



**MINUTES OF THE CITY COUNCIL MEETING OF THE CITY OF HAYWARD**  
**Council Chambers**  
**777 B Street, Hayward, CA 94541**  
**Tuesday, September 20, 2016, 7:00 p.m.**

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The 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, Peixoto, Lamnin,  
Salinas  
MAYOR Halliday  
Absent: None

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

City Manager McAdoo spoke about the Eden Township Healthcare District. There was Council's consensus for staff to bring the item to a future Council meeting.

Hayward High School students were in attendance during the public session of the meeting.

**CLOSED SESSION ANNOUNCEMENT**

City Attorney Lawson announced that the Council convened in closed session concerning two items: 1) a conference with property negotiators pursuant to Government Code 54956.8 regarding State-owned parcels along Route 238 Bypass Alignment; 2) public employment pursuant to Government Code 54957 regarding the City Manager's performance evaluation. It was noted that there was no reportable action taken.

**PUBLIC COMMENTS**

Ms. Stella Santos, Hayward teacher, referred to an investigation report for the Hayward Unified School District (HUSD) and the alleged violence perpetrated against a woman.

Mr. Jim Drake, Hayward resident, spoke about information that is published on ebcitizen.com and spoke about matters related to the former Superintendent and the HUSD.

Ms. Wynn Grcich, Hayward resident, spoke about her candidacy on the HUSD Board.

Mr. Luis Reynoso, HUSD Board Trustee, expressed disappointment at the alleged support that the former HUSD Superintendent received from certain Council members

Mayor Halliday asked the Sergeant-at-Arms to escort Mr. Drake and Mr. Reynoso out of the Council Chambers because they were disrupting the Council meeting.

Mayor Halliday noted that the City Council, as a legislative body, had not taken any position related to the matters of the Hayward Unified School District or its former Superintendent.

Mr. Joe Ramos, HUSD Board Trustee candidate, asked Council members not to get involved in the matters involving the HUSD Board and the former Superintendent.

Mr. Kim Huggett, Hayward Chamber of Commerce president, made three announcements: 1) the Mariachi Festival on September 16, 2016; 2) Leadership Hayward Class of 2016-2017 applications; and 3) the 31<sup>st</sup> Annual Business Expo at the St. Rose Hospital's Grand White Tent on October 5, 2016.

Ms. Ysenia Sepulveda, Hayward resident, urged the City to approve a resolution in support of the Standing Rock Sioux Tribe in its effort to protect its water and natural resources.

Mr. Steven Dunvar, Hayward resident, offered three comments: the proposed bike lanes in fast streets are not safe; was not comfortable with the 60 percent resident approval requirement for Tier III in the proposed Neighborhood Traffic Calming Program; and expressed support for Measure F1-Hayward Area Recreation and Park District bond issuance.

Mr. Mark Branco, Hayward resident, asked that the Council give attention to the neighbors' concerns and the emergency vehicle access when Council reviews the Neighborhood Traffic Calming Program.

Ms. Betty DeForest, Hayward resident, congratulated Hayward for bringing Downtown Streets Team to Hayward and requested that the Hayward Hunger and Homeless Task Force be convened to address the winter shelter.

Mayor Halliday and Council Members Mendall, Peixoto, Zermeño and Salinas spoke about the accusations directed to Council members related to matters involving the HUSD Board and former Superintendent Dobbs; and spoke about their individual positions on the matter.

City Clerk Lens announced that October 24<sup>th</sup> was the last day to register to vote in the November 8, 2016 election; and noted that the Eden Area League of Women Voters was hosting an information forum on Measure EE and a HUSD Board's candidate forum on September 21, 2016 at City Hall.

## **CONSENT**

1. I-880/92 Reliever Route: Phase 1 Project - Design Agreement and Construction Agreement Amendments **CONS 16-527**

Staff report submitted by Director of Public Works Fakhrai, dated September 20, 2016, was filed.



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

Resolution 16-169, "Resolution Authorizing the City Manager to Execute an Amendment to the Agreement with Kimley-Horn and Associates, Inc. for Construction Support Services Associated with the Construction of the I-880/SR-92 Reliever Route – Phase 1 Project, Project 05197"

Resolution 16-170, "Resolution Authorizing the City Manager to Execute an Increase in 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"

2. Adoption of Ordinance Re-enacting Article 18 of Chapter 8 of the Hayward Municipal Code Regarding the Utility Users Tax; and Amending Section 8-18.260 Thereof for the Purpose of Extending the Utility Users Tax from June 30, 2019 to June 30, 2039, Per the Approval of Measure by the Voters on June 7, 2016 **CONS 16-550**

Staff report submitted by City Clerk Lens, dated September 20, 2016, was filed.

