk announced the report and introduced Ms. Lisa Wise with Lisa Wise Consulting, Inc., who provided a synopsis of the Downtown Specific Plan.

Mayor Halliday opened public comments at 9:32 p.m.

Ms. Lisa Brunner, Hayward resident, urged support for safe bike lanes; and suggested that the Council consider reverting A Street back to a two-way street to mitigate traffic and encourage a pedestrian friendly environment.

Mr. Sid Hamadeh, Eko Coffee business owner, noted that identifying the appropriate staff and pooling the right stakeholders was key in the implementation of the Downtown Specific Plan.

Mayor Halliday closed the public comments at 9:39 p.m.

Discussion ensued among Planning Commission Members and Ms. Lisa Wise regarding: Opticos Design and the five-day charrette and General Plan implementation fees.

Planning Commission and City Council members offered the following related to key issues facing Downtown: traffic partners are not optimal; not enough parking space; traffic speed is dangerous particularly on Foothill and Mission Boulevards; there are concerns with pedestrian and bike safety; the Loop needs to be addressed; concerns with height of proposed developments; and increase in crime.



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Planning Commission and City Council members concurred with the strengths in Downtown and offered the following: build upon historical and cultural resources to understand the City's roots and use resources such as the Hayward Historical Society and the Japanese Garden; and utilize the thriving Art community.

Planning Commission and City Council members agreed with the opportunities for improvement and offered the following: have more youth and family entertainment and activities; have affordable housing within developments to create a more inclusive and cohesive community; have Class A office space to create a strong retail presence; encourage more sustainable modes of transportation such as bikes to get to public transportation; restore parking spaces and address traffic light timing; create an entertainment district that is accessible and with buffers for those who live nearby; include Mission Boulevard on the Plan; have rental bikes and incorporate space in community parks where bikes can be locked; hold business owners of empty lots accountable and address eyesores; convert B and C Streets into two-way streets and revert A Street back a two-way street; have more commercial office space; have hotel and banquet facilities; build on business successes and consider leveraging resources and incentives for businesses wishing to expand; partner with educational institutions to offer administrative offices in Downtown; create a vibrant Downtown; improve signage and lighting; increase sidewalk seating; have an art gallery; bring stores that compliment Southland Mall; pursue a convention center; consider alluring commuters that travel on the Corridor to use public transportation; and consider the idea of closing B and Main streets on Sundays to test if it increases walkability.

Planning Commission and City Council members offered the following recommendations for next steps: consider morning and evening workshops and design charrettes and consider offering childcare during the workshops; ensure other means of participation such as online survey; reach out to the community that does not use social media and those with limited English usage; focus on Downtown businesses and what they envision for the Plan; engage the community by soliciting input and going door to door; hold events that include the northern as well as southern districts; involve the Hayward Youth Commission for input related to youth entertainment/activities; engage educational institutions such as California State University and Chabot College; have the implementation plan ready to be executed; and during the implementation phase of the Plan consider recommendations to get a hotel, commercial office space and entertainment usage.

WORK SESSION

There was Council consensus to postpone Work Session No. 15 to November 29, 2016, and to allow public comments on the item.

15. Review of Affordable Housing Resources and Strategies in Hayward (Report from Library and Community Services Director Reinhart) **WS 16-065**

Staff report submitted by Library and Community Services Director Reinhart, dated November 15, 2016, was filed.

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

Mr. Didacus Ramos, Hayward resident, noted that affordable housing and addressing the homeless issues were different matters. Mr. Ramos added that affordable housing needs to be integrated with the rest of the community.

Mr. Jon Meyers, current Caltrans Route 238 tenant, spoke in favor of reinstating the First-Time Homebuyer Down Payment Assistance Program and asked Council to consider giving low-income residents the opportunity to purchase homes.

Ms. Andrea Osgood, Director of Development for Eden Housing, asked the Council to consider the neighborhoods that the Council was interested in pursuing doing more work, the type of work (new or rehabilitation) and product type.

Ms. Natalie Monk, with Habitat for Humanity, spoke about the Sequoia Grove project by Habitat and asked Council for its preference for the project.

Mayor Halliday closed the public comments section at 10:58 p.m.

Council Member Lamnin suggested that the City Manager poll the Council about the path forward for the Sequoia Grove project. Ms. Lamnin also requested that demographic information be included in the staff report when it returns to the Council.

16. Review of Conceptual Project Plan for Former Caltrans Route 238 Parcels in the Dixon/Valle Vista Area (Report from City Manager McAdoo) **WS 16-067**

Staff report submitted by City Manager McAdoo, dated November 15, 2016, was filed.

City Manager McAdoo announced the report and introduced Vice President of Land Acquisition, Scott Roylance, and Landscape Architect, Michael Schrock, with William Lyon Homes, Inc. Mr. Schrock showed visual renderings of the project called Sohay.

There were no public comments on the item.

Discussion ensued among Council Members, City staff, Michael Schrock, Scott Roylance and Lauri Fehlbert with William Lyon Homes.