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

Ordinance 16-20 "An Ordinance of the City of Hayward Re-enacting Article 18 of Chapter 8 of the Hayward Municipal Code Regarding the Utility Users Tax; and Amending Sec. 8-18.260 Thereof for the Purpose of Extending the Utility Users Tax from June 30, 2019 to June 30, 2039, Per the Approval of Measure by the Voters on June 7, 2016"

## **WORK SESSION**

3. Neighborhood Traffic Calming Program Update (Report from Public Works Director Fakhrai) **WS 16-003**

Staff report submitted by Director of Public Works Fakhrai, dated September 20, 2016, was filed.

Public Works Director Fakhrai announced the report and introduced Associate Transportation Engineer Midididdi who provided a synopsis of the report.

Discussion ensued among Council Members and City staff related to the proposed Neighborhood Traffic Calming Program (NTCP).

Council members were in general agreement with the proposed NTCP and offered the following suggestions: emphasize the educational approach of the proposed NTCP; whenever feasible, consider roundabouts as a traffic calming solution; if the use of plants for median islands and sidewalk planters cannot be done citywide, consider doing it in stages; search for more grants; consider adding more bicycle lanes on Mission and Hesperian Boulevards; the Traffic Volumes, Vicinity to Schools and Pedestrian Generators criteria need to be higher on the priority list for allocating resources; consider the center island narrowing/pedestrian refuge at B Street and Foothill Boulevard; whenever possible, incorporate lighting as a safety feature; consider campaign messages to target poor behavior such as texting while driving; provide more tools to the public to address/report issues; pursue public/private partnerships for traffic calming projects; incorporate an input mechanism to Tier I and II for the community to contribute to the proposed NTCP; explore a community service component to traffic violations; engage local traffic schools; enforce speed limit and provide consistency within major thoroughfares; measure the effectiveness of the various methods over time; look for opportunities to use traffic circles as traffic calming mechanisms; consider adding tree canopies to roads; consider two tiers when establishing the project priority list such as speeding and accidents; consider a traffic light at Farm Hill Drive and Hayward Boulevard; and incorporate a community campaign for the proposed NTCP.

## **LEGISLATIVE BUSINESS**

### **4. Options for Litter Reduction Strategies (Report from Utilities and Environmental Services Director Ameri and Maintenance Services Director Rullman) LB 16-096**

Staff report submitted by Director of Utilities and Environmental Services Director Ameri and Maintenance Services Director Rullman, dated September 20, 2016, was filed.

Utilities and Environmental Services Director Ameri announced the report and Environmental Services Manager Pearson provided a synopsis of the report.

There being no public comments Mayor Halliday opened and closed the public hearing at 9:13 p.m.

Discussion ensued among Council Members and City staff related to the proposed litter reduction strategies.

Council members offered the following suggestions: have a meeting with the Hayward Chamber of Commerce and fast food restaurants about the impact of litter and address the



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proposed mitigation strategies, and if businesses are not receptive, then explore measures such as citations; explore the option to charge fast food restaurants the actual cost of picking up the litter generated by their businesses; obtain data about major litter contributors in Hayward; educate the public about the impact of litter on the environment; consider a poster contest for signage that is engaging and addresses litter control; conduct a campaign to educate the public using current channels; engage the Lean Innovation group to seek solutions for illegal dumping; have private trash receptacles in public places; identify areas that generate more trash and target them with the proposed strategies to reduce litter; increase “big bellies” near parks and continue to work with HARD; place larger trash cans at bus stops; exhaust the proposed options for litter control before imposing a litter fee; have more signage; if a fee is enacted, consider using it to help with education costs; utilize resources such as the Downtown Streets Team to help mitigate litter; offering a solution to address litter might be a leverage point to get people involved; bring back a report with more refined and effective litter reduction options.

5. Approval of Resolutions in Support of Various State and Local Ballot Initiatives for the November 2016 General Election (Report from City Manager McAdoo)

Staff report submitted by City Manager McAdoo, dated September 20, 2016, was filed.

City Manager McAdoo announced the report and introduced Management Analyst Stefanski who provided a synopsis of the report.

Discussion ensued among Council Members and City staff related to: Ballot Referendum Proposition 67: The Plastic Bag Ban; Measure C1 – AC Transit 20-Year Parcel Tax Extension; Measure F1: Hayward Area Recreation and Park District \$250M Bond Issuance; Proposition 55: 12 Year Extension of Proposition 30 Tax Increase; Proposition 51: School/Community College \$9B Capital Improvement Bond Issuance; Measure RR: Bay Area Rapid Transit District \$3.5B Bond Issuance; and Proposition 65: Dedication of Revenue from Disposable Bag Sales to Wildlife Conservation Fund.

Mayor Halliday opened the public hearing at 9:51 p.m.

Ms. Estee Sepulveda, AC Transit representative, noted that the intent of the AC Transit special parcel tax measure in 2004 was to extend the term to 2013 and the current Measure C1 proposed to extend the parcel tax for 20 years.

Mayor Halliday closed the public hearing at 9:55 p.m.

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

Resolution 16-171, "Resolution in Support of the November 2016 Ballot Initiative: Measure C1-AC Transit 20-Year Parcel Tax Extension"

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

Resolution 16-172, "Resolution in Support of the November 2016 Ballot Initiative: Measure F1: Hayward Area Recreation and Park District \$250M Bond Issuance"

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

Council Member Lamnin did not support the motion because she did not think the Council had enough information about the measure.

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

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

Resolution 16-173, "Resolution in Support of the November 2016 Ballot Initiative: Measure RR: Bay Area Rapid Transit District \$3.5B Bond Issuance"

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

Resolution 16-174, "Resolution in Support of the November 2016 Ballot Referendum Proposition 51: School/Community College \$9B Capital Improvement Bond Issuance"

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

Resolution 16-175, "Resolution in Support of the November 2016 Ballot Referendum Proposition 67: The Plastic Bag Ban"



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The Council requested an opportunity to vote on two additional propositions, Proposition 55 and Proposition 65. Proposition 55: 12 Year Extension of Proposition 30 Tax Increase and Proposition 65: Dedication of Revenue from Disposable Bag Sales to Wildlife Conservation Fund.

It was moved by Council Member Zermeño, seconded by Council Member Márquez, and carried unanimously, directing staff to bring back information indicating the City's position on Propositions 55 and 65.

### **CITY MANAGER'S COMMENTS**

There were none.

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

Council Member Márquez praised the 7<sup>th</sup> Annual Mariachi Festival held at City Hall Plaza on September 16, 2016, and thanked all the participants.

Council Member Zermeño announced the Keep Hayward Clean and Green Annual Beautification Event on September 24, 2016, at Hesperian Boulevard and Middle Lane.

Mayor Halliday reported on her attendance at the Hayward Chamber of Commerce ribbon-cutting for the Downtown Streets Team on September 20, 2016, at the Hayward Area Historical Society Museum.


Council Member Salinas made two announcements: 1) the Hayward Promise Neighborhood collected 30 percent of the survey results for the Jackson Triangle area; 2) Mr. Salinas was delivering a lecture, "Pathways from Mexico to the U.S.: A Review of Immigration Policies," during the Hayward Library's LATIN@: IMMIGRATION series on September 21, 2016, at the Hayward Main Library.

### **ADJOURNMENT**

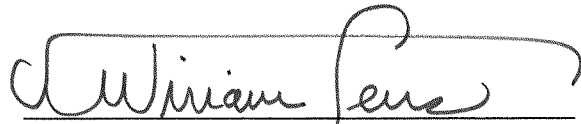
Mayor Halliday adjourned the meeting at 10:16 p.m., in memory of Pauline Dragoo.

It was noted that Pauline Dragoo and her husband Rodney Dragoo had served the community with passion and distinction at events such as the National Night Out parties and crime prevention events; had organized and hosted community events in the Sky West neighborhood and had served as unofficial block captains for several years; and in 2013 became block captains. Mayor Halliday asked staff to work with the Dragoo family to find a suitable place to plant a tree in memory of Pauline Dragoo.

**APPROVED:**

  
Barbara Halliday  
Mayor, City of Hayward

**ATTEST:**

  
Miriam Lens  
City Clerk, City of Hayward