The City Council was in general agreement with the conceptual look of the proposed project for the Dixon/Valle Vista area. Council Members offered the following suggestions: when looking for partners, consider a bank for the area; consider adding a second story on the retail; engage the City's poet laureate, Bruce Roberts, for outdoor words and Hayward centric stage; address potential parking issue; address a grocery store in the part of the



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town; solicit feedback about the project name; add the video of the proposed project to the City's website; related to the building elevations, provide more information about textures and materials; do not lose sight of commercial space and potential for economic development in that area of town; and have more catalysts for complete communities.

LEGISLATIVE BUSINESS

17. Approval of Citywide Community Workforce Agreement (Report from City Manager McAdoo) **LB 16-106**

Staff report submitted by City Manager McAdoo, dated November 15, 2016, was filed.

City Manager McAdoo provided a synopsis of the staff report.

Discussion ensued among Council Members and City staff regarding: the local hire provisions in the Community Workforce Agreement (CWA); and the addition of staff position for CWA implementation and workforce development.

Mayor Halliday opened the public hearing at 8:44 p.m.

Ms. Mia Rivas, Hayward resident, spoke in support of the local hire provision in the proposed CWA.

Mr. Andreas Cluver, Secretary-Treasurer of the Building and Construction Trades Council of Alameda County, spoke in support of the CWA; and addressed prevailing wage and community outreach.

Mr. Stanley Smith, Hayward resident and Business Manager of Sprinkler Fitters Local 483, spoke about the Apprenticeship Program and community outreach; and urged Council's support of the proposed CWA.

Mr. Edward Americano, Hayward resident and carpenter, spoke in support of the proposed CWA.

Mr. O Bray Van Buren, United Association Local Union 342 representative, expressed support for the proposed CWA and its local hiring provision.

Ms. Lisa Brunner, HUSD Board Member, spoke in support of the proposed CWA; and urged residents to contact the Hayward Adult School and the Eden Area ROP to learn more about apprenticeship programs.

Mr. Brian Schott, Hayward resident and business owner, suggested that staff partner with HUSD and consider sharing the cost of a position that would oversee the implementation of the CWA and the implementation of Measure L; and urged support for local businesses.

Mayor Halliday closed the public hearing at 9:05 p.m.

Council Member Zermeño expressed support for the proposed CWA and was amenable to the suggestion offered by Mr. Schott. Council Member Zermeño offered a motion to approve staff's recommendation.

Council Member Mendall seconded the motion noting support for the proposed CWA.

Council Member Salinas expressed support the proposed CWA and its local hiring provisions.

Council Member Lamnin expressed support for the proposed CWA.

Council Member Peixoto spoke in support of the motion and highlighted his support for the apprenticeship program.

Council Member Márquez expressed support for the motion noting the proposed CWA would create jobs.

Mayor Halliday expressed support for the proposed CWS and agreed with the suggestion offered by Mr. Schott.

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

Resolution 16-211, "Resolution Authorizing the Execution of a Community Workforce Agreement with the Alameda County Building Trades Council and Authorizing the Addition of a Staff Position for Monitoring/Implementation of the Agreement and Other Workforce Development Activities"

18. East Bay Community Energy - Introduction of Ordinance to Join Joint Powers Authority (Report from Utilities & Environmental Services Director Ameri) **LB 16-105**

The item was continued to November 29, 2016.

CITY MANAGER'S COMMENTS

City Manager McAdoo noted that City Hall would be closed from November 21 to November 25, 2016, due to the business/holiday closure, emergency services would be operational, and the libraries would be closed November 24 and 25, 2016. Ms. McAdoo also noted that the new Assistant City Manager, Maria Hurtado, would start working on November 28, 2016.



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Council Member Zermeño announced the Keep Hayward Clean and Green Task Force clean-up event on November 19, 2016, at Mt. Eden High School.

Council Member Salinas addressed the comments made during the Public Comments section and noted the City had ordinances and policies in place, and welcomed residents to contact Council members and they would be able to connect them with City staff.

Council Member Márquez asked the City Manager to consider discussion to address language needs in the community and consider having interpreters for Council meetings when needed. Ms. Márquez also announced a community gathering with Latino business owners on November 30, 2016, at the Pancho Villa Event Center.

Mayor Halliday reported on her attendance at a civic engagement workshop at City Hall on November 10, 2016, for the Hayward Promise Neighborhood.

ADJOURNMENT

Mayor Halliday adjourned the meeting at 11:40 p.m., in memory of Felisa Guzman, Retired Sergeant Don Divine, and Jaime (Jimmy) Fanuncio.

Ms. Felisa Guzman was a longtime volunteer of the Salvation Army.

Hayward Police Department Retired Sergeant Don Divine served the City for 30 years and was a longtime Hayward resident.

Jaime (Jimmy) Fanuncio was employed with the City of Hayward's Public Works Department for over 38 years. Jimmy Fanuncio was a Civil Engineer and was knowledgeable in the field of civil engineering and had worked on development projects such as Stonebrae, Cannery, Costco; and he was well liked by his peers.

Mayor Halliday asked staff to work with the three families to plant trees in memory of Felisa Guzman, Don Divine, and Jaime (Jimmy) Fanuncio.

APPROVED:

Barbara Halliday
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward